

Journal of the House

Friday, May 4, 2018

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Amber deLaurentis of Essex Junction, Juliet McVicker of Shelburne and Taryn Noelle of Stowe, VT.

Memorial Service

The Speaker placed before the House the following name of a member of past sessions of the Vermont General Assembly who had passed away recently:

Philip Henderson Hoff of Burlington	Member of the House, Session 1961-1962
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Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family.

Bill Referred to Committee on Appropriations

S. 285

House bill, entitled

An act relating to universal recycling requirements

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

House Resolution Referred to Committee

H.R. 25

House resolution, entitled

House resolution encouraging the Senate of the State of Vermont in 2019 to initiate a proposal for a State constitutional amendment to remove from the Vermont Constitution all language authorizing slavery or indentured servitude

Offered by: Representatives Cina of Burlington, Ancel of Calais, Bartholomew of Hartland, Baser of Bristol, Belaski of Windsor, Briglin of Thetford, Brumsted of Shelburne, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Christie of Hartford, Colburn of Burlington, Conlon of Cornwall, Connor of Fairfield, Conquest of

Newbury, Copeland-Hanzas of Bradford, Donahue of Northfield, Donovan of Burlington, Dunn of Essex, Fagan of Rutland City, Forguites of Springfield, Gage of Rutland City, Gardner of Richmond, Gonzalez of Winooski, Haas of Rochester, Head of South Burlington, Hooper of Montpelier, Hooper of Randolph, Houghton of Essex, Howard of Rutland City, Jessup of Middlesex, Jickling of Randolph, Joseph of North Hero, Kitzmiller of Montpelier, Krowinski of Burlington, Lippert of Hinesburg, Long of Newfane, Lucke of Hartford, Macaig of Williston, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Ode of Burlington, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Sharpe of Bristol, Sheldon of Middlebury, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend of South Burlington, Troiano of Stannard, Weed of Enosburgh, Willhoit of St. Johnsbury, Wood of Waterbury, and Yantachka of Charlotte

Whereas, Chapter I, Article 1 of the original 1777 Vermont Constitution provided in part that “no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like,” and

Whereas, the revised Vermont Constitutions of 1786 and 1793 continued to include the language related to slavery and indentured servitude, and

Whereas, Vermont constitutional conventions approved amendments in 1828, 1836, 1850, and 1870, and none of these conventions altered the original 1777 language, and

Whereas, beginning in 1883, there have been multiple popular votes to amend the Vermont Constitution, most recently in 2010, and other than the 1924 elimination of the distinction between the genders regarding the age at which a slave is released, the language has otherwise remained the same, and

Whereas, the Vermont Constitution serves as the foundation of our State’s governmental structure and political process, the fundamental limitation on the use of the State’s police power, and the underpinning of all of the laws of the State of Vermont, and

Whereas, the Vermont Constitution should not authorize slavery or indentured servitude in any form, and

Whereas, 2019 is a year the Vermont constitutional amendment process may be started in the Senate, and the placement of a proposal for a

constitutional amendment before the State's electorate that removes the authorization of slavery and indentured servitude is of the greatest importance, now therefore be it

Resolved by the House of Representatives:

That this legislative body encourages the Senate of the State of Vermont in 2019 to initiate a proposal for a State constitutional amendment to remove from the Vermont Constitution all language authorizing slavery or indentured servitude.

Which was read and referred to the committee on Government Operations.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

S. 203

The Senate proposed to the House to amend House bill, entitled
An act relating to systemic improvements of the mental health system

The Senate concurs in the House proposal of amendment with the following proposals of amendment thereto:

First: In Sec. 1, legislative intent, in subdivision (b)(1), after “capacity” and before the semicolon, by inserting the phrase and which may be State operated and in subdivision (b)(2), after the word “State” and before the semicolon, by inserting the following: , including consideration of maintaining the current State-owned Vermont Psychiatric Care Hospital as an acute inpatient facility

Second: By striking out the reader assistance heading before Sec. 4 and inserting in lieu thereof:

* * * Waiver of Certificate of Need Requirements * * *

Third: By striking out Sec. 4 in its entirety and inserting in lieu thereof as follows:

Sec. 4. WAIVER OF CERTIFICATE OF NEED REQUIREMENTS

Notwithstanding any provisions of 18 V.S.A. chapter 221, subchapter 5 to the contrary:

(1) the implementation of renovations at the Brattleboro Retreat as authorized in the fiscal year 2019 capital budget adjustment bill shall not be considered a “new health care project” for which a certificate of need is required; and

(2) the proposal by the University of Vermont Health Network to expand psychiatric inpatient capacity at the Central Vermont Medical Center

campus shall be exempt from the requirement to secure a conceptual development phase certificate of need pursuant to 18 V.S.A. § 9434(c).

Fourth: By striking out Sec. 8 in its entirety and inserting in lieu thereof the following:

Sec. 8. RATES OF PAYMENTS TO DESIGNATED AND
SPECIALIZED SERVICE AGENCIES

The community-based services provided by designated and specialized service agencies are a critical component of Vermont's health care system. The ability to recruit and retain qualified employees is necessary for delivery of mental health services. In recognition of the importance of the designated and specialized service agencies, the Agency of Human Services shall:

(1) Conduct ongoing financial, service delivery, and quality review processes, which shall consider changes in operating costs over time, caseload trends, changes in programs and practices, geographic differences in labor markets, and the fiscal health of each designated and specialized service agency. The review shall inform payment rates, the performance grant processes, and payment reform work by drawing upon and combining current review processes and not creating duplicate or redundant reporting processes for either the Agency or the designated and specialized service agencies.

