

# Senate Calendar

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FRIDAY, MAY 01, 2015

SENATE CONVENES AT: 9:30 A.M.

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**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**H. 489.**

An act relating to revenue.

**Proposal of amendment to H. 489 to be offered by Senator Rodgers before  
Third Reading**

Senator Rodgers moves that the Senate propose to the House to amend the bill by inserting a new Sec. 22a to read as follows:

Sec. 22a. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF AUTHORITY TO MUNICIPALITIES

(a)(1) The Secretary may delegate to a municipality authority to:

(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or

(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:

(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and

(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.

(2) If a municipality submits a written request for delegation of this chapter, the ~~secretary~~ Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the ~~secretary~~ Secretary is satisfied that the municipality:

(A) has established a process for accepting, reviewing, and processing applications and issuing permits, which shall adhere to the rules established by the ~~secretary~~ Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;

(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work which must be done by a municipality under this section to grant permits;

(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;

(D) commits to reporting annually to the ~~secretary~~ Secretary on a form and date determined by the ~~secretary~~ Secretary; ~~and~~

(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and

(F) will comply with all other requirements of the rules adopted under section 1978 of this title.

~~(2) Notwithstanding the provisions of this subsection, there shall be no delegation of this section or of section 1975 or 1978 of this title.~~

\* \* \*

**Proposal of amendment to H. 489 to be offered by Senators Zuckerman, Ayer, Bray, Degree, McAllister, Rodgers, and Starr before Third Reading**

Senators Zuckerman, Ayer, Bray, Degree, McAllister, Rodgers, and Starr move that the Senate propose to the House to amend the bill in Sec. 57, 32 V.S.A. § 5811(21) (definition of taxable income), by inserting subdivision (D) to read as follows:

(D) The home mortgage interest to be added back to taxable income under subdivision (A)(v) of this subdivision (21) shall not apply to any taxpayer who is a farmer, as defined in subdivision 3752(7) of this title.

**H. 490.**

An act relating to making appropriations for the support of government.

**Proposal of amendment to H. 490 to be offered by Senators Ayer, Lyons, McCormack, and Pollina before Third Reading**

Senators Ayer, Lyons, McCormack, and Pollina move that the Senate propose to the House to amend the bill by inserting a new Sec. E.313.1 to read as follows:

Sec. E.313.1 18 V.S.A. chapter 95 is added to read:

CHAPTER 95. SUBSTANCE ABUSE ADVISORY COUNCIL

§ 4851. PURPOSE

It is the purpose of this chapter to establish a council responsible for evaluating Vermont's substance abuse system of care from a health and wellness perspective. The council created herein shall modernize the State's approach to substance abuse in terms of prevention, intervention, treatment, and recovery by focusing on community services, balancing scarce Medicaid resources, and integrating efforts with the Blueprint for Health.

§ 4852. SUBSTANCE ABUSE ADVISORY COUNCIL

(a) Creation. There is created a substance abuse advisory council to foster coordination and integration of substance abuse services across the substance abuse system of care.

(b) Membership. The Council shall be composed of the following 17 members:

- (1) the Secretary of Human Services or designee;
- (2) the Secretary of Education or designee;
- (3) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs;
- (4) the Commissioner of Mental Health or designee;
- (5) the Commissioner of Vermont Health Access or designee;
- (6) the Director of the Blueprint or designee;
- (7) a representative of an approved provider or preferred provider that shall also be a designated agency, appointed by the Governor;
- (8) a representative of an approved provider or preferred provider that provides residential treatment services, appointed by the Governor;
- (9) two licensed alcohol and drug abuse counselors serving different regions of the State, appointed by the Governor;
- (10) a physician in private practice with expertise treating substance use disorders, appointed by the Governor;
- (11) a representative of hospitals, appointed by the Vermont Association of Hospitals and Health Systems;
- (12) a representative of the criminal justice community, appointed by the Governor;

(13) an educator involved in substance abuse prevention services, appointed by the Governor;

(14) a youth substance abuse prevention specialist, appointed by the Governor;

(15) a community prevention coalition member, appointed by the Governor; and

(16) a member of the peer community involved in recovery services, appointed by the Governor.

(c) Report. Annually on or before November 15, the Council shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(d) Meetings.

(1) The Secretary of Human Services shall call the first meeting of the Council to occur on or before August 1, 2015.

(2) The Council shall select a chair and vice chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(e) Reimbursement. Members of the Council who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings annually.

#### § 4853. ADMINISTRATIVE SUPPORT

The Agency of Human Services shall provide the Council with such administrative support as is necessary for it to accomplish the purposes of this chapter.

#### § 4854. POWERS AND DUTIES

The Council shall:

(1) assess substance abuse services and service delivery in the State, including the following:

(A) the effectiveness of existing substance abuse services in Vermont and opportunities for improved treatment; and

(B) strategies for enhancing the coordination and integration of substance abuse services across the system of care;

(2) provide recommendations to the Department of Health in its development of a substance abuse system of care, including regarding the integration of substance abuse services with health care reform initiatives, such as pay for performance methodologies;

(3) provide recommendations to the General Assembly and the Agency of Human Services regarding the improvement of statutes and rules governing the substance abuse system of care; and

(4) provide recommendations to the General Assembly regarding State policy and programs for individuals experiencing public inebriation.

