The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Hardy of Randolph.

Message from the House No. 39

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**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.

**H. 282.** An act relating to professions and occupations regulated by the Office of Professional Regulation.

In the passage of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 21.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the Governor

Appointment Referred

A message was received from the Governor, by Susan Allen, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to its committee as indicated:

Pickens, William of Wolcott - Member of the Fish and Wildlife Board, from March 26, 2015, to February 28, 2021.

To the Committee on Natural Resources & Energy.
Bill Ordered to Lie

S. 139.

Senate committee bill entitled:

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

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Campbell, the bill was ordered to lie.

Consideration Resumed; Bill Ordered to Lie

S. 62.

Consideration was resumed on Senate bill entitled:


Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, on motion of Senator Campbell, the bill was ordered to lie.

Bill Called Up

S. 133.

Senate bill of the following title was called up by Senator Campbell, and, under the rule, placed on the Calendar for action the next legislative day:

An act relating to an employee’s use of benefits.

Bill Referred to Committee on Rules

S. 114.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to the Open Meeting Law.

Bills Referred

House bills of the following titles were severally read the first time and referred:

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.
To the Committee on Rules.

H. 282.

An act relating to professions and occupations regulated by the Office of Professional Regulation.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered

S. 102.

Senator Ashe, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to forfeiture of property associated with an animal fighting exhibition.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 352 is amended to read:

§ 352. CRUELTY TO ANIMALS

A person commits the crime of cruelty to animals if the person:

* * *

(5)(A) owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting, or possesses, keeps, or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control; or

(B) owns, possesses, ships, transports, delivers, or keeps a device, equipment, or implement for the purpose of training or conditioning an animal for participation in animal fighting, or enhancing an animal’s fighting capability.

* * *

Sec. 2. 13 V.S.A. § 364 is amended to read:

§ 364. ANIMAL FIGHTS

(a) A person who participates in a fighting exhibition of animals shall be in violation of subdivisions 352(5) and (6) of this title.

(b) Notwithstanding any provision of law to the contrary, in addition to seizure of fighting birds or animals involved in a fighting exhibition, a law enforcement officer or humane officer may seize:

(1) any equipment associated with that activity;
(2) any other personal property which is used to engage in a violation or further a violation of subdivisions 352(5) and (6) of this title; and

(3) monies, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of subdivisions 352(5) and (6) of this title.

(c) In addition to the imposition of a penalty under this chapter, conviction under this section shall result in forfeiture of all seized fighting animals and equipment, and other property subject to seizure under this section. The animals may be destroyed humanely or otherwise disposed of as directed by the court.

(d) Property subject to forfeiture under this subsection may be seized upon process issued by the court having jurisdiction over the property. Seizure without process may be made:

(1) incident to a lawful arrest;

(2) pursuant to a search warrant; or

(3) if there is probable cause to believe that the property was used or is intended to be used in violation of this section.

(e) Forfeiture proceedings instituted pursuant to the provisions of this section for property other than animals are subject to the procedures and requirements for forfeiture as set forth in 18 V.S.A. chapter 84, subchapter 2.

Sec. 3. 18 V.S.A. § 4241 is amended to read:

§ 4241. SCOPE

(a) The following property shall be subject to this subchapter:

* * *

(7) Any property seized pursuant to 13 V.S.A. § 364.

(b) This subchapter shall not apply to any property used or intended for use in an offense involving two ounces or less of marijuana or in connection with hemp or hemp products as defined in 6 V.S.A. § 562. This subchapter shall apply to property for which forfeiture is sought in connection with:

(1) a violation under chapter 84, subchapter 1 of this title that carries by law a maximum penalty of ten years’ incarceration or greater; or

(2) a violation of 13 V.S.A. § 364.
Sec. 4. 18 V.S.A. § 4242 is amended to read:

§ 4242. SEIZURE

* * *

(b) Any property subject to forfeiture under this subchapter may be seized upon process. Seizure without process may be made when:

(1) the seizure is incident to an arrest with probable cause or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding under this subchapter; or

(3) the seizure is incident to a valid warrantless search.

(c) If property is seized without process under subdivision (b)(1) or (3) of this section, the state shall forthwith petition the court for a preliminary order or process under subsection (a) of this section.

(d) All regulated drugs the possession of which is prohibited under this chapter are contraband and shall be automatically forfeited to the state and destroyed.

Sec. 5. 18 V.S.A. § 4243 is amended to read:

§ 4243. PETITION FOR JUDICIAL FORFEITURE PROCEDURE

(a) The conviction required. An asset is subject to forfeiture by judicial determination under section 4241 of this title and 13 V.S.A. § 364 if:

(1) a person is convicted of the criminal offense related to the action for forfeiture; or

(2) a person is not charged with a criminal offense related to the action for forfeiture based in whole or in part on the person’s agreement to provide information regarding the criminal activity of another person.