(2) On or before January 15, 2019, present a proposal, in conjunction with the Green Mountain Care Board and the designated and specialized service agencies, for providing the designated and specialized service agency budgets to the Board for informational purposes for its work on health care system costs to the House Committees on Appropriations, on Health Care, and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare. The presentation shall be consistent with the long-term goals of payment reform to address the potential for a review process of the designated and specialized service agency budgets by the Board as part of an integrated health care system.

Fifth: In Sec. 9, amending 2017 Acts and Resolves No. 82, Sec. 3(c), by striking out the third sentence and inserting in lieu thereof the following:

The evaluation process shall include an examination as to whether the principles for mental health care reform in 18 V.S.A. § 7251 are reflected in the current mental health system, and if not, where system gaps exist.

Sixth: In Sec. 10, report; institutions for mental disease, by striking out subdivision (1) and inserting in lieu thereof the following:

(1) a status update that shall provide possible solutions considered as part of the State's response to the Centers for Medicare and Medicaid Services'

requirement to begin reducing federal Medicaid spending due on or before November 15, 2018; and

Pending the question Will the House concur in the Senate proposal of amendment? **Rep. Donahue of Northfield**, moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: By striking out Sec. 4 in its entirety and inserting in lieu thereof the following:

Sec. 4. WAIVER OF CERTIFICATE OF NEED REQUIREMENTS

Notwithstanding any provisions of 18 V.S.A. chapter 221, subchapter 5 to the contrary:

(1) the implementation of renovations at the Brattleboro Retreat as authorized in the fiscal year 2019 capital budget adjustment bill shall not be considered a “new health care project” for which a certificate of need is required; and

(2) the proposal by the University of Vermont Health Network to expand psychiatric inpatient capacity at the Central Vermont Medical Center campus shall be exempt from the requirement to secure a conceptual development phase certificate of need pursuant to 18 V.S.A. § 9434(c) if the University of Vermont Health Network:

(A) consults with the Secretary of Human Services in identifying the appropriate number and type of additional inpatient beds needed in the State;

(B) ensures that the planning process for designing its proposed expansion of inpatient psychiatric bed capacity at the Central Vermont Medical Center campus includes broad stakeholder input, including from patients and providers; and

(C) works with the Green Mountain Care Board for ongoing oversight of expenditures.

Second: In Sec. 9, amending 2017 Acts and Resolves No. 82, Sec. 3(c), by striking out the third sentence and inserting in lieu thereof the following:

The evaluation process shall include such stakeholder involvement in working toward an articulation of a common, long-term vision of full integration of mental health services within a comprehensive and holistic health care system.

Which was agreed to.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 150

Senate bill, entitled

An act relating to automated license plate recognition systems

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 179

Senate bill, entitled

An act relating to community justice centers

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 180

Senate bill, entitled

An act relating to the Vermont Fair Repair Act

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 222

Senate bill, entitled

An act relating to miscellaneous judiciary procedures

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 262

Senate bill, entitled

An act relating to miscellaneous changes to the Medicaid program and the Department of Vermont Health Access

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 273

Senate bill, entitled

An act relating to miscellaneous law enforcement amendments

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 197

Senate bill, entitled

An act relating to liability for toxic substance exposures or releases

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the third day of May 2018, he signed bills originating in the House of the following titles:

H. 693 An act relating to the Honor and Remember Flag

H. 199 An act relating to reinstating members to the Commission on Alzheimer's Disease and Related Disorders

H. 690 An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 234

Rep. Rachelson of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Findings * * *

Sec. 1. 33 V.S.A. § 5101a is added to read:

§ 5101a. JUVENILE JUSTICE LEGISLATIVE FINDINGS

(a) The General Assembly finds and declares as public policy that an effective juvenile justice system: protects public safety; connects youths and young adults to age-appropriate services that reduce the risk of reoffense; and, when appropriate, shields youths from the adverse impact of a criminal record.

(b) In order to accomplish these goals, the system should be based on the implementation of data-driven evidence-based practices that offer a broad range of alternatives, such that the degree of intervention is commensurate with the risk of reoffense.

(c) High-intensity interventions with low-risk offenders not only decrease program effectiveness, but are contrary to the goal of public safety in that they increase the risk of recidivism. An effective youth justice system includes pre-charge options that keep low-risk offenders out of the criminal justice system altogether.

* * * Expungement * * *

Sec. 2. 13 V.S.A. § 7609 is added to read:

§ 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN INDIVIDUAL 18-21 YEARS OF AGE

(a) Procedure. Except as provided in subsection (b) of this section, the record of the criminal proceedings for an individual who was 18-21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the individual successfully completed the terms and conditions of the sentence for the conviction of the qualifying crime, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each

agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution has been paid in full.

(b) Exceptions.

(1) A criminal record that includes both qualifying and nonqualifying offenses shall not be eligible for expungement pursuant to this section.

