

# Senate Calendar

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FRIDAY, APRIL 10, 2015

**SENATE CONVENES AT: 11:30 A.M.**

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**ACTION CALENDAR**

**CONSIDERATION POSTPONED TO APRIL 10, 2015**

**Third Reading**

**S. 138.**

An act relating to promoting economic development.

**Amendment to S. 138 to be offered by Senators Collamore and Balint  
before Third Reading**

Senators Collamore and Balint move to amend the bill by adding a Sec. 22 to read as follows:

**Sec. 22. SALES AND USE TAX HOLIDAY**

Notwithstanding the provisions of 32 V.S.A. § 9771 and 24 V.S.A. § 138, a sales and use tax or local option sales tax shall not be imposed or collected on sales to individuals for personal use items or tangible personal property at a sales price of \$2,000.00 or less on August 29, 2015.

**Amendment to S. 138 to be offered by Senator Westman before Third  
Reading**

Senator Westman moves to amend the bill in Sec. 50, 7 V.S.A. § 2, (definitions) by striking out subdivision (28) in its entirety and inserting in lieu thereof the following:

(27) “Special events permit”: a permit granted by the Liquor Control Board permitting a person holding a manufacturer’s or rectifier’s license to sell by the glass or by unopened bottle spirits, fortified wines, malt beverages, or vinous beverages manufactured or rectified by the license holder at an event open to the public that has been approved by the local licensing authority. For the purposes of tasting only, the permit holder may distribute, with or without charge, beverages manufactured by the permit holder by the glass no more than two ounces per product and eight ounces total of malt beverages or vinous beverages and no more than one ounce in total of spirits or fortified wines to each individual. No more than ~~36~~ 104 special events permits may be issued to a holder of a manufacturer’s or rectifier’s license during a year. A special event permit shall be valid for the duration of each public event or four days, whichever is shorter. Requests for a special events permit, accompanied by the fee as required by subdivision 231(13) of this title, shall be submitted to the Department of Liquor Control at least five days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under

this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer's or rectifier's ~~36~~ 104 special-event-permit limitation.

(28) "Fourth-class license" or "farmers' market license": the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt ~~or~~ beverages, vinous beverages, fortified wines, or spirits to sell by the unopened container and distribute; by the glass, with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell its product to no more than five additional manufacturers or rectifiers. A fourth-class licensee may distribute by the glass no more than two ounces of malt beverages or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits or fortified wine with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A fourth class licensee may distribute by the glass up to four mixed drinks containing a combined total of no more than one ounce of spirits or fortified wine to each retail customer for consumption only on the manufacturer's premises. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

**Amendment to S. 138 to be offered by Senators Baruth and Benning  
before Third Reading**

Senators Baruth and Benning move to amend the bill by adding a Sec. 62 to read:

Sec. 62. 32 V.S.A. § 5930u is amended to read:

§ 5930u. TAX CREDIT FOR AFFORDABLE HOUSING

(a) As used in this section:

(1) "Affordable housing project" or "project" means:

(A) a rental housing project identified in 26 U.S.C. § 42(g); or

(B) owner-occupied housing identified in 26 U.S.C. § 143~~(e)~~ ~~and (f)~~ and eligible (c)(1) or that qualifies under the Vermont Housing Finance Agency allocation plan criteria governing owner-occupied housing.

(2) “Affordable housing tax credits” means the tax credit provided by this subchapter.

(3) “Allocating agency” means the Vermont Housing Finance Agency.

(4) “Committee” means the Joint Committee on Tax Credits consisting of five members; a representative from the Department of Housing and Community Affairs, the Vermont Housing and Conservation Board, the Vermont Housing Finance Agency, the Vermont State Housing Authority, and the Office of the Governor.

(5) “Credit certificate” means a certificate issued by the allocating agency to a taxpayer that specifies the amount of affordable housing tax credits that can be applied against the taxpayer’s individual or corporate income tax or franchise or insurance premium tax liability as provided in this subchapter.

