

# Journal of the Senate

THURSDAY, APRIL 23, 2015

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

## Message from the House No. 52

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 considered Senate proposals of amendment to the following House bills:

**H. 270.** An act relating to definitions for pretrial screenings and assessments.

**H. 304.** An act relating to making miscellaneous amendments to Vermont's retirement laws.

And has severally concurred therein.

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

**J.R.S. 25.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on the 16th day of April 2015, he approved and signed bills originating in the House of the following titles:

**H. 23.** An act relating to the Uniform Transfers to Minors Act.

**H. 123.** An act relating to mobile home parks, habitability standards, and compliance.

**H. 256.** An act relating to disposal of property following an eviction, and fair housing and public accommodations.

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**Message from the House No. 53**

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 Governor has informed the House that on the 27th day of January 2015, he approved and signed a bill originating in the House of the following title:

**H. 15.** An act relating to approval of amendments to the charter of the Town of Colchester.

The Governor has informed the House that on the 25th day of February, 2015, he approved and signed bills originating in the House of the following titles:

**H. 10.** An act relating to approval of amendments to the charter of the Town of Barre.

**H. 16.** An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

The Governor has informed the House that on the 12th day of March 2015, he approved and signed bills originating in the House of the following titles:

**H. 7.** An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

**H. 17.** An act relating to identification and notification of Public Records Act exemptions in administrative rules.

**H. 82.** An act relating to fiscal year 2015 budget adjustments.

**H. 194.** An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

**Rules Suspended; Bill Committed****H. 361.**

Pending entry on the Calendar for notice, on motion of Senator Cummings, the rules were suspended and House bill entitled:

An act relating to making amendments to education funding, education spending, and education governance.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Education, Senator Cummings moved that Senate Rule 49 be suspended in

order to commit the bill to the Committee on Finance with the report of the Committee on Education *intact*,

Which was agreed to.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

**H. 105.**

House bill entitled:

An act relating to disclosure of sexually explicit images without consent.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment in Sec. 2, 13 V.S.A. § 2606(a) by striking out subdivision (3) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Bill Passed in Concurrence with Proposals of Amendment**

**H. 120.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to creating a Vermont false claims act.

**Proposal of Amendment; Third Reading Ordered**

**H. 488.**

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

An act relating to the State's Transportation Program and miscellaneous changes to laws related to transportation.

Reported recommending 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:

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\* \* \* Transportation Program; Definitions \* \* \*

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2016 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2016 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

\* \* \* Personnel-related Savings \* \* \*

Sec. 2. FISCAL YEAR 2016 PERSONNEL-RELATED SAVINGS

In addition to all other reductions in spending authority under this act, overall fiscal year 2016 Transportation Program spending is reduced by \$1,500,000.00 in transportation funds, to be achieved through a combination of personnel, labor, or consultant cost savings identified by the Secretary.

\* \* \* Program Development – Funding \* \* \*

Sec. 3. PROGRAM DEVELOPMENT – FUNDING

(a) Spending authority in Program Development in fiscal year 2016 is modified in accordance with this section. Among projects selected in the Secretary's discretion in accordance with subsection (b) of this section, the Secretary shall:

(1) increase project spending authority in the total amount of \$3,514,996.00 in transportation funds;

(2) reduce project spending authority in the total amount of \$6,600,000.00 in TIB funds; and

(3) reduce project spending authority in the total amount of \$12,340,016.00 in federal funds.

(b) In exercising his or her discretion to select projects on which spending will be reduced, the Secretary shall not delay a project that otherwise would proceed in fiscal year 2016, unless the full amount of the reduction required under subsection (a) of this section cannot be achieved from project savings or unforeseen delays that prevent a project from proceeding in fiscal year 2016. If a project that otherwise would have proceeded in fiscal year 2016 is delayed, the Secretary shall promptly notify:

(1) the House and Senate Committees on Transportation when the General Assembly is in session; or

(2) the Joint Transportation Oversight Committee and the Joint Fiscal Committee Office when the General Assembly is not in session.

\* \* \* Contingent Spending Authority \* \* \*

Sec. 3a. CONTINGENT SPENDING AUTHORITY; DELAYED PROJECTS AND PAVING PROGRAM PROJECTS OR ACTIVITIES

(a) As used in this section:

(1) The phrase “net balance” means an overall positive balance consisting of either the sum of any unreserved monies in the Transportation Fund and TIB Fund remaining at the end of fiscal year 2015, or the overall positive balance in either Fund at the end of fiscal year 2015 after subtracting any deficit in the other Fund.

(2) The phrase “net increase” means an overall increase in forecasted revenues under the July 2015 consensus revenue forecast over the January 2015 consensus revenue forecast for fiscal year 2016, consisting of either the sum of forecasted increases in Transportation Fund and TIB Fund revenues, or an overall increase in forecasted revenues after subtracting a forecasted downgrade in either Fund.

