

Journal of the Senate

FRIDAY, MAY 2, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 61

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

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. Young of Glover
Rep. Marcotte of Coventry
Rep. Condon of Colchester

Message from the House No. 62

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 passed a House bill of the following title:

H. 883. An act relating to prekindergarten–grade 12 education districts.

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

The House has adopted joint resolution of the following title:

J.R.H. 23. Joint resolution relating to the cleanup of Lake Champlain.

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

Bill Referred to Committee on Appropriations

H. 329.

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 use value appraisals.

Joint Resolution Referred

J.R.H. 23.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution relating to the cleanup of Lake Champlain

Offered by: Representatives Deen of Westminster, Stevens of Shoreham, Bartholomew of Hartland, Browning of Arlington, Connor of Fairfield, Martin of Springfield, Toleno of Brattleboro, Walz of Barre City, and Zagar of Barnard

Whereas, the quality of life in Vermont is tied to clean water that attracts businesses and tourists to Vermont; provides opportunities for swimming, boating, fishing, and viewing wildlife; and is a source of clean drinking water, making clean water an important driver of the State economy and a vital part of our quality of life, and

Whereas, nutrient loading of phosphorous and nitrogen resulting from activities on the land in the Lake Champlain, Connecticut River, and Lake Memphremagog basins causes negative impacts on water quality, including algal blooms of cyanobacteria or blue-green algae that harms animals and people, impairs recreational uses, diminishes aesthetic enjoyment, adversely affects the taste of drinking water, and harms the biological community, and

Whereas, the cost of addressing the negative effects of nutrient pollution in Vermont waters will continue to mount unless Vermont takes action now to reduce the impact of land uses in order to curb the loading of nutrients into our waters, including Lake Champlain, and

Whereas, a Total Maximum Daily Load (TMDL) is a pollution budget approved under the Clean Water Act that caps the total amount of a pollutant that may enter an impaired body of water, and

Whereas, the Clean Water Act is concerned with controlling both “point sources” of pollution that include discharges from “discernible, confined and discrete conveyances” such as pipes, ditches, and tunnels, as well as “nonpoint sources” of pollution that include discharges from overland runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification, and

Whereas, in January 2011, the U.S. Environmental Protection Agency (EPA) revoked its approval of the Vermont portion of the Lake Champlain TMDL, primarily because the plan did not provide sufficient reasonable assurances that the necessary reductions would be achieved from nonpoint sources of phosphorous, and

Whereas, EPA is developing a new TMDL to reduce the total loading of phosphorous into Lake Champlain from Vermont sources from 533 metric tons per year to 343 metric tons per year, a reduction of 39 percent, and

Whereas, the Vermont Department of Environmental Conservation (DEC) prepared a draft Phase I Implementation Plan for the new Lake Champlain TMDL that was presented to EPA that includes, among other measures, reduction of nonpoint phosphorous pollution from urban and suburban stormwater, agricultural stormwater, stormwater from roads, sediment and phosphorous discharges caused by stream bank erosion, and sediment and phosphorous discharges from forestry practices, and

Whereas, the broad policy commitments in the Phase I Implementation Plan are intended to provide EPA with reasonable assurance that the State can achieve reduced phosphorous loading largely through those nonpoint sources of phosphorous, and

Whereas, the Phase I Implementation Plan will serve as a model to improve water quality in water basins throughout Vermont, and

Whereas, implementation of the new TMDL will require significant resources over the next two decades, placing demands on Vermont municipalities, businesses, and farmers, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that EPA accept as “reasonable assurance” Vermont’s proposed Phase I Implementation Plan, when funded appropriately, and be it further

Resolved: That the General Assembly requests the U.S. Congress provide federal funds for a significant portion of the costs of implementing a comprehensive approach to cleaning up all of Vermont waters for the new Lake Champlain TMDL, and be it further

Resolved: That the General Assembly requests the Administration propose additional new dedicated revenue sources to pay for an appropriate portion of the costs of cleaning up all the waters of Vermont and to implement the new Lake Champlain TMDL in a manner that minimizes financial impacts on Vermont farmers, businesses, and communities and spreads those costs fairly, and be it further

Resolved: That, despite the Administration's unwillingness to work with the General Assembly this year, the General Assembly will work with the Administration during the next biennium to enact legislation to ensure that Vermont has the legal authority and resources necessary to implement the cleanup of Vermont waters and the new TMDL, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the Environmental Protection Agency and the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Natural Resources and Energy.

Bill Referred

House bill of the following title was read the first time and referred:

H. 883.

An act relating to prekindergarten–grade 12 education districts.

To the Committee on Rules.

Bill Passed in Concurrence with Proposal of Amendment

H. 270.

House bill of the following title:

An act relating to providing access to publicly funded prekindergarten education.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment?, on a roll call, Yeas 19, Nays 9.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Campbell, Cummings, Doyle, French, Galbraith, Hartwell, Lyons, MacDonald, McCormack, Mullin, Nitka, Pollina, Sirotkin, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Flory, Kitchel, Mazza, McAllister, Rodgers, Sears, Snelling, Starr.

Those Senators absent and not voting were: Bray, Collins.

Bill Passed in Concurrence with Proposal of Amendment**H. 612.**

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

An act relating to Gas Pipeline Safety Program penalties.

Bill Passed in Concurrence with Proposal of Amendment**H. 735.**

House bill of the following title:

An act relating to Executive Branch and Judiciary fees.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 21, Nays 6.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Cummings, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Doyle, Flory, McAllister, Mullin, Westman.

Those Senators absent and not voting were: Bray, Campbell, Collins.

Bill Passed in Concurrence with Proposal of Amendment**H. 882.**

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

An act relating to compensation for certain State employees.

Bill Amended; Third Reading Ordered**S. 308.**

Senator Baruth, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to regulating precious metal dealers.

Reported recommending that the bill be amended by striking out Secs. 3–7 in their entirety and inserting in lieu thereof new Secs. 3–6 to read:

Sec. 3. 9 V.S.A. chapter 97A is added to read:

CHAPTER 97A. PRECIOUS METAL DEALERS**§ 3881. DEFINITIONS**

As used in this chapter:

(1) “Antique” means an item, including a collectible coin, that is:

(A) collected or desired due to age, rarity, condition, or other similar unique feature;

(B) purchased for the purpose of resale; and

(C) sold in the same unique form or condition as when it was purchased, and not for scrap.

(2) “Criminal history record” means all information documenting a natural person’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) “Disqualifying offense” means:

(A) a felony under:

(i) 13 V.S.A. chapter 47 (fraud);

(ii) 13 V.S.A. chapter 49 (fraud in commercial transaction);

(iii) 13 V.S.A. chapter 57 (larceny and embezzlement); or

(iv) 13 V.S.A. chapter 84 (possession and control of regulated drugs); or

(B) a violent felony under 18 V.S.A. § 4474g(e); or

(C) one of the following misdemeanors, if a conviction for the misdemeanor occurred within the ten years preceding the date on which the convicted person applies for a certification to do business as a precious metal dealer:

(i) petit larceny in violation of 13 V.S.A. § 2502;

(ii) receipt of stolen property in violation of 13 V.S.A. § 2561;

(iii) false pretenses or tokens in violation of 13 V.S.A. § 2002; or

(iv) false tokens in violation of 13 V.S.A. § 2003; or

(D) a violation of this chapter punishable under subdivision 3890(c)(2) of this title.

(4) “Engaged in the business of purchasing or selling precious metal” means conducting a regular course of trade in precious metal with retail buyers or sellers, and does not include:

(A) retail trade in new precious metal;

(B) trade in precious metal that is exclusively wholesale, including business-to-business transactions for precious metal used in medical and dental applications; or

(C) trade in precious metal commodities for the purpose of investment, including bullion, commodities funds, or commodities futures.

(5) “Precious metal” means used gold, silver, platinum, palladium, coins sold for more than face value, jewelry, or similar items, but does not include an antique.

(6)(A) “Precious metal dealer” means a person who:

(i) has a physical presence in this State, whether temporary or permanent;

(ii) is engaged in the business of purchasing or selling precious metal; and

(iii) purchases or sells \$2,500.00 or more of precious metal in a consecutive 12-month period.

(B) “Precious metal dealer” does not include a charitable organization that is qualified as tax exempt under 26 U.S.C. § 501.

(7) "Principal" means a natural person who is a director, officer, member, manager, partner, or creditor.

§ 3882. CERTIFICATION REQUIRED

(a) Certification from the Department of Public Safety is required to conduct business as a precious metal dealer in this State.

(b) An application for certification shall include for each applicant and its principals:

(1) the name, address, telephone number, and valid e-mail address or other electronic contact information;

(2) the name of, and the nature of the affiliation with, any business involving the purchase or sale of precious metal within the past five years;

(3) the age, date, and place of birth of each natural person;

(4) the residential address and place of employment of each natural person; and

(5) any crime of which a natural person has been convicted and the date and place of conviction.

(c) The Department shall not issue or renew a certification if an applicant or one of its principals has been convicted on or after January 1, 2015 of a disqualifying offense.

(d)(1) Prior to issuing or renewing a certification pursuant to this section, the Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation for an applicant and each of its principals.

(2) A person for whom a record is requested shall consent to the release of criminal history records to the Department on forms substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056c.

(3) Upon obtaining a criminal history record, the Department shall promptly provide a copy of the record to the person who is the subject of the record and shall inform the person of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.

(4) The Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.

(5) No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter.

§ 3883. FEES; RENEWAL; REVOCATION OF CERTIFICATION

(a)(1) A person who applies for certification pursuant to section 3882 of this title shall pay a nonrefundable fee of \$200.00 to the Department of Public Safety.

(2) A certification shall expire two years from the date it is issued, and may be renewed upon payment of \$200.00 and approval of the Department.

(3) A fee collected under this section shall be used to administer the precious metal dealer certification process established pursuant to section 3882 of this title.

(b) The Department may revoke a certification for cause at any time during the period of the certification after notice and a hearing pursuant to 3 V.S.A. chapter 25.

(c)(1) The Department shall revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by a precious metal dealer or one of its principals.

(2) The Department may revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by an employee of a precious metal dealer acting within his or her scope of employment when he or she committed the offense.

(d) A precious metal dealer shall prominently display his or her certification number at his or her place of business, and shall include his or her certification number in each advertisement, in any medium, that promotes the business or services of the precious metal dealer.

§ 3884. PRIVATE RIGHT OF ACTION

A person injured by a precious metal dealer's violation of this chapter may bring an action against the dealer for damages arising from the violation.

§ 3885. RECORDS OF A PRECIOUS METAL DEALER

(a) For each item of precious metal sold to a precious metal dealer, he or she shall:

(1) assign a distinct entry number or, in the case of a lot of items, an entry number for the lot and a sub-lot number for each unmatched item in the lot;

(2) maintain the following records for each item or lot of items:

(A) the amount of money paid and the date and time of the transaction;

(B) the name, current address, and telephone number of the seller;

(C) a legible description written on the day of the transaction that includes for each item any distinguishing mark and name of any kind, such as brand and model name, model and serial number, engraving, etching, affiliation with any institution or organization, date, initials, color, vintage, or image represented;

(D) a digital photograph or video, taken at the time of the transaction, that references the entry number required under subdivision (a)(1) of this section and the date of the transaction;

(E)(i) a government-issued identification card issued to the seller that bears his or her photograph; or

(ii) a government-issued identification card and a digital photograph of the seller's face; and

(F) documentation of lawful ownership, including a bill of sale, receipt, letter of authorization, or similar evidence, provided that if these forms of documentation are unavailable, the seller shall submit an affidavit of ownership.

(b) A precious metal dealer who sells \$50,000.00 or more of precious metal in a consecutive 12-month period shall maintain the records required in this section in a computerized format that can be readily accessed, electronically transmitted, and reproduced in physical form.

(c)(1) A precious metal dealer shall retain the records required in this section for at least three years at his or her normal place of business or other readily accessible and secure location.

(2) At all reasonable times, the records required under this section shall be open to the inspection of law enforcement.

§ 3886. HOLDING PERIOD

A precious metal dealer shall retain precious metal that he or she purchases for no fewer than 10 days before offering an item for sale or for scrap, and he or she shall not remove an item from the State prior to the expiration of this 10-day period.

§ 3887. PURCHASE OF PRECIOUS METAL FROM PERSONS UNDER 18 YEARS OF AGE

A precious metal dealer shall not purchase precious metal offered for sale by a person under 18 years of age.

§ 3888. METHOD OF PAYMENT

In each transaction of \$25.00 or more, a precious metal dealer shall pay only by check, draft, or money order for precious metal purchased for the purpose of resale.

§ 3889. STOLEN PROPERTY NOTIFICATION SYSTEM

(a) The Department of Public Safety shall develop and implement a statewide stolen property notification system, the purpose of which shall be to facilitate timely electronic communication concerning the reported theft of precious metal among precious metal dealers and law enforcement agencies throughout the State.

(b)(1) Upon receiving an official report of theft of precious metal, the Department shall use the System to contact each precious metal dealer at the e-mail address provided pursuant to subdivision 3882(c)(1) of this title and each law enforcement agency that provides an e-mail address for that purpose.

(2) The Department shall include in its notification any information it determines in its discretion is appropriate to assist precious metal dealers and law enforcement agencies in identifying stolen precious metal and in expediting both the return of the stolen property to its owner and the identification and apprehension of suspects.

(3) Notwithstanding subdivision (2) of this subsection, the Department shall redact any personally identifiable information in a notification issued pursuant to this section concerning the identity or any communications with a purported victim and any precious metal dealer unless the victim or dealer expressly waives confidentiality in a writing submitted to the Department for that purpose.

§ 3890. PENALTIES

(a) Except as otherwise provided in this section, a person who violates a provision of this chapter shall be assessed a civil penalty of not more than \$1,000.00.

(b) A person who operates as precious metal dealer without the certification required by section 3882 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.

(c) A person who violates a provision of sections 3885–3888 of this title shall be:

(1) for a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;

(2) for a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.

(d) The Attorney General or a State's Attorney shall have the authority to pursue an injunction to prohibit the conduct of a person in violation of this chapter.

(e) For purposes of this section, each transaction in which a person violates a provision of this chapter shall constitute a single violation, regardless of the number of violations of this chapter that occur in the transaction.

Sec. 4. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) A ~~judicial bureau~~ Judicial Bureau is created within the ~~judicial branch~~ Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(25) Violations of 9 V.S.A. chapter 97A that are subject to civil penalties pursuant to 9 V.S.A. § 3890(a), relating to the purchase and sale of precious metal by a precious metal dealer, as defined in 9 V.S.A. § 3881.

Sec. 5. IMPLEMENTATION

The Department of Public Safety:

(1) shall create an application and certification process for the certification required under 9 V.S.A. § 3882; and

(2) may adopt rules necessary to implement his or her duties under this act.

Sec. 6. EFFECTIVE DATES

(a) This section, Sec. 5, and 9 V.S.A. § 3889 in Sec. 3 (stolen property notification system) shall take effect on July 1, 2014.

(b) Secs. 1-4, other than 9 V.S.A. § 3889, shall take effect on January 1, 2015.

And that when so amended the bill ought to pass.

Senator Ashe, for the Committee on Finance, to which the bill was referred, reported as follows:

First: In Sec. 3, in 9 V.S.A § 3883, by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read:

(3) A fee collected under this section shall be deposited into a precious metal dealers certification special fund which shall be used by the Commissioner of Public Safety to administer the precious metal dealer certification process established in section 3882 of this title.

Second: In Sec. 5, in subdivision (1), by striking “and” following the semicolon and by inserting prior to the final period ; and and a subdivision (3) to read:

(3) shall have the authority to re-designate one existing administrative position within the Department of Public Safety as a position charged with the duty to administer the precious metal dealer certification process created in this Act and such other duties as the Commissioner shall assign in his or her discretion, and shall have the additional authority to use a portion of the fees collected from the certification process and deposited into the precious metal dealers certification fund under 9 V.S.A. § 3883 for the purpose of providing compensation and benefits for the position re-designated pursuant to this section

And that when so amended the bill ought to pass.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Finance with the following amendment thereto:

In 9 V.S.A. § 3883(3) following “precious metal dealers certification” by inserting account within the appropriate public safety.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Finance was amended as recommended by the Committee on Appropriations.

Thereupon, the question, Shall the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs be amended as recommended by the Committee on Finance, as amended?, was decided in the affirmative.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended?, was decided in the affirmative.

Thereupon, pending the question, Shall the bill be read the third time?, Senator Baruth moved to amend the bill in Sec. 3, in 9 V.S.A. § 3881, as follows:

First: In subdivision (1), after “an item.” by inserting the following: other than an item of jewelry, and

Second: In subdivision (3)(C), by striking out “or” at the end of subdivision (iii), by redesignating the current subdivision (iv) as a subdivision (v), and by inserting a new subdivision (iv) to read:

(iv) burglary in violation of 13 V.S.A. § 1201; or

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Rules Suspended; Action Reconsidered; Bill Passed in Concurrence with Proposal of Amendment

H. 735.

Assuring the Chair that she voted with the majority whereby the bill was passed in concurrence by the Senate, Senator Nitka moved that the rules be suspended and that the Senate reconsider its action on House bill entitled:

An act relating to Executive Branch and Judiciary fees.

Which was agreed to.

Thereupon, the question, Shall the bill pass in concurrence with proposal of amendment?, was agreed to on a roll call, Yeas 21, Nays 6.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Bray, Campbell, Cummings, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Pollina, Rodgers, Sears, Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Flory, McAllister, Mullin, Nitka, Westman.

Those Senators absent and not voting were: Collins, Doyle, Sirotkin.

Senator Campbell Assumes the Chair

Proposal of Amendment; Third Reading Ordered**H. 225.**

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

An act relating to a statewide policy on the use of and training requirements for electronic control devices.