(2) The Vermont Crime Information Center shall retain a special index of sentences for sex offenses that require registration pursuant to chapter 167, subchapter 3 of this title. This index shall only list the name and date of birth of the subject of the expunged files and records, the offense for which the subject was convicted, and the docket number of the proceeding that was the subject of the expungement. The special index shall be confidential and shall be accessed only by the Director of the Vermont Crime Information Center and an individual designated for the purpose of providing information to the Department of Corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a.

Sec. 3. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

* * *

(d)(1) The court ~~may~~ shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to ~~section 7602 or 7603 of this title~~ this chapter. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case ~~or by the court if the court finds that inspection of the documents is necessary to serve the interest of justice~~. The Administrative Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) All other court documents in a case that are subject to an

expungement order shall be destroyed.

(5) The Court Administrator shall establish policies for implementing this subsection.

(e) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that "NO RECORD EXISTS."

Sec. 4. 33 V.S.A. § 3309 is added to read:

§ 3309. COMPLIANCE WITH THE JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT

The Department for Children and Families, within the Agency of Human Services, is the State agency designated for supervising the preparation and administration of the Juvenile Justice and Delinquency Prevention Act State Plan and is also designated as the State agency responsible for monitoring and data collection for purposes of compliance with the Juvenile Justice and Delinquency Prevention Act.

Sec. 5. 33 V.S.A. § 5103 is amended to read:

§ 5103. JURISDICTION

(a) The Family Division of the Superior Court shall have exclusive jurisdiction over all proceedings concerning a child who is or who is alleged to be a delinquent child or a child in need of care or supervision brought under the authority of the juvenile judicial proceedings chapters, except as otherwise provided in such chapters.

* * *

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child ~~who has been adjudicated delinquent with a pending delinquency~~ may be extended until six months beyond the child's 19th birthday if the child was 16 or 17 years of age when he or she committed the offense.

(B) In no case shall custody of a child 18 years of age or older be retained by or transferred to the Commissioner for Children and Families.

(C) Jurisdiction over a child in need of care or supervision shall not be extended beyond the child's 18th birthday.

(D) [Repealed.]

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* * * Juvenile Delinquency Proceedings * * *

Sec. 6. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

(a) Preliminary hearing. A preliminary hearing shall be held at the time and date specified on the citation or as otherwise ordered by the court. If a child is taken into custody prior to the preliminary hearing, the preliminary hearing shall be at the time of the temporary care hearing. Counsel for the child shall be assigned prior to the preliminary hearing.

(b) Risk and needs screening.

(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

(3) If a charge is brought in the Family Division, the risk level result shall be provided to the child's attorney. ~~Except on agreement of the parties, the results shall not be provided to the court until after a merits finding has been made.~~

(c) ~~Counsel for the child shall be assigned prior to the preliminary hearing.~~ Referral to diversion. Based on the results of the risk and needs screening, if a child presents a low to moderate risk to reoffend, the State's Attorney shall refer the child directly to court diversion unless the State's Attorney states on the record why a referral to court diversion would not serve the ends of justice. If the court diversion program does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the

provider, the child's case shall return to the State's Attorney for charging consideration.

(d) Guardian ad litem. At the preliminary hearing, the court shall appoint a guardian ad litem for the child. The guardian ad litem may be the child's parent, guardian, or custodian. On its own motion or motion by the child's attorney, the court may appoint a guardian ad litem other than a parent, guardian, or custodian.

(e) Admission; denial. At the preliminary hearing, a denial shall be entered to the allegations of the petition, unless the juvenile, after adequate consultation with the guardian ad litem and counsel, enters an admission. If the juvenile enters an admission, the disposition case plan required by section 5230 of this title may be waived and the court may proceed directly to disposition, provided that the juvenile, the custodial parent, the State's Attorney, the guardian ad litem, and the Department agree.

(f) Conditions. The court may order the child to abide by conditions of release pending a merits or disposition hearing.

Sec. 7. 33 V.S.A. § 5203 is amended to read:

§ 5203. TRANSFER FROM OTHER COURTS

(a) If it appears to a Criminal Division of the Superior Court that the defendant was under 18 years of age at the time the offense charged was alleged to have been committed and the offense charged is a misdemeanor, that court shall forthwith transfer the case to the Family Division of the Superior Court under the authority of this chapter an offense not specified in subsection 5204(a) of this title, that court shall forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

(b) If it appears to a Criminal Division of the Superior Court that the defendant was under 18 years of age at the time a felony offense not specified in subsection 5204(a) of this title was alleged to have been committed, that court shall forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall thereupon be considered to be subject to this chapter as a child charged with a delinquent act had attained 14 years of age but not 18 years of age at the time an offense specified in subsection 5204(a) of this title was alleged to have been committed, that court may forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

* * *

* * * Youthful Offender Proceedings * * *

Sec. 8. 33 V.S.A. § 5280 is amended to read:

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER
PROCEEDINGS IN THE FAMILY DIVISION

(a) A proceeding under this chapter shall be commenced by:

(1) the filing of a youthful offender petition by a State's Attorney; or

(2) transfer to the Family Court of a proceeding from the Criminal Division of the Superior Court as provided in section 5281 of this title.

(b) A State's Attorney may commence a proceeding in the Family Division of the Superior Court concerning a child who is alleged to have committed an offense after attaining 16 years of age but not 22 years of age that could otherwise be filed in the Criminal Division.

(c) If a State's Attorney files a petition under subdivision (a)(1) of this section, the case shall proceed as provided under subsection 5281(b) of this title.

