

# Senate Calendar

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TUESDAY, APRIL 05, 2016

**SENATE CONVENES AT: 9:30 A.M.**

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF WEDNESDAY, MARCH 30, 2016**

**Third Reading**

**H. 622.**

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

**NEW BUSINESS**

**Third Reading**

**H. 531.**

An act relating to aboveground storage tanks.

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 458.**

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

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

The Committee recommends that the Senate propose to the House to amend the bill by striking out 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. YOU MAY DECLINE TO REGISTER. Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."

(B) "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. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. 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.

(3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

\* \* \*

(f) In transmitting applications received under this section, the Secretary shall ensure compliance with the requirements of 15 V.S.A. chapter 21, subchapter 3.

(g) The Secretary shall take appropriate measures to educate the public about voter registration under this section.

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.]~~

\* \* \*

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her unintentional failure to decline to register on a motor vehicle driver's license or nondriver identification card application under section 2145a of this chapter.

\* \* \*

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. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

(31) Records of a registered voter's month and day of birth, motor vehicle operator's license number, and the last four digits of the applicant's Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

\* \* \*

Sec. 7. SECRETARY OF STATE; STUDY

The Secretary of State shall consult with the Office of the Attorney General to examine ways in which to register persons 16 years of age who will be 18 years of age on or before the next general election. The Secretary of State shall issue a report to the Senate and House Committees on Government Operations on or before January 15, 2017.

Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 7 (secretary of state study) shall take effect on passage.

(b) The remainder of the act shall take effect on July 1, 2017.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 26, 2016, page 292 and March 8, 2016 page 315)

## NOTICE CALENDAR

### Second Reading

#### Favorable

#### H. 747.

An act relating to the State Treasurer's authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing.

**Reported favorably by Senator Sirotkin for the Committee on Finance.**

(Committee vote: 5-0-1)

(For House amendments, see House Journal of March 9, 2016, page 341)

**Favorable with Recommendation of Amendment**

**S. 180.**

An act relating to increasing General Fund appropriations to the Vermont State Colleges.

**Reported favorably with recommendation of amendment by Senator Cummings for the Committee on Education.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Annual Appropriation to Vermont State Colleges, University of Vermont and Vermont Student Assistance Corporation \* \* \*

Sec. 1. 16 V.S.A. § 2889 is added to read:

§ 2889. APPROPRIATION TO VERMONT STATE COLLEGES, UNIVERSITY OF VERMONT, AND VERMONT STUDENT ASSISTANCE CORPORATION

For each fiscal year, the amount appropriated from the General Fund to each of the Vermont State Colleges, the University of Vermont, and the Vermont Student Assistance Corporation, or any of their successors, shall be increased by no less than that fiscal year's percentage increase in the General Fund transfer to the Education Fund under subdivision 4025(a)(2) of this title; provided, however, that in calculating the fiscal year's percentage increase in the General Fund transfer to the Education Fund, any surplus amount or one-time payment or adjustment that forms part of the General Fund transfer shall be disregarded.

\* \* \* Appropriation to Vermont State Colleges  
for Education and Training Services Program \* \* \*

Sec. 2. APPROPRIATION TO THE VERMONT STATE COLLEGES TO EXPAND EDUCATION AND TRAINING EVALUATION SERVICES PROGRAM

The sum of \$40,000.00 is appropriated from the Next Generation Initiative Fund created pursuant to 16 V.S.A. § 2887 to the Vermont State Colleges for the purpose of providing funding for the Colleges' Education and Training Evaluation Services Program. The Vermont State Colleges shall use the appropriation to evaluate or reevaluate educational and training programs for college credit at no cost or at a reduced cost to the programs being evaluated. The Vermont State Colleges shall identify training programs in the skilled trades, including the plumbing and electrical trades, to receive these evaluation services. The Vermont State Colleges shall, on or before January 15, 2017,



issue a report to the House and Senate Committees on Education describing how the funds appropriated pursuant to this section have been spent, how any remaining funds appropriated pursuant to this section will be spent, and the number and nature of the programs evaluated or reevaluated and the results of the evaluations.

\* \* \* Appropriation to Vermont Higher Education  
Endowment Trust Fund \* \* \*

Sec. 3. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the ~~office~~ Office of the State Treasurer to comprise the following:

(1) appropriations made by the General Assembly;

(2) in any fiscal year in which a General Fund surplus exists and the General Fund Stabilization Reserve is funded to its required statutory level, funds raised by the estate tax levied under 32 V.S.A. chapter 190 that are more than ~~425~~ 110 percent of the amount projected by the Emergency Board in the July annual forecast made pursuant to 32 V.S.A. § 305a; and

(3) contributions from any other sources.