(b) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if any net balance exists at the end of fiscal year 2015, or if there is a net increase in the July 2015 consensus revenue forecast, up to a total amount of \$3,000,000.00 of the net balance and the net increase, and up to a total amount of \$12,000,000.00 in matching federal funds, is authorized for expenditure and is hereby appropriated to be used on a project that otherwise would be required to be delayed under Sec. 3 of this act.

(c) If the full amount of any net balance and net increase is not expended under subsection (a) of this section, the remaining amount is authorized for expenditure and is hereby appropriated to advance Paving Program projects or to increase Statewide Paving Program activities in the Transportation Program adopted under this act.

(d) If the Agency expends funds under the authority of this section, it shall notify the House and Senate Committees on Transportation when the General Assembly is in session, or the Joint Transportation Oversight Committee when the General Assembly is not in session.

\* \* \* Maintenance Program \* \* \*

Sec. 4. MAINTENANCE PROGRAM

(a) Total authorized spending in the Maintenance Program is amended as follows:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal services	43,784,445	43,784,445	0
Operating expenses	43,890,139	43,190,139	-700,000
Grants	95,000	95,000	0
Total	87,769,584	87,069,584	-700,000
<u>Sources of funds</u>			
State	83,169,447	82,469,447	-700,000
Federal	4,500,137	4,500,137	0
Interdep't transfer	100,000	100,000	0
Total	87,769,584	87,069,584	-700,000

(b) The reduction in authorized Maintenance Program spending under subsection (a) of this section shall be allocated among maintenance activities as specified by the Secretary.

\* \* \* Town Highway Structures \* \* \*

Sec. 5. TOWN HIGHWAY STRUCTURES

Spending authority for Town Highway Structures Program is amended to read:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	6,333,500	9,483,500	3,150,000
Total	6,333,500	9,483,500	3,150,000
<u>Sources of funds</u>			
State	6,333,500	9,483,500	3,150,000
Federal	0	0	0
Total	6,333,500	9,483,500	3,150,000

\* \* \* Town Highway Bridge Program \* \* \*

Sec. 6. TOWN HIGHWAY BRIDGE PROGRAM; PROJECT CANCELLATION

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project from the Town Highway Bridge Program candidate list: Fair Haven BO

1443( ) (scoping for BR2 on TH45).

\* \* \* Rest Areas \* \* \*

Sec. 7. REST AREAS PROGRAM; PROJECT CANCELLATION

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following Rest Areas Program project: Derby IM 091-3(8) (expansion of Derby I-91 rest area).

Sec. 8. REST AREAS PROGRAM; PROJECT ADDITION

The following project is added to the candidate list of the Rest Areas Program within the fiscal year 2016 Transportation Program: Derby IM 091-3 ( ) (rehabilitation of Derby I-91 rest area).

\* \* \* Central Garage \* \* \*

Sec. 9. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2016, the amount of \$162,504.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

\* \* \* Transportation Funding Analysis \* \* \*

Sec. 10. AGENCY ANALYSIS OF TRANSPORTATION FUNDING

(a) The Agency shall identify and evaluate funding sources, other than motor vehicle fuel taxes, that will be sufficient to maintain the State's transportation system, accounting for State and federal policies that have and will continue to reduce motor vehicle fuel consumption. In conducting this analysis, the Agency shall:

(1) review current State and federal transportation funding sources and policies, as well as policies and trends that have and will continue to reduce motor vehicle fuel consumption;

(2) review and expand on the funding options contained in the report on transportation funding required by 2012 Acts and Resolves No. 153, Sec. 40; and

(3) review the actions of other states and provinces that have reduced or eliminated motor vehicle fuel taxes and replaced them with other funding sources.

(b) The Agency also shall identify and evaluate funding sources, other than local property taxes, to support the local share of increasing costs or the expansion of public transportation services statewide.

(c) The Agency shall deliver a written report of its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

\* \* \* Study of Commuter Rail and Bus Service \* \* \*

Sec. 11. STUDY OF MONTPELIER TO ST. ALBANS COMMUTER RAIL SERVICE, ALBANY TO BENNINGTON TO MANCHESTER BUS SERVICE

(a) The Agency shall study the financial and operational feasibility of a commuter rail service in the corridor between St. Albans, Essex Junction, and Montpelier, with connecting service to Burlington, and shall report its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2017.

(b) The Agency shall study the expected benefits and costs to the State of Vermont, implementation steps, and timeline associated with various models for initiating and operating an Albany to Bennington to Manchester bus service, and shall report its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

\* \* \* Review of Transportation Service Programs \* \* \*

Sec. 12. REVIEW OF TRANSPORTATION SERVICE PROGRAM

(a) The Agency, in consultation with the Agency of Human Services and interested stakeholders, shall review the Elders and Persons with Disability Transportation Program (E&D Program). In carrying out its review, the Agency shall analyze:

(1) the gap between current and projected E&D Program resources and needs over a 10-year time frame, on regional and statewide levels;

(2) regional transportation service delivery models and their adequacy in meeting E&D Program participant needs;

(3) opportunities to achieve efficiencies by coordinating E&D Program and other human services transportation programs, and obstacles to achieving such efficiencies;



(4) challenges that exist for partner organizations to raise local matching funds for transportation services;

(5) the current and expected impact of Medicaid waiver programs on the E&D Program; and

(6) existing and emerging technology and the potential role it could play in increasing service to elders and persons with disabilities.

