

# Journal of the House

Thursday, February 15, 2018

At one o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Speaker.

## Message from the Senate No. 23

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 164.** An act relating to establishing the Unused Prescription Drug Repository Program.

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

The Senate has considered bills originating in the House of the following titles:

**H. 552.** An act relating to approval of the adoption and codification of the charter of the Town of Ferrisburgh.

**H. 568.** An act relating to approval of amendments to the charter of the Town of Barre.

**H. 573.** An act relating to approval of an amendment to the charter of the City of Rutland.

And has passed the same in concurrence.

## House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### H. 890

By Rep. Masland of Thetford,

House bill, entitled

An act relating to the study of a new tax increment financing program;

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To the committee on Commerce and Economic Development.

**H. 891**

By Reps. Smith of New Haven, Bock of Chester, Buckholz of Hartford, Graham of Williamstown, Higley of Lowell, Hooper of Randolph, Lawrence of Lyndon, Norris of Shoreham and Partridge of Windham,

House bill, entitled

An act relating to establishing a community anaerobic digester pilot project;

To the committee on Agriculture and Forestry.

**Committee Bill Introduced**

**H. 892**

By the committee on Health Care,

An act relating to regulation of short-term, limited-duration health insurance coverage and association health plans;

Pursuant to House rule 48, bill placed on the Calendar for notice.

**Senate Bill Referred**

**S. 164**

Senate bill, entitled

An act relating to establishing the Unused Prescription Drug Repository Program

Was read and referred to the committee on Human Services.

**Bill Referred to Committee on Ways and Means**

**H. 636**

House bill, entitled

An act relating to miscellaneous fish and wildlife subjects

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

**Bill Called Up**

**H. 581**

**Rep. Carr of Brandon** called up House bill, entitled

An act relating to Connectivity Initiative grant eligibility

Which had been ordered to lie. Thereupon, under the rule, the bill was

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ordered placed on the Calendar for action on the next legislative day.

**Third Reading; Bill Passed**

**H. 829**

House bill, entitled

An act relating to appointing town grand jurors

Was taken up, read the third time and passed.

**Bill Committed**

**H. 237**

House bill, entitled

An act relating to saliva testing

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Transportation, on motion of **Rep. Brennan of Colchester**, the bill was committed to the committee on Judiciary.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 294**

**Rep. Walz of Barre City**, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to inquiries about an applicant's salary history

Reported in favor of its passage when amended as follows:

First: In Sec. 1, by redesignating the section to be 21 V.S.A. § 495m

Second: In Sec. 1, 21 V.S.A. § 495m, after subsection (b), by adding a subsection (c) to read:

(c) Nothing in this section shall be construed to prevent an employer from:

(1) inquiring about a prospective employee's salary expectations or requirements; or

(2) providing information about the wages, benefits, compensation, or salary offered in relation to a position.

Third: In Sec. 2, effective date, by striking out "2017" and inserting in lieu thereof "2018"

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the

Committee on General, Housing, and Military Affairs? **Rep. Head of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs? was decided in the affirmative. Yeas, 137. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Gannon of Wilmington	Norris of Shoreham
Bartholomew of Hartland	Gardner of Richmond	Noyes of Wolcott
Batchelor of Derby	Giambatista of Essex	Ode of Burlington
Beck of St. Johnsbury	Gonzalez of Winooski	Pajala of Londonderry
Belaski of Windsor	Grad of Moretown	Parent of St. Albans Town
Beyor of Highgate	Graham of Williamstown	Partridge of Windham
Bissonnette of Winooski	Haas of Rochester	Pearce of Richford
Bock of Chester	Harrison of Chittenden	Poirier of Barre City
Botzow of Pownal	Head of South Burlington	Potter of Clarendon
Brennan of Colchester	Helm of Fair Haven	Pugh of South Burlington
Briglin of Thetford	Higley of Lowell	Quimby of Concord
Browning of Arlington	Hill of Wolcott	Rachelson of Burlington
Brumsted of Shelburne	Hooper of Montpelier	Read of Fayston
Buckholz of Hartford	Hooper of Randolph	Rosenquist of Georgia
Burditt of West Rutland	Houghton of Essex	Savage of Swanton
Burke of Brattleboro	Howard of Rutland City	Scheu of Middlebury
Canfield of Fair Haven	Jessup of Middlesex	Scheuermann of Stowe
Carr of Brandon	Jickling of Randolph	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Shaw of Pittsford
Christensen of Weathersfield	Juskiewicz of Cambridge	Sheldon of Middlebury
Christie of Hartford	Keefe of Manchester	Sibilia of Dover
Cina of Burlington	Keenan of St. Albans City	Smith of Derby
Condon of Colchester	Kimbell of Woodstock	Smith of New Haven
Conlon of Cornwall	Kitzmiller of Montpelier	Squirrell of Underhill
Connor of Fairfield	Krowinski of Burlington *	Strong of Albany
Conquest of Newbury	LaClair of Barre Town	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sullivan of Dorset
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Cupoli of Rutland City	Lawrence of Lyndon	Taylor of Colchester
Dakin of Colchester	Lefebvre of Newark	Terenzini of Rutland Town
Deen of Westminster	Lewis of Berlin	Toleno of Brattleboro
Devereux of Mount Holly	Lippert of Hinesburg	Toll of Danville
Dickinson of St. Albans Town	Long of Newfane	Townsend of South Burlington
Donahue of Northfield	Macaig of Williston	Trieber of Rockingham
Donovan of Burlington	Marcotte of Coventry	Troiano of Stannard
Dunn of Essex	Martel of Waterford	Van Wyck of Ferrisburgh
Emmons of Springfield	Masland of Thetford	Viens of Newport City
	Mattos of Milton	Walz of Barre City
	McCormack of Burlington	Webb of Shelburne
	McCoy of Poultney	

Fagan of Rutland City	McCullough of Williston	Willhoit of St. Johnsbury
Feltus of Lyndon	McFaun of Barre Town	Wood of Waterbury
Fields of Bennington	Miller of Shaftsbury	Wright of Burlington
Forguites of Springfield	Mrowicki of Putney	Yacovone of Morristown
Frenier of Chelsea	Murphy of Fairfax	Yantachka of Charlotte
Gage of Rutland City	Myers of Essex	Young of Glover

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Lucke of Hartford	Stevens of Waterbury
Baser of Bristol	Morris of Bennington	Till of Jericho
Colburn of Burlington	Morrissey of Bennington	Turner of Milton
Hebert of Vernon	O'Sullivan of Burlington	Weed of Enosburgh

**Rep. Krowinski of Burlington** explained her vote as follows:

“Madam Speaker:

It’s time to rewrite the rules so that women’s work and contributions are fully valued. Women in Vermont are paid 84 cents for every dollar paid to men, amounting to an annual wage gap of nearly \$8,000. The practice of having to disclose one’s current salary only reinforces the pay gap by gender or race in our state. By eliminating this step, we can help level the playing field. I am proud to support this equal pay bill.”

Thereupon, third reading was ordered.

#### **Action on Bill Postponed**

#### **H. 571**

House bill, entitled

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

Was taken up and pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Head of South Burlington**, action on the bill was postponed until February 20, 2018.

#### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 624**

**Rep. Gannon of Wilmington**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the protection of information in the statewide voter checklist

Reported in favor of its passage when amended by striking all after the

enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2154 is amended to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The Secretary of State shall ~~establish~~ maintain a uniform and nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall serve as the official voter registration list for all elections in the State. In ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

(1) ~~limit the~~ a town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to ~~verifying if~~ whether the applicant is registered in another municipality in the State by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that ~~district's~~ official's district checklist;

(4) provide adequate security to prevent unauthorized access to the checklist; and

(5) ensure the compatibility and comparability of information on the checklist with information contained in the Department of Motor Vehicles' computer systems.

(b)(1) A registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number shall be kept confidential and are exempt from public ~~copying and inspection and copying~~ under the Public Records Act.

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose any information pertaining to a registered voter that is maintained in the statewide voter checklist or in a municipality's portion of the statewide voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist;

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose any voter information maintained in the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibition set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

Sec. 2. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

\* \* \*

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

\* \* \*

(31) Records of a registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her 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. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations? **Rep. Gannon of Wilmington**

demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Government Operations? was decided in the affirmative. Yeas, 93. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Pajala of Londonderry
Bartholomew of Hartland	Gardner of Richmond	Parent of St. Albans Town
Belaski of Windsor	Giambatista of Essex *	Partridge of Windham
Bissonnette of Winooski	Gonzalez of Winooski	Poirier of Barre City
Bock of Chester	Grad of Moretown	Potter of Clarendon
Botzow of Pownal	Haas of Rochester	Pugh of South Burlington
Briglin of Thetford	Head of South Burlington	Rachelson of Burlington
Browning of Arlington	Hill of Wolcott	Read of Fayston
Brumsted of Shelburne	Hooper of Montpelier	Scheu of Middlebury
Buckholz of Hartford	Hooper of Randolph	Scheuermann of Stowe
Burditt of West Rutland	Houghton of Essex	Sharpe of Bristol
Burke of Brattleboro	Howard of Rutland City	Sheldon of Middlebury
Carr of Brandon	Jessup of Middlesex	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Squirrell of Underhill
Christensen of Weathersfield	Joseph of North Hero	Stuart of Brattleboro
Christie of Hartford	Keenan of St. Albans City	Sullivan of Dorset
Cina of Burlington	Kimbell of Woodstock	Sullivan of Burlington
Conlon of Cornwall	Kitzmiller of Montpelier	Taylor of Colchester
Connor of Fairfield	Krowinski of Burlington	Till of Jericho
Conquest of Newbury	Lalonde of South Burlington	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Toll of Danville
Corcoran of Bennington	Lippert of Hinesburg	Townsend of South Burlington
Dakin of Colchester	Long of Newfane	Trieber of Rockingham
Deen of Westminster	Macaig of Williston	Troiano of Stannard
Donahue of Northfield	Masland of Thetford	Walz of Barre City
Donovan of Burlington *	McCormack of Burlington	Webb of Shelburne
Dunn of Essex	McCullough of Williston	Wood of Waterbury
Emmons of Springfield	Miller of Shaftsbury	Wright of Burlington
Fields of Bennington	Morris of Bennington	Yacovone of Morristown
Forguites of Springfield	Mrowicki of Putney	Yantachka of Charlotte
	Noyes of Wolcott	Young of Glover
	Ode of Burlington	

Those who voted in the negative are:

Bancroft of Westford	Gamache of Swanton	Murphy of Fairfax
Baser of Bristol	Graham of Williamstown	Myers of Essex
Batchelor of Derby	Harrison of Chittenden	Nolan of Morristown
Beck of St. Johnsbury	Helm of Fair Haven	Norris of Shoreham
Beyor of Highgate	Higley of Lowell	Pearce of Richford
Brennan of Colchester	Juskiewicz of Cambridge	Quimby of Concord
Canfield of Fair Haven	Keefe of Manchester	Rosenquist of Georgia
Condon of Colchester	LaClair of Barre Town	Savage of Swanton
Cupoli of Rutland City	Lawrence of Lyndon	Shaw of Pittsford



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Devereux of Mount Holly	Lefebvre of Newark	Smith of Derby
Dickinson of St. Albans Town	Lewis of Berlin	Smith of New Haven
Fagan of Rutland City	Marcotte of Coventry	Strong of Albany
Feltus of Lyndon	Martel of Waterford	Terenzini of Rutland Town
Frenier of Chelsea	Mattos of Milton	Van Wyck of Ferrisburgh
Gage of Rutland City	McCoy of Poultney	Viens of Newport City
	McFaun of Barre Town	Willhoit of St. Johnsbury

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Lucke of Hartford	Stevens of Waterbury
Colburn of Burlington	Morrissey of Bennington	Turner of Milton
Hebert of Vernon	O'Sullivan of Burlington	Weed of Enosburgh

**Rep. Donovan of Burlington** explained her vote as follows:

“Madam Speaker:

President Trump stated 3 to 5 million voted illegally in 2016. After a thorough investigation by the Brennon Center of Justice at New York University it was determined to be fake news.

President Trump then stated he lost New Hampshire because thousands of Massachusetts residents were bussed to the neighboring state to cast ballots against him. After thorough investigation, this too was determined to be fake news.”

**Rep. Giambatista of Essex** explained his vote as follows:

“Madam Speaker:

Vermont is a leader on ensuring the right to vote for all of our citizens. When a national commission was convened to collect sensitive voter data from Vermont and other states, I heard my neighbors’ calls for privacy loud and clear. The passage of this bill is an important step to ensure personal and private voter information is kept secure. I urge the body to pass this sensible bill.”

Thereupon, third reading was ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 673**

**Rep. Keefe of Manchester**, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to miscellaneous amendments to the Reach Up program

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

## \* \* \* Program Eligibility \* \* \*

Sec. 1. 33 V.S.A. § 1103 is amended to read:

## § 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living, unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by ~~regulation~~ rule maximum amounts of financial assistance, and act to ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case ~~may~~ shall the Department expend State funds in excess of the appropriations for the programs under this chapter.

\* \* \*

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

\* \* \*

(7) ~~The equity value of one operable motor vehicle in a family with a single parent or caretaker and of two operable motor vehicles in a two-parent family for each adult in the family and the equity value of one operable motor vehicle for any child of driving age who needs a vehicle to attend school or work shall be excluded for purposes of determining eligibility for the Reach Up program. The Commissioner shall take all steps necessary to retain current resource protections under the Food Stamps program~~ Supplemental Nutrition Assistance Program (SNAP) so that the rules under ~~the Food Stamps program~~ SNAP and the Reach Up program are compatible.

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## \* \* \* Case Management Reviews \* \* \*

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or the community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other

eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary, a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance under this chapter shall have the burden of demonstrating the existence of his or her condition.

~~(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:~~

~~(A) is in compliance with a family development plan or work requirement;~~

~~(B) is properly claiming a deferment, if applicable;~~

~~(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and~~

~~(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.~~

~~(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.~~

\* \* \* Work Requirements \* \* \*

Sec. 3. 33 V.S.A. § 1113(c) is amended to read:

~~(c) The hours of the work requirement shall be as follows A participating family shall be deemed to meet the work requirement if:~~

~~(1) In two-parent families in which both parents are able to work: neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able-to-work by the Department is completed. One or both parents may contribute to the completion of the~~

employment or work activities required by this subdivision.