(6) “Eligible applicant” means any municipality, private sector developer, ~~department of state government as defined in 10 V.S.A. § 6302(a), State agency as defined in 10 V.S.A. § 6301a, the Vermont Housing Finance Agency, or a~~ nonprofit organization qualifying under 26 U.S.C. § 501(c)(3); or cooperative housing organization, the purpose of which is ~~the creation and retention of~~ to create and retain affordable housing for ~~lower income~~ Vermonters; with lower income and ~~the~~ which has in its bylaws that require a requirement that housing to the housing the organization creates be maintained as affordable housing for ~~lower income~~ Vermonters with lower income on a perpetual basis.

(7) “Eligible cash contribution” means an amount of cash contributed to the owner, developer, or sponsor of an affordable housing project and determined by the allocating agency as eligible for affordable housing tax credits.

(8) “Section 42 credits” means tax credit provided by 26 U.S.C. §§ 38 and 42.

(9) “Allocation plan” means the plan recommended by the Committee and approved by the Vermont Housing Finance Agency, which sets forth the eligibility requirements and process for selection of eligible housing projects to receive affordable housing tax credits under this section. The allocation plan shall include:

(A) requirements for creation and retention of affordable housing for ~~low income~~ persons; with low income; and

(B) requirements to ensure that eligible housing is maintained as affordable by subsidy covenant, as defined in 27 V.S.A. § 610 on a perpetual

basis, and meets all other requirements of the Vermont Housing Finance Agency related to affordable housing.

(b) Eligible tax credit allocations.

(1) Affordable housing credit allocation.

(A) An eligible applicant may apply to the allocating agency for an allocation of affordable housing tax credits under this section related to an affordable housing project authorized by the allocating agency under the allocation plan. In the case of a specific affordable rental housing project, the eligible applicant ~~must~~ shall also be the owner or a person having the right to acquire ownership of the building and ~~must~~ shall apply prior to placement of the affordable housing project in service. In the case of owner-occupied housing units, the applicant ~~must apply prior to purchase of the unit and must~~ shall ensure that the allocated funds will be used to ensure that the housing qualifies or program funds remain as an affordable housing resource for all future owners of the housing. The allocating agency shall issue a letter of approval if it finds that the applicant meets the priorities, criteria, and other provisions of subdivision ~~(2)(B)~~ of this ~~subsection~~ subdivision (1). The burden of proof shall be on the applicant.

~~(2)(B)~~ (B) Upon receipt of a completed application, the allocating agency shall award an allocation of affordable housing tax credits with respect to a project ~~under this section shall be granted~~ to an applicant, provided the applicant demonstrates to the satisfaction of the ~~committee~~ allocating agency all of the following:

~~(A)(i)~~ (i) The owner of the project has received from the allocating agency a binding commitment for, a reservation or allocation of, or an out-of-cap determination letter for, Section 42 credits, or meets the requirements of the allocation plan for development or financing of units to be owner-occupied;

~~(B)(ii)~~ (ii) The project has received community support.

(2) Down payment assistance program.

(A) The Vermont Housing Finance Agency shall have the authority to allocate affordable housing tax credits to finance down payment assistance loans that meet the following requirements:

(i) the loan is made in connection with a mortgage through an Agency program;

(ii) the borrower is a first-time homebuyer of an owner-occupied primary residence; and

(iii) the borrower uses the loan for the borrower's down payment, or closing costs, or both.

(B) The Agency shall require the borrower to repay the loan upon the sale or refinance of the residence.

(C) The Agency shall use the proceeds of loans made under the program for future down payment assistance.

(c) Amount of credit. A taxpayer who makes an eligible cash contribution shall be entitled to claim against the taxpayer's individual income, corporate, franchise, or insurance premium tax liability a credit in an amount specified on the taxpayer's credit certificate. The first-year allocation of a credit amount to a taxpayer shall also be deemed an allocation of the same amount in each of the following four years.

(d) Availability of credit. The amount of affordable housing tax credit allocated with respect to a project shall be available to the taxpayer every year for five consecutive tax years, beginning with the tax year in which the eligible cash contribution is made. Total tax credits available to the taxpayer shall be the amount of the first-year allocation plus the succeeding four years' deemed allocations.

(e) Claim for credit. A taxpayer claiming affordable housing tax credits shall submit with each return on which such credit is claimed a copy of the allocating agency's credit allocation to the affordable housing project and the taxpayer's credit certificate. Any unused affordable housing tax credit may be carried forward to reduce the taxpayer's tax liability for no more than 14 succeeding tax years, following the first year the affordable housing tax credit is allowed.