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. 20 V.S.A. § 2367 is added to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES; REPORTING

(a) As used in this section:

(1) “Electronic control device” means a device primarily designed to disrupt an individual’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

(2) “Law enforcement officer” means a sheriff, deputy sheriff, police officer, capitol police officer, State game warden, State Police officer, constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, and a certified law enforcement officer employed by a State branch, agency, or department, including the Department of Motor Vehicles, the Agency of Natural Resources, the Office of the Attorney General, the Department of State’s Attorney, the Secretary of State, and the Department of Liquor Control.

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. On or before January 1, 2016, every State, local, county, and municipal law enforcement agency and every law enforcement officer who is not employed by a law enforcement agency shall adopt this policy. If a law enforcement agency or officer that is required to adopt a policy pursuant to this subsection fails to do so on or before January 1, 2016, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board. The policy shall include the following provisions:

(1) Electronic control devices are less-lethal, but not necessarily non-lethal, alternatives to lethal force.

(2) Officers may deploy an electronic control device only:

(A) against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to others or themselves; or

(B) if, without further action or intervention by the officer, injuries to the subject or others will likely occur.

(3) Neither an officer, a subject, or a third party has actually to suffer an injury before an officer is permitted to use an electronic control device, and officers are not required to use alternatives that increase the danger to the public or themselves.

(4) When it is safe to do so, officers shall attempt to de-escalate situations and shall provide a warning prior to deploying an electronic control device.

(5) Electronic control devices shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resisting subjects. The act of fleeing or of destroying evidence, in and of itself, does not justify the use of an electronic control device.

(6) The use of electronic control devices shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

(7) Electronic control devices shall be used in a manner that recognizes the potential additional risks that can result from situations:

(A) involving persons who are in an emotional crisis that may interfere with their ability to understand the consequences of their actions or to follow directions;

(B) involving persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions; and

(C) involving higher risk populations that may be more susceptible to injury as a result of electronic control devices.

(8) Electronic control devices shall not be used on animals unless necessary to deter vicious or aggressive behavior that threatens the safety of officers or others.

(c) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer

receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

(d) On or before June 30, 2017, every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every law enforcement officer who is not employed by a law enforcement agency shall have completed this training.

(e) The Criminal Justice Training Council shall coordinate training initiatives with the Department of Mental Health related to law enforcement interventions, training for joint law enforcement and mental health crisis team responses, and enhanced capacity for mental health emergency responses.

(f) Every State, local, county, and municipal law enforcement agency and every law enforcement officer who is not employed by a law enforcement agency shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(g) The Law Enforcement Advisory Board shall study and shall, on or before January 15, 2015, report to the House and Senate Committees on Government Operations and on Judiciary concerning:

(1) whether and how the calibration and output of electronic control devices should be measured; and

(2) whether officers authorized to carry electronic control devices should be required to wear body cameras.

Sec. 2. REPORTS

(a) On or before January 15, 2015, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary on the progress made implementing the rules, training, and certification standards required by this act.

(b) On or before January 15, 2015, the Department of Mental Health shall report to the House and Senate Committees on Government Operations and on Judiciary on the adequacy of resources to support the requirements of this act.

(c) On or before March 15, 2016, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary all incidents involving the use of an electronic control device, a review of compliance with standards, the adequacy of training and certification requirements, and the adequacy of funding for mental health collaboration.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Baruth Assumes the Chair**Senator Campbell Assumes the Chair**

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as proposed by the on Government Operations?, was decided in the affirmative.

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

First: In Sec. 1, in subsection (b), in the second sentence, after “and every”, by striking out “law enforcement officer” and inserting in lieu thereof: constable.

Second: In Sec. 1, in subsection (d), after “and every”, by striking out “law enforcement officer” and inserting in lieu thereof: constable.

Third: In Sec. 1, in subsection (f), after “and every”, by striking out “law enforcement officer” and inserting in lieu thereof: constable.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 497.**

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

An act relating to the open meeting law.

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. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

(1) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. “Meeting” shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(3) “Public body” means any board, council, or commission of the ~~state~~ State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the ~~state~~ State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the ~~governor~~ Governor for the sole purpose of advising the ~~governor~~ Governor with respect to policy.

(4) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the ~~state~~ State in which the public body has jurisdiction, and to any ~~editor, publisher or news director~~ person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(5) “Quasi-judicial proceeding” means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as

taken or made at such open meeting, except as provided under ~~section 313(a)(2)~~ subdivision 313(b)(1) of this title. ~~A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met.~~ A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record by audio tape, all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such tapes electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the following additional requirements shall be met:

(i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk's office and in at least two other designated public places in the municipality.

(ii) The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true

indication of the business of the meeting. Minutes shall include at least the following minimal information:

- (A) All members of the public body present;
- (B) All other active participants in the meeting;
- (C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and
- (D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting. Meeting minutes shall be posted no later than five days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) ~~An editor, publisher or news director of any newspaper, radio station or television station serving the area of the state in which the public body has jurisdiction~~ A person may request in writing that a public body notify the ~~editor, publisher or news director~~ person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) ~~The~~ At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda for a regular or special meeting shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

(2) A meeting agenda shall be made available to the news media or concerned persons a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the ~~judicial branch~~ Judicial Branch of the ~~government~~ Government of Vermont or of any part of the same or to the ~~public service board~~ Public Service Board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this ~~state~~ State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine,

day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the ~~parole board~~ Parole Board from meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

Sec. 3. 1 V.S.A. § 313 is amended to read:

§ 313. EXECUTIVE SESSIONS

(a) No public body ~~described in section 312 of this title~~ may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:

(1) ~~Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where after making a specific finding that premature general public knowledge would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage;~~

(A) contracts;

(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) ~~The~~ the negotiating or securing of real estate purchase or lease options;

(3) ~~The~~ the appointment or employment or evaluation of a public officer or employee other than the appointment of a person to a public body or to any elected office;

(4) ~~A~~ a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) ~~A~~ a clear and imminent peril to the public safety;

(6) ~~Discussion or consideration of records or documents excepted records exempt from the access to public records provisions of section 317 316 of this title. Discussion or consideration of the excepted record or document; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;~~

(7) ~~The~~ the academic records or suspension or discipline of students;

(8) ~~Testimony~~ testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) ~~Information~~ information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.

* * *

Sec. 4. 1 V.S.A. § 314 is amended to read:

§ 314. PENALTY AND ENFORCEMENT

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on

behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

(b)(1) ~~The attorney general~~ Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within seven business days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within seven business days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from a meeting in violation of this subchapter; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may ~~apply to the superior court~~ bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the ~~court~~ Court considers of greater importance, proceedings before the ~~superior court~~ Civil Division of the Superior Court, as authorized by this section and appeals

therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The Court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the Court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the Court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section.

Sec. 5. 24 V.S.A. § 1964 is amended to read:

§ 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;
CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE MEETINGS

(a) Each community justice center:

(1) ~~Shall shall~~ have an advisory board comprised of at least 51 percent citizen volunteers;:

(2) ~~May may~~ use a variety of community-based restorative justice approaches, including community restorative justice panels or boards, group conferencing, or mediation;: and

(3) ~~Shall shall~~ include programs to resolve disputes, address the needs of victims, address the wrongdoing of the offender, and promote the rehabilitation of youthful and adult offenders.

(b) Meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2014. However, a person who violates 1 V.S.A. § 312(b)(2) as amended by this act (requirement to post minutes to website, if any) shall not be subject to prosecution for such violation pursuant to 1 V.S.A. § 314(a) in connection with any meeting that occurs before July 1, 2015.

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.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 270, H. 612, H. 735, H. 882.

Rules Suspended; Bills on Notice Calendar for Immediate Consideration

On motion of Senator Campbell, the rules were suspended, and the following bills and Joint resolution, appearing on the Calendar for notice, were ordered to be brought up for immediate consideration:

S. 234, S. 241.

House Proposal of Amendment Not Concurred In; Committee of Conference Requested

S. 234.

House proposal of amendment to Senate bill entitled:

An act relating to Medicaid coverage for home telemonitoring services.

Was taken up.

The House proposes to the Senate to amend the bill by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 33 V.S.A. § 1901g is added to read:

§ 1901g. MEDICAID COVERAGE FOR HOME TELEMONITORING SERVICES

(a) The Agency of Human Services shall provide Medicaid coverage for home telemonitoring services performed by home health agencies or other qualified providers as defined by the Agency of Human Services for Medicaid beneficiaries who have serious or chronic medical conditions that can result in frequent or recurrent hospitalizations and emergency room admissions. Beginning on July 1, 2014, the Agency shall provide coverage for home telemonitoring for one condition or risk factor for which it determines coverage to be cost-neutral. The Agency may expand coverage to include additional conditions or risk factors identified using evidence-based best

practices if the expanded coverage will remain cost-neutral or as funds become available.

(b) A home health agency or other qualified provider shall ensure that clinical information gathered by the home health agency or other qualified provider while providing home telemonitoring services is shared with the patient's treating health care professionals. The Agency of Human Services may impose other reasonable requirements on the use of home telemonitoring services.

(c) As used in this section:

(1) "Home health agency" means an entity that has received a certificate of need from the State to provide home health services and is certified to provide services pursuant to 42 U.S.C. § 1395x(o).

(2) "Home telemonitoring service" means a health service that requires scheduled remote monitoring of data related to a patient's health, in conjunction with a home health plan of care, and access to the data by a home health agency or other qualified provider as defined by the Agency of Human Services.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Ayer, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

House Proposal of Amendment Not Concurred In; Committee of Conference Requested

S. 241.

House proposal of amendment to Senate bill entitled:

An act relating to binding arbitration for State employees.

Was taken up.

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

First: In Sec. 1, by striking out subsection (b) in its entirety and inserting a new subsection (b) to read as amended:

(b) Membership. The Grievance Arbitration Study Committee shall be composed of the following members:

- (1) the Commissioner of Human Resources or designee;
- (2) the Executive Director of the Vermont Bar Association or designee;
- (3) one member appointed by the Vermont Troopers Association;

(4) one member appointed by the Vermont State Employees' Association; and

(5) the Attorney General or designee.

Second: In Sec. 1, by striking out subsection (c) in its entirety and inserting a new subsection (c) to read as follows:

(c) Powers and duties. The Committee shall:

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

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

(3) study the impact on the State if the State does not request criminal history record information on its initial employee application form. As used in this subdivision, "criminal history record" shall have the same meaning as in 20 V.S.A. § 2056a.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Mullin, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Adjournment

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

Afternoon

The Senate was called to order by the President.

Message from the House No. 63

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 bills originating in the Senate of the following titles:

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

S. 287. An act relating to involuntary treatment and medication.

S. 314. An act relating to miscellaneous amendments to laws related to motor vehicles.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 27. Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution.

And has adopted the same in concurrence.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 86. An act relating to miscellaneous changes to election laws.

And has adopted the same on its part.

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

S. 299. An act relating to sampler flights.

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

Proposals of Amendment; Bill Passed in Concurrence with Proposal of Amendment; Rules Suspended; Bill Messaged

H. 884.

House bill entitled:

An act relating to miscellaneous tax changes.

Was taken up.

Thereupon, pending third reading of the bill, Senators Rodgers and Starr moved to amend the Senate proposal of amendment by inserting a reader assistance heading and Sec. 30a to read as follows:

* * * Wood Products Manufacturer's Credit * * *

Sec. 30a. WOOD PRODUCT MANUFACTURE STUDY

The Secretary of Commerce and Community Development, in consultation with the Department of Taxes, shall study and recommend economic and tax incentives to ensure wood products manufacturers remain in Vermont, and that

they thrive in Vermont. The Secretary shall report his or her findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means on or before January 15, 2015.

Which was agreed to on a roll call, Yeas 14, Nays 13.

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Cummings, Doyle, Flory, French, Kitchel, McAllister, Nitka, Pollina, Rodgers, Snelling, Starr, Westman, Zuckerman.

Those Senators who voted in the negative were: Ashe, Ayer, Campbell, Galbraith, Hartwell, Lyons, MacDonald, Mazza, McCormack, Mullin, Sears, Sirotkin, White.

Those Senators absent and not voting were: Baruth, Bray, Collins.

Thereupon, Senators Rodgers and Starr moved that the Senate proposal of amendment be amended as follows:

First: By inserting a reader assistance heading and Sec. 30b to read as follows:

* * * Wood Products Manufacturer's Credit * * *

Sec. 30b. 32 V.S.A. § 5930y is added to read:

§ 5930y. WOOD PRODUCTS MANUFACTURE TAX CREDIT

(a) Definitions. The Secretary of Commerce and Community Development, annually on or before February 1, shall designate any two adjacent counties having at least four percent of their combined jobs provided by employers that manufacture finished wood products and having the highest combined unemployment rate in the State for at least one month in the previous calendar year. Upon making a designation, the Secretary shall send a written notice to the Commissioner of Taxes identifying the designated counties.

(b) Credit. A credit against the income tax liability is available as follows:

(1) A credit of two percent of the wages paid in the taxable year by an employer for services performed in the designated counties associated with the manufacture of finished wood products. The credit shall be available to the employer in any year the counties qualify and for one year after a qualification ends. As used in this section, "finished wood products" means wood products

that are manufactured into the form in which they are offered for sale to consumers.

(2) The credit, either alone or in combination with any other credit allowed by this chapter, shall not reduce the income tax liability of the employer by more than 80 percent.

(3) The recapture of development incentives established in 3 V.S.A. chapter 47, subchapter 6 shall apply to the tax credits in this section, except that the provisions of subsection 2512(c) of that title shall not apply to a business relocation outside the designated counties.

(c) Statutory purpose. The statutory purpose of the Vermont wood products manufacture credit in this section is to support Vermont's wood products manufacturers and wood industry in high unemployment areas of the State.

Second: In Sec. 65 (effective dates), by adding a subdivision (19) to read as follows:

(19) Notwithstanding 1 V.S.A. § 214, Sec. 30a (wood products) of this act shall take effect retroactively on January 1, 2014.

Which was disagreed to.

Thereupon, Senators Hartwell and Sears moved that the Senate proposal of amendment be amended by inserting a new section to be numbered Sec. 48a to read as follows:

* * * Local Option Tax * * *

Sec. 48a. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997.~~ Accordingly:

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

Which was agreed to.

Thereupon, Senator Ashe moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 30, by striking out “entirely”

Second: In Sec. 50, in subsection (b), by striking out “2014” and inserting in lieu thereof 2015

Third: In Sec. 58, by striking out “Designated Downtown as determined in accordance with 24 V.S.A. § 2793” and inserting in lieu thereof tax increment financing district

Which was agreed to.

Thereupon, Senator Zuckerman moved that the Senate proposal of amendment be amended as follows:

First: By inserting a reader assistance heading and Sec. 53a to read as follows:

* * * Decrease in Equalized Pupils; Hold-Harmless Provision * * *

Sec. 53a. 16 V.S.A. § 4010(f) is amended to read:

~~(f) For purposes of the calculation under this section, a district's equalized pupils shall in no case be less than 96 and one half percent of the district's equalized pupils in the previous year. [Repealed.]~~

Second: In Sec. 64, by inserting (a) before “32 V.S.A. § 3802(18)” and by inserting a subsection (b) to read as follows:

(b) 16 V.S.A. § 4015 is repealed on July 1, 2015, and no grants shall be available under the section for fiscal year 2016 or after.

Third: In Sec. 65, in subdivision (15), after the words “(increased average daily membership)” by inserting the words and Sec. 53a (equalized pupils).

Thereupon, pending the question Shall the Senate proposal of amendment be amended as moved by Senator Zuckerman, Senator Zuckerman requested and was granted leave to withdraw the proposal of amendment.

Thereupon, Senator Ashe, Bray, Hartwell, Lyons, MacDonald, and Mullin moved that the Senate proposal of amendment be amended by inserting a reader assistance heading and Sec. 63a to read:

* * * Supplemental Property Tax Relief * * *

Sec. 63a. SUPPLEMENTAL PROPERTY TAX RELIEF

Funds from the Supplemental Property Tax Relief Fund created by 32 V.S.A. § 6075 not specifically used for the Retired Teacher’s Health Care Fund in fiscal year 2015 shall be reserved to provide incentives to school districts and supervisory unions implementing long-term, systemic changes that result in cost savings without diminishing educational quality or opportunity.

Which was agreed to.

Thereupon, Senator Galbraith moved that the Senate proposal of amendment be amended as follows:

First: By adding six new sections to be Secs. 25a–25f to read as follows:

* * * Vermont Health Insurance Corporation * * *

Sec. 25a. 8 V.S.A. chapter 118 is added to read:

CHAPTER 118. VERMONT HEALTH INSURANCE CORPORATION

§ 4401. VERMONT HEALTH INSURANCE CORPORATION

Vermont Health is established as a private, nonprofit corporation owned by the people of Vermont for the purpose of providing qualified health benefit plans to Vermont residents through the Vermont Health Benefit Exchange.

§ 4402. PURPOSE

Vermont Health shall provide Vermont residents with high quality health care at prices that are affordable. Vermont Health will offer Vermont residents qualified health benefit plans that provide necessary medical services including treatment by physicians, surgery and surgical procedures, hospital care, and prescribed medicines. All qualified Vermont residents shall have the right to participate in a qualified health benefit plan offered by Vermont Health, and no person shall be denied the right to participate because of illness, preexisting condition, or age. Vermont Health shall guarantee issuance of a qualified health plan to all qualified Vermont residents and their dependents.

§ 4403. DEFINITIONS

As used in this chapter:

(1) “Affordable Care Act” means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and as further amended.

(2) “Commissioner” means the Commissioner of Financial Regulation.