~~(A) The parent who is not the primary caretaker of a dependent child, referred to in this subsection as the “principal-earner parent,” shall work no less than full-time in unsubsidized employment or in one or more work activities and accept unsubsidized employment with scheduled hours up to 45 hours per week~~

~~(B) As used in this subdivision, “full-time” means 40 hours per week. A position requiring no fewer than 35 hours per week that the employer defines as full-time shall be deemed full-time employment.~~

~~(C) The requirements of this subdivision may be satisfied if both parents secure employment or work activities with combined hours equal to or exceeding 40 hours per week.~~

~~(2) The primary caretaker of a dependent child in a two-parent family in which both parents are able to work shall have no work requirement, provided that the principal-earner parent complies with the work requirement and is not sanctioned in accordance with section 1115 of this title. In the event that the principal-earner parent in a two-parent family is sanctioned for failing to meet the work requirement, the primary caretaker shall be deemed work-ready and subject to subdivision (1) of this subsection. Within 30 days of the effective date of the principal-earner parent’s sanction the primary caretaker shall report to the family’s case manager, complete an assessment, modify the family’s family development plan, and comply with the requirements of subdivision (1) of this subsection.~~

~~(3) All other able-to-work participants and able-to-work-part-time participants who are not subject to the work requirement established by subdivision (1) of this subsection or who are exempted from the work requirement in accordance with subdivision (2) of this subsection shall comply with the following requirements In a two-parent family in which one parent receives SSI:~~

~~(A) if If the family includes two parents, and one parent is able to work and the other parent is able to work part-time or unable to work, the able-to-work parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able-to-work by the Department.~~

~~(B) if If the family includes two parents and both parents are able to-~~

work-part-time: a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able-to-work by the Department.

~~(i) if one participating parent has been determined able-to-work-part-time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parent has been determined able-to-work-part-time;~~

~~(ii) if neither participating parent has been determined able-to-work-part-time at least 30 hours per week but the parents, in combination, have been determined able-to-work-part-time 30 hours per week, both parents shall work in unsubsidized employment or participate in one or more work activities for which the sum of the hours is at least 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parents, in combination, have been determined able-to-work-part-time; or~~

~~(iii) if the participating parents, in combination, have been determined able-to-work-part-time fewer than 30 hours per week, the parents shall work in unsubsidized employment or participate in one or more work activities for the number of hours that the two parents, in combination, have been determined able-to-work-part-time;~~

~~(C) if the family includes two parents and one parent is able-to-work-part-time and the other parent is unable-to-work: As used in this subdivision (c)(2), "work-eligible parent" means a parent who is not receiving SSI.~~

~~(i) if one participating parent has been determined able-to-work-part-time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the parent has been determined able-to-work-part-time; or~~

~~(ii) if one participating parent has been determined able-to-work-part-time fewer than 30 hours per week, that parent shall work in unsubsidized work or participate in one or more work activities for the number of hours that the parent has been determined able-to-work-part-time;~~

~~(D)(3) In a single-parent family:~~

~~(A) if the family includes only one adult (parent, relative, or caretaker) who is able to work and no child is under the age of~~ If the family's youngest child is six years of age or older, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than at least 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; or the number of hours the parent has been determined able to work by the Department.

~~(E) if the family includes only one adult (parent, relative, or caretaker) who is able to work part-time and no child is under the age of six years:~~

~~(i) if the participant has been determined able to work part-time at least 30 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able to work part-time; or~~

~~(ii) if the participant has been determined able to work part-time fewer than 30 hours per week, the participant shall work in unsubsidized work or participate in one or more work activities fewer than 30 hours per week for the number of hours that the participant has been determined able to work part-time;~~

~~(F)(B) if the family includes only one adult (parent, relative, or caretaker) who is able to work and a~~ If the family's youngest child is under the age of six years of age, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than at least 20 hours per week and shall accept unsubsidized employment with scheduled hours up to 24 hours per week; and or the number of hours the parent has been determined able to work by the Department.

~~(G) if the family includes only one adult (parent, relative, or caretaker) who is able to work part-time and a child under the age of six years:~~

~~(i) if the participant has been determined able to work part-time at least 20 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 20 hours per week, and shall accept unsubsidized employment with scheduled hours up to 24 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able to work part-time; or~~

~~(ii) if the participant has been determined able to work part-time~~

~~fewer than 20 hours per week, the participant shall work in unsubsidized work or participate in one or more work activities fewer than 20 hours per week for the number of hours that the participant has been determined able to work part-time.~~

\* \* \*

\* \* \* Educational Deferment \* \* \*

Sec. 4. 33 V.S.A. § 1114(b) is amended to read:

(b) The work requirements shall be either modified or deferred for:

\* \* \*

(7) A participant who has attained 20 years of age and who is engaged in at least ~~25~~ 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of ~~such~~ the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed ~~six~~ 18 months.

\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

**Committee Bill; Second Reading;  
Third Reading Ordered**

**H. 764**

**Rep. Botzow of Pownal** spoke for the committee on Commerce and Economic Development.

House bill entitled

An act relating to data brokers and consumer protection

**Rep. Young of Glover**, for the committee on Ways and Means, recommended the bill ought to pass

**Rep. LaLonde of Burlington**, for the committee on Judiciary,

recommended the bill ought to pass.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Browning of Arlington** moved to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 62 is amended to read:

#### CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

##### Subchapter 1. General Provisions

##### § 2430. DEFINITIONS

~~The following definitions shall apply throughout this chapter unless otherwise required~~ As used in this chapter:

(1) “Business” means a sole proprietorship, partnership, corporation, association, limited liability company, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the laws of this State, any other state, the United States, or any other country, or the parent, affiliate, or subsidiary of a financial institution, but ~~in no case shall it~~ does not include the State, a State agency, or any political subdivision of the State.

(2) “Consumer” means an individual residing in this State.

(3) ~~“Data collector” may include the State, State agencies, political subdivisions of the State, public and private universities, privately and publicly held corporations, limited liability companies, financial institutions, retail operators, and any other entity that,~~ means a person who, for any purpose, whether by automated collection or otherwise, handles, collects, disseminates, or otherwise deals with nonpublic personal information personally identifiable information, and includes the State, State agencies, political subdivisions of the State, public and private universities, privately and publicly held corporations, limited liability companies, financial institutions, and retail operators.

(4) “Encryption” means use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or key.

(5)(A) “Personally identifiable information” means ~~an individual’s a~~ consumer’s first name or first initial and last name in combination with any one or more of the following digital data elements, when either the name or



the data elements are not encrypted or redacted or protected by another method that renders them unreadable or unusable by unauthorized persons:

- (i) Social Security number;
- (ii) motor vehicle operator's license number or nondriver identification card number;
- (iii) financial account number or credit or debit card number, if circumstances exist in which the number could be used without additional identifying information, access codes, or passwords;
- (iv) account passwords or personal identification numbers or other access codes for a financial account.

