

# House Calendar

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Thursday, February 25, 2016

52nd DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 PM

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Favorable with Amendment**

**H. 278**

An act relating to selection of the Adjutant and Inspector General

**Rep. Gonzalez of Winooski**, for the Committee on **General, Housing & Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 370 is added to read:

§ 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION BOARD

(a) The Adjutant and Inspector General Recommendation Board is created to nominate candidates for Adjutant and Inspector General.

(b)(1) The Board shall consist of 10 members who shall be selected as follows:

(A) The Senate Committee on Committees shall appoint four members of the Senate, not all of whom shall be members of the same party.

(B) The Speaker of the House shall appoint four members of the House, not all of whom shall be members of the same party.

(C) The Governor shall appoint two members who shall have served in the U.S. Armed Forces.

(2) The members of the Board appointed by the Governor shall serve for terms of two years and may serve for no more than three terms. The members of the Board appointed by the House and Senate shall serve for terms of two years and may serve for no more than three consecutive terms. All appointments shall occur between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are appointed.

(3) The members shall elect their own chair who shall serve for a term of two years.

(c) Legislative members of the Board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the Board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for

expenses in the same manner as Board members are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

(d) A quorum of the Board shall consist of six members.

(e) The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

Sec. 2. 20 V.S.A. § 371 is added to read:

§ 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND  
INSPECTOR GENERAL

A candidate for Adjutant and Inspector General shall, not later than four months prior to the election, declare his or her candidacy to the Board and demonstrate that he or she meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4) as required pursuant to procedures adopted by the Board.

Sec. 3. 20 V.S.A. § 372 is added to read:

§ 372. DUTIES OF RECOMMENDATION BOARD

(a) Establishment of criteria, standards, and procedures.

(1) The Board shall adopt rules under 3 V.S.A. chapter 25 that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General. In adopting criteria and standards, the Board shall consult with current and retired members of the Vermont Army National Guard and Vermont Air National Guard. The criteria and standards adopted by the Board shall include:

(A) leadership;

(B) integrity;

(C) administrative and communicative skills; and

(D) other criteria and standards as determined by the Board from time to time.

(2) The Board's procedures related to section 371 of this chapter shall not be subject to rulemaking under 3 V.S.A. chapter 25 and may be adopted and revised at the discretion of the Board.

(b) Interview and selection.

(1) The Board shall interview each candidate for Adjutant and Inspector General who meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

(2)(A) All meetings of the Board are confidential, and shall be exempt from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(B) Except as otherwise provided by subsection (c) of this section, all records of the Board, including the names of candidates considered by the Board and information about any candidate submitted by any source shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(3) After interviewing each qualified candidate, the Board shall evaluate the candidates based on the criteria and standards established pursuant to subsection (a) of this section and shall nominate for election to the position of Adjutant and Inspector General all qualified candidates that satisfy such criteria and standards.

(c) Nomination. The Board shall submit the list of its nominees for Adjutant and Inspector General to the General Assembly and to the Secretary of State at least seven weeks prior to the election of the Adjutant and Inspector General. The list shall constitute the complete list of all candidates for Adjutant and Inspector General and shall be printed on a ballot prepared by the Secretary of State pursuant to 2 V.S.A. § 12.

Sec. 4. 2 V.S.A. § 12 is amended to read:

§ 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

\* \* \*

(b) A candidate for office, other than for Adjutant and Inspector General, shall, not later than one week preceding the election, notify the Secretary of State in writing of his or her candidacy, naming the particular office. If he or she fails so to notify the Secretary of State, his or her name shall not be printed on the ballot. No ballot may be used other than the official ballot provided by the Secretary of State.

(c) A candidate for Adjutant and Inspector General shall:

(1) be a resident of Vermont;

(2) have attained the rank of lieutenant colonel (O-5) or above;

(3) be a current member of the U.S. Army, the U.S. Air Force, the U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the Air National Guard or be eligible to return to active service in the Army National Guard or the Air National Guard;

(4) be a graduate of a Senior Service College, be currently enrolled in a Senior Service College, or be eligible to be enrolled in a Senior Service

College during the biennium in which the candidate would first be appointed; and

(5) be nominated by the Adjutant and Inspector General Recommendation Board pursuant to 20 V.S.A. § 372.