(3) “Health benefit plan” means a policy, contract, certificate, or agreement offered or issued by a health insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health services. This term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage where benefits for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; specific disease or other limited benefit coverage; Medicare supplemental health benefits; Medicare Advantage plans; or other similar benefits excluded under the Affordable Care Act.

(4) “Health care professional” means an individual, partnership, corporation, facility, or institution licensed or certified or otherwise authorized by law to provide professional health services.

(5) “Health service” means any medically necessary treatment or procedure to maintain an individual’s physical or mental health or to diagnose or treat an individual’s physical or mental health condition, including services ordered by a health care professional and medically necessary services to assist in activities of daily living.

(6) “Qualified health benefit plan” means a health benefit plan that meets the requirements set forth in Section 1301 of the Affordable Care Act.

(7) “Qualified Vermont resident” means an individual, including a minor, who is a Vermont resident and at the time of enrollment:

(A) is not incarcerated or is only incarcerated awaiting disposition of charges; and

(B) is or is reasonably expected to be during the time of enrollment a citizen or national of the United States or an immigrant lawfully present in the United States as defined by federal law.

(8) “Vermont Health Benefit Exchange” means the program established in 33 V.S.A. chapter 18, subchapter 1.

(9) “Vermont Health Insurance Corporation” or “Vermont Health” means a private, nonprofit health insurance corporation owned by the people of Vermont and providing qualified health benefit plans to Vermont residents.

(10) “Vermont resident” means an individual domiciled in Vermont as evidenced by an intent to maintain a principal dwelling place in Vermont indefinitely and to return to Vermont if temporarily absent, coupled with an act or acts consistent with that intent.

§ 4404. OWNERSHIP AND GOVERNANCE OF VERMONT HEALTH

(a) Vermont Health shall issue shares, all of which shall be owned by the people of Vermont and held in trust for them by the General Assembly.

(b) The Governor shall appoint, with the consent of the Senate, a five-member Board of Vermont Health, one of whom shall be designated by the Governor as the Chair. The Board shall prepare the bylaws, regulations, and policies of Vermont Health. The General Assembly, acting on behalf of the shareholders, shall approve by joint resolution the bylaws, regulations, and major policies of Vermont Health.

(c) The Board shall appoint all officers of Vermont Health who shall be State employees and exempt from the State classified system. The Board shall determine compensation for the officers and employees of Vermont Health, provided that no officer or employee shall receive more in compensation than the highest paid State employee.

§ 4405. CERTIFICATE OF AUTHORITY

Notwithstanding the provisions of chapters 101 and 107 of this title, upon petition of the Secretary of Administration, the Commissioner shall issue to Vermont Health a certificate of authority to operate as a health insurance corporation for purposes of providing qualified health benefit plans to Vermont residents.

§ 4406. APPROVAL OF PREMIUMS AND FORMS

Notwithstanding the provisions of section 4062 of this title, the Commissioner and the Green Mountain Care Board shall approve all forms and premium rates for Vermont Health that they determine to be in the best interests of the people of the State of Vermont.

§ 4407. VERMONT HEALTH QUALIFIED BENEFIT PLANS

(a) Vermont Health shall offer only silver- and gold-level qualified health benefit plans that meet the requirements of the Affordable Care Act and

applicable State law. In the event that the Affordable Care Act is repealed or held invalid, Vermont Health shall continue to offer health benefit plans that provide essential benefits packages that meet or exceed the elements described in Section 1302(a) of the Affordable Care Act and that provide for all necessary medical care, including treatment by qualified health care professionals, hospital care, and prescription drugs. Plans offered by Vermont Health shall pay for all necessary medical expenses without annual or lifetime limits.

(b) No plan offered by Vermont Health shall require a policyholder to pay a total of more than \$5,000.00 during any calendar year in co-payments, deductibles, and other out-of-pocket expenses and no policyholder shall be required to pay a total of more than \$10,000.00 in co-payments, deductibles, and other out-of-pocket expenses toward the treatment of any single illness.

§ 4408. PREMIUM AND COST-SHARING SUBSIDIES

(a) In addition to any State or federal cost-sharing subsidies for which policyholders may be eligible through the Vermont Health Benefit Exchange, Vermont Health shall provide cost-sharing subsidies to all policyholders enrolled in a silver-level Vermont Health plan in order to ensure that the average actuarial value of the benefits received by all policyholders in Vermont Health silver-level plans is at least 87 percent. Policyholders with incomes at or below 150 percent of the federal poverty level shall continue to receive cost-sharing assistance at a 94 percent actuarial value pursuant to 33 V.S.A. § 1812(b)(2).

(b) In addition to any State or federal advance premium tax credits for which policyholders may be eligible through the Vermont Health Benefit Exchange, Vermont Health shall subsidize the premiums of all policyholders enrolled in a silver-level Vermont Health plan equally in an amount to be determined annually by the Agency of Human Services. The Agency shall determine the amount of the premium subsidy based on the projected number of policyholders in Vermont Health for the plan year and the amount remaining in the Vermont Health Insurance Corporation Fund established in section 4411 of this title after satisfaction of the cost-sharing subsidies established in subsection (a) of this section. The premium subsidy for a two-person plan shall be twice the amount of the subsidy provided for an individual plan, and the premium subsidy for a family plan shall be three times the amount of the subsidy provided for an individual plan. Premium subsidies shall be available regardless of a policyholder's income or whether he or she is eligible for employer-sponsored insurance.

§ 4409. CHOICE OF PROVIDER

To the extent Vermont Health provides coverage for any particular type of health service or for any particular medical condition, it shall cover those health services and conditions when provided by any type of health care professional acting within the scope of practice authorized by law. Vermont Health may establish a term or condition that places a greater financial burden on an individual for access to treatment by the type of health care professional only if it is related to the efficacy or cost-effectiveness of the type of service.

§ 4410. REQUIRED CONTRACT PROVISIONS

Qualified health benefit plan contracts entered into by Vermont Health shall be in writing, one copy of which shall be furnished to the insured. The contract shall contain at least the following provisions:

(1) a statement of the amount payable to Vermont Health by the subscriber and the manner in which such amount is payable;

(2) a statement of the nature of the services to be furnished and the period during which they will be furnished and, if there are any services to be excepted, a detailed statement of such exceptions;

(3) a statement of the terms and conditions upon which the contract may be canceled or otherwise terminated at the option of either party;

(4) a statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

(5) a statement that no representation by the insured in his or her application shall void the contract or be used in any legal proceeding thereunder unless such application or an exact copy thereof is included in or attached to such contract and that no agent or representative of such corporation other than an officer or officers designated therein is authorized to change the contract or waive any of its provisions;

(6) a statement that if the insured defaults in making any payment under the contract, the subsequent acceptance of a payment by the corporation or by any of its duly authorized agents shall reinstate the contract;

(7) a statement of the period of grace which will be allowed the insured for making any payment due under the contract, to be not less than ten days;

(8) a statement that the insured shall be entitled to engage the services of a health care professional whom he or she chooses to perform services covered by the contract, provided that such health care professional is licensed or certified or otherwise authorized by law to provide professional health services in this state and agrees to be governed by the bylaws of the corporation with respect to payment of fees for his or her services.

§ 4411. VERMONT HEALTH INSURANCE CORPORATION FUND

(a) The Vermont Health Insurance Corporation Fund is established in the State Treasury as a special fund to be the single source to finance health care coverage for the Vermont Health Insurance Corporation.

(b) Into the Fund shall be deposited:

(1) transfers or appropriations from the General Fund, authorized by the General Assembly;

(2) 100 percent of the payroll taxes levied pursuant to 32 V.S.A. chapter 152;

(3) 9 percent of the income taxes levied pursuant to 32 V.S.A. chapter 151; and

(3) the proceeds from grants, donations, contributions, taxes, and any other sources of revenue as may be provided by statute or by rule.

(c) The Fund shall be administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest earned on the Fund and any remaining balance shall be retained in the Fund. The Department shall maintain records indicating the amount of money in the Fund at any time.

(d) All monies received by or generated to the Fund shall be used only for the payment of premium and cost-sharing subsidies pursuant to section 4408 of this title.

Sec. 25b. 32 V.S.A. chapter 152 is added to read:

CHAPTER 152. HEALTH CARE TAXES§ 5981. DEFINITIONS

As used in this chapter:

(1) "Employee" means every person for whom taxes are withheld under section 5841 of this title, except that the term shall not include federal employees.

(2)(A) "Employer" means every person who is required under the laws of the United States to withhold federal income tax from payments that are also subject to Vermont income tax.

(B) "Employer" does not mean the U.S. government.

(3) "Federal employee" means any person employed by the U.S. government, retired from employment with the U.S. government, or an active or retired member of the U.S. Armed Forces.

(4) "Self-employment income" shall have the same meaning as in the Internal Revenue Code, 26 U.S.C. § 1402(b).

(5) "Total employer wages" means the total amount of payments subject to withholding under section 5841 of this title for each employer subject to withholding requirements, minus any wages in excess of \$113,700.00 or the contribution base calculated under Section 230 of the Social Security Act, codified at 42 U.S.C. § 430, paid by the employer to any employee.

(6) "Wages" shall have the same meaning as in the Internal Revenue Code, 26 U.S.C. § 3401(a).

§ 5982. PAYROLL TAX

A tax is imposed on any employer required to withhold taxes under section 5841 of this title and on the self-employment income of every individual in an amount equal to total employer wages multiplied by 2.2 percent.

§ 5983. PAYMENT

Each employer shall prepare and submit to the Department a quarterly return and payment on or before the 25th day of the calendar month succeeding the quarter ending on the last day of March, June, September, and December. The return requirements and procedures shall be established by the Commissioner and shall show the amount of total employer wages paid for employment during the preceding quarter and other information the Commissioner may require. The tax under this chapter shall be paid each quarter to the Department at the same time the report is submitted. The taxes shall be deposited in the Vermont Health Insurance Corporation Fund established pursuant to 8 V.S.A. § 4411.

§ 5984. ENFORCEMENT

The employer payroll tax imposed under subsection 5982 of this title shall be enforced and collected as if it were an amount required to be withheld and remitted to the State under subchapter 4 of chapter 151 of this title.

Sec. 25c. 32 V.S.A. § 8556 is amended to read:

§ 8556. ~~EXEMPTION~~ EXEMPTIONS

(a) For the purposes of this subchapter, a continuing care retirement community certified under chapter 151 of Title 8 shall not be deemed to be an insurance company or other entity subject to the tax imposed by this subchapter.

(b) The Vermont Health Insurance Corporation established in chapter 118 of Title 8 shall be exempt from the tax imposed by this subchapter.

Sec. 25d. COST-EFFECTIVENESS EVALUATION

The Secretary of Administration or designee shall evaluate the cost-effectiveness of permitting a nonprofit insurance carrier licensed to do business in this State to provide some or all of the benefits and administration of the qualified health benefit plans offered by the Vermont Health Insurance Corporation in conjunction with or in lieu of involvement by State government. No later than February 15, 2015, the Secretary or designee shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on the advisability and cost-effectiveness of involving an insurance carrier in Vermont Health and shall propose the statutory modifications necessary to accomplish any such involvement.

Sec. 25e. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to ~~Section 168(k) of the Internal Revenue Code~~ 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; and

(iii) ~~the amount in excess of \$5,000.00 of state and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and the amount of total itemized deductions in excess of the standard deduction allowable to the taxpayer;~~

* * *

Sec. 25f. 32 V.S.A. § 435(b)(5) is amended to read:

(5) ~~Individual~~ 91 percent of the income taxes levied pursuant to chapter 151 of this title;

Second: In Sec. 65, effective dates, by inserting new subdivisions (19), (20), and (21) to read as follows:

(19) Secs. 25a (Vermont Health) and 25c (tax exemption) shall take effect on January 1, 2017.

(20) Sec. 25b (payroll tax) shall take effect on October 1, 2016.

(21) Secs. 25e (itemized deductions) and 25f (General Fund) shall take effect on January 1, 2016 and apply for tax year 2016 and after.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as proposed by Senator Galbraith?, Senator Galbraith requested and was granted leave to withdraw his proposal of amendment.

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

Thereupon, on motion of Senator Campbell, the rules were suspended, and the bill was ordered messaged to the House forthwith.

Message from the House No. 64

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

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. Branagan of Georgia
Rep. Clarkson of Woodstock
Rep. Masland of Thetford

Message from the House No. 65

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. 884. An act relating to miscellaneous tax changes.

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. Ancel of Calais
Rep. Branagan of Georgia
Rep. Sharpe of Bristol

Proposal of Amendment; Third Reading Ordered

H. 552.

Senator Mullin, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to raising the Vermont minimum wage.

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. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.15. Beginning January 1, 2016, an employer shall not employ any~~ employee at a rate of less than \$9.60. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and, beginning January 1, 2007, 2019 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. For the purposes of As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year,

the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

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

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

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

(1) employ new persons at a wage which, at the completion of the training program, ~~is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one half times the federal or state minimum wage, whichever is greater equals or exceeds the livable wage as defined in 2 V.S.A. § 505;~~

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

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

Senator Cummings, 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 Economic Development, Housing and General Affairs with the following amendment thereto:

In Sec. 3, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. EFFECTIVE DATES

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

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

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 Economic Development, Housing and General Affairs was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Economic Development, Housing and General Affairs, as amended, was agreed to on a roll call, Yeas 20, Nays 8.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Benning, Bray, Campbell, Cummings, Doyle, Flory, French, Hartwell, Kitchel, Lyons, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Galbraith, MacDonald, McCormack, Pollina, Sirotkin, White, Zuckerman.

Those Senators absent and not voting were: Baruth, Collins.

Thereupon, Senator Pollina moved that the Senate proposal of amendment be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$10.00. Beginning on January 1, 2016, an employer shall not employ~~ any employee at a rate of less than \$10.50, and, beginning on January 1, 2007, 2017 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the~~

~~same percentage rate as the minimum wage rate~~ one-half the minimum wage.
~~For the purposes of~~ As used in this subsection, “a service or tipped employee”
means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

* * *

Sec. 2. MINIMUM WAGE STUDY

On or before January 15, 2016, the Joint Fiscal Office shall submit a report to the General Assembly detailing the impact that raising the minimum wage to the livable wage would have on:

- (1) low-wage working Vermonters;
- (2) Vermont businesses and jobs;
- (3) State and federal benefits; and
- (4) Vermont’s economy as a whole.

Sec. 3. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor shall submit a report to the House Committees on Commerce and Economic Development, on Human Services, and on General, Housing and Military Affairs, and the Senate Committees on Economic Development, Housing and General Affairs, and on Health and Welfare detailing:

- (1) the impact that a minimum wage rate of \$10.00 will have on low-wage workers, especially a low-wage worker who is a single parent with one child;
- (2) how to adjust government subsidy programs to provide a slope for low-wage workers who are single parents to reflect the government subsidies received by low-wage workers who are single with no children; and
- (3) the effect that an hourly wage rate of \$10.00 will have on any programs linked to the minimum wage.

Sec. 4. EFFECTIVE DATES

- (a) This section and Secs. 2 and 3 shall take effect on passage.
- (b) Sec. 1 shall take effect on January 1, 2015.

Which was disagreed to.

Thereupon, Senator Sirotkin moved that the Senate proposal of amendment be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.25. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.80. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.30. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.90, and, beginning January 1, 2007, 2019~~ and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate one-half the minimum wage. For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

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

§ 531. EMPLOYMENT TRAINING PROGRAM

* * *

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

(1) employ new persons at a wage which, at the completion of the training program, ~~is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing~~

~~employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one half times the federal or state minimum wage, whichever is greater equals or exceeds the livable wage as defined in 2 V.S.A. § 505;~~

* * *

Sec. 3. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Joint Fiscal Office, with the assistance and participation of the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor, shall submit a report to the House Committees on Commerce and Economic Development, on Human Services, and on General, Housing and Military Affairs, and the Senate Committees on Economic Development, Housing and General Affairs, and on Health and Welfare detailing:

(1) the impact that this act's increases in the minimum wage will have on the incomes of minimum wage workers, as well as any loss of eligibility or benefits from public assistance programs, including earned income tax credits, housing assistance and renter rebates, telephone lifeline, fuel assistance, 3Squares, and Reach up;

(2) the savings that will result to public assistance programs from this act's increases in the minimum wage; and

(3) options on how to adjust public assistance programs to provide for a slope or other adjustments for minimum wage workers who otherwise would lose eligibility or benefits due to this act's increases in the minimum wage so as to mitigate against such losses.

Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2015.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Sirotkin?, Senator Sirotkin requested and was granted leave to withdraw his proposal of amendment.

Thereupon, Senator Sirotkin moved that the Senate proposal of amendment be amended by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.25. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.80. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.30. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.90, and,~~ beginning January 1, ~~2007,~~ 2019 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. For the purposes of As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

Which was disagreed to on a roll call, Yeas 8, Nays 18.

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

Roll Call

Those Senators who voted in the affirmative were: Cummings, French, Galbraith, MacDonald, Pollina, Sirotkin, White, Zuckerman.

Those Senators who voted in the negative were: Ayer, Bray, Campbell, Doyle, Flory, Hartwell, Kitchel, Lyons, Mazza, McAllister, McCormack, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman.

Those Senators absent and not voting were: Ashe, Baruth, Benning, Collins.

Thereupon, Senator Sirotkin moved that the Senate proposal of amendment be amended by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Joint Fiscal Office, with the assistance and participation of the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor, shall submit a report to the House Committees on Commerce and Economic Development, on Human Services, and on General, Housing and Military Affairs, and the Senate Committees on Economic Development, Housing and General Affairs, and on Health and Welfare detailing:

(1) the impact that this act's increases in the minimum wage will have on the incomes of minimum wage workers, as well as any loss of eligibility or benefits from public assistance programs, including earned income tax credits, housing assistance and renter rebates, telephone lifeline, fuel assistance, 3Squares, and Reach up;

(2) the savings that will result to public assistance programs from this act's increases in the minimum wage; and

(3) options on how to adjust public assistance programs to provide for a slope or other adjustments for minimum wage workers who otherwise would lose eligibility or benefits due to this act's increases in the minimum wage so as to mitigate against such losses.