(B) "Personally identifiable information" does not mean publicly available information that is lawfully made available to the general public from federal, State, or local government records.

(6) "Personal information" means one or more of the following digital data elements about a consumer:

- (A) name;
- (B) address;
- (C) name or address of a member of his or her immediate family or household;
- (D) a personal identifier, including a Social Security number, other government-issued identification number, or biometric record;
- (E) an indirect identifier, including date of birth, place of birth, or mother's maiden name; or
- (F) other information that, alone or in combination, is linked or linkable to the consumer that would allow a reasonable person to identify the consumer with reasonable certainty.

~~(6)~~(7) "Records Record" means any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

~~(7)~~(8) "Redaction" means the rendering of data so that ~~it is~~ the data are unreadable or ~~is~~ are truncated so that no more than the last four digits of the identification number are accessible as part of the data.

~~(8)~~(9)(A) "Security breach" means unauthorized acquisition of ~~electronic data~~ or a reasonable belief of an unauthorized acquisition of ~~electronic data that compromises the security, confidentiality, or integrity of a consumer's personally identifiable information maintained by the~~ a data

collector.

(B) “Security breach” does not include good faith but unauthorized acquisition of personally identifiable information by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personally identifiable information is not used for a purpose unrelated to the data collector’s business or subject to further unauthorized disclosure.

(C) In determining whether personally identifiable information has been acquired or is reasonably believed to have been acquired by a person without valid authorization, a data collector may consider the following factors, among others:

(i) indications that the information is in the physical possession and control of a person without valid authorization, such as a lost or stolen computer or other device containing information;

(ii) indications that the information has been downloaded or copied;

(iii) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or

(iv) that the information has been made public.

#### § 2431. DATA COLLECTORS; REGISTRATION; INFORMATION

When filing its annual registration with the Secretary of State pursuant to an applicable provision of Titles 11-11C of the Vermont Statutes Annotated, a business organization doing business in this State shall specify on its registration form whether it collects personally identifiable information of Vermont consumers as one of its business activities, and if so, it shall further specify:

(1) whether it uses industry best practice security systems to protect consumer personally identifiable information; and

(2) whether it notifies customers of security breaches that result in stolen personally identifiable information.

#### § 2433. ACQUISITION OF PERSONAL INFORMATION; PROHIBITIONS

(a) Prohibited acquisition and use.

(1) A person shall not acquire personal information through fraudulent means.

(2) A person shall not acquire or use personal information for the purpose of:

(A) stalking or harassing another person;

(B) committing a fraud, including identity theft, financial fraud, or e-mail fraud; or

(C) engaging in unlawful discrimination, including employment discrimination and housing discrimination.

(b) Enforcement.

(1) A person who violates a provision of this section commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(2) The Attorney General has the same authority to adopt rules to implement the provisions of this section and to conduct civil investigations, enter into assurances of discontinuance, bring civil actions, and take other enforcement actions as provided under chapter 63, subchapter 1 of this title.

#### Subchapter 2. Security Breach Notice Act

#### § 2435. NOTICE OF SECURITY BREACHES

(a) This section shall be known as the Security Breach Notice Act.

(b) Notice of breach.

(1)~~(A)~~ Except as set forth in subsection (d) of this section, ~~any a~~ data collector that owns or licenses ~~computerized~~ personally identifiable information that ~~includes personal information~~ concerning a consumer shall notify the consumer ~~that there has been of~~ a security breach following discovery or notification to the data collector of the breach.

~~(B) Notice~~ A data collector shall provide notice of the security breach shall be made to consumers pursuant to subdivision (A) of this subdivision (b)(1) in the most expedient time possible and without unreasonable delay, but not later than 45 days after the discovery or notification, consistent with the legitimate needs of the law enforcement agency, as provided in subdivisions (3) and (4) of this subsection (b), or with any measures necessary to determine the scope of the security breach and restore the reasonable integrity, security, and confidentiality of the data system, but not later than 45 days after the discovery or notification of the breach, unless a law enforcement agency, as provided in subdivisions (3) and requests a delay pursuant to subdivision (4) of this subsection (b).

(2) ~~Any~~ A data collector that maintains or possesses ~~computerized data containing~~ personally identifiable information ~~of a consumer~~ that the data collector does not own or license, ~~or any a~~ data collector that acts or conducts business in Vermont that maintains or possesses ~~records or data containing~~ personally identifiable information that the data collector does not own or

licensee, shall notify the owner or licensee of the information of any security breach immediately following discovery of the breach, consistent with the legitimate needs of law enforcement as provided in ~~subdivisions (3) and subdivision~~ (4) of this subsection (b).

(3) A data collector ~~or other entity subject to this subchapter~~ shall provide notice of a security breach to the Attorney General or to the Department of Financial Regulation, as applicable, as follows:

(A) A data collector ~~or other entity~~ regulated by the Department of Financial Regulation under Title 8 or this title shall provide notice of a breach to the Department. All other data collectors ~~or other entities subject to this subchapter~~ shall provide notice of a breach to the Attorney General.

(B)(i) The data collector shall notify the Attorney General or the Department, as applicable, of the date of the security breach and the date of discovery of the breach and shall provide a preliminary description of the breach within 14 business days, consistent with the legitimate needs of the a law enforcement agency as provided in ~~this subdivision (3) and~~ subdivision (4) of this subsection (b), of the data collector's discovery of the security breach or when the data collector provides notice to consumers pursuant to this section, whichever is sooner.

(ii) Notwithstanding ~~subdivision (B)(i)~~ of this subdivision (b)(3)(B), a data collector ~~who~~ that, prior to the date of the security breach, on a form and in a manner prescribed by the Attorney General, had sworn in writing to the Attorney General that it maintains written policies and procedures to maintain the security of personally identifiable information and respond to a breach in a manner consistent with Vermont law shall notify the Attorney General of the date of the security breach and the date of discovery of the breach and shall provide a description of the breach prior to providing notice of the breach to consumers pursuant to subdivision (1) of this subsection (b).

(iii) If the date of the security breach is unknown at the time notice is sent to the Attorney General or to the Department, the data collector shall send the Attorney General or the Department the date of the breach as soon as it is known.

(iv) Unless otherwise ordered by a court of this State for good cause shown, a notice provided under this subdivision (3)(B), or any later supplemental information provided by the data collector, other than notice to consumer or the number of Vermont consumers affected, shall not be disclosed to any person other than the Department, the authorized agent or representative of the Attorney General, a State's Attorney, or another law enforcement officer

engaged in legitimate law enforcement activities without the consent of the data collector.

(C)(i) When the data collector provides notice of the security breach to consumers pursuant to subdivision (1) of this subsection (b), the data collector shall notify the Attorney General or the Department, as applicable, of the number of Vermont consumers affected, if known to the data collector, and shall provide a copy of the notice provided to consumers under subdivision (1) of this subsection (b).

(ii) The data collector may send to the Attorney General or the Department, as applicable, a second copy of the consumer notice, from which is redacted the type of personally identifiable information that was subject to the security breach, and which the Attorney General or the Department shall use for any public disclosure of the breach.

(4)(A)(i) The notice to a consumer required by this subsection shall be delayed upon request of a law enforcement agency.

