

# House Calendar

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Wednesday, February 10, 2016

37th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 PM

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**ORDERS OF THE DAY**

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**Action Postponed Until February 10, 2016**

**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**)

**ACTION CALENDAR**

**Third Reading**

**H. 512**

An act relating to adequate shelter of dogs and cats

**H. 548**

An act relating to extraordinary dividends for life insurers

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 533**

An act relating to victim notification

**Rep. Lalonde of South Burlington**, for the Committee on **Judiciary**, 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. § 5305 is amended to read:

§ 5305. INFORMATION CONCERNING RELEASE FROM  
CONFINEMENT CUSTODY

(a) Victims, other than victims of acts of delinquency, and affected persons shall have the right to request notification by the agency having custody of the defendant before the defendant is released, including a release on bail or conditions of release, furlough or other community program, upon termination or discharge from probation, or whenever the defendant escapes, is recaptured, dies, or receives a pardon or commutation of sentence. Notice shall be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant by the person requesting notice. Any address or telephone number so provided shall be kept confidential.

(b) If the defendant is released on conditions at arraignment, the prosecutor's office shall inform the victim of a listed crime of the conditions of release.

(c) If requested by a victim of a listed crime, the ~~department of corrections~~ Department of Corrections shall:

(1) at least 30 days before a parole board hearing concerning the defendant, inform the victim of the hearing and of the victim's right to testify before the parole board or to submit a written statement for the parole board to consider; and

(2) promptly inform the victim of the decision of the parole board, including providing to the victim any conditions attached to the defendant's release on parole.

Sec. 2. 13 V.S.A. § 5314 is amended to read:

§ 5314. INFORMATION FROM LAW ENFORCEMENT AGENCY

\* \* \*

(b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:

(1) Information as to the accused's identity unless inconsistent with law enforcement purposes.

(2) Information as to whether the accused has been taken into custody.

(3) The file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case.

(4) The prosecutor's name, office street address, and telephone number.

(5) An explanation that no individual is under an obligation to respond to questions which may be asked outside a courtroom or deposition.

(6) Information concerning any bail or conditions of release imposed on the defendant by a judicial officer prior to arraignment or an initial court appearance.

Sec. 3. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

(a) The victim of a crime has the following rights in any sentencing proceedings concerning the person convicted of that crime, or in the event a proposed plea agreement filed with the court recommends a deferred sentence, at any change of plea hearing concerning the person charged with committing that crime:

(1) to be given advance notice by the prosecutor's office of the date of the proceedings; and

(2) to appear, personally, to express reasonably his or her views concerning the crime, the person convicted, and the need for restitution.

(b) ~~Sentencing~~ The change of plea hearing or sentencing shall not be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(c) In accordance with Court rules, at the sentencing or change of plea hearing, the Court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing or the proposed deferral of sentencing. In imposing the sentence or considering whether to defer sentencing, the Court shall consider any views offered at the hearing by the victim. If the victim is not present, the Court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing or the proposed deferral of sentencing and shall take those views into consideration in imposing the sentence or considering whether to defer sentencing.

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the Court imposes a sentence which includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.

(e) At or before a change of plea hearing where the plea agreement filed with the court proposes a deferred sentence, the prosecutor's office shall instruct the victim of a listed crime about the significance of a deferred sentence and the potential consequences of a violation of conditions imposed by the court. In addition, the prosecutor's office shall consult with the victim concerning any proposed probation conditions prior to the hearing.

(f) The prosecutor's office shall use all reasonable efforts to keep the victim informed and consult with the victim throughout the plea agreement negotiation process in any case involving a victim of a listed crime.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

**( Committee Vote: 11-0-0)**

## H. 608

An act relating to solid waste management

**Rep. Olsen of Londonderry**, for the Committee on **Natural Resources & Energy**, recommends the bill be amended as follows:

First: In Sec. 1, 10 V.S.A. § 6605, in subsection (m), after the subsection designation and before “collected as part of” by striking out “Solid waste” and inserting in lieu thereof “Mandated recyclables, leaf and yard residuals, or food residuals”

Second: In Sec. 2, 10 V.S.A. § 6607a(g), in subdivision (4), after “of this subsection for” and before “collected as” by striking out “solid waste” and inserting in lieu thereof “mandated recyclables, leaf and yard residuals, or food residuals”

Third: In Sec. 3, 10 V.S.A. § 6621a, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The landfill disposal ban under subdivisions (a)(9)–(11) of this section shall not apply to mandated recyclables, leaf and yard residuals, or food residuals collected as part of a litter collection event operated or administered by a nonprofit organization or municipality.