Which was disagreed to on a roll call, Yeas 7, Nays 19.

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

Roll Call

Those Senators who voted in the affirmative were: Galbraith, Hartwell, McCormack, Pollina, Sirotkin, White, Zuckerman.

Those Senators who voted in the negative were: Ayer, Bray, Campbell, Cummings, Doyle, Flory, French, Kitchel, Lyons, MacDonald, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman.

Those Senators absent and not voting were: Ashe, Baruth, Benning, Collins.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 555.**

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

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

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. 13 V.S.A. § 4801 is amended to read:

§ 4801. TEST OF INSANITY IN CRIMINAL CASES

(a) The test when used as a defense in criminal cases shall be as follows:

(1) A person is not responsible for criminal conduct if at the time of such conduct, as a result of mental ~~disease or defect~~ illness, developmental disability, or traumatic brain injury, he or she lacks adequate capacity either to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law.

(2) The terms "~~mental disease or defect~~" "mental illness, developmental disability, or traumatic brain injury" do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct. ~~The terms "mental disease or defect" shall include congenital and traumatic mental conditions as well as disease.~~

(b) The defendant shall have the burden of proof in establishing insanity as an affirmative defense by a preponderance of the evidence.

Sec. 2. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION

(a) Any court before which a criminal prosecution is pending may order the ~~department of mental health~~ Department of Mental Health to have the defendant examined by a psychiatrist at any time before, during or after trial, and before final judgment in any of the following cases:

(1) ~~When~~ when the defendant enters a plea of not guilty, or when such a plea is entered in the defendant's behalf, and then gives notice of the defendant's intention to rely upon the defense of insanity at the time of the alleged crime, or to introduce expert testimony relating to a ~~mental disease, defect,~~ mental illness, developmental disability, traumatic brain injury or other condition bearing upon the issue of whether he or she had the mental state required for the offense charged;

(2) ~~When~~ when the defendant, the ~~state~~ State, or an attorney, guardian, or other person acting on behalf of the defendant, raises before ~~such the court~~ Court the issue of whether the defendant is mentally competent to stand trial for the alleged offense;

(3) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant's sanity at the time of the alleged offense; or

(4) ~~When~~ when the ~~court~~ Court believes that there is doubt as to the defendant's mental competency to be tried for the alleged offense.

(b) ~~Such~~ An order under this section may be issued by the ~~court~~ Court on its own motion, or on motion of the ~~state~~ State, the defendant, or an attorney, guardian, or other person acting on behalf of the defendant.

Sec. 3. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

(a) It is the purpose of this section to provide a mechanism by which a defendant is examined in the least restrictive environment deemed sufficient to complete the examination and prevent unnecessary pre-trial detention and substantial threat of physical violence to any person, including a defendant.

(b) The order for examination may provide for an examination at any jail or correctional center, or at the State Vermont Psychiatric Care Hospital or a designated hospital, ~~or at its successor in interest~~, or at such other place as the Court shall determine, after hearing a recommendation by the Commissioner of Mental Health.

(c) A motion for examination shall be made as soon as practicable after a party or the Court has good faith reason to believe that there are grounds for an examination. An attorney making such a motion shall be subject to the potential sanctions of Rule 11 of the Vermont Rules of Civil Procedure.

(d) Upon the making of a motion for examination, the Court shall order a mental health screening to be completed by a designated mental health professional while the defendant is still at the Court.

(e) If the screening cannot be commenced and completed at the courthouse within two hours from the time of the defendant's appearance before the Court, the Court may ~~forego~~ forgo consideration of the screener's recommendations.

(f) The Court and parties shall review the recommendation of the designated mental health professional and consider the facts and circumstances surrounding the charge and observations of the defendant in court. If the Court finds sufficient facts to order an examination, it may be ordered to be completed in the least restrictive environment deemed sufficient to complete the examination, consistent with subsection (a) of this section.

(g)(1) Inpatient examination at the Vermont ~~State~~ Psychiatric Care Hospital, ~~or its successor in interest~~, or a designated hospital. The Court shall not order an inpatient examination unless the designated mental health professional determines that the defendant is a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) Before ordering the inpatient examination, the ~~court~~ Court shall determine what terms, if any, shall govern the defendant's release from custody under sections 7553-7554 of this title.

(3) An order for inpatient examination shall provide for placement of the defendant in the custody and care of the ~~commissioner of mental health~~ Commissioner of Mental Health.

(A) If a Vermont ~~State~~ Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or a designated hospital psychiatrist determines prior to admission that the defendant is not in need of inpatient hospitalization ~~prior to admission~~, the Commissioner shall release the defendant pursuant to the terms governing the defendant's release from the Commissioner's custody as ordered by the Court. The Commissioner of Mental Health shall ensure that all individuals who are determined not to be in need of inpatient hospitalization receive appropriate referrals for outpatient mental health services.

(B) If a Vermont ~~State~~ Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or designated hospital psychiatrist determines that the defendant is in need of inpatient hospitalization:

(i) The Commissioner shall obtain an appropriate inpatient placement for the defendant at the Vermont ~~State~~ Psychiatric Care Hospital psychiatrist, ~~or a psychiatrist of its successor in interest~~, or a designated hospital and, based on the defendant's clinical needs, may transfer the defendant between hospitals at any time while the order is in effect. A transfer to a designated hospital outside the no refusal system is subject to acceptance of the patient for admission by that hospital.

(ii) The defendant shall be returned to court for further appearance on the following business day if the defendant is no longer in need of inpatient hospitalization, unless the terms established by the ~~court~~ Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(C) The defendant shall be returned to court for further appearance within two business days after the Commissioner notifies the ~~court~~ Court that the examination has been completed, unless the terms established by the Court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

(4) If the defendant is to be released pursuant to subdivision (3)(A), (3)(B)(ii), or (3)(C) of this subsection and is not in the custody of the Commissioner of Corrections, the defendant shall be returned to the defendant's residence or ~~such other~~ to another appropriate place within the State of Vermont by the Department of Mental Health at the expense of the ~~court~~ Court.

(5) If it appears that an inpatient examination cannot reasonably be completed within 30 days, the Court issuing the original order, on request of the ~~commissioner~~ Commissioner and upon good cause shown, may order placement at the hospital extended for additional periods of 15 days in order to complete the examination, and the defendant on the expiration of the period provided for in such order shall be returned in accordance with this subsection.

(6) ~~For the purposes of~~ As used in this subsection, "in need of inpatient hospitalization" means an individual has been determined under clinical standards of care to require inpatient treatment.

(h) Except upon good cause shown, defendants charged with misdemeanor offenses who are not in the custody of the Commissioner of Corrections shall be examined on an outpatient basis for mental competency. Examinations occurring in the community shall be conducted at a location within 60 miles of the defendant's residence or at another location agreed to by the defendant.

(i) As used in this section:

(1) ~~No~~, "no refusal system" means a system of hospitals and intensive residential recovery facilities under contract with the Department of Mental Health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the Commissioner in contract.

(2) ~~"Successor in interest" shall mean the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital.~~

Sec. 4. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in the preceding section shall have reference to:

(1) ~~Mental~~ mental competency of the person examined to stand trial for the alleged offense; and

(2) ~~Sanity~~ sanity of the person examined at the time of the alleged offense.

(b) A competency evaluation for an individual thought to have a developmental disability or traumatic brain injury shall include a current evaluation by a psychologist or other appropriate medical professional skilled in assessing individuals with ~~developmental disabilities~~ those conditions.

(c) As soon as practicable after the examination has been completed, the examining psychiatrist or psychologist, if applicable, shall prepare a report containing findings in regard to each of the matters listed in subsection (a) of this section. The report shall be transmitted to the Court issuing the order for examination, and copies of the report shall be sent to the ~~state's attorney~~ State's Attorney, and to the respondent's attorney if the respondent is represented by counsel.

(d) No statement made in the course of the examination by the person examined, whether or not he or she has consented to the examination, shall be admitted as evidence in any criminal proceeding for the purpose of proving the commission of a criminal offense or for the purpose of impeaching testimony of the person examined.

(e) The relevant portion of a psychiatrist's report shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial, and the opinion therein shall be conclusive on the issue if agreed to by the parties and if found by the Court to be relevant and probative on the issue.

(f) Introduction of a report under subsection (d) of this section shall not preclude either party or the Court from calling the psychiatrist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the ~~state's~~ State's expense, or, if called by the Court, at the Court's expense.

Sec. 5. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

(a) A person shall not be tried for a criminal offense if he or she is incompetent to stand trial.

(b) If a person indicted, complained, or informed against for an alleged criminal offense, an attorney or guardian acting in his or her behalf, or the ~~state~~ State, at any time before final judgment, raises before the court before which ~~such~~ the person is tried or is to be tried, the issue of whether ~~such~~ the person is incompetent to stand trial, or if the ~~court~~ Court has reason to believe that ~~such~~ the person may not be competent to stand trial, a hearing shall be held before ~~such~~ the ~~court~~ Court at which evidence shall be received and a finding made regarding his or her competency to stand trial. However, in cases where the ~~court~~ Court has reason to believe that ~~such~~ the person may be incompetent to

stand trial due to a mental ~~disease or mental defect, such~~ illness, developmental disability, or traumatic brain injury, the hearing shall not be held until an examination has been made and a report submitted by an examining psychiatrist in accordance with sections 4814-4816 of this title.

(c) A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, ~~such~~ the person is found by the court having jurisdiction of his or her trial for the offense to have become competent to stand trial.

Sec. 6. 13 V.S.A. § 4819 is amended to read:

§ 4819. ACQUITTAL BY REASON OF INSANITY

When a person tried on information, complaint, or indictment is acquitted by a jury by reason of insanity at the time of the alleged offense, the jury shall state in its verdict of not guilty that the ~~same is given for such cause~~ acquittal is for that reason.

Sec. 7. 13 V.S.A. § 4820 is amended to read:

§ 4820. HEARING REGARDING COMMITMENT

~~When a person charged on information, complaint, or indictment with a criminal offense:~~

~~(1) Is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title, to have been insane at the time of the alleged offense; or~~

~~(2) Is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental disease or mental defect; or~~

~~(3) Is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the court; or~~

~~(4) Upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense; the court before which such person is tried or is to be tried for such offense, shall hold a hearing for the purpose of determining whether such person should be committed to the custody of the commissioner of mental health.~~

(a) The court before which a person is tried or is to be tried for a criminal offense shall hold a hearing for the purpose of determining whether the person should be committed to the custody of the Commissioner of Mental Health or, as provided in 18 V.S.A. chapter 206, to the Commissioner of Disabilities, Aging, and Independent Living, if the person is charged on information, complaint, or indictment with the offense and:

(1) is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title to have been insane at the time of the alleged offense;

(2) is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental illness, intellectual disability, or traumatic brain injury;

(3) is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the Court; or

(4) upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense.

(b) Such A person subject to a hearing under subsection (a) of this section may be confined in jail or some other suitable place by order of the ~~court~~ Court pending hearing for a period not exceeding 15 days.

Sec. 8. 13 V.S.A. § 4821 is amended to read:

§ 4821. NOTICE OF HEARING; PROCEDURES

The person who is the subject of the proceedings, his or her attorney, the legal guardian, if any, the ~~commissioner of mental health or the commissioner of disabilities, aging, and independent living, and the state's attorney~~ Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, and the State's Attorney or other prosecuting officer representing the ~~state~~ State in the case, shall be given notice of the time and place of a hearing under the preceding section. Procedures for hearings for persons who are mentally ill shall be as provided in 18 V.S.A. chapter 181 of Title 18. Procedures for hearings for persons who are ~~mentally retarded intellectually disabled or have a traumatic brain injury~~ shall be as provided in 18 V.S.A. chapter 206, subchapter 3 of chapter 206 of Title 18.

Sec. 9. 13 V.S.A. § 4822 is amended to read:

§ 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS

(a) If the Court finds that ~~such~~ the person is a person in need of treatment or a patient in need of further treatment as defined in 18 V.S.A. § 7101, the ~~court~~ Court shall issue an order of commitment directed to the Commissioner of Mental Health, which shall admit the person to the care and custody of the Department of Mental Health for an indeterminate period. In any case involving personal injury or threat of personal injury, the committing Court may issue an order requiring a court hearing before a person committed under this section may be discharged from custody.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. §§ 7611-7622, and persons committed under such an order shall have the same status, and the same rights, including the right to receive care and treatment, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. §§ 7611-7622.

(c) Notwithstanding the provisions of subsection (b) of this section, at least 10 days prior to the proposed discharge of any person committed under this section the Commissioner of Mental Health shall give notice thereof to the committing Court and ~~state's attorney~~ State's Attorney of the county where the prosecution originated. In all cases requiring a hearing prior to discharge of a person found incompetent to stand trial under section 4817 of this title, the hearing shall be conducted by the committing Court issuing the order under that section. In all other cases, when the committing Court orders a hearing under subsection (a) of this section or when, in the discretion of the Commissioner of Mental Health, a hearing should be held prior to the discharge, the hearing shall be held in the Family Division of the Superior Court to determine if the committed person is no longer a person in need of treatment or a patient in need of further treatment as set forth in subsection (a) of this section. Notice of the hearing shall be given to the Commissioner, the ~~state's attorney~~ State's Attorney of the county where the prosecution originated, the committed person, and the person's attorney. Prior to the hearing, the ~~state's attorney~~ State's Attorney may enter an appearance in the proceedings and may request examination of the patient by an independent psychiatrist, who may testify at the hearing.

(d) The Court may continue the hearing provided in subsection (c) of this section for a period of 15 additional days upon a showing of good cause.

(e) If the ~~court~~ Court determines that commitment shall no longer be necessary, it shall issue an order discharging the patient from the custody of the ~~department of developmental and mental health services~~ Department of Mental Health.

(f) The Court shall issue its findings and order not later than 15 days from the date of hearing.

Sec. 10. 13 V.S.A. § 4823 is amended to read:

§ 4823. FINDINGS AND ORDER; PERSONS WITH ~~MENTAL RETARDATION~~ INTELLECTUAL DISABILITY OR TRAUMATIC BRAIN INJURY

(a) If the ~~court~~ Court finds that ~~such~~ the person is a person in need of custody, care, and habilitation as defined in 18 V.S.A. § 8839, the ~~court~~ Court

shall issue an order of commitment directed to the Commissioner of Disabilities, Aging, and Independent Living for care and habilitation of such person for an indefinite or limited period in a designated program.

(b) ~~Such~~ The order of commitment shall have the same force and effect as an order issued under 18 V.S.A. § 8843 and persons committed under ~~such an~~ the order shall have the same status, and the same rights, including the right to receive care and habilitation, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. § 8843.

(c) Section 4822 of this title shall apply to persons proposed for discharge under this section; however, judicial proceedings shall be conducted in the Criminal Division of the Superior Court in which the person then resides, unless the person resides out of state in which case the proceedings shall be conducted in the original committing Court.

Sec. 11. 18 V.S.A. § 8839 is amended to read:

§ 8839. DEFINITIONS

As used in this subchapter:

* * *

(3) “Person in need of custody, care, and habilitation” means:

(A) a ~~mentally retarded~~ person with an intellectual disability or a person with a traumatic brain injury;

(B) who presents a danger of harm to others; and

(C) for whom appropriate custody, care, and habilitation can be provided by the ~~commissioner~~ Commissioner in a designated program.

Sec. 12. CONSTRUCTION

This act’s replacement of the terms “mental disease or mental defect” with the terms “mental illness,” “intellectual disability,” or “developmental disability” in 13 V.S.A. chapter 157 shall not be construed to alter the substance or effect of existing law or judicial precedent. These changes in terminology are merely meant to reflect evolving attitudes toward persons with disabilities.

Sec. 13. REPORTS

(a) On or before September 1, 2014 the Court Administrator shall report to the House and Senate Committees on Judiciary the House Committee on Human Services, and the Senate Committee on Health and Welfare on the number of cases from July 1, 2011 through June 30, 2013 in which the Court

ordered the Department of Mental Health to examine a defendant pursuant to 13 V.S.A. § 4814 to determine if he or she was insane at the time of the offense or is incompetent to stand trial. The report shall include a breakdown indicating how many orders were based on mental illness, developmental disability, and traumatic brain injury, and shall include the number of persons who were found to be in need of custody, care, and habilitation under 13 V.S.A. § 4823. A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(b)(1) On or before September 1, 2014, the Department of Sheriffs and State's Attorneys shall report to the House and Senate Committees on Judiciary regarding the charging practices of State's Attorneys for persons with traumatic brain injury.

(2) The report shall describe the number of cases from July 1, 2011 through June 30, 2013, broken down by the type of criminal charge, in which a person with traumatic brain injury was:

(A) charged with a criminal offense, including the disposition of the offense;

(B) charged with a criminal offense and the charges were dismissed because the person was suffering from a traumatic brain injury; and

(C) arrested for, or otherwise believed to be responsible for, a crime and criminal charges were not brought because the person was suffering from a traumatic brain injury.

(3) A copy of the report shall be provided to the Department of Disabilities, Aging, and Independent Living.

(c) On or before October 1, 2014 and on or before February 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare on the status of the Department's progress toward implementation of this act. The status reports shall include updates on the Department's progress in evaluating best practices for treatment of persons with traumatic brain injuries who are unable to conform their behavior to the requirements of the law, and in identifying appropriate programs and services to provide treatment to enable those persons to be fully reintegrated into the community consistent with public safety. The status reports shall also include updates on the Department's progress on the design of the programs and services needed to treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial as required by this act.