(ii) A law enforcement agency may request the delay if it believes that notification may impede a law enforcement investigation, or a national or Homeland Security investigation, or jeopardize public safety or national or Homeland Security interests.

(iii) ~~In the event~~ If law enforcement ~~makes the request for requests~~ a delay in a manner other than in writing, the data collector shall document ~~such~~ the request contemporaneously in writing, including the name of the law enforcement officer making the request and the officer's law enforcement agency engaged in the investigation.

(iv) A law enforcement agency shall promptly notify the data collector in writing when the law enforcement agency no longer believes that notification may impede a law enforcement investigation, or a national or Homeland Security investigation, or jeopardize public safety or national or Homeland Security interests.

(v) The data collector shall provide notice required by this section without unreasonable delay upon receipt of a written communication, which includes facsimile or electronic communication, from the law enforcement agency withdrawing its request for delay.

(B)(i) A Vermont law enforcement agency with a reasonable belief that a security breach has or may have occurred at a specific business shall notify the business in writing of its belief.

(ii) The agency shall also notify the business that additional information on the security breach may need to be furnished to the Office of

the Attorney General or the Department of Financial Regulation and shall include the website and telephone number for the Office and the Department in the notice required by this subdivision.

(iii) Nothing in this subdivision (B) shall alter the responsibilities of a data collector under this section or provide a cause of action against a law enforcement agency that fails, without bad faith, to provide the notice required by this subdivision.

(5) The notice to a consumer shall be clear and conspicuous. The notice shall include a description of each of the following, if known to the data collector:

(A) the incident in general terms;

(B) the type of personally identifiable information that was subject to the security breach;

(C) the general acts of the data collector to protect the personally identifiable information from further security breach;

(D) a telephone number, toll-free if available, that the consumer may call for further information and assistance;

(E) advice that directs the consumer to remain vigilant by reviewing account statements and monitoring free credit reports; and

(F) the approximate date of the security breach.

(6) A data collector may provide notice of a security breach to a consumer by one or more of the following methods:

(A) Direct notice, which may be by one of the following methods:

(i) written notice mailed to the consumer's residence;

(ii) electronic notice, for those consumers for whom the data collector has a valid e-mail address if:

(I) the data collector's primary method of communication with the consumer is by electronic means, the electronic notice does not request or contain a hypertext link to a request that the consumer provide personal information, and the electronic notice conspicuously warns consumers not to provide personal information in response to electronic communications regarding security breaches; or

(II) the notice is consistent with the provisions regarding electronic records and signatures for notices in 15 U.S.C. § 7001; or

(iii) telephonic notice, provided that telephonic contact is made directly with each affected consumer and not through a prerecorded message.

(B)(i) Substitute notice, if:

(I) the data collector demonstrates that the cost of providing written or telephonic notice to affected consumers would exceed \$5,000.00;

(II) the class of affected consumers to be provided written or telephonic notice exceeds 5,000; or

(III) the data collector does not have sufficient contact information.

(ii) A data collector shall provide substitute notice by:

(I) conspicuously posting the notice on the data collector's website if the data collector maintains one; and

(II) notifying major statewide and regional media.

(c) ~~In the event~~ If a data collector provides notice to more than 1,000 consumers at one time pursuant to this section, the data collector shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. § 1681a(p), of the timing, distribution, and content of the notice. This subsection shall not apply to a person who is licensed or registered under Title 8 by the Department of Financial Regulation.

(d)(1)(A) Notice of a security breach pursuant to subsection (b) of this section is not required if the data collector establishes that misuse of ~~personal personally identifiable~~ information is not reasonably possible and the data collector provides notice of the its determination ~~that the misuse of the personal information is not reasonably possible~~ pursuant to the requirements of this subsection (d).

(B)(i) If the data collector establishes that misuse of the ~~personal personally identifiable~~ information is not reasonably possible, the data collector shall provide notice of its determination ~~that misuse of the personal information is not reasonably possible~~ and a detailed explanation ~~for said determination~~ to the Vermont Attorney General or to the Department of Financial Regulation, ~~in the event that the data collector is a person or entity licensed or registered with the Department under Title 8 or this title as applicable.~~

(ii) The data collector may designate its notice and detailed explanation to the Vermont Attorney General or the Department of Financial Regulation as "trade secret" if the notice and detailed explanation meet the definition of trade secret contained in 1 V.S.A. § 317(c)(9).

(2) If a data collector established that misuse of ~~personal information~~

personally identifiable information was not reasonably possible under subdivision (1) of this subsection (d) and subsequently obtains facts indicating that misuse of the ~~personal information~~ personally identifiable information has occurred or is occurring, the data collector shall provide notice of the security breach pursuant to subsection (b) of this section.

(e) ~~Any~~ A waiver of the provisions of this subchapter is contrary to public policy and is void and unenforceable.

(f) Except as provided in subdivision (3) of this subsection (~~f~~), a financial institution that is subject to the following guidances, and any revisions, additions, or substitutions relating to an interagency guidance, shall be exempt from this section:

(1) The Federal Interagency Guidance Response Programs for Unauthorized Access to Consumer Information and Customer Notice, issued on March 7, 2005, by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.

(2) Final Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice, issued on April 14, 2005, by the National Credit Union Administration.

(3) A financial institution regulated by the Department of Financial Regulation that is subject to subdivision (1) or (2) of this subsection (~~f~~) shall notify the Department as soon as possible after it becomes aware of ~~an incident involving unauthorized access to or use of personally identifiable information~~ a security breach.

(g) Enforcement.

(1) With respect to all data collectors ~~and other entities subject to this subchapter~~, other than a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Attorney General and State's Attorney shall have sole and full authority to investigate potential violations of this subchapter and to enforce, prosecute, obtain, and impose remedies for a violation of this subchapter or any rules or regulations made pursuant to this chapter as the Attorney General and State's Attorney have under chapter 63 of this title. The Attorney General may refer the matter to the State's Attorney in an appropriate case. The Superior Courts shall have jurisdiction over any enforcement matter brought by the Attorney General or a State's Attorney under this subsection.

(2) With respect to a data collector that is a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Department of Financial Regulation shall have the full authority to



investigate potential violations of this subchapter and to prosecute, obtain, and impose remedies for a violation of this subchapter or any rules or regulations adopted pursuant to this subchapter, as the Department has under Title 8 or this title or any other applicable law or regulation.

### Subchapter 3. Social Security Number Protection Act

#### § 2440. SOCIAL SECURITY NUMBER PROTECTION

\* \* \*

(f) Any person has the right to request that a town clerk or clerk of court remove from an image or copy of an official record placed on a town's or court's Internet website available to the general public or an Internet website available to the general public to display public records by the town clerk or clerk of court, the person's Social Security number, employer taxpayer identification number, driver's license number, State identification number, passport number, checking account number, savings account number, credit card or debit card number, or personal identification number (PIN) code or passwords contained in that official record. A town clerk or clerk of court is authorized to redact the ~~personal~~ information identified in a request submitted under this section. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the town clerk or clerk of court. The request must specify the ~~personal~~ information to be redacted, information that identifies the document that contains the ~~personal~~ information to be redacted, and unique information that identifies the location within the document that contains the Social Security number, employer taxpayer identification number, driver's license number, State identification number, passport number, checking account number, savings account number, credit card number, or debit card number, or personal identification number (PIN) code or passwords to be redacted. The request for redaction shall be considered a public record with access restricted to the town clerk, the clerk of court, their staff, or upon order of the court. The town clerk or clerk of court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction and shall have no duty to remove redaction for any reason upon subsequent request by an individual or by order of the court, if impossible to do so. No fee will be charged for the redaction pursuant to such request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed \$500.00 for each violation.