( Committee Vote: 11-0-0)

## H. 622

An act relating to obligations for reporting child abuse and neglect and cooperating in investigations of child abuse and neglect

**Rep. Mrowicki of Putney**, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

\* \* \*

(c) Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed. A mandated reporter who reasonably suspects abuse or neglect of a child, and who has confirmed that the same incident of suspected abuse or neglect was already reported, is not required to



report that same incident of suspected abuse or neglect if the mandated reporter is reasonably certain that there is no additional information to report.

\* \* \*

(h)(1) A person who violates subsection ~~(a)~~(c) of this section shall be fined not more than \$500.00.

(2) A person who violates subsection ~~(a)~~(c) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.

(3) This section shall not be construed to prohibit a prosecution under any other provision of law.

(i) Except as provided in subsection ~~(h)~~(j) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(j) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

(1) made to a member of the clergy acting in his or her capacity as spiritual advisor;

(2) intended by the parties to be confidential at the time the communication is made;

(3) intended by the communicant to be an act of contrition or a matter of conscience; and

(4) required to be confidential by religious law, doctrine, or tenet.

(k) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection ~~(h)~~(j) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection ~~(h)~~(j) of this section.

## Sec. 2. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT COMMITTEE; 2016 INTERIM RESPONSIBILITIES; PRIVILEGED COMMUNICATIONS

During the 2016 legislative interim, the Joint Legislative Child Protection Oversight Committee shall:

(1) review issues related to patient privilege, confidentiality of patient records and information, and the statutes and rules governing professional conduct; and

(2) analyze the extent to which those professional obligations identified in subdivision (1) interfere with the ability of certain professional mandated reporters to cooperate with the Department for Children and Families, law enforcement, and prosecutors during an ongoing child protection assessment, investigation, or proceeding.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

( Committee Vote: 11-0-0)

**H. 765**

An act relating to technical corrections

**Rep. Hubert of Milton**, for the Committee on **Government Operations**, recommends the bill be amended as follows:

First: By striking out Sec. 78, 13 V.S.A. § 5359, in its entirety and inserting in lieu thereof a new Sec. 78 to read as follows:

Sec. 78. 13 V.S.A. § 5359 is amended to read:

§ 5359. ~~VICTIMS'~~ VICTIM'S COMPENSATION SPECIAL FUND

(a) There is created a fund to be known as the ~~victims' compensation fund~~ Victim's Compensation Fund. This ~~fund~~ Fund shall be administered by the ~~victims' compensation board~~ Victim's Compensation Board established by section 5352 of this title. The purpose of this ~~fund~~ Fund shall be to support the activities and the operating costs of the ~~victims' compensation board~~ Victim's Compensation Board and the ~~center for crime victims services~~ Center for Crime Victim Services.

(b) The ~~victims' compensation fund~~ Victim's Compensation Fund shall consist of:

(1) Fees imposed by the court clerk and designated for deposit into the ~~fund~~ Fund pursuant to section 7282 of this title.

(2) Restitution as ordered by the court pursuant to section 7043 of this title.

(3) Funds received from inmate labor contribution from the prison industries enhancement program or from any other source.

(4) Appropriations by the ~~general assembly~~ General Assembly.

(c) Balances in the ~~fund~~ Fund at the end of the fiscal year shall be carried forward and remain in the ~~fund~~ Fund.

Second: In Sec. 83, 32 V.S.A. § 3102, in subsection (a), in the second sentence, following “officer or employee of this state”, by striking out the word “State” and inserting in lieu thereof the word “State”.

( Committee Vote: 9-0-2)

### **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](mailto: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](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](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](mailto:tutton@leg.state.vt.us) or [rbuck@leg.state.vt.us](mailto:rbuck@leg.state.vt.us). Requests for interpreters should be made to the office by 3:00 p.m. on Monday, February 1, 2016.

### **PUBLIC HEARING**

#### **Public Hearings on Fiscal Year 2017 State budget House Committees on Appropriations**

**Thursday, February 11, 2016, 5:30 - 6:30 p.m.** – The Vermont House Committee on Appropriations is seeking public input on the FY2017 proposed State budget and will hold a additional public hearing on Thursday, February 11, 2016, 5:30 – 6:30 p.m. in room 11 of the State House.

The Committee will take testimony on the Governor's FY 2017 State budget proposal at that time. Anyone interested in testifying should come to the hearing. Time limits on testimony will likely 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: For more information about the format of these events, or to submit written testimony, call

Theresa Utton-Jerman, Joint Fiscal Office, 802-828-5767 or toll-free 1-800-322-5616; or e-mail: [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us).

#### **February 11, 2016 - Room 11 - 7:00 pm-8:00 pm - Judicial Retention of Judges - Joint Committee on Judicial Retention**

#### **Joint Assembly**

February 18, 2016 - 10:30 AM A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 11, 2016 , by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

**First:** All nominations for these offices will be presented in alphabetical order prior to voting.

**Second:** There will be only one nominating speech of not more than three

(3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.