Sec. 14. IMPLEMENTATION

(a) On or before April 30, 2015, the Department of Disabilities, Aging, and Independent Living shall request approval and funding from the Senate and House Committees on Judiciary and on Appropriations for the Department's plan to implement this act. The Department shall commence implementation of the plan, including requesting that it be included under the Global Commitment Waiver by the Centers for Medicare and Medicaid Services, if the plan is approved by a majority vote of the Senate and House Committees on Judiciary and funded by a majority vote of the Senate and House Committees on Appropriations.

Sec. 15. APPROPRIATION

The amount of \$50,000.00 is appropriated in fiscal year 2014 from the Global Commitment Fund to the Department of Disabilities, Aging, and Independent Living to research and design a program that satisfies this act's requirement that the Department treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial. To the maximum extent possible, the Department shall design the program to be integrated into the Department's existing framework of services.

Sec. 16. EFFECTIVE DATES

(a) Secs. 1–12 shall take effect on July 1, 2017.

(b) Secs. 13, 14, 15, and this section shall take effect on passage.

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

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

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.

Proposal of Amendment; Third Reading Ordered**H. 877.**

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

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

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:

* * * Reports Exempt from 2 V.S.A. § 20(d) * * *

Sec. 1. 2 V.S.A. § 263(j) is amended to read:

(j) The ~~secretary of state~~ Secretary of State shall prepare a list of names and addresses of lobbyists and their employers and the list shall be published at the end of the second legislative week of each regular or adjourned session. Supplemental lists shall be published monthly during the remainder of the legislative session. No later than March 15 of the first year of each legislative biennium, the ~~secretary of state~~ Secretary of State shall publish no fewer than 500 booklets containing an alphabetical listing of all registered lobbyists, including, at a minimum, a current passport-type photograph of the lobbyist, the lobbyist's business address, telephone and fax numbers, a list of the lobbyist's clients and a subject matter index. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 2. 2 V.S.A. § 404(b)(6) is amended to read:

(6) Except when the ~~general assembly~~ General Assembly is in session and upon the request of any person provide him or her, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission or study committee of the ~~general assembly~~ General Assembly or any cancellations of hearings or meetings thereof previously scheduled. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subdivision;

Sec. 3. 2 V.S.A. § 802(b) is amended to read:

(b) At least annually, the ~~committee~~ Committee shall report its activities, together with recommendations, if any, to the ~~general assembly~~ General Assembly. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 4. 2 V.S.A. § 970(g) is amended to read:

(g) At least annually, by January 15, the Committee shall report its activities, together with recommendations, if any, to the General Assembly. The report shall be in brief summary form. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection.

Sec. 5. 3 V.S.A. § 23(d) is amended to read:

(d) Reporting. The ~~commission~~ Commission shall submit an annual report, which shall be prepared by the ~~secretary of commerce and community development~~ Secretary of Commerce and Community Development, to the ~~house committee on commerce~~ House Committee on Commerce and Economic Development, the ~~senate committee on economic development, housing and general affairs~~ Senate Committee on Economic Development, Housing and General Affairs, the ~~governor~~ Governor, and Vermont's congressional delegation. The report shall contain information acquired pursuant to activities carried out under subsection (c) of this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 6. 3 V.S.A. § 309(a)(19) is amended to read:

(19) Annually on or before January 15, the ~~commissioner of human resources~~ Commissioner of Human Resources shall submit to the ~~general assembly~~ General Assembly a report on the status of the ~~state~~ State employee workforce. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. All reporting on numbers of ~~state~~ State employees shall include numbers stated in "full-time equivalent" positions. The report shall consolidate reports mandated by the ~~general assembly~~ General Assembly, as well as other information regarding developments in ~~state~~ State employment, including:

- (A) Use of temporary employees.
- (B) Use of limited service positions.
- (C) Vacancies of more than six months' duration.
- (D) Use of emergency volunteer leave under section 265 of this title.
- (E) Development of compensation plans.
- (F) Developments in equal employment opportunity.
- (G) Use of the position management system.
- (H) Abolished or transferred classified and exempt ~~state~~ State positions.

Sec. 7. 3 V.S.A. § 344(b) is amended to read:

(b) The information on contracts shall be reported to the ~~general assembly~~ General Assembly in the annual workforce report required under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 8. 3 V.S.A. § 471 is amended to read:

§ 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(g) The ~~retirement board~~ Retirement Board shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually and distribute to the ~~general assembly~~ General Assembly a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the retirement system by means of an actuarial valuation of the assets and liabilities of the system. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

(n) The ~~board~~ Board shall review annually the amount of ~~state~~ State contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 473 of this title. Based on this review, the ~~board~~ Board shall recommend the amount of ~~state~~ State contribution that should be appropriated for the next fiscal year to achieve and preserve the financial integrity of the fund. On or before November 1 of each year, the ~~board~~ Board shall submit this recommendation to the ~~governor~~ Governor and the ~~house and senate committees on government operations and appropriations~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 9. 3 V.S.A. § 473a is amended to read:

§ 473a. PERIODIC ACTUARIAL REPORTS

The ~~board~~ Board shall cause to be made an actuarial reevaluation of the rate of member contributions deducted from earnable compensation pursuant to subdivision 473(b)(2) of this title, on a periodic basis at least every three years, to determine whether the amount deducted is necessary to make the contributions picked up and paid by the ~~state~~ State for such members cost neutral to the ~~general fund~~ General Fund. The actuarial reevaluation shall consider all relevant factors, including federal tax law changes. The ~~board~~ Board shall report the results of the actuarial reevaluation to the ~~general assembly~~ General Assembly together with any recommendations for adjustment in the members' contribution rate under subdivision 473(b)(2). The

provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 10. 3 V.S.A. § 847(b) is amended to read:

(b) The ~~secretary of state~~ Secretary of State shall publish not less than quarterly a bulletin setting forth the text of all rules filed since the immediately preceding publication and any objections filed under subsection 842(b) or 844(e) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

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

(c) The Secretary shall compile, weekly, a list of all public hearings and meetings scheduled by all ~~executive branch state~~ Executive Branch State agencies, departments, boards, or commissions during the next ensuing week. The list shall be distributed to any person in the State at that person's request. Each ~~executive branch state~~ Executive Branch State agency, department, board, or commission shall notify the Secretary of all public hearings and meetings to be held and any cancellations of such hearings or meetings. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 12. 3 V.S.A. § 2281 is amended to read:

§ 2281. DEPARTMENT OF FINANCE AND MANAGEMENT

The ~~department of finance and management~~ Department of Finance and Management is created in the ~~agency of administration~~ Agency of Administration and is charged with all powers and duties assigned to it by law, including the following:

(1) ~~to~~ To administer the financial transactions of the ~~state~~ State, including payroll transactions, in accordance with the law and within the limits of appropriations made by the ~~general assembly~~; General Assembly.

(2) ~~to~~ To conduct management studies and audits of the performance of ~~state~~ State government;

(3) ~~to~~ To prepare the ~~executive~~ Executive budget;

(4) ~~to~~ To report on an annual basis to the ~~joint fiscal committee~~ Joint Fiscal Committee at its November meetings on the allocation of funds contained in the annual pay acts and the allocation of funds in the annual appropriations act which relate to those annual pay acts. The report shall include the formula for computing these funds, the basis for the formula, and the distribution of the different funding sources among state agencies. The report shall also be submitted to the members of the ~~house and senate~~

~~committees on government operations and appropriations; House and Senate Committees on Government Operations and Appropriations.~~ House and Senate Committees on Government Operations and Appropriations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(5) ~~to~~ To maintain a central payroll office which shall be the successor to and continuation of the payroll functions of the ~~department of human resources~~ Department of Human Resources.

Sec. 13. 4 V.S.A. § 608(e) is amended to read:

(e) On or before the tenth Thursday after the convening of each biennial and adjourned session the ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation whether the candidates should continue in office, with any amplifying information which it may deem appropriate, in order that the ~~general assembly~~ General Assembly may discharge its obligation under section 34 of Chapter II of the Constitution of the State of Vermont ~~constitution.~~ The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 14. 6 V.S.A. § 793(a) is amended to read:

(a) The council shall:

* * *

(2) Submit policy recommendations to the ~~secretary~~ Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the ~~secretary~~ Secretary shall be provided to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the chair determines to be necessary.

(4) Submit minutes of the council annually, on or before January 15, to the ~~house and senate committees on agriculture~~ House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 15. 6 V.S.A. § 2966(e) is amended to read:

(e) Annual report. The Board shall make available a report, at least annually, to the Administration, the House Committee on Agriculture and Forest Products, the Senate Committee on Agriculture, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the people of Vermont on the State's progress toward attaining the goals and outcomes identified in the comprehensive agricultural and forest products economic development plan. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 16. 10 V.S.A. § 217(b) is amended to read:

(b) Prior to February 1 in each year, the ~~authority~~ Authority shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly. The report shall set forth a complete operating and financial statement covering its operations during the year. The ~~authority~~ Authority shall cause an audit of its books and accounts to be made at least once in each year by a certified public accountant and its cost shall be considered an expense of the ~~authority~~ Authority and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 17. 10 V.S.A. § 639(a) is amended to read:

(a) On or before the last day of January in each year, the ~~agency~~ Agency shall submit a report of its activities for the preceding fiscal year to the ~~governor~~ Governor and to the ~~general assembly~~ General Assembly, specifically the committees in the ~~house~~ House and ~~senate~~ Senate with jurisdiction over housing. Each report shall set forth a complete operating and financial statement covering its operations during the year, including the ~~agency's~~ Agency's present and projected economic health, amount of indebtedness, a statement of the amounts received from funds generated by interest from real estate escrow and trust accounts established pursuant to 26 V.S.A. § 2214(c), a list and description of the programs to which IORTA funds were provided and the amounts distributed to each county. The ~~agency~~ Agency shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall be considered an expense of the agency and a copy shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 18. 10 V.S.A. § 1253(d) is amended to read:

(d) The Secretary shall determine what degree of water quality and classification should be obtained and maintained for those waters not classified by the Board before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The Secretary shall revise all 17 basin plans by January 1, 2006, and update them every five years thereafter. On or before January 1 of each year, the Secretary shall report to the House Committees on Agriculture and Forest ~~Product~~ Products, on Natural Resources and Energy, and on Fish, Wildlife and Water Resources, and to the Senate Committees on Agriculture and on Natural Resources and Energy regarding the progress made and difficulties encountered in revising basin plans. By January 1, 1993, the Secretary shall prepare an overall management plan to ensure that the water quality standards are met in all State waters. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 19. 10 V.S.A. § 1941(e) is amended to read:

(e) The Secretary shall establish a Petroleum Cleanup Fund Advisory Committee which shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes, the reasonableness of the cost of cleanup and to recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The membership of the Committee shall include the following or their designated representative:

- (1) the Secretary of Natural Resources who shall be chairperson;
- (2) the Commissioner of Environmental Conservation;
- (3) the Commissioner of Financial Regulation;
- (4) a licensed gasoline distributor;
- (5) a retail gasoline dealer;
- (6) a representative of a statewide refining-marketing petroleum association;

(7) one member of the House to be appointed by the Speaker of the House;

(8) one member of the Senate to be appointed by the Committee on Committees;

(9) a licensed heating fuel dealer;

(10) a representative of a statewide heating fuel dealers' association;

(11) a licensed real estate broker.

Sec. 20. 10 V.S.A. § 1961(a)(5) is amended to read:

(5) On or before June 15, 1991 and every January thereafter present a report to the Vermont ~~legislature~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The report shall include the following:

(A) An update on the quality of the waters of the lake.

(B) Findings of pertinent research.

(C) An action plan including, ~~but not limited to,~~ water quality and fishery improvement measures and ways to enhance public use of and access to the lake.

(D) Recommended budgets and revenue sources including an expanded lake user fee structure.

Sec. 21. 10 V.S.A. § 2721(c) is amended to read:

(c) ~~The commissioner of forests, parks and recreation~~ Commissioner of Forests, Parks and Recreation shall report in writing to the ~~senate and house committees on agriculture~~ Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy on or before January 31 of each year on the activities and performance of the forestry and forest products viability program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. At a minimum, the report shall include:

(1) an evaluation of the program utilizing the performance goals and evaluative measures established pursuant to subdivision (a)(5)(C) of this section;

(2) a summary of the money received in the ~~fund~~ Fund and expended from the ~~fund~~ Fund;

(3) an estimate of the financial impact of the Vermont ~~forestry and forest products viability program~~ Forestry and Forest Products Viability Program on the forestry and forest products industries;

(4) an assessment of the potential demand for the ~~program~~ Program over the succeeding three years; and

(5) a listing of individuals, trade associations, and other persons or entities consulted in preparation of the report.

Sec. 22. 10 V.S.A. § 4145(c) is amended to read:

(c) The ~~commissioner~~ Commissioner shall keep account of funds, including private donations and ~~state~~ State appropriations, which are deposited into the ~~fish and wildlife fund~~ Fish and Wildlife Fund for the purpose of building and maintaining access areas and shall annually, on or before January 15, report to the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, the ~~senate committee on natural resources and energy~~ Senate Committee on Natural Resources and Energy and to the ~~senate and house committees on appropriations~~ Senate and House Committees on Appropriations, concerning the use of those funds in the past year and plans for use of the funds for the coming year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 23. 10 V.S.A. § 6503(a) is amended to read:

(a) The ~~committee~~ Committee shall report to the ~~general assembly~~ General Assembly its recommendation to approve or not to approve the petition for the facility together with such additional information and comment it deems appropriate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 24. 10 V.S.A. § 8017 is amended to read:

§ 8017. ANNUAL REPORT

The ~~secretary~~ Secretary and the ~~attorney general~~ Attorney General shall report annually to the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate, the ~~speaker of the house~~ Speaker of the House, the ~~house committee on fish, wildlife and water resources~~ House Committee on Fish, Wildlife and Water Resources, and the ~~senate and house committees on natural resources and energy~~ Senate and House Committees on Natural Resources and Energy. The report shall be filed no later than January 15, on the enforcement actions taken under this chapter, and on the status of citizen complaints about environmental problems in the ~~state~~ State. The report shall describe, at a minimum, the number of violations, the actions taken, disposition

of cases, the amount of penalties collected, and the cost of administering the enforcement program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 25. 15 V.S.A. § 1140(g) is amended to read:

(g) The ~~commission~~ Commission shall report its findings and recommendations to the ~~governor~~ Governor, the ~~general assembly~~ General Assembly, the ~~chief justice of the Vermont supreme court~~ Chief Justice of the Vermont Supreme Court, and the Vermont ~~council on domestic violence~~ Council on Domestic Violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the ~~office of the attorney general~~ Office of the Attorney General. The ~~commission~~ Commission may issue data or other information periodically, in addition to the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 26. 16 V.S.A. § 164(17) is amended to read:

(17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this section, number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The ~~commissioner~~ Commissioner shall use the information in the report in determining whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 27. 16 V.S.A. § 165(a)(2) is amended to read:

(2) The school, at least annually, reports student performance results to community members in a format selected by the school board. In the case of a regional technical center, the community means the school districts in the service region. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. The school report shall include:

* * *

Sec. 28. 16 V.S.A. § 1942(r) is amended to read:

(r) The ~~board~~ Board shall review annually the amount of ~~state~~ State contribution recommended by the actuary of the retirement system as necessary to achieve and preserve the financial integrity of the fund established pursuant to section 1944 of this title. Based on this review, the ~~board~~ Board shall determine the amount of ~~state~~ State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds. On or before November 1 of each year, the ~~board~~ Board shall inform the ~~governor~~ Governor and the ~~house and senate committees on government operations and on appropriations~~ House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 29. 16 V.S.A. § 2835 is amended to read:

§ 2835. CONTROLS, AUDITS, AND REPORTS

Control of funds appropriated and all procedures incident to the carrying out of the purposes of this chapter shall be vested in the ~~board~~ Board. The books of account of the corporation shall be audited annually by an independent public accounting firm registered in the ~~state~~ State of Vermont in accordance with government auditing standards issued by the ~~United States~~ U.S. Government Accountability Office (GAO) and the resulting audit report filed with the ~~secretary of administration~~ Secretary of Administration not later than November 1 each year. The ~~auditor of accounts~~ Auditor of Accounts or his or her designee shall be the ~~state's~~ State's nonvoting representative to an audit committee established by the ~~board~~ Board. Biennially, the ~~board~~ Board shall report to the ~~legislature~~ Legislature on its activities during the preceding biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 30. 16 V.S.A. § 2905(h) is amended to read:

(h) The ~~council~~ Council shall report on its activities to the ~~house and senate committees on education~~ House and Senate Committees on Education and to the ~~state board of education~~ State Board of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 31. 16 V.S.A. § 2967(a) is amended to read:

(a) On or before December 15, the ~~commissioner~~ Commissioner shall publish an estimate, by town school district, city school district, union school district, unified union school district, incorporated school district, and the member school districts of an interstate school district, of the amount of ~~state~~

State assistance necessary to fully fund sections 2961 through 2963 of this title in the ensuing school year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 32. 16 V.S.A. § 4010(i) is amended to read:

(i) The ~~commissioner~~ Commissioner shall evaluate the accuracy of the weights established in subsection (c) of this section and, at the beginning of each biennium, shall propose to the ~~house and senate committees on education~~ House and Senate Committees on Education whether the weights should stay the same or be adjusted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 33. 18 V.S.A. § 709 is amended to read:

§ 709. ANNUAL REPORT

(a) The director of the Blueprint shall report annually, no later than January ~~15~~ 31, on the status of implementation of the Vermont Blueprint for Health for the prior calendar year and shall provide the report to the ~~house committee on health care~~ House Committee On Health Care, the ~~senate committee on health and welfare~~ Senate Committee on Health and Welfare, and the ~~health care oversight committee~~ Health Care Oversight Committee.