Sec. 5. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR

GENERAL RECOMMENDATION BOARD

(a) The Adjutant and Inspector General Recommendation Board, as constituted in this act, is established on March 15, 2017. The Senate Committee on Committees, the Speaker of the House, and the Governor shall appoint the members of the Board as set forth in Sec. 1 of this act on or before March 15, 2017. Initially, the members of the Board shall be appointed for a term that expires when their successors are appointed as provided in Sec. 1 of this act.

(b) On or before September 1, 2017, the Adjutant and Inspector General Recommendation Board shall propose for adoption rules that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General.

Sec. 6. 2017 ELECTION OF ADJUTANT AND INSPECTOR GENERAL;

CERTIFICATION OF QUALIFICATIONS

For purposes of the 2017 election, a candidate for Adjutant and Inspector General shall, at the time he or she notifies the Secretary of State of his or her candidacy pursuant to 2 V.S.A. § 12(b), certify under oath to the Secretary that he or she meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

Sec. 7. EFFECTIVE DATES

(a) This section and Sec. 6 shall take effect on July 1, 2016.

(b) In Sec. 4, in 2 V.S.A. § 12, subdivisions (c)(1)–(4) shall take effect on July 1, 2016. The remaining provisions of Sec. 4 shall take effect on March 1, 2017.

(c) The remaining sections of this act shall take effect on March 1, 2017.

**( Committee Vote: 7-0-1)**

## H. 749

An act relating to allowing a friend to file a request for relief from abuse order

**Rep. Rachelson of 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. 15 V.S.A. § 1103 is amended to read:

### § 1103. REQUESTS FOR RELIEF

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of ~~him~~ him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

\* \* \*

Sec. 2. 15 V.S.A. § 1104 is amended to read:

### § 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the Court that the defendant has abused the plaintiff or his or her children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

and that after passage the title of the bill be amended to read: “An act relating to filing a request for relief from abuse”

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

## NOTICE CALENDAR

### Committee Bill for Second Reading

## H. 851

An act relating to the conduct of forestry operations.

**(Rep. Hebert of Vernon will speak for the Committee on Natural Resources & Energy.)**

**Favorable with Amendment**

**H. 458**

An act relating to automatic voter registration through motor vehicle driver's license applications

**Rep. LaClair of Barre Town**, 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. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant ~~declines to sign the voter registration portion of the application~~ checks the box on the application designating that he or she declines to use the application as a voter registration application.

(b)(1) ~~The voter registration portion of the A~~ motor vehicle driver's license or nondriver identification card application shall provide and request the following information required to be provided under section 2145 of this chapter and shall be in the form approved by the Secretary of State:

(A) The applicant's citizenship.

(B) The applicant's place and date of birth.

(C) The applicant's town of legal residence.

(D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(E) The voter's oath.

(F) The applicant's e-mail address, which shall be optional to provide.

(2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary



of State for voter registration purposes. The office through which you submitted this application will remain confidential and will be used only for voter registration purposes.”

(B) “YOU MAY DECLINE TO REGISTER. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes.”

(C) “In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter’s oath; and (4) be 18 years of age or older. Failure to decline to register is an attestation that you meet the requirements to vote.”

(3) A motor vehicle driver’s license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

\* \* \*

(d)(1) The Department of Motor Vehicles shall transmit ~~voter registration~~ motor vehicle driver’s license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver’s license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

\* \* \*

Sec. 2. 17 V.S.A. § 2145 is amended to read:

#### § 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

\* \* \*

~~(2) The voter’s oath and a space for a person administering the voter’s oath to another to execute the written notification required by section 2124 of this title.~~

\* \* \*

(4) The following statements:

~~(A) “If you were provided with this form when you applied for, or renewed, a motor vehicle driver’s license or were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes.”~~

~~(B) “If you are submitting this application in connection with a motor vehicle driver’s license application, or renewal, or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes.”~~

~~(5) The following statement on applications provided by the Department of Motor Vehicles: “Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application for registration.” [Repealed.]~~

Sec. 3. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER’S OATH OR AFFIRMATION; HOW ADMINISTERED; APPLICATION

\* \* \*

~~(b) A person who administers the voter’s oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person’s name and the date the oath or affirmation was administered. [Repealed.]~~

(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. ~~If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application.~~ The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 4. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver’s license or nondriver identification card as provided in section 2145a of this chapter.