(b) The Agency shall submit a written report of its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

\* \* \* Authority of the Agency and Secretary \* \* \*

Sec. 13. 5 V.S.A. § 204 is amended to read:

§ 204. POWERS OF AGENCY GENERALLY

(a) To carry out the purposes of this part, the Agency of Transportation shall have power, subject to subsection (b) of this section:

(1) To contract in the name of the State with individuals, firms, or corporations, with officials of a town, city, or village, with officials of a group of either or both of such governmental units, with officials of another state, or with officials or agencies of the federal government to carry out the purposes of this part.

(2) To receive, manage, use, or expend, for purposes directed by the donor, gifts, grants, or contributions of any name or nature made to the State for the promotion or development of aeronautics or for aeronautics facilities. The authority granted in this subdivision shall be subject to the provisions of 32 V.S.A. § 5.

\* \* \*

Sec. 14. 5 V.S.A. § 206 is amended to read:

§ 206. ~~COOPERATION WITH UNITED STATES;~~ FEDERAL AND OTHER ~~MONEYS~~ MONIES RECEIVED; DEPOSIT, DESIGNATION, APPROPRIATION, AND DISBURSEMENT

(a) The ~~agency~~ Agency is authorized to cooperate with the government of the United States in the acquisition, construction, improvement, maintenance, and operation of airports and other navigation facilities in this ~~state~~ State, and to comply with the provisions of the laws or regulations of the United States for the expenditure of federal ~~moneys~~ monies upon airports and other air navigation facilities.

(b) ~~†~~ The Agency is authorized to accept, receive, and receipt for federal ~~moneys monies~~ and other ~~moneys monies~~, either public or private, for and in behalf of this ~~state~~ State, appropriated to the Agency or that have been approved for receipt pursuant to 32 V.S.A. § 5 or 511.

(c) All ~~moneys monies~~ accepted for disbursement by the ~~agency~~ Agency pursuant to subsection (b) of this section shall be deposited in the ~~state treasury~~ State Treasury and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the ~~moneys monies~~ were made available, and held by the ~~state~~ State in trust for such purposes. All ~~moneys are hereby appropriated for the purposes for which they were made available, to~~ monies shall be expended for the purposes for which they were made available and in accordance with federal laws and regulations and with this chapter. The ~~agency~~ Agency is authorized, whether acting for this ~~state~~ State or as the agent of any of its municipalities, or when requested by the ~~United States~~ U.S. government or any agency or department of the ~~United States~~ U.S. government, to disburse such ~~moneys monies~~ for the designated purposes, but this shall not preclude any other authorized method of disbursement.

Sec. 15. 19 V.S.A. § 1502 is amended to read:

§ 1502. ~~COOPERATION WITH~~ COMPLIANCE WITH FEDERAL GOVERNMENT REQUIREMENTS; USE OF FEDERAL AID MONEY

(a) To effect the purposes of section 1501 of this title, the ~~agency~~ Agency may comply with federal rules and regulations, and may use so much of the funds appropriated to the Agency, or available to it pursuant to 32 V.S.A. § 5 or 511, for highway purposes as shall be necessary to secure aid from the federal government under the federal act specified in section 1501; and in addition may use ~~further~~ such sums as may be necessary for surveys, plans, specifications, estimates, and assistance necessary to carry out the provisions of this chapter.

(b) To carry out the transportation planning process required by the Intermodal Surface Transportation Efficiency Act of 1991 (the Act), ~~Pub. L. No. 102-240, § 1024, 105 Stat. 1914, 1955 (1991) (now codified at 23 U.S.C. § 134), as may be amended,~~ the ~~governor~~ Governor shall designate a metropolitan planning organization for any urbanized area of more than 50,000 population and may take other action necessary to ensure the ~~state's~~ State's compliance with the ~~federal act~~ Act and any federal regulations pertaining to the ~~act~~ Act. A designation of a metropolitan planning organization shall remain in effect until revoked by the ~~governor~~ Governor.

Sec. 16. 19 V.S.A. chapter 1 is amended to read:

CHAPTER 1. STATE HIGHWAY LAW; GENERAL  
TRANSPORTATION PROVISIONS

\* \* \*

§ 7. SECRETARY; POWERS AND DUTIES

(a) The Agency shall be under the direction and supervision of a Secretary, who shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor.

(b) The Secretary shall be responsible to the Governor and shall plan, coordinate, and direct the functions vested in the Agency in accord with the transportation policies established by the Agency under ~~section 10b~~ of this title.