(b) The report required by subsection (a) of this section shall include the number of participating insurers, health care professionals, and patients; the progress made in achieving statewide participation in the chronic care management plan, including the measures established under this subchapter; the expenditures and savings for the period; the results of health care professional and patient satisfaction surveys; the progress made toward creation and implementation of privacy and security protocols; information on the progress made toward the requirements in this subchapter; and other information as requested by the committees. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under subsection (a) of this section.

Sec. 34. 18 V.S.A. § 9352(e) is amended to read:

(e) Report. No later than January 15 of each year, VITL shall file a report with the Secretary of Administration; the Commissioner of Information and Innovation; the Commissioner of Financial Regulation; the Commissioner of Vermont Health Access; the Secretary of Human Services; the Commissioner of Health; the Commissioner of Mental Health; the Commissioner of Disabilities, Aging, and Independent Living; the Senate Committee on Health and Welfare; and the House Committee on Health Care. The report shall include an assessment of progress in implementing health information technology in Vermont and recommendations for additional funding and

legislation required. In addition, VITL shall publish minutes of VITL meetings and any other relevant information on a public website. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 35. 18 V.S.A. § 9410(i) is amended to read:

(i) On or before January 15, 2008 and every three years thereafter, the Commissioner shall submit a recommendation to the General Assembly for conducting a survey of the health insurance status of Vermont residents. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 36. 21 V.S.A. § 1309 is amended to read:

§ 1309. REPORTS; SOLVENCY OF TRUST FUND

On or before January 31 of each year, the Commissioner shall submit to the Governor and the Chairs of the Senate Committee on Economic Development, Housing and General Affairs and on Finance and the House Committees on Commerce and Economic Development and on Ways and Means a report covering the administration and operation of this chapter during the preceding calendar year. The report shall include a balance sheet of the ~~moneys~~ monies in the Fund and data as to probable reserve requirements based upon accepted actuarial principles, with respect to business activity, and other relevant factors for the longest available period. The report shall also include recommendations for amendments of this chapter as the Board considers proper. Whenever the Commissioner believes that the solvency of the Fund is in danger, the Commissioner shall promptly inform the Governor and the Chairs of the Senate Committees on Economic Development, Housing and General Affairs and on Finance, and the House Committees on Commerce and Economic Development and on Ways and Means, and make recommendations for preserving an adequate level in the Trust Fund. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 37. 24 V.S.A. § 1354 is amended to read:

§ 1354. ACCOUNTS; ANNUAL REPORT

The supervisor or supervisors shall maintain an account showing in detail the revenue raised and the expenses necessarily incurred in the performance of the supervisor's duties. The supervisor or supervisors shall prepare an annual fiscal report by July 1 which shall conform to procedural and substantive requirements to be established by the ~~board of governors~~ Board of Governors and which, upon approval by the ~~board of governors~~ Board of Governors, shall be distributed to the residents of the ~~gores~~. The provisions of 2 V.S.A. § 20(d)

(expiration of required reports) shall not apply to the report to be made under this section.

Sec. 38. 24 V.S.A. § 4498 is amended to read:

§ 4498. HOUSING BUDGET AND INVESTMENT REPORTS

The ~~commissioner of housing and community affairs~~ Commissioner of Housing and Community Affairs shall:

(1) Create a Vermont housing budget designed to assure efficient expenditure of ~~state~~ State funds appropriated for housing development, to encourage and enhance cooperation among housing organizations, to eliminate overlap and redundancy in housing development efforts, and to ensure appropriate geographic distribution of housing funds. The Vermont housing budget shall include any ~~state~~ State funds of \$50,000.00 or more awarded or appropriated for housing. The Vermont housing budget and appropriation recommendations shall be submitted to the General Assembly annually on or before January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the recommendations to be made under this subdivision, and the report shall include the amounts and purposes of funds appropriated for or awarded to the following:

(A) The Vermont ~~housing and conservation trust fund~~ Housing and Conservation Trust Fund.

(B) The ~~agency of human services~~ Agency of Human Services.

(C) The ~~agency of commerce and community development~~ Agency of Commerce and Community Development.

(D) Any other entity that fits the funding criteria.

(2) Annually, develop a Vermont housing investment plan in consultation with the Vermont ~~housing council~~ Housing Council. The housing investment plan shall be consistent with the Vermont consolidated plan for housing, in order to coordinate the investment of ~~state~~ State, federal and other resources, such as ~~state~~ State appropriations, tax credits, rental assistance, and mortgage revenue bonds, to increase the availability and improve the quality of Vermont's housing stock. The housing investment plan shall be submitted to the ~~general assembly~~ General Assembly, annually on January 15. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subdivision, and the plan shall:

(A) target investments at single-family housing, mobile homes, multifamily housing, and housing for homeless persons and people with special needs;

(B) recommend approaches that maximize the use of available ~~state~~ State and federal resources;

(C) identify areas of the state that face the greatest housing shortages; and

(D) recommend strategies to improve coordination among ~~state~~ State, local, and regional offices in order to remedy identified housing shortages.

Sec. 39. 24 V.S.A. § 4594 is amended to read:

§ 4594. ANNUAL REPORT; AUDIT

On or before the last day of February in each year, the bank shall make a report of its activities for the preceding calendar year to the ~~governor~~ Governor and to the ~~legislature~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year. The bank shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the bank and a copy thereof shall be filed with the ~~state treasurer~~ State Treasurer. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 40. 24 V.S.A. § 4753a(a) is amended to read:

(a) Pollution control. The General Assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with State policy on water quality and pollution abatement, and with the State policy that municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the Secretary of Natural Resources shall annually no later than January 15 report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Resources and Energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 41. 24 V.S.A. § 4753b(b) is amended to read:

(b) The Commissioner shall report receipt of a grant under this section to the Chairs of the Senate Committee on Institutions and the House Committee on Corrections and Institutions and the Joint Fiscal Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 42. 26 V.S.A. § 3105(d) is amended to read:

(d) Prior to review under this chapter and consideration by the ~~legislature~~ General Assembly of any bill to regulate a profession or occupation, the ~~office of professional regulation~~ Office of Professional Regulation shall make, in writing, a preliminary assessment of whether any particular request for regulation meets the criteria set forth in subsection (a) of this section. The ~~office~~ Office shall report its preliminary assessment to the appropriate ~~house or senate committee on government operations~~ House or Senate Committee on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 43. 26 V.S.A. § 3106 is amended to read:

§ 3106. DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; ANNUAL REPORT

Annually, the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation shall prepare a concise report on the activities of all boards under his or her jurisdiction. Prior to the commencement of each legislative session, the ~~director~~ Director shall prepare a report for publication on the office's website containing his or her assessments, conclusions, and recommendations with proposals for legislation, if any, to the ~~speaker of the house~~ Speaker of the House and to the ~~chairpersons of the government operations committees of the house and senate~~ Chairpersons of the House and Senate Committees on Government Operations and the chairpersons of the boards. The office shall also provide written copies of the report to the ~~house and senate committees on government operations~~ House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 44. 29 V.S.A. § 152(a)(25) is amended to read:

(25) Transfer any unexpended project balances from previous capital construction acts for the purpose of emergency projects not authorized in a capital construction act in an amount not to exceed \$100,000.00; provided the Commissioner shall send timely written notice of such expenditures to the Chairs of the House Committee on Corrections and Institutions and the Senate

Committee on Institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 45. 29 V.S.A. § 531(c) is amended to read:

(c) Each ~~state~~ State land manager shall adopt a written statement of objectives, policies, procedures, and a program to guide the development of the ~~state's~~ State's oil and gas resources. Biennially, each ~~state~~ State land manager and the ~~board~~ Board shall prepare and submit to the ~~general assembly~~ General Assembly a proposed four-year oil and gas leasing and management program and a report on all leasing and management activities undertaken during the preceding two years. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. Managers may elect to collaborate on a joint program of planning, leasing, and reporting to fulfill the requirements of this section.

Sec. 46. [Deleted.]

Sec. 47. [Deleted.]

Sec. 48. 30 V.S.A. § 203a(c) is amended to read:

(c) Report. On or before January 15, 2010, and annually thereafter, the ~~Public Service~~ Department of Public Service shall report to the ~~Legislature~~ General Assembly on the expenditure of funds from the Fuel Efficiency Fund to meet the public's needs for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 49. 30 V.S.A. § 209(d)(3)(A) is amended to read:

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 50. 30 V.S.A. § 255(e) is amended to read:

(e) Reports. By January 15 of each year, commencing in 2007, the Department of Public Service in consultation with the Agency of Natural Resources and the Public Service Board shall provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on

Finance, and the House Committee on Commerce a report detailing the implementation and operation of RGGI and the revenues collected and the expenditures made under this section, together with recommended principles to be followed in the allocation of funds. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 51. 30 V.S.A. § 5038(a) is amended to read:

(a) On or before the last day of January in each year, the authority shall submit a report of its activities for the preceding calendar year to the ~~governor~~ Governor, the ~~public service board~~ Public Service Board, and the ~~general assembly~~ General Assembly. Each report shall set forth a complete operating and financial statement covering its operations during the year, and shall contain a full and complete statement of the authority's anticipated budget and operations for the ensuing year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants; the cost shall be considered an expense of the authority and copies shall be filed with the ~~state treasurer~~ State Treasurer and the ~~public service board~~ Public Service Board.

Sec. 52. 30 V.S.A. § 8105(b) is amended to read:

(b) Beginning March 1, 2010, and annually thereafter, the Commissioner of Public Service shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Natural Resources and Energy, the House Committees on Ways and Means, on Commerce and Economic Development, and on Natural Resources and Energy, and the Governor which shall include an update on progress made in the development of the Vermont village green renewable projects authorized under this chapter. The report also shall include an analysis of the costs and benefits of the projects as well as any recommendations consistent with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 53. 30 V.S.A. § 8015(e)(7)(A) is amended to read:

(A) By January 15 of each year, provide to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the House Committee on Commerce and Economic Development a report for the fiscal year ending the preceding June 30 detailing the activities undertaken, the revenues collected, and the expenditures made under this subchapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 54. 32 V.S.A. § 5(a)(3) is amended to read:

(3) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less, or to the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities. The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 55. 32 V.S.A. § 166 is amended to read:

§ 166. PAYMENTS TO TOWNS; RETURNS BY COMMISSIONER OF FINANCE AND MANAGEMENT

On or before January 10 of each year, the Commissioner of Finance and Management shall transmit to the ~~Auditors~~ auditors of each town a statement showing the amount of money paid by the State to the town and the purpose for which paid during the year ending December 31 preceding the date of such statement, the date of such payments and purpose for which made, unless the Commissioner of Finance and Management is requested to send such statement at some other date to conform to the fiscal year of such municipality. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 56. 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(b) The Governor shall also submit to the General Assembly, not later than the third Tuesday of each session of every biennium, a tax expenditure budget which shall embody his or her estimates, requests, and recommendations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply

to the report to be made under this subsection. The tax expenditure budget shall be divided into three parts and made as follows:

(1) A budget covering tax expenditures related to nonprofits and charitable organizations and covering miscellaneous expenditures shall be made by the third Tuesday of the legislative session beginning in January 2012 and every three years thereafter.

(2) A budget covering tax expenditures related to economic development, including business, investment, and energy, shall be made by the third Tuesday of the legislative session beginning in January 2013 and every three years thereafter.

(3) A budget covering tax expenditures made in furtherance of Vermont's human services, including tax expenditures affecting veterans, shall be made by the third Tuesday of the legislative session beginning in January 2014 and every three years thereafter.

(c) The tax expenditure budget shall be provided to the House Committee on Ways and Means and the Senate Committee on Finance, which committees shall review the tax expenditure budget and shall report their recommendations in bill form.

Sec. 57. 32 V.S.A. § 309(e) is added to read:

(e) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to any report to be made under this section.

Sec. 58. 32 V.S.A. § 311(b) is amended to read:

(b) At the request of the House or Senate Committee on Government Operations or on Appropriations, the State Treasurer, and the Commissioner of Finance and Management shall present to the requesting committees the recommendations submitted under 3 V.S.A. § 471(n) and 16 V.S.A. § 1942(r). The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 59. 32 V.S.A. § 312(b) is amended to read:

(b) Tax expenditure reports. Biennially, as part of the budget process, beginning January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and Appropriations and the Senate Committees on Finance and Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, and meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, motor vehicle purchase and use tax, and such other tax expenditures for which the Joint Fiscal Office and the Department of Taxes jointly have produced revenue

estimates. The Office of Legislative Council shall also be available to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. The report shall include, for each tax expenditure, the following information:

- (1) ~~A~~ a description of the tax expenditure;
- (2) ~~The~~ the most recent fiscal information available on the direct cost of the tax expenditure in the past two years;
- (3) ~~The~~ the date of enactment of the expenditure; and
- (4) ~~A~~ a description of and estimate of the number of taxpayers directly benefiting from the expenditure provision.

Sec. 60. 32 V.S.A. § 511 is amended to read:

§ 511. EXCESS RECEIPTS

If any receipts including federal receipts exceed the appropriated amounts, the receipts may be allocated and expended on the approval of the Commissioner of Finance and Management. If, however, the expenditure of those receipts will establish or increase the scope of the program, which establishment or increase will at any time commit the State to the expenditure of State funds, they may only be expended upon the approval of the ~~legislature~~ General Assembly. Excess federal receipts, whenever possible, shall be utilized to reduce the expenditure of State funds. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee quarterly with a cumulative list and explanation of the allocation and expenditure of such excess receipts. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 61. 32 V.S.A. § 605(a) is amended to read:

(a) The Governor shall, no later than the third Tuesday of every annual legislative session, submit a consolidated Executive Branch fee report and request to the General Assembly, which shall accompany the Governor's annual budget report and request submitted to the General Assembly as required by section 306 of this title, except that the first fee report shall be submitted by October 1, 1996 to the House and Senate Committee on Ways and Means, the House and Senate Committee on Finance, and the House and Senate Committee on Government Operations. The first fee request shall be submitted during the 1997 session as provided herein ~~above~~. The content of each annual report and request for fees concerning State agency public records maintained pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary of State, who shall base all recommended fee amounts on "actual

cost.” The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 62. 32 V.S.A. § 605a(a) is amended to read:

(a) The ~~Justices~~ justices of the Supreme Court or the Court Administrator if one is appointed pursuant to 4 V.S.A. § 21, in consultation with the ~~Justices~~ justices of the Supreme Court, shall submit a consolidated Judicial Branch fee report and request no later than the third Tuesday of the legislative session of 2011 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 63. 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The General Assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the Legislature, and that major reductions or adjustments, when required by reduced State revenues or other reasons, ought to be made whenever possible by an act of the Legislature reflecting its revisions of those priorities. Nevertheless, if the General Assembly is not in session, authorized appropriations and their sources of funding may be adjusted and funds may be transferred pursuant to the provisions of this section.

(b)(1) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the General Assembly is not in session, in order to adjust appropriations and their sources of funding under this subdivision, the Secretary shall prepare a plan for approval by the Joint Fiscal Committee, and authorized appropriations and their sources of funding may be adjusted and funds transferred pursuant to a plan approved under this section.

(2) If the Secretary of Administration determines that the current fiscal year revenues for the General Fund, Transportation Fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the Secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The Secretary may implement a plan under this subdivision without the approval of the Joint Fiscal Committee if reductions to any individual appropriation do not exceed five percent of the appropriation’s amount for

personal services, operating expenses, grants, and other categories, and provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the Joint Fiscal Committee.

(c) A plan prepared by the Secretary shall indicate the amounts to be adjusted in each appropriation, and in personal services, operating expenses, grants, and other categories, shall indicate the effect of each adjustment in appropriations and their sources of funding, and each fund transfer, on the primary purposes of the program, and shall indicate how it is designed to minimize any negative effects on the delivery of services to the public, and any unduly disproportionate effect the plan may have on any single function, program, service, benefit, or county.

(d) An expenditure reduction plan under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the State's debt obligations;

(2) appropriations authorized for the Judicial or Legislative ~~Branches~~ Branch, except that the plan may recommend reductions for consideration by the Judicial or Legislative ~~Branches~~ Branch; or

(3) appropriations for the salaries of elected officers of the Executive Branch listed in subsection 1003(a) of this title.

(e)(1) The Joint Fiscal Committee shall have 21 days from the date of submission of a plan under subdivision (b)(1) of this section to consider the plan, and may approve or disapprove the plan upon a vote of a majority of the members of the Committee. If the Committee vote results in a tie, the plan shall be deemed disapproved; and if the Committee fails for any other reason to take final action on such plan within 21 days of its submission to the Committee, it shall be deemed to be disapproved. During the 21-day period for consideration of the plan, the Committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) If the plan is disapproved, then in order to communicate the priorities of the General Assembly, the Committee shall make recommendations to the Secretary for amendments to the plan. Within seven days after the Committee notifies the Secretary of its disapproval of a plan, the

Secretary may submit a final plan to the Committee. The ~~committee~~ Committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the Committee to approve or disapprove the plan; but if the Committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the Secretary's final plan includes any changes from the original plan other than those recommended by the Committee, then during the 14-day period for consideration of the final plan, the Committee shall conduct a public hearing and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.

(3) In determining whether to approve a plan submitted by the Secretary under this subsection, the Committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and whether the plan will have any unduly disproportionate effect on any single function, program, service, benefit, or county.

(4) Any plan disapproved under this section shall not be implemented.

(5) For purposes of this section, the Committee shall be convened at the call of the Chair or at the request of at least three members of the Committee.

(f) In the event of a reduction in the official revenue estimate of one percent or more, the Secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the reduction in appropriations is not greater than one percent of the prior official revenue estimate.