\* \* \*

\* \* \* Man Up Program Continuation and Evaluation \* \* \*

Sec. 4. APPROPRIATION TO CONTINUE AND EVALUATE THE MAN UP PROGRAM

(a) Appropriation. The sum of \$103,200.00 is appropriated from the Next Generation Initiative Fund created pursuant to 16 V.S.A. § 2887 to the Secretary of Administration for the purpose of continuing and evaluating the Man Up Program, which is a program sponsored by the Vermont State Colleges. The Secretary shall administer the funds in accordance with subsection (d) of this section. Any unused funds shall revert to the General Fund.

(b) Program. The Man Up Program provides outreach, supportive advising, and up to three free courses toward a college degree to young Vermont men who have graduated from high school but have not continued on to college. The Program includes college courses offered by the Vermont State Colleges and the University of Vermont. The Program is currently offered in Morrisville, Vermont. The purpose of the appropriation in this section is to provide funding to continue this program for an additional year.

(c) Students.

(1) A Vermont resident who has completed grade 12 and has received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is a male between 18 and 25 years of age;

(ii) has completed the Governor's Career Readiness Program at the Community College of Vermont; and

(iii) has not previously completed a postsecondary course outside the Man Up Program; and

(B) the postsecondary institution has determined that the student is sufficiently prepared to succeed in a postsecondary course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) An eligible student may enroll in up to three courses for which neither the student nor the student's parent or guardian shall be required to pay tuition. A student is not required to enroll in three courses in one semester but shall enroll in a minimum of one course in each consecutive semester in order to remain eligible.

(d) Payments. The Vermont State Colleges shall receive, on or before July 31, 2016, a payment of \$60,000.00. This payment shall be used for one full-time staff member, who shall provide outreach and advisory services to eligible students. The Vermont State Colleges and the University of Vermont shall receive \$800.00 for each course in which an eligible student remains enrolled for more than 30 days. This payment shall be made within 45 days of the date of enrollment.

(e) Reporting. The Vermont State Colleges and the University of Vermont shall, on or before January 15, 2017, issue a report to the House and Senate Committees on Education describing the amount received pursuant to this section, the manner in which those funds were used, the number of students in the Program, the number and type of courses taken by the students, the success of the students in completing the courses, and the advantages and disadvantages of the Program. The Vermont State Colleges and the University of Vermont shall in their reports recommend whether the Program should be terminated, modified, or enhanced.

\* \* \* Complete College Program \* \* \*

Sec. 5. COMPLETE COLLEGE PROGRAM

(a) Program creation. There is created the Complete College Program to enable more Vermonters, who are from families with low incomes and whose parents have not completed postsecondary education, to obtain a postsecondary degree and allow the University of Vermont and the Vermont State Colleges to improve their recruitment and support services for these students. The goal of the program is to improve graduation rates of these students, narrow the inequality gap, reduce social services costs over time, and expand the State's workforce.

(b) Appropriation. The sum of \$3,000,000.00 is appropriated from the General Fund for fiscal year 2017 to the Secretary of Administration. The Secretary shall administer the funds in accordance with subsection (d) of this section. Any unused funds shall revert to the General Fund.

(c) Eligible students.

(1) A Vermont resident who has received a high school diploma or equivalency certificate is eligible to participate in the Program if:

(A) neither of the student's parents has obtained a bachelor's degree; and

(B) the student is eligible for a federal Pell grant.

(d) Amount of payments. The University of Vermont and the Vermont State Colleges shall receive, on or before June 30 of each year, a payment from the amount appropriated from the current fiscal year based on the number of eligible students, as defined in subsection (c) of this section, who graduated in the academic year ending on or before June 30 of that year. The amount paid shall be \$1,500.00 for each eligible student who was awarded an associate's degree in that academic year, and \$2,000.00 for each eligible student who was awarded a bachelor's degree in that academic year. In the event that the payments owed to the University of Vermont and the Vermont State Colleges exceed the amount of the appropriation from the current fiscal year, the payment per eligible student amounts set forth in this subdivision shall be reduced proportionally.

(e) Use of payments. The University of Vermont and the Vermont State Colleges shall use one-half of the payments received pursuant to this section to provide financial aid to eligible students, and shall use one-half of the payments received pursuant to this section to build support systems designed to allow first-generation students and students with low income to graduate from college in a timely fashion.