\* \* \*

### Subchapter 4. Document Safe Destruction Act

§ 2445. SAFE DESTRUCTION OF DOCUMENTS CONTAINING  
PERSONAL CONFIDENTIAL INFORMATION

(a) As used in this section:

(1) ~~“Business” means sole proprietorship, partnership, corporation, association, limited liability company, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the laws of this State, any other state, the United States, or any other country, or the parent, affiliate, or subsidiary of a financial institution, but in no case shall it include the State, a State agency, or any political subdivision of the State. The term has the same meaning as in section 2430 of this title, and includes an entity that destroys records.~~

(2) “Customer” means an individual who provides personal confidential information to a business for the purpose of purchasing or leasing a product or obtaining a service from the business.

(3) “Personal Confidential information” means the following information that identifies, relates to, describes, or is capable of being associated with a particular individual: his or her signature, Social Security number, physical characteristics or description, passport number, driver’s license or State identification card number, insurance policy number, bank account number, credit card number, debit card number, or any other financial information.

(4)(A) “Record” means any material, regardless of the physical form, on which information is recorded or preserved by any means, including in written or spoken words, graphically depicted, printed, or electromagnetically transmitted.

(B) “Record” does not include publicly available directories containing information an individual has voluntarily consented to have publicly disseminated or listed, such as name, address, or telephone number.

(b) A business shall take all reasonable steps to destroy or arrange for the destruction of a customer’s records within its custody or control containing personal confidential information ~~which that~~ is no longer to be retained by the business by shredding, erasing, or otherwise modifying the personal confidential information in those records to make it unreadable or indecipherable through any means for the purpose of:

(1) ensuring the security and confidentiality of customer personal confidential information;

(2) protecting against any anticipated threats or hazards to the security

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or integrity of customer ~~personal~~ confidential information; and

(3) protecting against unauthorized access to or use of customer ~~personal~~ confidential information that could result in substantial harm or inconvenience to any customer.

(c) An entity that is in the business of disposing of ~~personal financial~~ confidential information that conducts business in Vermont or disposes of ~~personal~~ confidential information of residents of Vermont must take all reasonable measures to dispose of records containing ~~personal~~ confidential information by implementing and monitoring compliance with policies and procedures that protect against unauthorized access to or use of ~~personal~~ confidential information during or after the collection and transportation and disposing of such information.

\* \* \*

Sec. 2. 9 V.S.A. § 2480b is amended to read:

§ 2480b. DISCLOSURES TO CONSUMERS

(a) A credit reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer all information available to users at the time of the request pertaining to the consumer, including:

(1) any credit score or predictor relating to the consumer, in a form and manner that complies with such comments or guidelines as may be issued by the Federal Trade Commission;

(2) the names of users requesting information pertaining to the consumer during the prior 12-month period and the date of each request; and

(3) a clear and concise explanation of the information.

(b) As frequently as new telephone directories are published, the credit reporting agency shall cause to be listed its name and number in each telephone directory published to serve communities of this State. In accordance with rules adopted by the Attorney General, the credit reporting agency shall make provision for consumers to request by telephone the information required to be disclosed pursuant to subsection (a) of this section at no cost to the consumer.

(c) Any time a credit reporting agency is required to make a written disclosure to consumers pursuant to 15 U.S.C. § 1681g, it shall disclose, in at least 12 point type, and in bold type as indicated, the following notice:

“NOTICE TO VERMONT CONSUMERS

(1) Under Vermont law, you are allowed to receive one free copy of your credit report every 12 months from each credit reporting agency. If you would like to obtain your free credit report from [INSERT NAME OF COMPANY], you should contact us by [[writing to the following address: [INSERT ADDRESS FOR OBTAINING FREE CREDIT REPORT]] or [calling the following number: [INSERT TELEPHONE NUMBER FOR OBTAINING FREE CREDIT REPORT]],<sub>2</sub> or both].

(2) Under Vermont law, no one may access your credit report without your permission except under the following limited circumstances:

(A) in response to a court order;

(B) for direct mail offers of credit;

(C) if you have given ongoing permission and you have an existing relationship with the person requesting a copy of your credit report;

(D) where the request for a credit report is related to an education loan made, guaranteed, or serviced by the Vermont Student Assistance Corporation;

(E) where the request for a credit report is by the Office of Child Support Services when investigating a child support case;

(F) where the request for a credit report is related to a credit transaction entered into prior to January 1, 1993; ~~and~~ or

(G) where the request for a credit report is by the Vermont State Tax Department of Taxes and is used for the purpose of collecting or investigating delinquent taxes.

(3) If you believe a law regulating consumer credit reporting has been violated, you may file a complaint with the Vermont Attorney General's Consumer Assistance Program, 104 Morrill Hall, University of Vermont, Burlington, Vermont 05405.

#### Vermont Consumers Have the Right to Obtain a Security Freeze

You have a right to place a "security freeze" on your credit report pursuant to 9 V.S.A. § 2480h at no charge ~~if you are a victim of identity theft. All other Vermont consumers will pay a fee to the credit reporting agency of up to \$10.00 to place the freeze on their credit report.~~ The security freeze will prohibit a credit reporting agency from releasing any information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail.

The security freeze is designed to help prevent credit, loans, and services from being approved in your name without your consent. However, you

should be aware that using a security freeze to take control over who gains access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, ~~internet~~ Internet credit card transaction, or other services, including an extension of credit at point of sale.

When you place a security freeze on your credit report, within ten business days you will be provided a personal identification number ~~or~~, password, or other equally or more secure method of authentication to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a specific party, parties, or period of time after the freeze is in place. To provide that authorization, you must contact the credit reporting agency and provide all of the following:

(1) The unique personal identification number ~~or~~, password, or other method of authentication provided by the credit reporting agency.

(2) Proper identification to verify your identity.

(3) The proper information regarding the third party or parties who are to receive the credit report or the period of time for which the report shall be available to users of the credit report.

A credit reporting agency may not charge a fee of up to \$5.00 to a ~~consumer who is not a victim of identity theft~~ to remove the freeze on your credit report or authorize the release of your credit report for a specific party, parties, or period of time after the freeze is in place. ~~For a victim of identity theft, there is no charge when the victim submits a copy of a police report, investigative report, or complaint filed with a law enforcement agency about unlawful use of the victim's personal information by another person.~~

A credit reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request.

A security freeze will not apply to “preauthorized approvals of credit.” If you want to stop receiving preauthorized approvals of credit, you should call [INSERT PHONE NUMBERS] [ALSO INSERT ALL OTHER CONTACT INFORMATION FOR PRESCREENED OFFER ~~OPT-OUT~~ OPT-OUT.]