(c) The Secretary may, with the approval of the Governor, transfer classified positions between the Department, Divisions, and other components of the Agency, subject only to personnel laws and rules.

(d) The Secretary shall determine the administrative, operational, and functional policies of the Agency and be accountable to the Governor for these determinations. The Secretary shall exercise the powers and shall perform the duties required for the Agency's effective administration.

(e) In addition to other duties imposed by law, the Secretary shall:

- (1) administer the laws assigned to the Agency;
- (2) coordinate and integrate the work of the Agency;
- (3) supervise and control all staff functions; and

(4) whenever the Agency is developing preliminary plans for a new or replacement maintenance facility or salt shed, first conduct a review of all previously developed building plans and give priority to utilizing a common, uniform, preexisting design.

(f) The Secretary may, within the authority of relevant State and federal statutes and regulations:

(1) ~~within the authority of relevant State and federal statutes and regulations~~, transfer appropriations or parts of appropriations within or between the department, divisions, and sections;

(2) cooperate with the appropriate federal agencies and receive federal funds in support of programs within the Agency;

(3) submit plans and reports, and in other respects comply with federal laws and regulations which pertain to programs administered by the Agency;

(4) make rules consistent with the law for the internal administration of the Agency and its programs;

(5) create advisory councils or committees as he or she deems necessary within the Agency, and appoint the members for a term not exceeding his or hers. Councils or committees created pursuant to this subdivision may include persons who are not officers or employees of the Agency;

(6) provide training and instruction for ~~any~~ employees of the Agency at the expense of the Agency, and provide training and instruction for employees of Vermont municipalities. Where appropriate, the Secretary may provide training and instruction for municipal employees at the expense of the Agency;

(7) organize, reorganize, transfer, or abolish sections and staff function sections within the Agency; except however, the Secretary may not alter the number of highway districts without legislative approval.

(8) ~~[Deleted.]~~ [Repealed.]

\* \* \*

\* \* \* Middlebury Rail Tunnel Project \* \* \*

#### Sec. 17. MIDDLEBURY RAIL TUNNEL PROJECT

Notwithstanding 5 V.S.A. § 3670(a) and (b), the Middlebury WCRS(23) Project (to replace the existing Merchants Row and Main Street bridges over the Vermont Railway line and to lower the grade of the Vermont Railway line) may be constructed without the prior approval of the Transportation Board to provide a minimum vertical clearance of 21' 0" over the highest track elevation, but only if the Agency, Vermont Railway, Inc., and any affected municipality agree in writing to the 21' 0" minimum vertical clearance.

\* \* \* Potable Water Supply and Wastewater Systems Permits \* \* \*

Sec. 18. 10 V.S.A. § 1974 is amended to read:

#### § 1974. EXEMPTIONS

Notwithstanding any other requirements of this chapter, the following projects and actions are exempt:

\* \* \*

(7) the subdivision of an unimproved or improved lot or campground where the subdivision results from a transfer of property for a highway or other transportation project that is authorized under the State's enacted Transportation Program or is an emergency project within the meaning of

19 V.S.A. § 10g(h), regardless of whether the State or the municipality has commenced any condemnation proceedings in connection with the project.

\* \* \* Highway Division Director \* \* \*

Sec. 19. 19 V.S.A. § 9(a) is amended to read:

(a) A director shall administer each division created within the ~~agency~~ Agency. The ~~secretary~~ Secretary shall appoint the directors, who shall be exempt from the classified service. The Director of the Highway Division shall be licensed as a professional engineer.

\* \* \* Clean Water \* \* \*

Sec. 20. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

\* \* \*

(f) Each year, ~~\$200,000.00~~ \$1,100,000.00 of the Grant Program funds, or such lesser sum if all eligible applications amount to less than ~~\$200,000.00~~ \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects. ~~Grant awards for eligible projects shall not exceed \$50,000.00 per project.~~ Regarding the balance of Grant Program funds, in evaluating applications for Transportation Alternatives grants, the Transportation Alternatives Grant Committee shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Transportation Alternatives Grant Committee.

\* \* \*

Sec. 21. 19 V.S.A. § 306(i) is added to read:

(i) Monies disbursed from the Clean Water Fund established in 10 V.S.A. § 1388 for municipalities for environmental mitigation projects related to stormwater and highways shall be administered by the Agency through the Municipal Mitigation Grant Program. Grants provided to municipalities under the Program shall be matched by local funds sufficient to cover 20 percent of the project costs.

\* \* \* State Highway Bridge Program; Causeway Scoping Study \* \* \*

Sec. 22. STATE HIGHWAY BRIDGE PROGRAM

(a) The following project is added to the State Highway Bridge Program: Missisquoi Bay Causeway Scoping Study.