(g) No plan may be approved or implemented under this section which:

(1) would reduce appropriations from any fund by more than the cumulative reductions in the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year; or

(2) would result in total reductions under this section in appropriations in the fiscal year from any fund by more than four percent of the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; or

(3) would adjust revenues or expenditures of the Education Fund as prescribed by law.

(h) The provisions of this section shall apply to each official State revenue estimate of the Emergency Board in the fiscal year and when the General Assembly is not in session.

(i) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this section.

Sec. 64. 32 V.S.A. § 705(c) is amended to read:

(c) The authority conferred by this section is granted solely for the ministerial purpose of managing the State's financial accounts. Nothing contained in this section shall authorize any decrease in any such appropriation. If allotments have been made, the Secretary shall report to the Joint Fiscal Committee on or before the 15th day of each quarter, identifying and describing the allotments made pursuant to the authority granted by this section during the preceding quarter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 65. 32 V.S.A. § 1001(c) is amended to read:

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt which prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

* * *

Sec. 66. 32 V.S.A. § 1001a is amended to read:

§ 1001a. REPORTS

The Capital Debt Affordability Advisory Committee shall prepare and submit consistent with 2 V.S.A. § 20(a) a report on:

(1) ~~general~~ General obligation debt, pursuant to subsection 1001(c) of this title; ~~and~~.

(2) ~~how~~ How many, if any, Transportation Infrastructure Bonds have been issued and under what conditions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 67. 32 V.S.A. § 3101(b) is amended to read:

(b) The Commissioner shall:

(1) report biennially to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

* * *

(11) from time to time prepare and publish statistics reasonably available with respect to the operation of this title, including amounts collected, classification of taxpayers, tax liabilities, and such other facts as the Commissioner or the General Assembly considers pertinent. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision;

(12) [Repealed.]

(13) from time to time provide municipalities with recommended methods for determining, for municipal tax purposes, the fair market value of renewable energy plants that are subject to taxation under section 8701 of this title.

Sec. 68. 32 V.S.A. § 3412 is amended to read:

§ 3412. ANNUAL REPORT

Before January 15 of each year, the Director shall deliver to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate copies of an annual report including in that report all rules issued in the preceding year. The report shall include the rate per dollar and the amount of all taxes assessed in each and all of the towns, gores, school and fire districts and villages for and during the year ending with June 30, preceding, and the value of all exempt property on each grand list as required by subsection 4152(a) of this title. The report shall also include an analysis of the appraisal practices and methods employed through the State. The Director shall include recommendations for statutory changes as he or she feels necessary. Copies of the annual report shall be forwarded to the Chair of the Selectboard of each town. The presiding officer shall refer the report to the appropriate committees of the General Assembly for their review and recommendation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 69. [Deleted.]

Sec. 70. 33 V.S.A. § 2032(e) is amended to read:

(e) The Department shall conduct comprehensive evaluations of the Board's success in improving clinical and utilization outcomes using claims data and a survey of health care professional satisfaction. The Department shall report annually by January 15 to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the results of the most recent evaluation or evaluations and a summary of the Board's activities and recommendations since the last report. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 71. 33 V.S.A. § 4603(16) is amended to read:

(16) Report to the Governor and the legislative committees of jurisdiction during the first month of each legislative biennium on the Council's findings and recommendations, progress toward outcomes consistent with No. 68 of the Acts of the 2009 Adj. Sess. (2010), and recommendations for priorities for the biennium. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 72. 2005 Acts and Resolves No. 71, Sec. 142a(a) as amended by 2006 Acts and Resolves No. 93, Sec. 47 is amended to read:

(a) It is the intent of the ~~legislature~~ General Assembly that should the projected need for out-of-state beds be reduced from the amount budgeted at any time during any fiscal year and this need is expected to remain at or below this new level for at least 12 months, the resources within the correctional services budget that would have been used for out-of-state bed capacity be reallocated first to community supervision to create and fill at least five community supervision positions, including caseworkers and community corrections officers for each ~~50-bed~~ 50-bed reduction in long-term projected out-of-state bed need. Projections of out-of-state bed need for at least the subsequent 12 months shall be made by the ~~department of corrections~~ Department of Corrections for presentation at each meeting to the ~~legislative joint corrections oversight committee~~ Legislative Joint Corrections Oversight Committee. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 73. [Deleted.]

Sec. 74. [Deleted.]

Sec. 75. 2009 Acts and Resolves No. 38, Sec. 3(5) is amended to read:

(5) Report to the ~~senate and house committees on education~~ Senate and House Committees on Education on or before January 15, 2011 regarding implementation of this section and in January of each subsequent year until implementation is complete. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 76. 2009 Acts and Resolves No. 43, Sec. 49 is amended to read:

Sec. 49. CLOSING OF CORRECTIONAL FACILITIES; APPROVAL

The ~~secretary of administration~~ Secretary of Administration shall not plan to close or significantly reduce operations at any correctional facility unless approval to proceed with such closing or reduction plans is granted by both the ~~joint committee on corrections oversight~~ Joint Committee on Corrections Oversight and the ~~joint fiscal committee~~ Joint Fiscal Committee. Any plan submitted to the committees shall include an analysis of the regional impact, including how the increased transportation costs will be funded. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 77. 2009 Acts and Resolves No. 44, Sec. 44(b) is amended to read:

(b) On or before January 15 of each year through January 2020, the ~~commissioner~~ Commissioner shall report to the ~~senate and house committees on education~~ Senate and House Committees on Education regarding the ~~state's~~ State's progress in achieving the goal of a 100 percent secondary school completion rate. At the time of the report, the ~~commissioner~~ Commissioner shall also recommend other initiatives, if any, to improve both graduation rates and secondary school success for all Vermont students. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 78. 2009 Acts and Resolves No. 58, Sec. 25(b) is amended to read:

(b) The committee shall include recommendations on the issues described in subsection (a) of this section in its annual report to the ~~general assembly~~ General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 79. 2010 Acts and Resolves No. 154, Sec. 235b is amended to read:

Sec. 235b. WEIGHTED CASELOAD STUDY

The ~~court administrator~~ Court Administrator shall conduct a weighted caseload study and analysis or equivalent study within the ~~superior court and~~

~~judicial bureau~~ Superior Court and Judicial Bureau every three years. The results of the study shall be reported to the ~~senate and house committees on judiciary and government operations~~ Senate and House Committees on Judiciary and on Government Operations. The study may be used to review and consider adjustments to the compensation of ~~probate~~ Probate judges. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

* * * Report Requirements Repealed * * *

Sec. 80. 1 V.S.A. § 853(d)(7) is amended to read:

~~(7) The commission shall provide a detailed written report of its findings and conclusions to the applicant and the legislative committees along with a recommendation that the general assembly recognize or deny recognition to the applicant as a Native American Indian tribe. [Repealed.]~~

Sec. 81. 2 V.S.A. § 951(d) is amended to read:

~~(d) The Vermont directors of the association shall report to the general assembly on or before January 1 of each year with a summary of the activities of the association, and any findings and recommendations for making prescription drugs more affordable and accessible to Vermonters. [Repealed.]~~

Sec. 82. 3 V.S.A. § 2807(d) is amended to read:

~~(d) Report. Every year, by January 15, the commissioner shall report to the house and senate committees on natural resources and energy on the sources of the fund, and on fund balances and expenditures from the fund. [Repealed.]~~

Sec. 83. 6 V.S.A. § 981 is amended to read:

§ 981. ADOPTION OF COMPACT

* * *

ARTICLE IV

The Insurance Fund, Internal Operations and Management

* * *

(g) The insurance fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, or corporation, and may receive, utilize, and dispose of the same. ~~Any donation, gift, or grant accepted by the governing board pursuant to this subsection or services borrowed pursuant to subsection (h) of this article shall be reported in the annual report of the insurance fund. Such report shall include~~

~~the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender.~~

(h) The governing board shall adopt bylaws for the conduct of the business of the insurance fund and shall have the power to amend and to rescind these bylaws. The insurance fund shall publish its bylaws in a convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

~~(i) The insurance fund annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year. The insurance fund may make such additional reports to the governor and legislature of party states as it may deem desirable.~~

* * *

Sec. 84. 9A V.S.A. § 9-527 is amended to read:

§ 9-527. ~~DUTY TO REPORT~~

~~The secretary of state shall report biannually to the legislature on the operation of the filing office. The report must contain a statement of the extent to which:~~

~~(1) the filing office rules are not in harmony with the rules of filing offices in other jurisdictions that enact substantially this part and the reasons for these variations; and~~

~~(2) the filing office rules are not in harmony with the most recent version of the model rules promulgated by the International Association of Corporate Administrators, or any successor organization, and the reasons for these variations. [Repealed.]~~

Sec. 85. [Deleted.]

Sec. 86. 10 V.S.A. § 707 is amended to read:

§ 707. ~~EXPENDITURES; STATEMENT BY COUNCIL~~

~~The council, on or before September 1 in each even numbered year shall file with the commissioner of budget and management, upon forms prepared and furnished by the commissioner of budget and management, statements showing in detail the amount appropriated and expended for the current biennial fiscal periods and the amount estimated for such activity to be necessary for the ensuing biennial fiscal periods. [Repealed.]~~

Sec. 87. 10 V.S.A. § 1264(f)(3) is amended to read:

(3) By January 15, 2010, the Secretary shall issue a watershed improvement permit, issue a general or individual permit implementing a

TMDL approved by the EPA, or issue a general or individual permit implementing a water quality remediation plan for each of the stormwater-impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. 1313(d). In developing a TMDL or a water quality remediation plan for a stormwater-impaired water, the Secretary shall consult "A Scientifically Based Assessment and Adaptive Management Approach to Stormwater Management" and "Areas of Agreement about the Scientific Underpinnings of the Water Resources Board's Original Seven Questions" set out in appendices A and B, respectively, of the final report of the Water Resources Board's "Investigation Into Developing Cleanup Plans For Stormwater Impaired Waters, Docket No. Inv-03-01," issued March 9, 2004. ~~Beginning January 30, 2005 and until a watershed improvement permit, a general or individual permit implementing a TMDL, or a general or individual permit implementing a water quality remediation plan is set for each of the stormwater impaired waters on the Vermont Year 2004 Section 303(d) List of Waters required by 33 U.S.C. § 1313(d), the Secretary shall report annually to the General Assembly on Agency progress in establishing the watershed improvement permits, TMDLs, and water quality remediation plans for the stormwater impaired waters of the State; on the accuracy of assessment and environmental efficacy of any stormwater impact fee paid to the State Stormwater Impaired Waters Restoration Fund; and on the efforts by the Secretary to educate and inform owners of real estate in watersheds of stormwater impaired waters regarding the requirements of the state stormwater law.~~

Sec. 88. 10 V.S.A. § 1283(e) is amended to read:

~~(e) The secretary shall report annually to the general assembly on the condition of the fund. The report shall include a listing of any incident leading to disbursements, the amount disbursed, and the method and amount of reimbursement. [Repealed.]~~

Sec. 89. 10 V.S.A. § 1455(1)(2) is amended to read:

~~(2) On an annual basis, the secretary of agriculture, food and markets shall notify the secretary of the location of all authorized mosquito control applications to the waters of the state that took place during the reporting year and the type and quantity of larvicide and pupacide used at each location. [Repealed.]~~

Sec. 90. [Deleted.]

Sec. 91. [Deleted.]

Sec. 92. 18 V.S.A. § 1755(b) is amended to read:

(b) Annually, the ~~commissioner~~ Commissioner shall determine the percentage of children six years of age or younger who are being screened in accordance with the guidelines ~~and shall, unless a final report is available, provide interim information on screening to the legislature annually on April 15.~~ If fewer than 85 percent of one-year-olds and fewer than 75 percent of two-year-olds as specified in the guidelines are receiving screening, the ~~secretary~~ Secretary shall adopt rules to require that all health care providers who provide primary medical care to young children shall ensure that their patients are screened and tested according to the guidelines, beginning January 1, 2011.

Sec. 93. 20 V.S.A. § 1946 is amended to read:

§ 1946. ~~REPORT FROM COMMISSIONER~~

~~The commissioner of public safety shall report annually no later than January 15 to the senate and house committees on judiciary regarding the administration of the DNA data bank, any backlogs in processing samples, and staffing and funding issues related to any backlog. [Repealed.]~~

Sec. 94. 24 V.S.A. § 4760(b) is amended to read:

(b) ~~Annually, the secretary and the bond bank shall notify the chairpersons of the house committee on appropriations and the senate committee on appropriations of the amount of each of the separate funds created under section 4753 of this title anticipated to be available for the next fiscal year. [Repealed.]~~

Sec. 95. 24 V.S.A. § 4774(b) is amended to read:

(b) ~~Annually by January 15, the secretary and VEDA shall submit a report to members of the joint fiscal committee setting out the balance of the fund created by subdivision 4753(a)(3) of this title, loan awards made to date, funds anticipated to be made available in the coming year and any other matters of interest. [Repealed.]~~

Sec. 96. 29 V.S.A. § 903(e)(3) is amended to read:

(3) ~~The Secretary of Administration will report to the General Assembly, on February 1 each year, equipment purchased through this Fund, plans for equipment purchased through the Fund for the following fiscal year, the status of the Fund, and a consolidated amortization schedule. [Repealed.]~~

Sec. 97. 32 V.S.A. § 308b is amended to read:

§ 308b. HUMAN SERVICES CASELOAD RESERVE

(a) There is created within the General Fund a Human Services Caseload Management Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families; of Health; of Mental Health; of Disabilities, Aging, and Independent Living; and of Vermont Health Access.

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to Aid to Needy Families with Children (ANFC) caseload reductions and the effective management of related federal receipts. ~~A report on the transfer of any such carry forward to the Reserve shall be made to the Joint Fiscal Committee at its first meeting following September 1 of each year.~~

(c) [Repealed.]

Sec. 98. 33 V.S.A. § 1901(e) is amended to read:

~~(e)(1) The Department for Children and Families and the Department of Vermont Health Access shall monitor and evaluate and report quarterly beginning July 1, 2006 on the disenrollment in each of the Medicaid or Medicaid waiver programs subject to premiums, including:~~

~~(A) The number of beneficiaries receiving termination notices for failure to pay premiums;~~

~~(B) The number of beneficiaries terminated from coverage as a result of failure to pay premiums as of the second business day of the month following the termination notice. The number of beneficiaries terminated from coverage for nonpayment of premiums shall be reported by program and income level within each program; and~~

~~(C) The number of beneficiaries terminated from coverage as a result of failure to pay premiums whose coverage is not restored three months after the termination notice.~~

~~(2) The Department for Children and Families and the Department of Vermont Health Access shall submit reports at the end of each quarter required by subdivision (1) of this subsection to the House and Senate Committees on Appropriations, the Senate Committee on health and welfare, the house Committee on Human Services, the Health Care Oversight Committee, and the Medicaid Advisory Board. [Repealed.]~~

Sec. 98a. 33 V.S.A. § 1998(c)(6) is amended to read:

~~(6) The Commissioners and the Secretary shall report quarterly to the Health Care Oversight Committee and the Joint Fiscal Committee on their progress in securing Vermont's participation in such joint purchasing agreements. [Repealed.]~~

Sec. 99. 33 V.S.A. § 2003(i) is amended to read:

~~(i) Annually, the Department of Vermont Health Access shall report the enrollment and financial status of the pharmacy discount plans to the Health Care Oversight Committee by September 1, and to the General Assembly by January 1. [Repealed.]~~

Sec. 100. 33 V.S.A. § 3308 is amended to read:

§ 3308. ANNUAL REPORT

~~Annually, prior to January 15, the council shall submit a report of its activities for the preceding fiscal year to the governor and to the general assembly. The report shall contain an evaluation of the effectiveness of the programs and services financed or to be financed by the children's trust fund, and shall include an assessment of the impact of such programs and services on children and families. [Repealed.]~~

Sec. 101. 33 V.S.A. § 3703 is amended to read:

§ 3703. REPORT

~~Annually on or before January 15 of each year, the secretary of the agency of human services shall report to the general assembly on the status of parent-child center programs. The report shall include information concerning the following areas:~~

- ~~(1) actual disbursements;~~
- ~~(2) number of facilities and programs provided;~~
- ~~(3) number of families served;~~
- ~~(4) the impact of the monies relative to the continued success of each program;~~
- ~~(5) identification of other funding sources. [Repealed.]~~

Sec. 102. 33 V.S.A. § 4904(d) is amended to read:

~~(d) The Commissioner shall establish a method for measuring, evaluating, and reporting the outcomes of transitional services provided under this section to the House Committee on Human Services and the Senate Committee on Health and Welfare annually on January 15. [Repealed.]~~

Sec. 103. 33 V.S.A. § 6508 is amended to read:

§ 6508. ~~REPORT REQUIRED~~

~~On or before January 15 of each year up to and including 1992, the Department of Disabilities, Aging, and Independent Living shall evaluate the effect of this chapter and report its findings to the chairpersons of the Senate and House Committees on Health and Welfare. At a minimum, the report shall address the following: inquiries or complaints received by the Department of Disabilities, Aging, and Independent Living concerning physician balance billing practices, changes in actual billing of Medicare beneficiaries for physician services, issues relating to access to physician services for beneficiaries, and any other information necessary to enable the committees to assess the effect of this chapter on physicians and beneficiaries. In compiling its report, the Department of Disabilities, Aging, and Independent Living shall consult with the Secretary of State, the carrier for Medicare physician services for Vermont, and the professional societies of professions affected by this chapter. [Repealed.]~~

Sec. 103a. 2003 Acts and Resolves No. 66, Sec. 217d(b) is amended to read:

~~(b) On or before January 15, 2004 and by January 15 each year thereafter, the commissioner of fish and wildlife shall report to the general assembly on: the development of management plans for wildlife management areas; the status of implementation of wildlife habitat enhancement and maintenance projects on fish and wildlife lands; the schedule for maintenance and habitat treatments on wildlife management areas; and the status of protected areas and ecologically sensitive areas on wildlife management areas. [Repealed.]~~

Sec. 104. 2005 Acts and Resolves No. 56, Sec. 1(g), as amended by 2007 Acts and Resolves No. 65, Sec. 112a is amended to read:

(g)(1) Any savings realized due to the implementation of the long-term care Medicaid 1115 waiver shall be retained by the department and reinvested into providing home- and community-based services under the waiver. If at any time the agency reapplies for a Medicaid waiver to provide these services, it shall include a provision in the waiver that any savings shall be reinvested.