(b) Evidence. The State may introduce into evidence in the judicial forfeiture case the fact of a conviction in the Criminal Division or any agreement made under subdivision (a)(2) of this section.

(c) Burden of proof. The State bears the burden of proving by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense.

(d) Notice. Within 60 days from when the seizure occurs, the State shall notify any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. Upon motion by the State, a court may extend
the time period for sending notice for a period not to exceed 90 days for good cause shown.

(e) Return of property. If notice is not sent in accordance with subsection (d) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person from whom the property was seized. An agency’s return of property due to lack of proper notice does not restrict the agency’s authority to commence a forfeiture proceeding at a later time. Nothing in this subsection shall require the agency to return contraband, evidence, or other property that the person from whom the property was seized is not entitled to lawfully possess.

(f) Filing of petition. Except as provided in section 4243a of this title, the State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the preliminary order or process is issued. The petition shall be filed in the Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.

(g) Service of petition. A copy of the petition shall be sent by certified mail to served on all persons named in the petition as provided for in the Vermont Rules of Civil Procedure. In addition, the State shall cause notice of the petition to be published in a newspaper of general circulation in the State, as ordered by the court. The petition shall state:

1. the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and the type and quantity of regulated drug involved;

2. the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.

Sec. 6. 18 V.S.A. § 4243a is added to read:

§ 4243a. ADMINISTRATIVE FORFEITURE PROCEDURE

(a) Scope. Forfeiture of property described in section 4241 of this title and in 13 V.S.A. § 364 that does not exceed $25,000 in value may be administratively forfeited under this section.

(b) Notice. Within 60 days from seizure, all persons known to have an ownership, possessory, or security interest in seized property must be notified of the seizure and the intent to forfeit the property. Notice shall be served as provided for in the Vermont Rules of Civil Procedure. If there is reason to
believe that notice may have an adverse result, a supervisory law enforcement official of the seizing agency may extend the period for sending notice for a period not to exceed 30 days. Upon motion to the Superior Court by the State, the Court may extend the period for sending notice for a period not to exceed 60 days.

(c) Content of notice. The notice shall contain:

(1) a description of the property;

(2) the date of the seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review.

(d) Return of property. If notice is not sent in accordance with subsection (b) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person from whom the property was seized. An agency’s return of property due to lack of proper notice does not restrict the agency’s authority to commence a forfeiture proceeding at a later time. Nothing in this subsection shall require the agency to return contraband, evidence or other property that the person from whom the property was seized is not entitled to lawfully possess.

(e) Claims.

(1) Any person claiming property seized under this section may file a claim with the Superior Court.

(2) A claim under this subsection must be filed within 60 days after notice is received.

(3) A claim shall:

(A) identify the specific property being claimed;

(B) state the claimant’s interest in such property; and

(C) be made under oath.

Sec. 7. 18 V.S.A. § 4244 is amended to read:

§ 4244. FORFEITURE HEARING

(a) The court Within 60 days following service of notice of seizure and forfeiture under sections 4243 and 4243a of this title, a claimant may file a demand for judicial determination of the forfeiture. The demand must be in the form of a civil complaint accompanied by a sworn affidavit setting forth the facts upon which the claimant intends to rely, including, if relevant, the noncriminal source of the asset or currency at issue. The demand must be filed with the court administrator in the county in which the seizure occurred.
(b) Except as provided in section 4243a, the Court shall hold a hearing on the petition no less than 14 nor more than 30 days after notice. For good cause shown, or on the court’s own motion, the court may stay the forfeiture proceedings pending resolution of related criminal proceedings. If a person named in the petition is a defendant in a related criminal proceeding and the proceeding is dismissed or results in a judgment of acquittal, the petition shall be dismissed as to the defendant’s interest in the property as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution.

(b)(c) A lienholder who has received notice of a forfeiture proceeding may intervene as a party. If the court finds that the lienholder has a valid, good faith interest in the subject property which is not held through a straw purchase, trust or otherwise for the actual benefit of another and that the lienholder did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law, the court upon forfeiture shall order compensation to the lienholder to the extent of the lienholder’s interest.

(d) The Court shall not order the forfeiture of property if an owner, co-owner, or person who regularly uses the property, other than the defendant, shows by a preponderance of the evidence that the owner, co-owner, or regular user did not consent to or have any express or implied knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture, or that the owner, co-owner, or regular user had no reasonable opportunity or capacity to prevent the defendant from using the property.

(e) The proceeding shall be against the property and shall be deemed civil in nature. The state shall have the burden of proving all material facts by clear and convincing evidence.