(b) Spending authority for the Missisquoi Bay Causeway Scoping Study is authorized as follows:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	125,000	125,000
Construction	0	0	0
Total	0	125,000	125,000
<u>Sources of funds</u>			
State	0	0	0
TIB	0	0	0
Federal	0	100,000	100,000
Special	0	25,000	25,000
Total	0	125,000	125,000

\* \* \* Motor Fuel Transportation Infrastructure Assessment \* \* \*

Sec. 23. 23 V.S.A. § 3106 is amended to read:

§ 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

(a)(1) Except for sales of motor fuels between distributors licensed in this State, which sales shall be exempt from the taxes and assessments authorized under this section, unless exempt under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the Commissioner:

(A) a tax of \$0.121 upon each gallon of motor fuel sold by the distributor; and

(B) the following assessments, ~~which shall be levied on the tax-adjusted retail price of gasoline as defined herein:~~

(i) a motor fuel transportation infrastructure assessment ~~in the amount of that is the greater of:~~

(I) \$0.0396; or

(II) two percent of the tax-adjusted retail price upon each gallon of motor fuel sold by the distributor; and

(ii) a fuel tax assessment, which shall be used exclusively for transportation purposes and not be transferred from the Transportation Fund, that is the greater of:

(I) \$0.134 per gallon; or

(II) four percent of the tax-adjusted retail price or \$0.18 per gallon, whichever is less, upon each gallon of motor fuel sold by the distributor.

\* \* \*

## \* \* \* Welcome Center and Airport Namings \* \* \*

Sec. 24. 29 V.S.A. § 821(a) is amended to read:

(a) State buildings.

\* \* \*

(11) "Senator James M. Jeffords Welcome Center" shall be the name of the Welcome Center in Bennington.

(12) "Northeast Kingdom International Airport" shall be the name of the Newport State Airport in Coventry.

## \* \* \* Process for Naming of Transportation Facilities \* \* \*

Sec. 25. 10 V.S.A. § 152 is amended to read:

§ 152. AUTHORITY TO NAME ROADS AND GEOGRAPHIC LOCATIONS

The ~~board of libraries~~ Board of Libraries is hereby designated the ~~state~~ State agency to name ~~roads and~~ geographic locations including ~~but not limited to~~ mountains, streams, lakes, and ponds upon petition signed by not less than 25 interested persons or by petition of an administrative department of the ~~state~~ State.

Sec. 26. 10 V.S.A. § 153 is amended to read:

§ 153. PROCEDURE

When the ~~board~~ Board receives a petition to act under section 152 of this title it shall give reasonable notice to each administrative department of the ~~state~~ State having jurisdiction of the ~~road or~~ location to be named, and to each town in which the ~~road or~~ location lies of the time and place when it will hear all interested parties.

Sec. 27. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) The regulatory and quasi-judicial functions relating to transportation shall be vested in the ~~transportation board~~.

~~(b) Notwithstanding subsection (a) of this section,~~ Board, except that the duties and responsibilities of the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in ~~that individual~~ the Commissioner.

(b)(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming requests. The Board shall issue a decision, which shall be subject to review on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) ~~The board~~ Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single ~~board~~ Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25 of Title 3, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single ~~board~~ Board member so appointed shall report his or her findings of fact in writing to the ~~board~~ Board. Any order resulting therefrom shall be rendered only by a majority of the ~~board~~ Board. Final orders of the ~~board~~ Board may be reviewed on the record by ~~the superior court~~ a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure.

\* \* \*

\* \* \* Byways Advisory Council; Scenic Roads and Byways \* \* \*

Sec. 28. REPEAL

10 V.S.A. § 425 (Byways Advisory Council) is repealed.

Sec. 29. 19 V.S.A. chapter 25 is amended to read:

#### CHAPTER 25. SCENIC ROADS

##### § 2501. STATE SCENIC ROADS AND BYWAYS; DESIGNATION AND DISCONTINUANCE

(a) On the recommendation of the Byways Advisory Council of the municipalities through which a proposed or existing State Scenic Road or



Byway passes and of the regional planning commissions that serve such municipalities, the Transportation Board may designate or discontinue any State highway, or portion of a State highway, as a State Scenic Road or Byway, in accordance with standards adopted by the Board by rule. The Board shall hold a public hearing on the recommendation, giving notice thereof to the municipalities and regional planning commissions, the Secretary, and the Commissioner of Tourism and Marketing, and shall submit a copy of its findings and decision together with its findings to the Byways Advisory Council to these parties within 60 days after receipt of the recommendation. The hearing shall be held in the vicinity of the proposed scenic highway State Scenic Road or Byway.

(b) [Repealed.]

(c) A State Scenic Road or Byway shall not be reconstructed or improved unless the reconstruction or improvement is conducted in accordance with the Agency of Transportation's Vermont Design Standards, as amended. Signs along State Scenic Roads and Byways shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.