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

(g)(1) In any fiscal year, the allocating agency may award up to:

(A) \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects, for a total aggregate limit of \$2,000,000.00 over any given five-year period that credits are available under this subdivision; and may award up to

(B) \$300,000.00 per year for owner-occupied unit applicants financing or down payment loans consistent with the allocation plan, including for new construction and manufactured housing, for a total aggregate limit of \$1,500,000.00 over any given five-year period that credits are available under this subdivision.

(2) In fiscal years 2016 through 2020, the allocating agency may award up to \$125,000.00 per year for loans through the down payment assistance



program created in subdivision (b)(2) of this section for a total aggregate limit of \$625,000.00 over the five-year period that credits are available under this subdivision.

~~(h) In any fiscal year, total first year allocations plus succeeding year deemed allocations shall not exceed \$3,500,000.00. The aggregate limit for all credit allocations available under this section in any fiscal year is \$4,125,000.00.~~

**Amendment to S. 138 to be offered by Senators McAllister, Benning, and Degree before Third Reading**

Senators McAllister, Benning, and Degree move to amend the bill by adding a Sec. 63 to read as follows:

Sec. 63. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

(a) ~~A~~ Except as otherwise provided in subsection (b) of this section, a person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

\* \* \*

(b) Subsection (a) of this section shall not apply to a person licensed under 18 U.S.C. chapter 44 who is also registered as a Special Occupational Taxpayer under the National Firearms Act of 1934, for the purpose of manufacturing, joint production, calibration, integration, incorporation, testing, permanent and temporary export, permanent and temporary import, research and development, repair, or sale of silencers in accordance with federal, State, and local law.

**Amendment to S. 138 to be offered by Senators Flory and Mazza before Third Reading**

Senators Flory and Mazza move to amend the bill by adding a Sec. 65 to read as follows:

Sec. 65. 32 V.S.A. § 5930ii is amended to read:

§ 5930ii. RESEARCH AND DEVELOPMENT TAX CREDIT

(a) A taxpayer of this State shall be eligible for a credit against the tax imposed under this chapter in an amount equal to ~~27~~ 30 percent of the amount of the federal tax credit allowed in the taxable year for eligible research and

development expenditures under 26 U.S.C. § 41(a) and which are made within this State.

(b) Any unused credit available under subsection (a) of this section may be carried forward for up to 10 years.

(c) Each year, on or before January 15, the Department of Taxes shall publish a list containing the names of the taxpayers who have claimed a credit under this section during the most recent completed calendar year.

**Amendment to S. 138 to be offered by Senators Westman, Ashe, Ayer, and Lyons before Third Reading**

Senators Westman, Ashe, Ayer, and Lyons move to amend the bill by adding a Sec. 66 to read as follows:

**Sec. 66. PREWRITTEN SOFTWARE ACCESSED REMOTELY**

Charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the purchaser or any related company shall not be considered tangible personal property under 32 V.S.A. § 9701(7).

**UNFINISHED BUSINESS OF THURSDAY, APRIL 9, 2015**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S.R. 7.**

Senate resolution relating to climate change.

**Reported favorably with recommendation of amendment by Senator Campion for the Committee on Natural Resources & Energy.**

The Committee recommends that the resolution be amended by striking out all after the title and inserting in lieu thereof the following:

*Whereas*, according to the United Nations Intergovernmental Panel on Climate Change, the “warming in the climate system is unequivocal,” and “human influence on the climate system is clear,” and

*Whereas*, heat-trapping particles in the atmosphere, also known as greenhouse gases, absorb heat and cause temperatures in the atmosphere to increase, and, according to the World Resources Institute, the combustion of fossil fuels (for uses including transportation, electricity, heat, industrial processes, cement production, oil refining, and more) accounts for 77 percent of the global greenhouse gas emissions by humans globally, and

*Whereas*, 10 V.S.A. § 578 explicitly sets forth the goal of the State of Vermont to reduce greenhouse gas pollution as follows:

It is the goal of the State to reduce emissions of greenhouse gases from within the geographic boundaries of the State and those emissions outside the boundaries of the State that are caused by the use of energy in Vermont in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gases from the 1990 baseline by:

- (1) 25 percent by January 1, 2012;
- (2) 50 percent by January 1, 2028;
- (3) if practicable using reasonable efforts, 75 percent by January 1, 2050, and

*Whereas*, in 2013, the Department of Public Service reported to the General Assembly that as of 2011, Vermont’s greenhouse gas emissions were almost unchanged from the State’s 1990 emissions, and

*Whereas*, consequently, the State has already failed to meet its statutory goal of a 25 percent reduction in greenhouse gas pollution, and

*Whereas*, an analysis of state data from the National Climatic Data Center shows that in Vermont, during the years 1948–2011, there was an 84 percent increase in extreme precipitation, and

*Whereas*, extreme storms and so-called hundred-year floods have already caused hundreds of millions of dollars in damage in this decade alone, and University of Vermont researchers have said Tropical Storm Irene is a “harbinger of what’s to come,” and

*Whereas*, non fossil-fuel energy generation and conservation technologies reduce greenhouse gas emissions as well as help Vermonters save money and become more energy self-sufficient, and

*Whereas*, failure to identify accurately any problem precludes the development of effective solutions, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont recognizes that climate change is a real and present danger to health and well-being of all Vermonters, that human activities make a substantive contribution to climate change, and that it is imperative Vermont fulfill its stewardship responsibilities, as expressed in the State’s statutory goals for reduced greenhouse gas emissions, by taking steps now to reduce its reliance on fossil fuels, *and be it further*

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

(Committee vote: 4-1-0)

**NEW BUSINESS**

**Third Reading**

**S. 139.**

An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

**Second Reading**

**Favorable**

**H. 128.**

An act relating to the use of results-based accountability common language in Vermont law.

**Reported favorably by Senator Pollina for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(No House amendments)

**H. 320.**

An act relating to technical corrections.

**Reported favorably by Senator Bray for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 18, 2015, page 464)

**Favorable with Proposal of Amendment**

**H. 141.**

An act relating to the Organ and Tissue Donation Working Group.

**Reported favorably with recommendation of proposal of amendment by Senator Ayer for the Committee on Health & Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, subsection (f), by striking out "2017" and inserting in lieu thereof 2020.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 18, 2015, page 202.)

### H. 304.

An act relating to making miscellaneous amendments to Vermont's retirement laws.

#### **Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Government Operations.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By inserting a new Sec. 11 to read as follows:

Sec. 11. 3 V.S.A. § 462 is amended to read:

§ 462. REEXAMINATION OF DISABILITY BENEFICIARY

\* \* \*

(b) Should the medical board report and certify to the retirement board that any disability beneficiary has a residual functional capacity which might enable the beneficiary to return to work, and should the retirement board reasonably conclude that the beneficiary is engaged in or is, as a result of specific findings made by a certified vocational counselor, able to engage in a gainful occupation paying more than the difference between the beneficiary's retirement allowance and his or her average final compensation at retirement, the beneficiary's pension shall be reduced to an amount which, together with his or her annuity and the amount earnable by him or her, shall equal the beneficiary's average final compensation at retirement, adjusted for inflation each year following retirement on the same basis as for beneficiaries as provided in section 470 of this title. ~~Should the beneficiary's earning capacity be later changed, his or her pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his or her annuity, equals the beneficiary's average final compensation at retirement. For the purposes of this subsection, "retirement allowance" shall mean the allowance payable without modification as provided in section 468 of this title. provided that:~~

(1) The retirement board shall provide written notice and an opportunity to be heard to the beneficiary prior to any reduction of the beneficiary's pension under this subsection (b).

(2) If the beneficiary has engaged in a gainful occupation subsequent to receiving disability retirement, the retirement board in its discretion may reject in whole or in part a vocational assessment of the beneficiary's ability to engage in a more gainful occupation and may rely in whole or in part on evidence of the beneficiary's actual earnings in determining the amount

earnable by the beneficiary. In addition, if the retirement board's determination is based in whole or in part on a vocational assessment of ability to engage in a gainful occupation, the beneficiary shall be notified of his or her entitlement to the same reemployment rights as are available to State employees under the existing collective bargaining agreement entered into between the State and the applicable bargaining representative, or extension of such contractual benefits. Such rights shall commence as of the date of the determination and shall be based upon the reemployment rights the beneficiary would have had at the time he or she retired from State service. The reduction of pension amount will be held in abeyance until the reemployment rights have expired. In the event that the beneficiary is subsequently reemployed by the State, the beneficiary's retirement allowance shall cease, effective on the date when reemployment commences. In the event that the beneficiary is not subsequently reemployed by the State, the reduction of the beneficiary's pension shall commence the month following the month in which the beneficiary's reemployment rights expired.