(f) The University of Vermont and the Vermont State Colleges shall, on or before October 1 of each year, issue a report to the House and Senate Committees on Education describing the amount received pursuant to this section from the prior fiscal year appropriation and the manner in which those funds were used.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

(Committee vote: 5-0-1)

**Reported favorably with recommendation of amendment by Senator Nitka for the Committee on Appropriations.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the ~~office~~ Office of the State Treasurer to comprise the following:

(1) appropriations made by the General Assembly;

(2) in any fiscal year in which a General Fund surplus exists and the General Fund Stabilization Reserve is funded to its required statutory level, funds raised by the estate tax levied under 32 V.S.A. chapter 190 that are more than ~~425~~ 115 percent of the amount projected by the Emergency Board in the July annual forecast made pursuant to 32 V.S.A. § 305a; and

(3) contributions from any other sources.

\* \* \*

Sec. 2. REPORT: POSTSECONDARY MATRICULATION AND GRADUATION RATES

(a) On or before January 15, 2017, a work group consisting of the President of the University of Vermont (UVM), the Chancellor of Vermont State Colleges (VSC), the President of the Vermont Student Assistance Corporation, the Secretary of Commerce and Community Development, and the Commissioner of Labor or their designees shall report to the House and Senate Committees on Education and on Appropriations on:

(1) recommended methodologies for establishing baselines against which improved performance can be measured for:

(A) the continuation rate of Vermont high school graduates to postsecondary education; and

(B) graduation rates for Vermont college students of low income and lower-middle income at UVM and VSC; and

(2) after reviewing available research, the most effective strategies for increasing graduation rates for students of low income and lower-middle income, including consideration of:

(A) instituting college completion payments to postsecondary institutions;

(B) increasing direct financial support to these students; and

(C) establishing a flexible emergency fund to assist these students in times of emergency that could result in temporary or permanent withdrawal from the institution, including where such a fund should be located and the guidelines for how funds could be accessed; and

(D) other recommendations for increasing graduation rates for these students.

(b)(1) The work group may meet as needed and shall select a chair at its initial meeting.

(2) In developing the recommendations required by this section, the work group shall consult the Secretary of Education and the Secretary of Human Services and other State agencies as needed.

### Sec. 3. AUTHORIZATION FOR VSAC TO REALLOCATE FUNDS

Notwithstanding anything to the contrary in 2015 Acts and Resolves No. 58, Sec. E.605.1, the Vermont Student Assistance Corporation may, in fiscal year 2016, reallocate up to \$10,000.00 of funds allocated for dual enrollment for the needs-based stipend to fund a stipend for eligible dual enrollment for spring and summer classes.

### Sec. 4. EFFECTIVE DATES

This section and Sec. 3 shall take effect on passage. Secs. 1 and 2 shall take effect on July 1, 2016.

(Committee vote: 5-0-2)

## Favorable with Proposal of Amendment

### H. 517.

An act relating to the classification of State waters.

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

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 10 V.S.A. § 1252, in subsection (a), after “Class B(1): Waters in which one or more uses are of” and before “higher quality than Class B(2) waters” by inserting demonstrable and consistently

(Committee vote: 4-0-0)

(For House amendments, see House Journal for March 9, 2016, page 329)

### 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.

Thomas Carlson of Hinesburg – Superior Court Judge – By Sen. Ashe for the Committee on Judiciary. (4/6/16)

Michael J. Harris of Williston – Superior Court Judge – By Sen. Benning for the Committee on Judiciary. (4/6/16)

John Pacht of Hinesburg – Superior Court Judge – By Sen. Ashe for the Committee on Judiciary. (4/6/16)

John Valente of Rutland – Superior Court Judge - By Sen. Nitka for the Committee on Judiciary. (4/6/16)

Peter Ozarowski of South Burlington – Member, Vermont Parole Board – By Sen. Balint for the Committee on Institutions. (4/6/16)

## **PUBLIC HEARINGS**

### **SENATE APPROPRIATIONS COMMITTEE**

#### **H.875 (FY 2017 Budget)**

#### **ADVOCATES TESTIMONY**

On **Tuesday, April 5, 2016** beginning at **1:30 pm**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2017 Budget (H.875) in Room 10 of the State House. **All available time slots have been filled.** To submit written testimony to the committee please contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969) or via email at: [rbuck@leg.state.vt.us](mailto:rbuck@leg.state.vt.us)

#### **FOR INFORMATION ONLY**

#### **CROSS OVER DATES**

The Joint 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.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).**