(d) Within 15 days after the commencement of a youthful offender proceeding pursuant to subsection (a) of this section, the youth shall be offered a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and needs screenings. The risk and needs screening shall be completed prior to the youthful offender status hearing held pursuant to section 5283 of this title. Unless the court extends the period for the risk and needs screening for good cause shown, the Family Division shall reject the case for youthful offender treatment if the youth does not complete the risk and needs screening within 15 days.

(1) The Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney.

(2) Information related to the present alleged offense directly or indirectly derived from the risk and needs screening or other conversation with the Department or community-based provider shall not be used against the youth in the youth's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation in risk and needs screening may be used in subsequent proceedings.

(e) If a youth presents a low to moderate risk to reoffend based on the results of the risk and needs screening, the State's Attorney shall refer a youth directly to court diversion unless the State's Attorney states on the record at the hearing held pursuant to section 5283 of this title why a referral would not serve the ends of justice. If the court diversion program does not accept the case or if the youth fails to complete the program in a manner deemed satisfactory and timely by the provider, the youth's case shall return to the State's Attorney for charging consideration.

Sec. 9. 33 V.S.A. § 5282 is amended to read:

§ 5282. REPORT FROM THE DEPARTMENT

(a) Within 30 days after the case is transferred to the Family Division or a youthful offender petition is filed in the Family Division, youth has completed the risk and needs screening pursuant to section 5280 of this title, unless the court extends the period for good cause shown, the Department for Children and Families shall file a report with the Family Division of the Superior Court.

* * *

Sec. 10. 33 V.S.A. § 5285(d) is amended to read:

(d) If a youth's status as a youthful offender is revoked and the case is transferred to the Criminal Division pursuant to subdivision (c)(2) of this section, the court shall hold a sentencing hearing and impose sentence. Unless it serves the interest of justice, the case shall not be transferred back to the Family Division pursuant to section 5203 of this title. When determining an appropriate sentence, the court may take into consideration the youth's degree of progress toward or regression from rehabilitation while on youthful offender status. The Criminal Division shall have access to all Family Division records of the proceeding.

Sec. 11. 33 V.S.A. § 5801 is amended to read:

§ 5801. WOODSIDE JUVENILE REHABILITATION CENTER

(a) The Woodside Juvenile Rehabilitation Center in the town of Essex shall be operated by the Department for Children and Families as a residential treatment facility that provides in-patient psychiatric, mental health, and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency or criminal act.

(b) The total capacity of the facility shall not exceed 30 beds.

(c) The purpose or capacity of the Woodside Juvenile Rehabilitation Center shall not be altered except by act of the General Assembly following a study recommending any change of use by the Agency of Human Services.

(d) No person who has reached his or her 18th birthday may be placed at Woodside. Notwithstanding any other provision of law, a person under the age of 18 years of age may be placed at Woodside, provided that he or she meets the admissions criteria for treatment as established by the Department for Children and Families. Any person already placed at Woodside may voluntarily continue receiving treatment at Woodside beyond his or her 18th birthday, provided that he or she continues to meet the criteria established by the Department for continued treatment. The Commissioner shall ensure that a child placed at Woodside has the same or equivalent due process rights as a child placed at Woodside in its previous role as a detention facility ~~prior to the enactment of this act.~~

Sec. 12. DEPARTMENT FOR CHILDREN AND FAMILIES; EXPANDING
JUVENILE JURISDICTION; REPORT

(a) The Department for Children and Families, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Court Administrator, and the Commissioner of Corrections, shall:

(1) consider the implications, including necessary funding, of expanding juvenile jurisdiction under 33 V.S.A. chapter 52 to encompass 18- and 19-year-olds beginning in fiscal year 2021;

(2) on or before November 1, 2018, report to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee on the status and plan for the expansion, including necessary funding and specific milestones related to operations and policy; and

(3) provide status update reports to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee on or before November 1, 2019 and November 1, 2020.

(b) The Joint Legislative Justice Oversight Committee and Joint Legislative Child Protection Committee shall review the November 1, 2018 report, the plan for expansion, the necessary funding and the subsequent status reports as required by subsection (a) of this section to determine whether adequate funding and supports are in place to implement the expansion of juvenile jurisdiction to encompass 18- and 19-year-olds in accordance with the effective dates of this act. To the extent that inadequate funding and supports are available for the expansion, the Committees shall, on or before December 1, 2018, December 1, 2019, and December 1, 2021, recommend legislation to address the inadequacies or amend the timeline for the rollout of the expansion.

* * * Effective July 1, 2020 * * *

Sec. 13. 33 V.S.A. § 5201 is amended as follows:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

(a) Proceedings under this chapter shall be commenced by:

(1) transfer to the court of a proceeding from another court as provided in section 5203 of this title; or

(2) the filing of a delinquency petition by a State's Attorney.

(b) If the proceeding is commenced by transfer from another court, no petition need be filed; however, the State's Attorney shall provide to the court the name and address of the child's custodial parent, guardian, or custodian and the name and address of any noncustodial parent if known.