**Proposal of amendment to H. 490 to be offered by Senator White before  
Third Reading**

Senator White moves that the Senate propose to the House to amend the bill by inserting a new Sec. E.600.1 to read as follows:

Sec. E.600.1 16 V.S.A. § 2285 is added to read:

**§ 2285. NONAPPLICABILITY OF CERTAIN REQUIREMENTS FOR  
PAYMENT OF WAGES**

Except as expressly provided in this chapter, the University of Vermont and State Agricultural College and its Board of Trustees, officers, and employees shall not be subject to the provisions of 21 V.S.A. § 342(c) that require written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.

**Second Reading**

**Favorable**

**H. 494.**

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

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

(Committee vote: 5-0-0)

(No House amendments)

**H. 496.**

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

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

(Committee vote: 5-0-0)

(No House amendments)

**H. 499.**

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

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

(Committee vote: 5-0-0)

(No House amendments)

**Favorable with Proposal of Amendment**

**H. 477.**

An act relating to miscellaneous amendments to election law.

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

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

First: By striking out Sec. 6 (17 V.S.A. § 2386 (time for filing statements)) in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) ~~Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the~~ In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed as set forth in section 2356 of this title not later than 5:00 p.m. on the third day following the primary.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the election.



(c) In the case of a nomination by a minor political party, a statement shall be filed as set forth in section 2356 of this chapter.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter.

Second: By adding two new sections under the “Campaign Finance” reader assistance heading to be Secs. 29a and 29b to read as follows:

Sec. 29a. 17 V.S.A. § 2903 is amended to read:

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund ~~the unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation to~~ the Secretary of State an amount equivalent to any contributions or expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State’s Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

Sec. 29b. APPLICABILITY OF SEC. 29a

It is the intent of the General Assembly that the provisions of 1 V.S.A. § 214(c) shall apply to Sec. 29a of this act.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 18, 2015, page 437)

**NOTICE CALENDAR**  
**Second Reading**  
**Favorable with Proposal of Amendment**  
**H. 5.**

An act relating to hunting, fishing, and trapping.

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

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

First: By striking out Sec. 5 in its entirety and inserting in lieu thereof the following:

Sec. 5. 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

\* \* \*

(6) In each year a permanent license holder intends to hunt, trap, or fish, the permanent license holder shall notify the Department that he or she will exercise his or her hunting, trapping, or fishing privileges. Failure to notify the Department as required by this subdivision (c)(6) shall not result in the assessment of points under section 4502 of this title.

Second: By adding a Sec. 14a and accompanying reader assistance to read as follows:

\* \* \* Forest Fragmentation Report \* \* \*

Sec. 14a. RECOMMENDATIONS FOR IMPLEMENTATION OF VERMONT FOREST FRAGMENTATION REPORT

On or before January 15, 2016, the Commissioner of Forests, Parks and Recreation shall report to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife and Water Resources with recommendations for implementing the policy options to promote forest integrity contained within the Department of Forests, Parks and Recreation's 2015 Vermont Forest Fragmentation Report. The report shall include proposed legislative changes to implement the recommendations of the Commissioner of Forests, Parks and Recreation. Prior to submitting the report required by this section, the Commissioner of Forests, Parks and Recreation shall consult with interested stakeholders.

(Committee vote: 3-0-2)

(For House amendments, see House Journal for March 18, 2015, page 441.)

**H. 18.**

An act relating to Public Records Act exemptions.

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

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 21 and the reader assistance thereto in their entirety and inserting in lieu thereof the following:

\* \* \* Presentence and Preparole Reports; Supervision History \* \* \*

Sec. 21. 28 V.S.A. § 204 is amended to read:

**§ 204. SUBMISSION OF WRITTEN REPORT; PROTECTION OF RECORDS**

\* \* \*

(d) Any presentence report, ~~pre-parole~~ preparole report, or supervision history prepared by any employee of the Department in the discharge of the employee's official duty, except as provided in subdivision 204a(b)(5) and section 205 of this title, is ~~privileged~~ confidential and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board, except that the court or Board may in its discretion permit the inspection of the report or parts thereof by the State's Attorney, the defendant or inmate, or his or her attorney, or other persons having a proper interest therein, whenever the best interest or welfare of the defendant or inmate makes that action desirable or helpful. Nothing in this section shall prohibit the Department for Children and Families from accessing the supervision history of probationers or parolees for the purpose of child protection.

\* \* \*

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 10, 2015, page 371 and March 11, 2015, page 378)

**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

**H.C.R. 140-148** (For text of Resolutions, see Addendum to House Calendar for April 30, 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.

William Mathis of Brandon – Member of the State Board of Education – By Sen. Baruth for the Committee on Education. (4/30/15)

Peter Peltz of Woodbury – Member of the State Board of Education – By Sen. Campion for the Committee on Education. (4/30/15)

Dylan McAllister of Greensboro – Student Member of the State Board of Education – By Sen. Degree for the Committee on Education. (5/1/15)

Linda Milne of Montpelier – Member, Vermont State Colleges Board of Trustees – By Sen. Doyle for the Committee on Education. (5/1/15)