§ 2502. TOWN SCENIC ROADS; DESIGNATION AND DISCONTINUANCE

(a) On recommendation of the planning commission of a municipality, or on the initiative of the legislative body of a municipality, a legislative body may, after one public hearing warned for the purpose, designate or discontinue any town highway or portion of a town highway as a town scenic ~~highway~~ road. Such action by the legislative body may be petitioned by the registered voters of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

(b) A town scenic road may be reconstructed or improved in a manner consistent with the ~~agency of transportation's~~ Agency's Vermont Design Standards, as amended. A class 1, 2, or 3 scenic ~~highway~~ road shall still be eligible to receive aid pursuant to the provisions of this title. Signs along town scenic roads shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.

(c) [Repealed.]

§ 2503. REGISTER

The ~~agency of transportation~~ Agency may annually publish a register containing a listing of all ~~state~~ State and locally designated scenic roads and byways. Any listing shall include the mileage of each road or byway and any special, natural, historical, or scenic attractions on the road or byway.

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§ 2504. ADDITIONAL FUNDS

The ~~agency~~ Agency, and any qualifying municipality, ~~shall have within the authority to~~ of State and federal law, may accept and spend any funds made available to them for the purpose of enhancing or establishing designated scenic roads or byways.

§ 2505. RIGHTS OF ADJACENT LANDOWNERS

Nothing in this chapter shall preclude the rights of a landowner from developing property adjacent to a designated scenic road or byway, so long as the development is in accordance with existing law or ordinance.

\* \* \* Utility Transmission System Plans; Notification of Public Meetings \* \* \*

Sec. 30. 30 V.S.A. § 218c(d)(2) is amended to read:

(2) Prior to the adoption of any Transmission System Plan, a utility preparing a Plan shall host at least two public meetings at which it shall present a draft of the Plan and facilitate a public discussion to identify and evaluate nontransmission alternatives. The meetings shall be at separate locations within the State, in proximity to the transmission facilities involved or as otherwise required by the Board, and each shall be noticed by at least two advertisements, each occurring between one and three weeks prior to the meetings, in newspapers having general circulation within the State and within the municipalities in which the meetings are to be held. Copies of the notices shall be provided to the Public Service Board, the Department of Public Service, any entity appointed by the Public Service Board pursuant to subdivision 209(d)(2) of this title, the Agency of Natural Resources, the Division for Historic Preservation, the Department of Health, ~~the Byways Advisory Council~~, the Agency of Transportation, the Attorney General, the chair of each regional planning commission, each retail electricity provider within the State, and any public interest group that requests, or has made a standing request for, a copy of the notice. A verbatim transcript of the meetings shall be prepared by the utility preparing the Plan, shall be filed with the Public Service Board and the Department of Public Service, and shall be provided at cost to any person requesting it. The Plan shall contain a discussion of the principal contentions made at the meetings by members of the public, by any State agency, and by any utility.

\* \* \* Notice of Hearing on Petition for Certificate of Public Good \* \* \*

Sec. 31. 30 V.S.A. § 248(a)(4) is amended to read:

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

(B) The Public Service Board shall hold technical hearings at locations which it selects.

(C) At the time of filing its application with the Board, copies shall be given by the petitioner to the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, Agency of Agriculture, Food and Markets, and to the ~~chairperson~~ chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located. ~~At the time of filing its application with the Board, the petitioner shall give the Byways Advisory Council notice of the filing.~~

\* \* \*

\* \* \* Property Transfer Tax Return; Exemption \* \* \*

Sec. 32. 32 V.S.A. § 9606(d) is amended to read:

(d) The property transfer tax return shall not be required of properties qualified for the exemption stated in subdivision 9603(17) of this title, or qualified for the exemption stated in subdivision 9603(2) of this title if the transfer is of an interest in property for highway purposes and the consideration for the transfer is \$10,000.00 or less. ~~A public utility~~ An entity acquiring such properties shall notify the listers of a municipality of the grantors, grantees, consideration, date of execution, and location of the ~~easement~~ property when it files for recording a deed ~~transferring a utility line easement~~ that does not require a transfer tax return under this subsection.

\* \* \* Tax on Gains from the Sale or Exchange of Land; Exemption \* \* \*

Sec. 33. 32 V.S.A. § 10002(q) is added to read:

(q) Also excluded from the definition of "land" is a transfer of property to the State of Vermont or a municipality for a project that is authorized under the State's enacted Transportation Program or for an emergency project within the meaning of 19 V.S.A. § 10g(h), regardless of whether the State or the municipality has commenced any condemnation proceedings.

\* \* \* Evaluation of Adopt a Park and Ride Program \* \* \*

Sec. 34. EVALUATION OF ADOPT A PARK AND RIDE PROGRAM

The Agency shall evaluate the merits of implementing an Adopt a Park and Ride Program, whereby organizations volunteer to clean up litter at State Park and Ride facilities with permission of the Agency. On or before January 15, 2016, the Agency shall either begin to implement such a Program or report

back to the House and Senate Committees on Transportation on the reasons it does not recommend implementing a Program.