(c) Any proceeding concerning a child who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining 14 years of age, but not 18 years of age, shall originate in the Criminal Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

(d) Any proceeding concerning a child who is alleged to have committed a ~~misdemeanor~~ any offense other than those specified in subsection 5204(a) of this title before attaining 18 19 years of age shall originate in the Family Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

~~(e) Any proceeding concerning a child who is alleged to have committed a felony offense other than those specified in subsection 5204(a) of this title before attaining 18 years of age shall originate in the Family Division of the Superior Court provided that jurisdiction may be transferred in accordance with this chapter. [Repealed.]~~

(f) If the State requests that custody of the child be transferred to the Department, a temporary care hearing shall be held as provided in subchapter 3 of this chapter.

(g) A petition may be withdrawn by the State's Attorney at any time prior to the hearing thereon, in which event the child shall be returned to the custodial parent, guardian, or custodian, the proceedings under this chapter terminated, and all files and documents relating thereto sealed under section 5119 of this title.

Sec. 14. 33 V.S.A. § 5202 is amended as follows:

§ 5202. ORDER OF ADJUDICATION; NONCRIMINAL

(a)(1) An order of the Family Division of the Superior Court in

proceedings under this chapter shall not:

- (A) be deemed a conviction of crime;
- (B) impose any civil disabilities sanctions ordinarily resulting from a conviction; or
- (C) operate to disqualify the child in any civil service application or appointment.

(2) Notwithstanding subdivision (1) of this subsection, an order of delinquency in proceedings ~~transferred under subsection 5203(b) of this title, where the offense charged in the initial criminal proceedings was concerning a child who is alleged to have committed~~ a violation of those sections of Title 23 specified in ~~subdivision~~ 23 V.S.A. § 801(a)(1); shall be an event in addition to those specified therein, enabling the Commissioner of Motor Vehicles to require proof of financial responsibility under 23 V.S.A. chapter 11.

(b) The disposition of a child and evidence given in a hearing in a juvenile proceeding shall not be admissible as evidence against the child in any case or proceeding in any other court except after a subsequent conviction of a felony in proceedings to determine the sentence.

Sec. 15. 33 V.S.A. § 5203 is amended to read:

§ 5203. TRANSFER FROM OTHER COURTS

(a) If it appears to a Criminal Division of the Superior Court that the defendant was under ~~18~~ 19 years of age at the time the offense charged was alleged to have been committed and the offense charged is an offense not specified in subsection 5204(a) of this title, that court shall forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

(b) If it appears to a Criminal Division of the Superior Court that the defendant had attained 14 years of age but not 18 years of age at the time an offense specified in subsection 5204(a) of this title was alleged to have been committed, that court may forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

(c) If it appears to the State's Attorney that the defendant was under ~~18~~ 19 years of age at the time the felony offense charged was alleged to have been committed and the felony charged is not an offense specified in subsection 5204(a) of this title, the State's Attorney shall file charges in the Family Division of the Superior Court, pursuant to section 5201 of this title. The

Family Division may transfer the proceeding to the Criminal Division pursuant to section 5204 of this title.

(d) A transfer under this section shall include a transfer and delivery of a copy of the accusatory pleading and other papers, documents, and transcripts of testimony relating to the case. Upon any such transfer, that court shall order that the defendant be taken forthwith to a place of detention designated by the Family Division of the Superior Court or to that court itself, or shall release the child to the custody of his or her parent or guardian or other person legally responsible for the child, to be brought before the Family Division of the Superior Court at a time designated by that court. The Family Division of the Superior Court shall then proceed as provided in this chapter as if a petition alleging delinquency had been filed with the court under section 5223 of this title on the effective date of such transfer.

(e) Motions to transfer a case to the Family Division of the Superior Court for youthful offender treatment shall be made under section 5281 of this title.

Sec. 16. 33 V.S.A. § 5204 is amended as follows:

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
COURT

(a) After a petition has been filed alleging delinquency, upon motion of the State's Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court, if the child had attained 16 years of age but not ~~18~~ 19 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)-(12) of this subsection or if the child had attained 12 years of age but not 14 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;

- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
- (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

(b) The State's Attorney of the county where the juvenile petition is pending may move in the Family Division of the Superior Court for an order transferring jurisdiction under subsection (a) of this section at any time prior to adjudication on the merits. The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the Family Division of the Superior Court may deny the motion to transfer jurisdiction.

* * *

* * * Effective July 1, 2022 * * *

Sec. 17. 33 V.S.A. § 5201 is amended as follows:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

(a) Proceedings under this chapter shall be commenced by:

(1) transfer to the court of a proceeding from another court as provided in subsection (c) of this section; or

(2) the filing of a delinquency petition by a State's Attorney.

(b) If the proceeding is commenced by transfer from another court, no petition need be filed; however, the State's Attorney shall provide to the court the name and address of the child's custodial parent, guardian, or custodian and the name and address of any noncustodial parent if known.

(c) Any proceeding concerning a child who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining 14 years of age, but not 18 years of age, shall originate in the Criminal Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

(d) Any proceeding concerning a child who is alleged to have committed any offense other than those specified in subsection 5204(a) of this title before attaining ~~19~~ 20 years of age shall originate in the Family Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

* * *

Sec. 18. 33 V.S.A. § 5203 is amended to read:

§ 5203. TRANSFER FROM OTHER COURTS

(a) If it appears to a Criminal Division of the Superior Court that the defendant was under ~~19~~ 20 years of age at the time the offense charged was alleged to have been committed and the offense charged is an offense not specified in subsection 5204(a) of this title, that court shall forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

(b) If it appears to a Criminal Division of the Superior Court that the defendant had attained 14 years of age but not 18 years of age at the time an offense specified in subsection 5204(a) of this title was alleged to have been committed, that court may forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

(c) If it appears to the State's Attorney that the defendant was under ~~19~~ 20 years of age at the time the felony offense charged was alleged to have been committed and the felony charged is not an offense specified in subsection 5204(a) of this title, the State's Attorney shall file charges in the Family Division of the Superior Court, pursuant to section 5201 of this title. The Family Division may transfer the proceeding to the Criminal Division pursuant to section 5204 of this title.