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account, provided you have previously given your consent to this use of your credit reports. Reviewing the account

includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a credit reporting agency or a user of your credit report.”

(d) The information required to be disclosed by this section shall be disclosed in writing. The information required to be disclosed pursuant to subsection (c) of this section shall be disclosed on one side of a separate document, with text no smaller than that prescribed by the Federal Trade Commission for the notice required under 15 U.S.C. § 1681g. The information required to be disclosed pursuant to subsection (c) of this section may accurately reflect changes in numerical items that change over time (such as the ~~phone~~ telephone number or address of Vermont State agencies), and remain in compliance.

(e) The Attorney General may revise this required notice by rule as appropriate from time to time so long as no new substantive rights are created therein.

Sec. 3. 9 V.S.A. § 2480h is amended to read:

§ 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME  
IN EFFECT

(a)(1) Any Vermont consumer may place a security freeze on his or her credit report. A credit reporting agency shall not charge a fee to ~~victims of identity theft but may charge a fee of up to \$10.00 to all other~~ Vermont consumers for placing ~~and \$5.00 for~~ or removing, removing for a specific party or parties, or removing for a specific period of time after the freeze is in place a security freeze on a credit report.

(2) A consumer ~~who has been the victim of identity theft~~ may place a security freeze on his or her credit report by making a request in writing by certified mail to a credit reporting agency ~~with a valid copy of a police report, investigative report, or complaint the consumer has filed with a law enforcement agency about unlawful use of his or her personal information by another person.~~ All other Vermont consumers may place a security freeze on his or her credit report by making a request in writing by certified mail to a credit reporting agency.

(3) A security freeze shall prohibit, subject to the exceptions in subsection (1) of this section, the credit reporting agency from releasing the consumer’s credit report or any information from it without the express authorization of the consumer. ~~When a security freeze is in place, information~~

~~from a consumer's credit report shall not be released to a third party without prior express authorization from the consumer.~~

(4) This subsection does not prevent a credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(b) A credit reporting agency shall place a security freeze on a consumer's credit report ~~no~~ not later than five business days after receiving a written request from the consumer.

(c) The credit reporting agency shall send a written confirmation of the security freeze to the consumer within 10 business days and shall provide the consumer with a unique personal identification number or password, other than the customer's Social Security number, or another method of authentication that is equally or more secure than a PIN or password, to be used by the consumer when providing authorization for the release of his or her credit for a specific party, parties, or period of time.

(d) If the consumer wishes to allow his or her credit report to be accessed for a specific party, parties, or period of time while a freeze is in place, he or she shall contact the credit reporting agency, request that the freeze be temporarily lifted, and provide the following:

(1) ~~Proper~~ proper identification;

(2) ~~The~~ the unique personal identification number ~~or~~, password, or other method of authentication provided by the credit reporting agency pursuant to subsection (c) of this section; and

(3) ~~The~~ the proper information regarding the third party, parties, or time period for which the report shall be available to users of the credit report.

(e) A credit reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to lift temporarily ~~lift~~ a freeze on a credit report pursuant to subsection (d) of this section in an expedited manner.

(f) A credit reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report pursuant to subsection (d) of this section shall comply with the request ~~no~~ not later than three business days after receiving the request.

(g) A credit reporting agency shall remove or lift temporarily ~~lift~~ a freeze placed on a consumer's credit report only in the following cases:

(1) Upon consumer request, pursuant to subsection (d) or (j) of this section.

(2) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(h) If a third party requests access to a credit report on which a security freeze is in effect and this request is in connection with an application for credit or any other use and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(i) If a consumer requests a security freeze pursuant to this section, the credit reporting agency shall disclose to the consumer the process of placing and lifting temporarily ~~lifting~~ a security freeze and the process for allowing access to information from the consumer's credit report for a specific party, parties, or period of time while the security freeze is in place.

(j) A security freeze shall remain in place until the consumer requests that the security freeze be removed. A credit reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer who provides both of the following:

(1) ~~Proper~~ proper identification; and

(2) ~~The~~ the unique personal identification number, ~~or~~ password, or other method of authentication provided by the credit reporting agency pursuant to subsection (c) of this section.

(k) A credit reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

(l) The provisions of this section, including the security freeze, do not apply to the use of a consumer report by the following:

(1) A person, or the person's subsidiary, affiliate, agent, or assignee with which the consumer has or, prior to assignment, had an account, contract, or debtor-creditor relationship for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or debt, or extending credit to a consumer with a prior or existing account, contract, or debtor-creditor relationship, subject to the requirements of section 2480e of this title. For purposes of this subdivision, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (d) of this section



for purposes of facilitating the extension of credit or other permissible use.

(3) Any person acting pursuant to a court order, warrant, or subpoena.

(4) The Office of Child Support when investigating a child support case pursuant to Title IV-D of the Social Security Act (42 U.S.C. et seq.) and 33 V.S.A. § 4102.

(5) The Economic Services Division of the Department for Children and Families or the Department of Vermont Health Access or its agents or assignee acting to investigate welfare or Medicaid fraud.

(6) The Department of Taxes, municipal taxing authorities, or the Department of Motor Vehicles, or any of their agents or assignees, acting to investigate or collect delinquent taxes or assessments, including interest and penalties, unpaid court orders, or acting to fulfill any of their other statutory or charter responsibilities.

(7) A person's use of credit information for the purposes of prescreening as provided by the federal Fair Credit Reporting Act.

(8) Any person for the sole purpose of providing a credit file monitoring subscription service to which the consumer has subscribed.

(9) A credit reporting agency for the sole purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

(10) Any property and casualty insurance company for use in setting or adjusting a rate or underwriting for property and casualty insurance purposes.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Browning of Arlington? was decided in the negative. Yeas, 56. Nays, 84, Abstain, 1.

Those who voted in the affirmative are:

Bancroft of Westford	Gamache of Swanton	Norris of Shoreham
Baser of Bristol	Graham of Williamstown	Parent of St. Albans Town
Batchelor of Derby	Harrison of Chittenden	Pearce of Richford
Beck of St. Johnsbury	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Read of Fayston
Bock of Chester	Jickling of Randolph	Rosenquist of Georgia
Brennan of Colchester	Juskiewicz of Cambridge	Savage of Swanton
Browning of Arlington	LaClair of Barre Town	Scheuermann of Stowe