\* \* \* Effective Dates \* \* \*

Sec. 35. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except that:

(1) Sec. 21 (administration of certain Clean Water Fund monies through the Municipal Mitigation Grant Program) shall take effect if and when the Clean Water Fund is established; and

(2) Secs. 25–27 (naming of State transportation facilities) shall take effect on March 1, 2016.

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

Senator Westman, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

Senator Kitchel for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation with the following amendments thereto:

First: In Sec. 3a, in subsections (b) and (c), by striking out the words “and is hereby appropriated” in both subsections

Second: In Sec. 3a, in subsection (c), by striking out the words “subsection (a)” and inserting in lieu thereof the phrase subsection (b)

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

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

Thereupon, the proposal of amendment recommended by the Committee on Transportation, as amended, was agreed to and third reading of the bill was ordered.

**House Proposal of Amendment Concurred In**

**S. 141.**

House proposal of amendment to Senate bill entitled:

An act relating to possession of firearms.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4017 is added to read:

§ 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;  
CONVICTION OF VIOLENT CRIME

(a) A person shall not possess a firearm if the person has been convicted of a violent crime.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(c) This section shall not apply to a person who is exempt from federal firearms restrictions under 18 U.S.C. § 925(c).

(d) As used in this section:

(1)(A) "Firearm" means:

(i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) the frame or receiver of any such weapon; or

(iii) any firearm muffler or firearm silencer.

(B) "Firearm" shall not include an antique firearm.

(2) "Antique firearm" means:

(A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

(B) Any replica of any firearm described in subdivision (A) of this subdivision (2) if the replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol which is designed to use black powder or a black powder

substitute and which cannot use fixed ammunition. As used in this subdivision (C), “antique firearm” shall not include a weapon which incorporates a firearm frame or receiver, a firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(3) “Violent crime” means:

(A)(i) A listed crime as defined in subdivision 5301(7) of this title other than:

(I) lewd or lascivious conduct as defined in section 2601 of this title;

(II) recklessly endangering another person as defined in section 1025 of this title;

(III) operating a vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(IV) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(V) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or

(VI) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults; or

(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(B) An offense involving sexual exploitation of children in violation of chapter 64 of this title, or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing LSD); 4233 (b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin); 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable offense and sentence in another jurisdiction if the offense prohibits the person

from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(D) A conviction of possession with intent to distribute a controlled substance other than marijuana in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

Sec. 2. 20 V.S.A. § 2307 is amended to read:

§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM ABUSE ORDER; STORAGE; FEES; RETURN

\* \* \*

(g)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of firearms, ammunition, or weapons stored under this section, the law enforcement agency or firearms dealer in possession of the items shall make them available to the owner within three business days of receipt of the order and in a manner consistent with federal law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.

(2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the ~~court~~ Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall ~~include providing notice to the owner at least 21 days prior to the date of the sale via first class mail, certified restricted delivery~~ mean notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.

\* \* \*

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Sec. 3. REPORT; VERMONT GUN SHOP PROJECT

(a) On or before January 31, 2016, the Department of Mental Health shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on the establishment of a Vermont version of the New Hampshire Gun Shop Project. The Department may satisfy the reporting requirement by providing testimony on the issue to the committees identified in this subsection.

(b) For purposes of the report required by this section, the Department of Mental Health shall consult with:

(1) the Vermont Suicide Prevention Coalition;

(2) the Vermont Federation of Sportsmen's Clubs, and other firearms owners organizations;

(3) gun shop owners and other firearms retailers; and

(4) any other parties that may assist in preparing the report.

Sec. 4. 13 V.S.A. § 4824 is added to read:

§ 4824. REPORTING; NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

(a) If the Court finds that a person is a person in need of treatment pursuant to section 4822 of this title, the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice



to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 5. 18 V.S.A. § 7103 is amended to read:

§ 7103. DISCLOSURE OF INFORMATION

(a) All certificates, applications, records, and reports, other than an order of a court made for the purposes of this part of this title, and directly or indirectly identifying a patient or former patient or an individual whose hospitalization or care has been sought or provided under this part, together with clinical information relating to such persons shall be kept confidential and shall not be disclosed by any person except insofar:

(1) as the individual identified, the individual's health care agent under section 5264 of this title, or the individual's legal guardian, if any (~~or, or~~, if the individual is an unemancipated minor, his or her parent or legal ~~guardian~~); guardian shall consent in writing; or

(2) as disclosure may be necessary to carry out any of the provisions of this part; ~~or~~

(3) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make disclosure would be contrary to the public interest; or

(4) as the disclosure is made to comply with the reporting requirements of section 7617a of this title or 13 V.S.A. § 4824.