(d) A transfer under this section shall include a transfer and delivery of a copy of the accusatory pleading and other papers, documents, and transcripts of testimony relating to the case. Upon any such transfer, that court shall order that the defendant be taken forthwith to a place of detention designated by the Family Division of the Superior Court or to that court itself, or shall release the child to the custody of his or her parent or guardian or other person legally responsible for the child, to be brought before the Family Division of the Superior Court at a time designated by that court. The Family Division of the Superior Court shall then proceed as provided in this chapter as if a petition alleging delinquency had been filed with the court under section 5223 of this title on the effective date of such transfer.

(e) Motions to transfer a case to the Family Division of the Superior Court for youthful offender treatment shall be made under section 5281 of this title.

Sec. 19. 33 V.S.A. § 5204 is amended as follows:

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
COURT

(a) After a petition has been filed alleging delinquency, upon motion of the State's Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court, if the child had attained 16 years of age but not ~~19~~ 20 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)-(12) of this subsection or if the child had attained 12 years of age but not 14 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
- (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

(b) The State's Attorney of the county where the juvenile petition is pending may move in the Family Division of the Superior Court for an order transferring jurisdiction under subsection (a) of this section at any time prior to adjudication on the merits. The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the Family Division of the Superior Court may deny the motion to transfer jurisdiction.

* * *

* * * Appropriation * * *

Sec. 20. FUNDING

To the extent the sum of \$200,000.00 is appropriated in fiscal year 2019 from the General Fund to the Department for Children and Families, the Department shall prepare for the expansion of services to juvenile offenders 18 and 19 years of age pursuant to 33 V.S.A. chapters 52 and 52A beginning in fiscal year 2021, and shall carry forward any unexpended funds.

* * * Effective Dates * * *

Sec. 21. EFFECTIVE DATES

(a) This section and Secs. 4 (compliance with the juvenile justice and delinquency prevention act), 5 (jurisdiction), 7 (transfer from other courts), and 20 (funding) shall take effect on passage.

(b) Secs. 1–3, 6, and 8–12 shall take effect on July 1, 2018.

(c) Secs. 13–16 shall take effect on July 1, 2020.

(d) Secs. 17–19 shall take effect on July 1, 2022.

Rep. Keefe of Manchester, for the committee on Human Services, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Judiciary and when amended by striking out Sec. 12 (Department for Children and Families; expanding juvenile jurisdiction; report) in its entirety and inserting in lieu thereof the following:

Sec. 12. DEPARTMENT FOR CHILDREN AND FAMILIES; EXPANDING JUVENILE JURISDICTION; REPORT

(a) The Department for Children and Families, in consultation with the Department of State’s Attorneys and Sheriffs, the Office of the Defender General, the Court Administrator, and the Commissioner of Corrections, shall:

(1) consider the implications, including necessary funding, of expanding juvenile jurisdiction under 33 V.S.A. chapter 52 to encompass persons 18 and 19 years of age beginning in fiscal year 2021;

(2) on or before November 1, 2018, report to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Oversight Committee on the status and plan for the expansion, including necessary funding, measures necessary to avoid a negative impact on the State’s child protection response, and specific milestones related to operations and policy, including:

(A) identification of and a timeline for structural and systemic changes within the juvenile justice system for the Family Division, the Department for Children and Families, the Department of Corrections, the

Department of State's Attorneys and Sheriffs, and the Office of the Defender General;

(B) an operations and business plan that defines benchmarks, including possible changes to resource allocations; and

(C) a clearly defined path for geographic consistency and court alternatives and training needs; and

(3) provide status update reports to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Oversight Committee on or before November 1, 2019, November 1, 2020, and November 1, 2021.

(b) The Joint Legislative Justice Oversight Committee and Joint Legislative Child Protection Oversight Committee shall review the November 1, 2018 report, the plan for expansion, the necessary funding, and the subsequent status reports as required by subsection (a) of this section to determine whether adequate funding and supports are in place to implement the expansion of juvenile jurisdiction to encompass persons 18 and 19 years of age in accordance with the effective dates of this act, and shall:

(1) on or before December 1, 2019, December 1, 2020, and December 1, 2021, issue findings as to whether the milestones identified in subdivision (a)(2) of this section related to operations and policy have been met and whether an appropriate funding plan has been developed; and

(2) on or before December 1, 2018, December 1, 2019, December 1, 2020, and December 1, 2021, recommend legislation to amend the timeline for the rollout of the expansion unless adequate funding and supports for the expansion are available and milestones related to policy and operations have been met.

Rep. Hooper of Montpelier for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committees on Judiciary and Human Services.

The bill having appeared on the Calendar one day for notice was taken up, read the second time, the reports of the committees on Human Services and Judiciary, as amended, were agreed to and third reading was ordered.

**Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 260

Rep. Deen of Westminster, for the committee on Natural Resources, Fish, and Wildlife, to which had been referred Senate bill, entitled

An act relating to funding the cleanup of State waters

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Clean Water Working Group * * *

Sec. 1. FINDINGS

The General Assembly finds that for the purposes of this section and Secs. 2–4 of this act:

(1) Within Vermont there are 7,100 miles of rivers and streams and 812 lakes and ponds of at least five acres in size.

(2) Currently, over 350 waters or water segments in the State do not meet water quality standards, are at risk of not meeting water quality standards, or are altered due to the presence of aquatic nuisances.

(3) In 2015, the General Assembly enacted 2015 Acts and Resolves No. 64, an act relating to improving the quality of State waters (Act 64), for the purpose, among others, of providing mechanisms, staffing, and financing necessary for the State to achieve and maintain compliance with the Vermont Water Quality Standards for all State waters.

(4) Act 64 directed the State Treasurer to recommend to the General Assembly a long-term mechanism for financing water quality improvement in the State, including proposed revenue sources for water quality improvement programs.

(5) The State Treasurer submitted a Clean Water Report in January 2017 that included:

(A) an estimate that over 20 years it would cost \$2.3 billion to achieve compliance with water quality requirements;

(B) a projection that revenue available for water quality over the 20-year period would be approximately \$1.06 billion, leaving a 20-year total funding gap of \$1.3 billion;

(C) an estimate of annual compliance costs of \$115.6 million, which, after accounting for projected revenue, would leave a funding gap of \$48.5 million to pay for the costs of compliance with the first tier of federal and State water quality requirements; and

(D) a financing plan to provide more than \$25 million annually in additional State funds for water quality programs.

(6) After determining that a method to achieve equitable and effective

long-term funding methods to support clean water efforts in Vermont was necessary, the General Assembly established in 2017 Acts and Resolves No. 73, Sec. 26 the Working Group on Water Quality Funding to develop draft legislation to accomplish this purpose.

(7) The Act 73 Working Group did not recommend a long-term funding method to support clean water efforts in Vermont and instead recommended that the General Assembly maintain a Capital Bill clean water investment of \$15 million a year through fiscal years 2020 and 2021.

(8) In the years beyond fiscal year 2021, the Act 73 Working Group acknowledged that capital funds would need to be reduced to \$10 to \$12 million a year and that additional revenues would need to be raised.

(9) The U.S. Environmental Protection Agency (EPA) in a letter to the General Assembly stated that it is important for the State of Vermont to establish a long-term revenue source to support water quality improvement in order to comply with the accountability framework of the Lake Champlain Total Maximum Daily Load plan.

(10) To ensure that the State has sufficient funds to clean and protect the State's waters so that they will continue to provide their integral and inherent environmental and economic benefits, the State should require a Clean Water Working Group to recommend to the General Assembly draft legislation to establish equitable and effective long-term funding methods to support clean water efforts in Vermont.

(11) If the General Assembly does not enact a recommendation of the Clean Water Working Group, the State shall implement a water quality revenue occupancy surcharge to support water quality improvement.

Sec. 2. CLEAN WATER WORKING GROUP

(a) Creation. There is created the Clean Water Working Group to recommend to the General Assembly how to establish an equitable and effective long-term funding method to:

(1) fund the necessary water quality programs and projects that will remediate, improve, and protect the quality of the waters of the State;

(2) coordinate water quality funding in the State;

(3) plan for the water quality funding needs of the State; and

(4) ensure accountability of the State's efforts to clean up impaired waters, maintain or achieve the Vermont Water Quality Standards in all waters, and prevent the future degradation of waters.

(b) Membership. The Clean Water Working Group shall be composed of

the following ten members:

- (1) the Secretary of Natural Resources or designee;
- (2) the Secretary of Agriculture, Food and Markets or designee;
- (3) the Commissioner of Taxes or designee;
- (4) one representative of a municipality in the State that has a stormwater utility or other water quality funding mechanism, to be appointed by the Speaker of the House;
- (5) one representatives of a municipality in the State that does not have a stormwater utility or other water quality funding mechanism, to be appointed by the Committee on Committees;
- (6) one representative of a business interest located in the State, to be appointed by the Governor;
- (7) a representative of the hospitality or tourism industry in the State, to be appointed by the Speaker of the House;
- (8) a representative of a regional planning commission, natural resource conservation district, or regional or statewide watershed organization, to be appointed by the Committee on Committees;
- (9) a person with expertise in financial lending or investment, to be appointed by the Governor; and
- (10) a farmer, to be appointed by the Speaker of the House.

(c) Powers and duties. The Clean Water Working Group shall recommend to the General Assembly:

- (1) whether the State should establish an independent authority or implement other alternatives to coordinate and fund water quality programs and projects across State government;
- (2) a description of the structure, powers, duties, and feasibility of the independent authority or alternative mechanism recommended under subdivision (1) of this subsection;
- (3) a funding plan for water quality programs and projects in the State that includes priorities for funding water quality programs in the State and that will sufficiently fund the following State obligations:
 - (A) federally required or State-required cleanup plans for individual waters or water segments, such as total maximum daily load plans;
 - (B) the requirements of 2015 Acts and Resolves No. 64; and
 - (C) the Agency of Natural Resources' Combined Sewer Overflow Rule;
- (4) one or more funding alternatives that are sufficient to implement the financing plan for water quality recommended under subdivision (3) of this subsection, including how each recommended funding alternative revenue source shall be implemented, assessed, and collected; and

(5) whether the State Treasurer's estimate of State funding needs in the Clean Water Report in January 2017 should be revised or updated due to economic conditions or due to the need to reflect the most effective measures to improve water quality.