(f) The court shall make findings of fact and conclusions of law and shall issue a final order. If the petition is granted, the court shall order the property held for evidentiary purposes, delivered to the state treasurer, or, in the case of regulated drugs or property which is harmful to the public, destroyed.

Sec. 8. 18 V.S.A. § 4247 is amended to read:

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the state treasurer under this subchapter, the state treasurer shall, no sooner than 90 days of the date the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter 13.
(b) The proceeds from the sale of forfeited property shall first be used to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses. Remaining proceeds shall be distributed as follows:

(1)(A) Sixty percent shall be distributed among the:

(i) Judiciary;
(ii) Office of the Attorney General;
(iii) Office of the Defender General;
(iv) Department of State’s Attorneys and Sheriffs; and
(v) State and local law enforcement agencies.

(B) The Governor’s Criminal Justice and Substance Abuse Cabinet is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may allocate proceeds to the prosecutor and law enforcement agency or agencies that participated in the enforcement effort resulting in the forfeiture. The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the Treasurer shall forward the allocated amounts to the appropriate agency operating funds.

(1) The remaining 40 percent shall be deposited in the General Fund.

Sec. 9. ANIMAL CRUELTY RESPONSE TASK FORCE

(a) Creation. There is created a task force to evaluate the state of animal cruelty investigation and response in Vermont, including the resources devoted to animal investigation and response services and to recommend ways to consolidate, collaborate, or reorganize to use more effectively limited resources while improving the response to animal cruelty.

(b) Membership. The Task Force shall be composed of the following members:

(1) a representative from the Governor’s office;
(2) a member of the Vermont State Police;
(3) a member of the VT Police Chiefs Association;
(4) a representative of the VT Animal Control Association;
(5) a Humane Officer from a VT humane society focusing on domestic animals;
(6) a Humane Officer of a VT humane society focusing on large animals (livestock);
(7) a representative of the Vermont Humane Federation;

(8) a representative of the Vermont Federation of Dog Clubs;

(9) the Executive Director of the Department of State’s Attorneys and Sheriffs or designee;

(10) a representative of the Vermont Veterinary Medical Association;

(11) a representative of the Vermont Agency of Agriculture, Food and Markets;

(12) a representative of the VT Constables Association;

(13) a representative of the VT Town Clerks Association; and

(14) a representative of the Department for Children and Families.

(c) Powers and duties. The Task Force, in consultation with the Office of the Defender General, shall study and make recommendations concerning:

(1) training for humane agents, animal control officers, law enforcement officers, and prosecutors;

(2) the development of uniform response protocols for receiving, investigating, and following up on complaints of animal cruelty, including sentencing recommendations;

(3) the development of a centralized data collection system capable of sharing data collected from both the public and private sectors on animal cruelty complaints and outcomes;

(4) funding the various responsibilities that are involved with an animal cruelty investigation, including which State agencies should be responsible for any State level authority and oversight; and

(5) any other issue the Task Force determines is relevant to improve the efficiency, process, and results of animal cruelty response actions in Vermont.

(d) Report. On or before January 15, 2016, the Task Force shall report its findings and recommendations to the House and Senate Committees on Judiciary.

(e) Meetings and sunset.

(1) The representative from the Governor’s office shall call the first meeting of the Task Force.

(2) The Task Force shall select a chair from among its members at the first meeting.
(3) The Task Force shall hold its first meeting no later than August 15, 2015.

(4) Meetings of the Task Force shall be public meetings.

(5) The Task Force shall cease to exist on January 16, 2016.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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

An act relating to forfeiture of property associated with animal fighting and certain regulated drug possession, sale, and trafficking violations.

And that when so amended the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. 18 V.S.A. § 4247 is amended to read:

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the state treasurer State Treasurer under this subchapter, the state treasurer State Treasurer shall, no sooner than 90 days of the date the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter 13.

(b) The proceeds from the sale of forfeited property shall first be used to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses. Remaining proceeds shall be distributed as follows:

(1)(A) Fifty percent shall be distributed among the:

(i) Office of the Attorney General;

(ii) Office of the Defender General;

(iii) Department of State’s Attorneys and Sheriffs; and

(iv) State and local law enforcement agencies.

(B) The Governor’s Criminal Justice and Substance Abuse Cabinet is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may allocate proceeds to the prosecutor and law enforcement agency or agencies that participated in the enforcement effort resulting in the forfeiture. The proceeds shall be held by the Treasurer until the
Cabinet notifies the Treasurer of the allocation determinations, at which time the Treasurer shall forward the allocated amounts to the appropriate agency operating funds.

(2) The remaining 50 percent shall be deposited in the General Fund.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 240.

