

House Calendar

Tuesday, February 09, 2016

36th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 AM

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ORDERS OF THE DAY

ACTION CALENDAR

Favorable with Amendment

H. 249

An act relating to intermunicipal services and the authority to create a regional council of governments

Rep. Martin of Wolcott, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. chapter 121, subchapter 7 is added to read:

Subchapter 7. Regional Council of Governments

§ 4948. CREATION OF A REGIONAL COUNCIL OF GOVERNMENTS

(a) A regional planning commission, created under section 4341 of this title, may convert to a regional council of governments through an affirmative vote of at least 67 percent of both:

(1) the board of commissioners of the regional planning commission; and

(2) the legislative branches of the regional planning commission's member municipalities.

(b) A newly formed regional council of governments shall adopt bylaws to:

(1) specify the organization of the council;

(2) designate officers of the council and provide for the conduct of business;

(3) specify the process for entering into, method of withdrawal from, and method of terminating service agreements with member municipalities; and

(4) provide for the method of dissolution and reversion to a regional planning commission.

(c) A regional council of governments shall be subject to the membership requirements of a regional planning commission under sections 4342 and 4343 of this title, except that:

(1) at least 50 percent of a council's appointed representatives shall be elected municipal officials from the member municipalities; and

(2) a council shall maintain an equal number of representatives appointed from each member municipality.

(d) Upon the conversion to a regional council of governments as provided in subsection (a) of this section, a regional council of governments shall take effect and become a political subdivision of the State, and the originating regional planning commission shall be dissolved.

(e) Upon the effective date of the creation of the regional council of governments:

(1) All of the assets and property of the regional planning commission, both real and personal and of whatever kind, nature, and description, shall become vested in and become assets and property of the regional council of governments without any further act, deed, or instrument being necessary.

(2) All the liabilities, obligations, and indebtedness of the regional planning commission shall be assumed by the regional council of governments without any further act, deed, or instrument being necessary.

(f) A municipality may move from one regional council of governments to another council or to a regional planning commission on terms and conditions approved by the Secretary of Commerce and Community Development.

§ 4949. POWERS AND DUTIES

(a) A regional council of governments shall retain the authority and duties granted to a regional planning commission and shall continue all services previously provided by the originating regional planning commission, subject to the requirements in chapter 117 of this title.

(b) In addition to the powers granted in subsection (a) of this section, a regional council of governments may:

(1) promote cooperative arrangements and coordinate action among its member municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, and infrastructure; and

(2) exercise any power, privilege, or authority, as defined within a services agreement under subsection (c) of this section, capable of exercise by a member municipality as necessary or desirable for dealing with problems of local or regional concern.

(c)(1) In exercising its authority under subsection (b) of this section, a regional council of governments shall enter into a service agreement with one or more member municipalities. Participation by a member municipality shall

be voluntary and only valid upon appropriate action by the legislative branch of the member municipality.

(2) A service agreement shall describe the services to be provided and the amount of funds payable by each member municipality that is a party to the service agreement.

(d) A regional council of governments shall not have the following powers:

(1) essential legislative functions;

(2) taxing authority; or

(3) eminent domain.

§ 4950. FINANCES AND STAFF

(a) The legislative branch of the member municipalities may appropriate funds to meet the expenses of a regional council of governments.

(b) A regional council of governments may accept funds, grants, gifts, and services from any source, including:

(1) the federal government;

(2) the State of Vermont or its agencies, departments, or instrumentalities;

(3) any other governmental unit, whether a member of the council or not; and

(4) private and civic sources.

(c)(1) In expending regional planning funds provided under section 4341a or 4346 of this title, a regional council of governments shall ensure that all planning tasks required in each performance contract are fully accomplished. Funds provided for regional planning under section 4341a or 4346 of this title shall not be used to provide services under a council service agreement without prior written authorization from the state agency or other entity providing the funds.

(2) A council shall not use municipal funds or grants provided for regional planning services under chapter 117 of this title to cover the costs associated with any service agreement under section 4949 of this subchapter.

(d) A regional council of governments may employ a staff and consult and retain any experts that it considers necessary. Service of personnel, use of equipment and office space, and other necessary services may be accepted from member municipalities as part of their financial support.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 8-1-2)

H. 512

An act relating to adequate shelter of dogs and cats

Rep. Bartholomew of Hartland, for the Committee on **Agriculture & Forest Products**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

(1) “Animal” means all living sentient creatures, not human beings.

* * *

(11) “Livestock” means cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids.

* * *

(13) “Livestock and poultry husbandry practices” means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

* * *

(15) “Living space” means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing and that provides protection from the elements. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) “Adequate food” means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day,

unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted ~~agricultural or veterinarian~~ veterinary practices or livestock and poultry husbandry practices.

(17) “Adequate water” means ~~fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water~~ potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall the interval when water is provided exceed 24 hours. Snow or ice is not an adequate water source unless provided in accordance with livestock and poultry husbandry practices.