Buckholz of Hartford	Lawrence of Lyndon	Shaw of Pittsford
Canfield of Fair Haven	Lefebvre of Newark	Smith of Derby
Condon of Colchester	Lewis of Berlin	Smith of New Haven
Cupoli of Rutland City	Martel of Waterford	Strong of Albany
Devereux of Mount Holly	Mattos of Milton	Sullivan of Dorset
Dickinson of St. Albans Town	McCoy of Poultney	Terenzini of Rutland Town
Donahue of Northfield	McFaun of Barre Town	Turner of Milton
Fagan of Rutland City	Morrissey of Bennington	Van Wyck of Ferrisburgh
Feltus of Lyndon	Murphy of Fairfax	Viens of Newport City
Gage of Rutland City	Myers of Essex	Willhoit of St. Johnsbury
	Nolan of Morristown	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Bartholomew of Hartland	Gardner of Richmond	Pajala of Londonderry
Belaski of Windsor	Giambatista of Essex	Partridge of Windham
Bissonnette of Winooski	Gonzalez of Winooski	Poirier of Barre City
Botzow of Pownal	Grad of Moretown	Potter of Clarendon
Briglin of Thetford	Haas of Rochester	Pugh of South Burlington
Brumsted of Shelburne	Head of South Burlington	Rachelson of Burlington
Burditt of West Rutland	Hill of Wolcott	Scheu of Middlebury
Burke of Brattleboro	Hooper of Montpelier	Sharpe of Bristol
Carr of Brandon	Howard of Rutland City	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Sibilia of Dover
Christensen of Weathersfield	Joseph of North Hero	Squirrell of Underhill
Christie of Hartford	Keefe of Manchester	Stuart of Brattleboro
Cina of Burlington	Keenan of St. Albans City	Sullivan of Burlington
Conlon of Cornwall	Kimbell of Woodstock	Taylor of Colchester
Connor of Fairfield	Kitzmiller of Montpelier	Till of Jericho
Conquest of Newbury	Krowinski of Burlington	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Toll of Danville
Corcoran of Bennington	Lanpher of Vergennes	Townsend of South Burlington
Dakin of Colchester	Lippert of Hinesburg	Trieber of Rockingham
Deen of Westminster	Long of Newfane	Troiano of Stannard
Donovan of Burlington	Macaig of Williston	Walz of Barre City
Dunn of Essex	Marcotte of Coventry	Webb of Shelburne
Emmons of Springfield	Masland of Thetford	Wood of Waterbury
Fields of Bennington	McCormack of Burlington	Yacovone of Morristown
Forguites of Springfield	McCullough of Williston	Yantachka of Charlotte
Frenier of Chelsea	Miller of Shaftsbury	Young of Glover
	Morris of Bennington	
	Mrowicki of Putney	
	Noyes of Wolcott	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Lucke of Hartford	Weed of Enosburgh
Colburn of Burlington	O'Sullivan of Burlington	
Hebert of Vernon	Stevens of Waterbury	
Hooper of Randolph		

Those members abstaining:

Houghton of Essex

Pending the question, Shall the bill be read a third time? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 92. Nays, 46, Abstain, 1.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bartholomew of Hartland	Giambatista of Essex	Pajala of Londonderry
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Bissonnette of Winooski	Grad of Moretown	Poirier of Barre City
Bock of Chester	Haas of Rochester	Potter of Clarendon
Botzow of Pownal	Harrison of Chittenden	Pugh of South Burlington
Briglin of Thetford	Head of South Burlington	Rachelson of Burlington
Brumsted of Shelburne	Hill of Wolcott	Read of Fayston
Buckholz of Hartford	Hooper of Montpelier	Scheu of Middlebury
Burditt of West Rutland	Hooper of Randolph	Sharpe of Bristol
Burke of Brattleboro	Howard of Rutland City	Sheldon of Middlebury
Carr of Brandon	Jessup of Middlesex	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Squirrell of Underhill
Christensen of Weathersfield	Keenan of St. Albans City	Stuart of Brattleboro *
Christie of Hartford	Kimbell of Woodstock	Sullivan of Burlington
Cina of Burlington	Kitzmiller of Montpelier	Taylor of Colchester
Conlon of Cornwall	Krowinski of Burlington	Till of Jericho
Connor of Fairfield	LaClair of Barre Town	Toleno of Brattleboro
Conquest of Newbury	Lalonde of South Burlington	Toll of Danville
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Townsend of South Burlington
Corcoran of Bennington	Lippert of Hinesburg	Trieber of Rockingham
Dakin of Colchester	Long of Newfane	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Viens of Newport City
Donovan of Burlington	Marcotte of Coventry	Walz of Barre City
Dunn of Essex	Masland of Thetford	Webb of Shelburne
Emmons of Springfield	McCormack of Burlington	Willhoit of St. Johnsbury
Fields of Bennington	McCullough of Williston	Wood of Waterbury
Forguites of Springfield	McFaun of Barre Town	Wright of Burlington
Frenier of Chelsea	Miller of Shaftsbury	Yantachka of Charlotte
Gannon of Wilmington	Morris of Bennington	Young of Glover
	Mrowicki of Putney *	
	Noyes of Wolcott	

Those who voted in the negative are:

Bancroft of Westford	Graham of Williamstown	Norris of Shoreham
Baser of Bristol	Helm of Fair Haven	Parent of St. Albans Town
Batchelor of Derby	Higley of Lowell	Pearce of Richford

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Beck of St. Johnsbury	Jickling of Randolph	Quimby of Concord
Beyor of Highgate	Juskiewicz of Cambridge	Rosenquist of Georgia
Brennan of Colchester	Keefe of Manchester	Savage of Swanton
Canfield of Fair Haven	Lawrence of Lyndon	Scheuermann of Stowe
Condon of Colchester	Lefebvre of Newark	Shaw of Pittsford
Cupoli of Rutland City	Lewis of Berlin	Smith of Derby
Devereux of Mount Holly	Martel of Waterford	Smith of New Haven
Dickinson of St. Albans Town	Mattos of Milton	Strong of Albany
Donahue of Northfield	McCoy of Poultney	Sullivan of Dorset
Feltus of Lyndon	Morrissey of Bennington	Terenzini of Rutland Town
Gage of Rutland City	Murphy of Fairfax	Turner of Milton *
Gamache of Swanton	Myers of Essex	Van Wyck of Ferrisburgh
	Nolan of Morristown	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Hebert of Vernon	Weed of Enosburgh
Browning of Arlington	Lucke of Hartford	Yacovone of Morristown
Colburn of Burlington	O'Sullivan of Burlington	
Fagan of Rutland City	Stevens of Waterbury	

Those members abstaining:

Houghton of Essex

**Rep. Mrowicki of Putney** explained his vote as follows:

“Madam Speaker:

I want to thank the Chair of Judiciary for the reminder that this bill is another tool to protect those who’ve experienced domestic abuse and another way we can offer support to those who’ve experienced domestic abuse and say we support you, in staying safe.”

**Rep. Stuart of Brattleboro** explained her vote as follows:

“Madam Speaker:

I’m proud of the good work the House Commerce and Economic Development, Ways and Means, and Judiciary Committees did on this bill. Madam Speaker, protecting our fellow Vermonters’ private personal information from bad actors who would use such information for nefarious purpose is a duty I take more seriously than ever in our interconnected world. Madam Speaker, this is a good step in the right direction of protecting Vermonters’ private personal information.”

**Rep. Turner of Milton** explained his vote as follows:

“Madam Speaker:

The notion that this bill will protect consumers from someone gathering

your information, which is currently available public, is false. To suggest otherwise misleads the very constituents we are supposedly attempting to protect! Thank you.”

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 631**

**Rep. Partridge of Windham** moved that the committee on Agriculture and Forestry be relieved of House bill, entitled

An act relating to forestland used for maple production

And that the bill be committed to the committee on Natural Resources, Fish and Wildlife, which was agreed to.

**Adjournment**

At three o'clock and fifty-two minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.