Senator Westman, for the Committee on Transportation, to which was referred House bill entitled:

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 12, 23 V.S.A. § 458, by striking out the second sentence in its entirety and inserting in lieu thereof the following:

The purchaser, if a properly licensed, on attaching the number plate with temporary validation stickers, temporary plate or decal purchaser either attaches to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle, or carries in the motorboat such number plate or decal, he or she may operate the same for a period not to exceed 60 consecutive days immediately following the purchase.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Consideration Postponed

S. 29.

Senate bill entitled:
An act relating to election day registration.

Was taken up.

Thereupon, pending third reading of the bill, Senator Degree moved to amend the bill by striking out Sec. 10 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. EFFECTIVE DATES

(a)(1) Except as provided in subsection (b) of this section, this act shall not take effect unless the Secretary of State confirms in writing to the General Assembly that each town is able to have Internet access at each polling place on the day of an election.

(2) If the Secretary of State makes the written confirmation described in subdivision (1) of this subsection, this act shall take effect on January 1, 2017 or on the first day of the month following the month in which the Secretary makes that written confirmation, whichever is later.

(b) Sec. 9 (Secretary of State report) shall take effect on passage.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Degree?, Senator White, moved that consideration of the bill be postponed until Wednesday, April 1, 2015.

Bill Amended; Bill Passed

S. 42.

An act relating to the substance abuse system of care.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the bill in Sec. 3, 18 V.S.A. § 4813, subsection (c) subdivision (1), in the first sentence, by striking out the words “federal or private” and inserting in lieu thereof the words Substance Abuse and Mental Health Services Administration

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:


Holmes, Jessica of Cornwall - Member, Green Mountain Care Board - October 8, 2014, to September 30, 2020.

Stephens, Mary of Forestdale - Alternate Member, Parole Board – March 1, 2015, to February 28, 2018.

Boucher, Patricia of Enosburg Falls - Member, Parole Board – March 1, 2015, to February 28, 2018.

Hoser, William of Chester - Member, Medical Practice, Board of – January 1, 2015, to December 31, 2019.

Miller, Mary P. of Waterbury - Member, Vermont State Housing Authority - March 1, 2015, to February 29, 2020.

Greemore, Robert of Barre - Member, State Labor Relations Board – July 1, 2014, to June 30, 2016.

Flynn, Sarah of Burlington - Member, Community High School of Vermont Board - March 1, 2015, to February 28, 2018.

Hindes, Churchill of Colchester - Member, Vermont State Colleges Board of Trustees - March 1, 2015, to February 28, 2021.

Pieciak, Michael of Winooski - Member, Vermont State Colleges Board of Trustees - March 1, 2015, to February 28, 2021.


**Senate Concurrent Resolutions**

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted on the part of the Senate:

By Senators Kitchel, Benning, Starr and Westman,

By Representative Batchelor and others,

**S.C.R. 13.**

Senate concurrent resolution congratulating Maple Grove Farms on its centennial anniversary.
By Senators Flory, Collamore and Mullin,

By Representative Cupoli and others,

**S.C.R. 14.**

Senate concurrent resolution congratulating Matt Lorman on his selection as a 2015 Down Under Sports cross country runner.

**House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Connor and others,

By Senators Degree and McAllister,

**H.C.R. 81.**

House concurrent resolution congratulating Carol Willey on being named the 2015 Vermont Mother of the Year.

By Representative Dakin and others,

**H.C.R. 82.**

House concurrent resolution congratulating the 2015 Vermont Prudential Spirit of Community Award winners.

By Representative Botzow and others,

By Senators Campion and Sears,

**H.C.R. 83.**

House concurrent resolution congratulating the Pownal Historical Society on its 20th anniversary.

By Representative Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 84.**

By Representative Jewett and others,

**H.C.R. 85.**

House concurrent resolution congratulating Caitlin C. Gregg on winning a bronze medal at the FIS (International Ski Federation) Nordic World Ski Championships 2015.

By Representatives Lenes and Greshin,

By Senators Sears, Baruth, Balint, Benning, Campion, Collamore, Cummings, Flory, McCormack, Mullin, Pollina, Snelling, White and Zuckerman,

**H.C.R. 86.**

House concurrent resolution commemorating the 100th anniversary of the start of the Armenian Genocide.

By Representative Graham and others,

By Senator MacDonald,

**H.C.R. 87.**

House concurrent resolution congratulating the 2015 Williamstown Blue Devils Division III championship boys’ basketball team.

By Representative Burke and others,

**H.C.R. 88.**

House concurrent resolution honoring Sandy Ware of Brattleboro for her creative leadership as a nursing home activities director.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 31, 2015, at nine o’clock and thirty minutes in the forenoon pursuant to J.R.S. 21.