(3) In the event that a beneficiary's pension has been reduced and should the beneficiary's earning capability later change, his or her pension may be further modified; provided that no reemployment rights shall be afforded to the beneficiary in connection with any later change and provided further that the new pension amount, together with the amount earnable by him or her, shall not exceed the beneficiary's average final compensation at retirement, adjusted for inflation.

(4) As used in this subsection, "retirement allowance" shall mean the allowance payable without modification as provided in section 468 of this title.

(c) Every recipient of disability benefits shall, annually on a date determined by the retirement board, file with the State Treasurer a statement certifying, under penalty of perjury and in such form as the retirement board shall prescribe, the full amount of his or her earnings from earned income during the preceding calendar year. The State Treasurer may request, and the beneficiary shall provide within 60 days of such request, additional financial information and records pertinent to the beneficiary's earned income. The beneficiary's statement and accompanying forms and schedules, and any other financial information and records provided by the beneficiary to the State Treasurer shall be confidential. In the event that a beneficiary fails to submit the certification or any required or requested financial information or records pertinent to the beneficiary's earned income, the beneficiary's retirement allowance shall be suspended until all such information and records have been submitted, and in the event that the failure continues for one year, all the beneficiary's rights in and to his or her pension and any pending reemployment rights under this section may be revoked by the board. Notwithstanding any

provision of this section to the contrary, if the beneficiary's earned income for the preceding year exceeded the difference between the beneficiary's retirement allowance and his or her average final compensation at retirement, the beneficiary shall refund the portion of the preceding year's retirement allowance that is equal to the amount of the reduction specified in subsection (b), and the refund amount may be offset against the beneficiary's monthly pension benefits. Prior to suspension or revocation of the beneficiary's retirement allowance, reemployment rights, or inception of any offset under this subsection (c), the retirement board shall provide the beneficiary with written notice and an opportunity to be heard.

Second: By inserting a new section to be Sec. 12 to read as follows:

Sec. 12. 3 V.S.A. § 463 is amended to read:

§ 463. REINSTATEMENT

(a) ~~Should a disability beneficiary be restored to service and should his or her annual earnable compensation then or at any time thereafter be equal to or greater than his or her average final compensation at retirement, or should any other beneficiary be restored to service, his or her retirement allowance shall cease, and the beneficiary shall again become a member of the retirement system, and he or she shall contribute thereafter at the same rate he or she paid prior to retirement.~~ Anything in this subchapter to the contrary notwithstanding, upon his or her subsequent retirement, he or she shall be credited with all the service creditable to him or her at the time of his or her former retirement. However, if such beneficiary is restored to membership after the attainment of ~~the age of 55 years~~ of age, his or her pension upon subsequent retirement shall not exceed the sum of the pension which he or she was receiving immediately prior to his or her last restoration to membership and the pension that may have accrued on account of membership service since his or her last restoration to membership, provided that the rate percent of his or her total pension on his or her subsequent retirement shall not exceed the rate he or she would have received had he or she remained in service during the period of prior retirement.

\* \* \*

Third: By renumbering Sec. 11 (effective date) to be Sec. 13.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 17, 2015, page 426)

## NOTICE CALENDAR

### Second Reading

#### Favorable

#### H. 268.

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

**Reported favorably by Senator Collamore for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(No House amendments)

#### H. 310.

An act relating to limited liability companies.

**Reported favorably by Senator Mullin for the Committee on Economic Development, Housing & General Affairs.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 18, 2015, page 518 and March 19, 2015, page 607)

#### H. 478.

An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

**Reported favorably by Senator Collamore for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(No House amendments)

#### J.R.S. 10.

Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont.

**Reported favorably by Senator Baruth for the Committee on Economic Development, Housing & General Affairs.**

(Committee vote: 5-0-0)



## Favorable with Proposal of Amendment

### H. 98.

An act relating to reportable disease registries and data.