(18) “Adequate shelter” means shelter which protects the animal from injury and environmental hazards.

(19) “Enclosure” means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

(20) “Livestock guardian dog” means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

Sec. 2. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals ~~which that~~ are to be predominantly maintained out-of-doors must in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out-of-doors~~ in an outdoor area shall be provided. The building opening size and height ~~must shall~~, at a minimum, extend one foot above the withers of the largest animal housed and ~~must shall~~ be maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall, or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space; dogs and cats.

(1) A dog, ~~whether chained or penned,~~ shall be provided an adequate living space ~~no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs~~ that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with the floor space in square footage calculated according to the following formula: Floor space in square feet = (length of dog in inches + 6) x (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) The specifications required by subdivision (c)(1) of this section shall apply to be required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided adequate living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down. A cat shall be presumed to have adequate living space if provided with:

(i) floor space, including raised resting platforms, of at least nine square feet; and

(ii) a primary structure of at least 24 inches in height.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the

size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5) Dogs or cats that are housed in the same primary living space or enclosure shall be compatible, as determined by observation, provided that:

(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the ~~cage, crate, or structure~~ living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) Except as provided in subdivision (2) of this subsection, a dog or dogs maintained ~~out of doors must~~ outdoors in an enclosure shall be provided with suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year a primary one or more shelter structure structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit, and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Have four sides, a roof, and a ground or floor surface that enables the dog to stay clean and dry.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(F) Contain clean, dry bedding material if the ambient temperature is below 50 degrees Fahrenheit.

(2) A shelter structure is not required for a healthy livestock guardian dog that is maintained outdoors in an enclosure.

(3) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(4) The following categories of dogs shall not be maintained outdoors in an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(5) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of dog.

(1) ~~A~~ Except as provided under subdivision (2) of this subsection, a dog ~~chained to a shelter must~~ maintained outdoors on a tether shall be on a tether ~~chain~~ at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter.

(2) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether three times the length of the dog, as measured from the tip of its nose to the base of its tail.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a well-fitted collar or

harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.

~~(g) A cat, over the age of two months, shall be provided minimum living space of nine square feet, provided the primary structure shall be constructed and maintained so as to provide sufficient space to allow the cat to turn about freely, stand, sit, and lie down. Each primary enclosure housing cats must be at least 24 inches high. These specifications shall apply to each cat regardless of whether the cat is housed individually or with other animals. [Repealed.]~~

~~(h) Notwithstanding the provisions of this section, animals may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation. [Repealed.]~~

(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.

~~(j) Notwithstanding the provisions of this section, an animal may be sheltered, chained, confined, or maintained out of doors if doing so is directed by a licensed veterinarian or is in accordance with accepted agricultural or veterinarian practices. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

(Committee Vote: 9-1-1)

Favorable

H. 548

An act relating to extraordinary dividends for life insurers

Rep. Kitzmiller of Montpelier, for the Committee on **Commerce & Economic Development**, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Public Hearings

Public Hearing on the Governor's Proposed Fiscal Year 2017 State Budget

For Advocates

House Committee on Appropriations

Thursday, February 11, 2016, 1:15 p.m. – 2:45 p.m. for Agency of Human

Services budget sections, and Thursday, February 18, 2016, 1:15 p.m. – 2:30 p.m. for all other sections of the budget. – The House Committee on Appropriations will receive testimony on the Governor’s proposed FY2017 State budget during these Advocate hearings in room 11 of the State House. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or tutton@leg.state.vt.us or in room 40.

The Governor’s budget proposal can be viewed at the Department of Finance & Management’s website:
http://finance.vermont.gov/state_budget/rec.

PUBLIC HEARING
Joint Community-Based Public Hearings on Fiscal Year 2017 State budget
House and Senate Committees on Appropriations

Monday, February 15, 2016, 6:00 - 7:00 p.m. – The Vermont House and Senate Committees on Appropriations are seeking public input on the FY2017 proposed State budget and will hold five joint public hearings Monday, February 15, 2016, 6:00 – 7:00 p.m. at 5 locations across the State. For further information, please go to: <http://www.leg.state.vt.us/jfo/link/Community-Based%20Joint%20Public%20Hearings%20site%20list>

The Committees will take testimony on the Governor’s FY 2017 State budget proposal at that time. Anyone interested in testifying should come to one of the hearings. Time limits on testimony may apply depending on volume of participants.

To view or print a copy of the proposed budget, go to the Department of Finance and Management’s website at: http://finance.vermont.gov/state_budget/rec. For more information about the format of these events, or to submit written testimony, call Theresa Utton-Jerman or Rebecca Buck, Joint Fiscal Office, 802-828-5767 or toll-free 1-800-322-5616; or e-mail: tutton@leg.state.vt.us or rbuck@leg.state.vt.us. Requests for interpreters should be made to the office by 3:00 p.m. on Monday, February 1, 2016.