\* \* \*

Sec. 6. 18 V.S.A. § 7617a is added to read:

§ 7617a. REPORTING; NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

(a) If the Court issues a hospitalization order pursuant to subdivision 7617(b)(1) or (2) of this title or a nonhospitalization order pursuant to subdivision 7617(b)(3), the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding section 7103 of this title or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in

subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 7. 13 V.S.A. § 4825 is added to read:

§ 4825. PERSONS PROHIBITED BY FEDERAL LAW FROM POSSESSING FIREARMS DUE TO MENTAL ILLNESS; PETITION FOR RELIEF FROM DISABILITY

(a)(1) A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Family Division of the Superior Court for an order that the person be relieved from the firearms disability imposed by that section. When the petition is filed the petitioner shall provide notice and a copy of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter. The petition shall be filed in the county where the offense or the adjudication occurred.

(2)(A) The Court shall grant a petition filed under this section without hearing if neither the State's Attorney nor the Attorney General files an objection within six months after receiving notice of the petition. If the Court grants the petition pursuant to this subdivision, the Court shall make findings and issue an order in accordance with this section.

(B) The Court shall grant the petition filed under this section without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the Court, and the Court shall make findings and issue an order in accordance with this section.

(b) In determining a petition filed under this section, unless the petition is granted pursuant to subdivision (a)(2) of this subsection, the Court shall consider:

(1) the circumstances regarding the firearms disabilities imposed on the person by 18 U.S.C. § 922(g)(4);

(2) the petitioner's record, including his or her mental health and criminal history records; and

(3) the petitioner's reputation, as demonstrated by character witness statements, testimony, or other character evidence.

(c)(1) The Court shall grant a petition filed under this section if it finds that the petitioner has demonstrated by a preponderance of the evidence that the person is no longer a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) As the terms are used in this subsection, a finding that the person is no longer a person in need of treatment shall also mean that granting the relief will not be contrary to the public interest.

(d) If a petition filed under this section is granted, the Court shall enter an order declaring that the basis under which the person was prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) no longer applies. The Court shall inform the Federal Bureau of Investigation, the U.S. Attorney General, and the National Instant Criminal Background Check System of its decision.

(e) If the Court denies the petition, the petitioner may appeal the denial to the Vermont Supreme Court. The appeal shall be on the record, and the Supreme Court may review the record de novo.

(f) If the Court denies a petition filed under this section, no further petition shall be filed by the person until at least one year after the order of the trial court, or of the Supreme Court if an appeal is taken, becomes final.

(g) At the time a petition is filed pursuant to this section, the respondent shall give notice of the petition to a victim of the offense, if any, who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the Court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(h) As used in this section, "reasonable effort" means attempting to contact the victim by first class mail at the victim's last known address and by telephone at the victim's last known telephone number.

#### Sec. 8. REPORTING; DEPARTMENT OF MENTAL HEALTH; COURT ADMINISTRATOR

(a) The Department of Mental Health shall report to the Court Administrator on or before October 1, 2015 the names of all persons under the custody of the Department who on that date are subject to a hospitalization order issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), a nonhospitalization order issued pursuant to 18 V.S.A. § 7617(b)(3), or an order that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822. The Court Administrator shall report the names provided pursuant to this section to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The

report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) Reports required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not thereafter permitted to possess a firearm.

#### Sec. 9. REPORTS

(a) On or before January 15, 2018, the Court Administrator, in consultation with the Commissioner of Mental Health and the Executive Director of State's Attorneys and Sheriffs, shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on data compiled with respect to the legal requirements established by this act. The report shall include:

(1)(A) The number of persons reported to the National Instant Criminal Background Check System since October 1, 2015 pursuant to:

(i) 13 V.S.A. § 4824 (persons in custody of the Department of Mental Health as the result of an order issued under 13 V.S.A. § 4822); and

(ii) 18 V.S.A. § 7617a (persons in custody of the Department of Mental Health as the result of a hospitalization order issued under 18 V.S.A. § 7617(b)(1) or (2), or a nonhospitalization order issued under 18 V.S.A. § 7617(b)(3)); and

(B) with respect to each of the persons reported to the National Instant Criminal Background Check System pursuant to 13 V.S.A. § 4824 and 18 V.S.A. § 7617a since October 1, 2015, whether the person filed a petition for relief from disabilities pursuant to 13 V.S.A. § 4825, and whether the petition was granted, denied, or remains pending.

(2) The total number of petitions for relief from disabilities filed pursuant to 13 V.S.A. § 4825 since October 1, 2015, and the number of those petitions that were granted, denied, and remain pending.

(b) On or before January 15, 2018, the Executive Director of State's Attorneys and Sheriffs shall report to the Senate and House Committees on Judiciary the number of persons charged with violating 13 V.S.A. § 4017 since July 1, 2015, and the number of charges that resulted in conviction, dismissal, and acquittal.

#### Sec. 10. EFFECTIVE DATES; APPLICABILITY

(a) Secs. 1, 2, 3, 8, 9, and this section shall take effect on July 1, 2015.

(b) Secs. 4, 5, and 6 shall take effect on October 1, 2015, and shall apply to hospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), nonhospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(3), or orders that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822 issued on or after that date.

(c) Sec. 7 shall take effect on October 1, 2015.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

#### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.