~~(2) In its annual budget presentation, the department of disabilities, aging, and independent living shall include the amount of savings generated from individuals receiving home and community based care services instead of services in a nursing home through the Choices for Care waiver and a plan with details on the recommended use of the appropriation. The plan shall include the base appropriation; the method for determining savings; how the savings will be reinvested in home and community based services, including the allocation between increases in caseloads and increases in provider~~

reimbursements; and a breakdown of how many individuals are receiving services by type of service. [Repealed.]

Sec. 104a. 2009 Acts and Resolves No. 43, Sec. 31(f)(3) is amended to read:

~~(3) Outside the legislative session, the department of mental health shall provide quarterly updates to the joint fiscal committee and the mental health oversight committee on the progress toward completing the facility and developing the residential recovery program. [Repealed.]~~

And by renumbering the remaining sections to be numerically correct.

Sec. 105. 2004 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. **REPORT**

~~Annually, on or before January 15, the commissioner of fish and wildlife shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy on the effects of the fish and wildlife board's management of the deer herd pursuant to this act. At a minimum, the commissioner shall address the impacts on:~~

- ~~(1) the size of the deer population;~~
- ~~(2) the health of the deer population;~~
- ~~(3) the ratio of males to females;~~
- ~~(4) the age distribution;~~
- ~~(5) the advisability of redefining wildlife management district boundaries;~~
- ~~(6) the satisfaction of the hunting community; and~~
- ~~(7) the number of hunters choosing to hunt in specific wildlife management units. [Repealed.]~~

Sec. 105a. 2006 Acts and Resolves No. 132, Sec. 3 is amended to read:

Sec. 3. **SECRETARY OF ADMINISTRATION REPORT**

~~The secretary of administration shall submit an annual report to the house and senate committees on government operations on January 15. The report shall include a list of the written public records requests received for the prior calendar year for each state agency; the number of records delivered or withheld by each state agency; the number of records that could not be located by each state agency; and the agency time needed to respond to each request. [Repealed.]~~

Sec. 106. 2007 Acts and Resolves No. 15, Sec. 23 is amended to read:

Sec. 23. **REPORT**

~~On or before January 15, 2008, and on January 15 of every even-numbered year thereafter, the secretary of human services, the commissioner of health, and the commissioner of mental health shall jointly report to the general assembly. The report shall describe the relationship between the commissioner of health and commissioner of mental health and shall evaluate how effectively they and their respective departments cooperate and how effectively the departments have complied with the intent of this act. The report shall address prevention, early intervention, and chronic care health services for children and adults, coordination of mental health, substance abuse, and physical health services, and coordination with all parts of the health care delivery system, public and private, including the office of Vermont health access, the office of alcohol and drug abuse, and primary care physicians. [Repealed.]~~

Sec. 107. 2008 Acts and Resolves No. 200, Sec. 10 is amended to read:

Sec. 10. **UNIVERSITY OF VERMONT**

~~The sum of \$1,600,000 is appropriated to the University of Vermont for construction, renovation, or maintenance projects. The university shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds \$50,000.~~

~~Total appropriation—Section 10~~ ~~\$1,600,000~~

~~[Repealed.]~~

Sec. 108. 2008 Acts and Resolves No. 200, Sec. 11 is amended to read:

Sec. 11. **VERMONT STATE COLLEGES**

~~The sum of \$1,600,000 is appropriated to the Vermont State Colleges for major facility maintenance. The state colleges shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds \$50,000.~~

~~Total appropriation—Section 11~~ ~~\$1,600,000~~

~~[Repealed.]~~

Sec. 109. 2010 Acts and Resolves No. 119, Sec. 10(c) is amended to read:

~~(c) No later than March 15 of each year, the agency of human services shall provide an update to the house committee on human services and the senate committee on health and welfare regarding the status of efforts to secure funding for the evaluation authorized by Sec. 11 of this act and the issuance of a request for proposals to conduct the evaluation. [Repealed.]~~

Sec. 110. 2010 Acts and Resolves No. 128, Sec. 14(e) is amended to read:

~~(e) If the pilot projects are approved by the general assembly, the director of payment reform shall report annually by January 15 beginning in 2012 on the status of implementation of the pilot projects for the prior calendar year, including any analysis or evaluation of the effectiveness of the pilot projects, and shall provide the report to the house committee on health care, the senate committee on health and welfare, the health access oversight committee, and the commission on health care reform. [Repealed.]~~

Sec. 111. 2011 Acts and Resolves No. 59, Sec. 13(c) is amended to read:

~~(c) On or before January 15, 2012, and annually thereafter, the secretary of administration shall submit to the senate and house committees on government operations a copy of the records requests catalogued in the public records request system in the preceding calendar year. [Repealed.]~~

Sec. 112. REPORT REPEAL DELAYED

The reports set forth in this section shall not be subject to expiration under the provisions of 2 V.S.A. § 20(d) (expiration of required reports) until July 1, 2018:

(1) 2 V.S.A. § 752(c) (annual budget for expenditures for legislative information technology and services).

(2) 6 V.S.A. §§ 2937 (Vermont Milk Commission report), 2972(b) (Vermont Dairy Promotion Council report), 4701(d) (sustainable agriculture research and education program report), 4710(f) (Vermont farm viability enhancement program report), and 4825 (financial and technical assistance for agricultural water quality report).

(3) 7 V.S.A. § 109 (Liquor Control Board audit report).

(4) 10 V.S.A. §§ 291 (Entrepreneurs' seed capital fund report), 323 (Vermont Housing And Conservation Trust Fund report), 329 (The Sustainable Jobs Fund Program report), 580(b) (25 by 25 state goal report), 685(g) (Vermont Community Development Board report), 1196 (Connecticut River Watershed Advisory Commission report), 1942 (Underground Storage Tank Assistance Program report), 1961(a)(4) (Vermont Citizens Advisory

Committee on Lake Champlain's Future report), and 7563 (ANR report on federal laws relating to collection and recycling of electronic devices).

(5) 13 V.S.A. § 5415(b) (DPS report on special investigation units).

(6) 18 V.S.A. §§ 1756 (lead poisoning report), 7402 (Commissioner of Mental Health report), 8725(d) (System of Care Plan report), 9505 (Vermont Tobacco Evaluation and Review Board conflict of interest policy report), and 9507(a) (Vermont Tobacco Evaluation and Review Board report).

(7) 28 V.S.A. § 701a(c) (report on segregation of inmates with a serious functional impairment).

(8) 30 V.S.A. §§ 20(a)(2)(C) (report on ANR costs under 30 V.S.A. § 248), 20(b)(9) (report on agency costs related to proceedings at FERC), 209(j)(4)(G) (self-managed energy efficiency program report), and 8071(a) (Vermont Telecommunications Authority fiscal report).

(9) 31 V.S.A. § 659 (State Lottery Commission Report).

(10) 32 V.S.A. §§ 588(6) (special fund report), 5930a(j) (economic advancement tax incentive report), and 5930b(e) (employment growth incentives report).

(11) 33 V.S.A. §§ 1134 (Reach First, Reach Up, and Reach Ahead program reports), 1901a (Medicaid budget report), 1901e(c) (managed care organization's investment report), 4923 (child abuse report), and 7503 (long-term care report).

(12) 1998 Acts and Resolves No. 114, Secs. 5 and 6 (involuntary medication report); 2004 Acts and Resolves No. 122, Sec. 136 (weatherization fund report); 2007 Acts and Resolves No. 43, Sec. 4(a) (report on Lake Champlain TMDL plan); 2008 Acts and Resolves No. 90, Sec. 86(a)(4) (Job Start loan portfolio report); 2008 Acts and Resolves No. 192, Sec. 5.221(b) (weatherization fund report); 2009 Acts and Resolves No. 25, Sec. 18(b) (Palliative Care and Pain Management Task Force report); 2009 Acts and Resolves Special Session No. 1, Sec. E.326(b); 2010 Acts and Resolves No. 87, Sec. 1(b) (weatherization fund report); 2010 Acts and Resolves No. 120, Sec. 5 (mentored hunting program report); and 2010 Acts and Resolves No. 146, Sec. H4 (Challenges for Change report).

* * * Reports Not Listed Herein * * *

Sec. 113. REPORTS NOT INCLUDED IN THIS ACT

On or before January 15, 2015, the Office of Legislative Council shall provide to the General Assembly a list of all statutory sections not listed in this act that contain a report subject to the repeal provisions of 2 V.S.A. § 20(d).

On July 1, 2016, Legislative Council shall, pursuant to its statutory revision authority, delete the report requirements contained in this list.

* * * Effective Date * * *

Sec. 114. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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.

Proposal of Amendment; Third Reading Ordered

H. 790.

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

An act relating to Reach Up eligibility.

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. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) No less than the first ~~\$200.00~~ \$300.00 per month of earnings from an unsubsidized job and ~~25~~ 50 percent of the remaining unsubsidized earnings shall be disregarded in determining the amount of the family's financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

* * *

(5) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. The asset limitation shall be ~~increased from \$1,000.00 to \$2,000.00~~ \$5,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.

* * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

Sec. 3. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

(a) An eligible family shall receive monthly food assistance equal to ~~\$100.00~~ \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account ~~for the first six months after the family has become eligible for Reach Ahead. For the seventh through 12th months, the family shall receive a monthly food assistance of \$50.00 while the family is eligible for the 12-month Reach Ahead program.~~

* * *

Sec. 4. REACH AHEAD; GRANDFATHER PROVISION

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on October 1, 2014 shall continue to receive monthly food assistance equal to \$100.00 until its seventh month of participation in the program, at which time it shall receive monthly food assistance equal to \$50.00.

Sec. 5. RULEMAKING; OFFSET FOR EARNED INCOME DISREGARD

(a) In order to effect the increased earned income disregard established by this act and to make its impact fiscally neutral, the Commissioner for Children and Families shall amend the rules governing the Reach Up program pursuant to 3 V.S.A. chapter 25 to direct the Department to:

(1) calculate an annual adjustment to Reach Up grants, excluding exempt grants, that accounts for the difference between an earned income disregard of the first \$200.00 earned per month from an unsubsidized job in addition to 25 percent of the remaining unsubsidized earnings and the first \$300.00 earned per month from an unsubsidized job in addition to 50 percent of the remaining unsubsidized earnings, that:

(A) shall first be adjusted downward based on any projected program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015; and

(B) may be further adjusted downward based on appropriated resources and projected program costs; and

(2) apply the adjustment described in subdivision (1) of this subsection to all Reach Up grants, excluding exempt grants, after need and benefit determinations are calculated.

(b) As used in this section, “exempt grants” means grants to children in the care of a person other than their parents and grants to participating families when a single parent or both parents receive Supplemental Security Income.

Sec. 6. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the annual adjustment calculated pursuant to Sec. 5(a)(1) of this act and the projected program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015.

Sec. 7. EFFECTIVE DATES

(a) Except for Secs. 1 and 3, this act shall take effect on July 1, 2014.

(b) Except for Sec. 1(c)(1), Secs. 1 and 3 shall take effect on October 1, 2014.

(c) Sec. 1(c)(1) shall take effect on July 1, 2015.

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

An act relating to Reach Up eligibility and benefit levels.

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

Senator Kitchel, for the Committee on Appropriations, moved to substitute a proposal of amendment for the proposal of amendment of the Committee on Appropriations as follows:

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

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

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(5) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. The asset limitation shall be ~~increased from \$1,000.00 to \$2,000.00~~ \$5,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.

* * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as

soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * * Enhanced Child Care Services Subsidy * * *

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE SERVICES ~~PROGRAM~~ PROGRAMS;
ELIGIBILITY

(a)(1) A child care services program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the program for a period in excess of one month, unless that period is extended by the Commissioner.

~~(b)(2)~~ The subsidy authorized by this ~~section~~ subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The

lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the ~~state~~ State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

(b)(1) An enhanced child care services subsidy program is established for families participating in the Reach Ahead program.

(2) The enhanced child care services subsidy program established by this subsection shall be administered by the Department's Child Development Division. The Commissioner shall adopt rules necessary for the administration of the program pursuant to 3 V.S.A. chapter 25.

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

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

(5) The enhanced child care services subsidy program shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the program, the program shall be suspended or modified.

Sec. 4. INTERIM REPORT

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

Sec. 5. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the projected Reach Up program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015, as well as the parameters and cost projections for the enhanced child care services subsidy established pursuant to 33 V.S.A. § 3512(b).

* * * Asset Limit and Child Care Services Subsidy Offset * * *

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

§ 1204. FOOD ASSISTANCE

(a)(1) An eligible family shall receive monthly food assistance equal to ~~\$100.00~~ \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account for the first ~~six~~ 12 months after the family has become eligible for Reach Ahead.

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

* * *

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

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

§ 1205. REQUIRED SERVICES TO PARTICIPATING FAMILIES

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

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

Sec. 8. REACH AHEAD; GRANDFATHER PROVISION

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on January 1, 2015 shall continue to receive monthly food assistance equal to \$100.00 until its seventh month of participation in the program, at which time it shall receive monthly food assistance equal to \$50.00 for the remainder of the initial 12-month period.

* * * Effective Dates * * *

Sec. 9. EFFECTIVE DATES

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

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

(2) Secs. 3, 6(a)(2) and (d), and 7 shall take effect on July 1, 2015.

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

An act relating to Reach Up eligibility and benefit levels.

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 Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to and third reading of the bill was ordered.

Committees of Conference Appointed

S. 234.

An act relating to Medicaid coverage for home telemonitoring services.

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

Senator Pollina
Senator Lyons
Senator Ayer

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

Committee of Conference Appointed

S. 241.

An act relating to binding arbitration for State employees.

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

Senator Baruth
Senator Cummings
Senator Doyle

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

Committee of Conference Appointed**H. 297.**

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

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

Senator Bray
Senator Ashe
Senator French

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

Committee of Conference Appointed**H. 735.**

An act relating to Executive Branch and Judiciary fees.

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

Senator MacDonald
Senator Bray
Senator French

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

Committee of Conference Appointed**H. 884.**

An act relating to miscellaneous tax changes.

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

Senator Ashe
Senator MacDonald
Senator Mullin

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

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 234, S. 241, H. 297, H. 735, H. 884.

Senate Concurrent Resolution

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

By All Members of the Senate,

S.C.R. 56.

Senate concurrent resolution designating May 11–17 as Women’s Lung Health Week in Vermont.

House Concurrent Resolutions

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

By Representatives Masland and Hoyt,

H.C.R. 341.

House concurrent resolution congratulating Marc Chabot on winning State and national teaching awards.

By Representative Cupoli and others,

By Senators Flory, French and Mullin,

H.C.R. 342.

House concurrent resolution honoring Ron Hance for his leadership of the Heritage Family Credit Union.

By Representative Martin and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 343.

House concurrent resolution honoring Betty Kinsman for her pioneering leadership of the Springfield Area Parent Child Center.

By Representatives Young and Strong,

H.C.R. 344.

House concurrent resolution honoring Francis Whitcomb of Albany as an extraordinary citizen, educator, and as Vermont’s active community member of the year.

By Representative Moran and others,

By Senator White,

H.C.R. 345.

House concurrent resolution congratulating 10th grade composer Susalina Francy on the Vermont Symphony Orchestra's premier of *Beowulf's Last Battle*.

By All Members of the House,

H.C.R. 346.

House concurrent resolution designating April 29, 2014 as Alzheimer's Awareness Day in Vermont.

By Representative Partridge and others,

By All Members of the Senate,

H.C.R. 347.

House concurrent resolution congratulating Lisa Bianconi on being selected as a Grammy Music Educator Award finalist.

By Representative Quimby and others,

H.C.R. 348.

House concurrent resolution congratulating the 2013 St. Johnsbury All-Star Babe Ruth 14 and Under Vermont championship baseball team.

By Representative Lenex and others,

H.C.R. 349.

House concurrent resolution honoring Prevention Works! VT.

By Representative Lippert and others,

H.C.R. 350.

House concurrent resolution celebrating the 25th anniversary of Outright Vermont.

By Representative Toleno and others,

H.C.R. 351.

House concurrent resolution honoring Bruce Corwin for his musical leadership of the Brattleboro American Legion Band.

By Representative Lenex and others,

By Senators Snelling, Lyons, Ashe, Baruth, Sirotkin and Zuckerman,

H.C.R. 352.

House concurrent resolution congratulating Champlain Valley Union High School on its golden anniversary.

By Representative Gallivan and others,

H.C.R. 353.

House concurrent resolution honoring Grace Worcester Greene of Berlin for inspiring children to read and discover their local public library.

By All Members of the House,

By All Members of the Senate,

H.C.R. 354.

House concurrent resolution congratulating the Vermont Arts Council on its 50th anniversary and designating 2015 as the Year of the Arts in Vermont.

By Representative Marcotte and others,

By Senators Benning, Kitchel, Rodgers and Starr,

H.C.R. 355.

House concurrent resolution congratulating Jacob Cady and David Gratton on their age group championships in the Elks Vermont and New England Hoop Shoots.

Adjournment

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