#### **Reported favorably with recommendation of proposal of amendment by Senator McCormack for the Committee on Health & Welfare.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 3, 18 V.S.A. § 1129, in subsection (b), in the fourth sentence, by striking out the phrase “as defined in 16 V.S.A. § 1691a”.

Second: In Sec. 3, by inserting a new subsection to be subsection (g) to read as follows:

(g) As used in this section, “administrator” means an individual licensed under 16 V.S.A. chapter 5, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a school system or school program. “Administrator” also means an individual employed by an approved or recognized independent school the majority of whose assigned time is devoted to those duties.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 18, 2015, page 451)

### H. 270.

An act relating to definitions for pretrial screenings and assessments.

#### **Reported favorably with recommendation of proposal of amendment by Senator Sears for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by adding Secs. 2 and 3 to read as follows:

Sec. 2. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

\* \* \*

(d)(1) In consideration of the assessment and screening, the court may order the person to comply with any of the following conditions:

(A) meet with a pretrial monitor on a schedule set by the court;

(B) participate in a clinical assessment by a substance abuse or mental health treatment provider; and

(C) comply with any level of treatment or recovery support recommended by the provider;

~~(D) provide confirmation to the pretrial monitor of the person's attendance and participation in the clinical assessment and any recommended treatment; and~~

~~(E) provide confirmation to the pretrial monitor of the person's compliance with any other condition of release.~~

\* \* \*

Sec. 3. 12 V.S.A. § 701 is amended to read:

§ 701. SUMMONS

(a) Any law enforcement officer authorized to serve criminal process or a ~~state's attorney~~ State's Attorney may summon a person who commits an offense to appear before a ~~district or superior court~~ District or Superior Court by a summons in such form as prescribed by the ~~court administrator~~ Court Administrator, stating the time when, and the place where, the person shall appear, signed by the enforcement officer or ~~state's attorney~~ State's Attorney and delivered to the person.

(b) When an individual accepts a precharge services contract, the State's Attorney may issue a new citation ordering the individual to court in the event the individual fails to comply with the terms of the contract. The pretrial monitor may provide the citation to the individual at the time the individual accepts the precharge contract. This shall be considered effective service.

(c) A person so summoned shall appear at the time and place stated in the summons delivered to him or her. A person who does not so appear shall be fined not more than \$100.00 or be imprisoned not more than 90 days, or both.

~~(e)~~(d) A person who does not so appear in response to a summons for a traffic offense as defined in ~~section 23 V.S.A. § 2201 of Title 23~~ shall be fined not more than \$100.00.

And by renumbering the remaining section to be numerically correct

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

An act relating to pretrial screenings and assessments.

(Committee vote: 5-0-0)

(No House amendments)

## ORDERED TO LIE

### S. 137.

An act relating to penalties for selling and dispensing marijuana.

**PENDING ACTION:** Committee Bill for Second Reading

### CONCURRENT RESOLUTIONS FOR ACTION

**S.C.R. 15** (For text of Resolution, see Addendum to Senate Calendar for April 9, 2015)

**H.C.R. 99-112** (For text of Resolutions, see Addendum to House Calendar for April 9, 2015)

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Megan Smith of Mendon – Commissioner, Department of Tourism and Marketing – By Sen. Mullin for the Committee on Econ. Dev., Housing and General Affairs. (3/24/15)

Steven Costantino of Providence, RI – Commissioner of the Department of Health Access – By Sen. Pollina for the Committee on Health and Welfare. (3/25/15)

Justin Johnson of Barre – Secretary, Agency of Administration – By Sen. Pollina for the Committee on Government Operations. (3/31/15)

Frederick Kenney, II of Jericho - Executive Director of the Vermont Economic Progress Council – By Sen. Mullin for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

Stephan Morse of Newfane – Member of the Vermont Economic Progress Council – By Sen. Balint for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

Shawn Straffin of West Burke – Member of the Vermont Economic Progress Council – By Sen. Balint for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

## **REPORTS ON FILE**

### **Reports 2015**

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following report is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont Legislative webpage.

1. Working Lands Enterprise Initiative Annual Report: Fiscal Year 2014. (Vermont Agency of Agriculture, Food and Markets) (March 2015)