\* \* \*

Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:

(4) Any new or renewal application form shall provide for and request the information required in 17 V.S.A. § 2145a.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

( Committee Vote: 10-0-1)

### H. 507

An act relating to eligibility for economic development in impaired waters of the State

**Rep. Lefebvre of Newark**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SECRETARY OF ADMINISTRATION; WATER QUALITY STANDARDS CERTIFICATION FOR STATE-FUNDED GRANTS; REPORT

(a)(1) The Secretary of Administration shall amend the Standard State Provisions for Contracts and Grants, referred to as Attachment C to Administrative Bulletin 5, to require an applicant for a State-funded grant to certify, under pains and penalties of perjury, that the applicant is in good standing with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

(2) The requirement under this subsection shall allow for an attachment or include space for an applicant who cannot certify under subdivision (1) of this subsection to explain the circumstances surrounding the applicant's inability to certify under subdivision (1).

(3) At any time prior to the award of a State-funded grant or during implementation of a State-funded grant, an applicant shall notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets.

(4) As used in this section:

(A) "Applicant" shall include all entities, including businesses in which the applicant has a greater than 10 percent interest, or land owned or controlled by the applicant.

(B) "Good standing" means the applicant:

(i) is not a named party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments; and

(ii) is in compliance with all federal and State water quality laws and regulations.

(b) A State agency or department may consider an applicant's certification or explanation under subsection (a) of this section in determining whether or not to award a State-funded grant to the applicant.

(c)(1) If a State-funded grant applicant knowingly provides a false certification or explanation under subsection (a) of this section or fails to notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets as required in subdivision (a)(3) of this section, the State or its agencies or departments may:

(A) seek to recover the grant award; and

(B) deny any future grant award to the applicant, based on the false certification or explanation or failure to notify, for up to five years.

(2) In recovering a grant award under this section, the State or its agencies or departments shall be entitled to costs and expenses, including attorney's fees.

(d) This section shall not apply to federally funded grants, contracts, or tax credits or federal or State loan programs.

(e) On or before January 15, 2021, the Secretary of Administration shall submit a report to the House Committees on Fish, Wildlife and Water Resources and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs regarding methods to require all economic development assistance applications to include a certification that the applicant is not in violation of the requirements of programs enforced by the Agency of Natural Resources under 10 V.S.A. § 8003(a). The report shall also include information regarding any enforcement action taken by the State or its agencies or departments under subsection (c) of this section.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

**( Committee Vote: 8-1-0)**

**Favorable**

**H. 577**

An act relating to voter approval of electricity purchases by municipalities and electric cooperatives

**Rep. Sullivan of Burlington**, for the Committee on **Natural Resources & Energy**, recommends the bill ought to pass.

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

**Consent Calendar**

**Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

**H.C.R. 237**

House concurrent resolution honoring Cambridge Town Clerk, Treasurer, and Collector of Delinquent Taxes Jane Porter for her outstanding municipal public service

**H.C.R. 248**

House concurrent resolution honoring Wendell Coleman for his local and State public service on behalf of the citizens of Londonderry

**H.C.R. 249**

House concurrent resolution honoring Ralph Coleman of Jamaica for his dedicated civic leadership in the town of Jamaica and for the Leland & Gray Union Middle and High School

**H.C.R. 250**

House concurrent resolution honoring Chief George Lang on his outstanding 42 years of devoted service at the Champion 5 South Londonderry Fire Department

**H.C.R. 251**

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**H.C.R. 252**

House concurrent resolution honoring Elise McKenna for her outstanding work on the Blueprint for Health in the Lamoille County Health Service Area

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House concurrent resolution honoring Warren Whitcomb, in recognition of his exemplary municipal civic leadership in the town of New Haven

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House concurrent resolution honoring Earl Bessette for his community engagement and civic service in the town of New Haven

**H.C.R. 259**

House concurrent resolution honoring Rockingham Selectboard Chair Thomas H. MacPhee on his exemplary civic leadership

**H.C.R. 260**

House concurrent resolution congratulating John McClaughry on his half century of public service as Kirby Town Moderator

**H.C.R. 261**

House concurrent resolution designating February as Career and Technical Education Month in Vermont

### **S.C.R. 37**

Senate concurrent resolution congratulating innkeepers Brian and Leslie Mulcahy on their outstanding record of accomplishment at the Rabbit Hill Inn in Lower Waterford

### **S.C.R. 38**

Senate concurrent resolution honoring Sharyn Brush for her outstanding public service in the town of Bennington

### **For Informational Purposes**

#### **CROSS OVER DATES**

The Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 11, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 18, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day

This provision shall not apply to the following measures:

- (1) The transportation capital bill;
- (2) The capital construction bill
- (3) The general appropriations bill (“The Big Bill”);
- (4) The pay bill;
- (5) The fees bill.