(d) Assistance. The Clean Water Working Group shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and the Agency of Agriculture, Food and Markets and the fiscal assistance of the Department of Taxes. The Working Group shall also be entitled to seek financial, technical, and scientific input or services from the Office of the State Treasurer, the Agency of Transportation, the Vermont Center for Geographic Information Services, and the Agency of Commerce and Community Development. The Working Group may seek the input or assistance of regional planning commissions, natural resources conservation districts, and statewide and regional watershed organizations.

(e) Report. On or before January 15, 2019, the Clean Water Working Group shall submit to the General Assembly draft legislation that addresses the issues set forth under subsection (c) of this section.

(f) Meetings.

(1) The Secretary of Natural Resources shall call the first meeting of the Clean Water Working Group to occur on or before August 1, 2018.

(2) The Clean Water Working Group shall select a chair or co-chairs from among its members at its first meeting.

(3) A majority of the membership of the Clean Water Working Group shall constitute a quorum.

(4) The Clean Water Working Group shall cease to exist on June 1, 2019.

(g) Compensation. Members of the Clean Water Working Group who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be paid from the budget of the Agency of Administration.

* * * Water Quality Occupancy Surcharge * * *

Sec. 3. 32 V.S.A. § 9241a is added to read:

§ 9241a. WATER QUALITY OCCUPANCY SURCHARGE

(a) In addition to the tax on the rent of each occupancy imposed in section 9241 of this title, an operator shall collect a water quality occupancy surcharge of \$2.00 per room for each night of occupancy. The surcharge shall be in addition to any tax assessed under section 9241 of this title.

(b) The Commissioner shall deposit the surcharge collected under this section in the Clean Water Fund under 10 V.S.A. § 1388.

(c) The provisions of this chapter relating to the imposition, collection, remission, and enforcement of the meals and rooms tax imposed in section 9241 of this title shall apply to the water quality occupancy surcharge imposed in this section.

* * * Clean Water Fund * * *

Sec. 4. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the “Clean Water Fund” to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues dedicated for deposit into the Fund by the General Assembly, including from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a; and

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) revenues from the Water Quality Occupancy Surcharge established under 32 V.S.A. § 9241a; and

(4) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

* * * Clean Water Fund Board * * *

Sec. 5. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER FUND BOARD

(a) Creation.

(1) There is created the Clean Water Fund Board ~~which that~~ shall recommend to the Secretary of Administration ~~expenditures;~~

(A) appropriations from the Clean Water Fund; and

(B) clean water projects to be funded by capital appropriations.

(2) The Clean Water Fund Board shall be attached to the Agency of

Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Fund Board shall be composed of:

- (1) the Secretary of Administration or designee;
- (2) the Secretary of Natural Resources or designee;
- (3) the Secretary of Agriculture, Food and Markets or designee;
- (4) the Secretary of Commerce and Community Development or designee;
- (5) the Secretary of Transportation or designee; and

(6) two members of the public who are not legislators, one of whom shall represent a municipality subject to the municipal separate storm sewer system (MS4) permit and one of whom shall represent a municipality that is not subject to the MS4 permit, appointed as follows:

(A) the Speaker of the House shall appoint the member from an MS4 municipality; and

(B) the Committee on Committees shall appoint the member who is not from an MS4 municipality.

(c) Officers; committees; rules.

~~(1) The Clean Water Fund Board shall annually elect a chair from its members~~ Secretary of Administration shall serve as the Chair of the Board. The Clean Water Fund Board may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules as necessary and appropriate to perform its work.

(2) Members of the Board who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 paid from the budget of the Agency of Administration for attendance of meetings of the Board.

(d) Powers and duties of the Clean Water Fund Board. The Clean Water Fund Board shall have the following powers and authority:

(1) The Clean Water Fund Board shall recommend to the Secretary of Administration the appropriate allocation of funds from the Clean Water Fund for the purposes of developing the State budget required to be submitted to the General Assembly under 32 V.S.A. § 306. All recommendations from the Board should be intended to achieve the greatest water quality gain for the investment. The recommendations of the Clean Water Fund Board shall be

open to inspection and copying under the Public Records Act, and the Clean Water Fund Board shall submit to the Senate Committees on Appropriations, on Finance, on Agriculture, and on Natural Resources and Energy and the House Committees on Appropriations, on Ways and Means, on Agriculture and Forestry, and on Natural Resources, Fish, and Wildlife a copy of any recommendations provided to the Governor.

(2) The Clean Water Fund Board may pursue and accept grants, gifts, donations, or other funding from any public or private source and may administer such grants, gifts, donations, or funding consistent with the terms of the grant, gift, or donation.

(3) The Clean Water Fund Board shall:

(A) establish a process by which watershed organizations, State agencies, and other interested parties may propose water quality projects or programs for financing from the Clean Water Fund;

(B) develop an annual revenue estimate and proposed budget for the Clean Water Fund;

(C) establish measures for determining progress and effectiveness of expenditures for clean water restoration efforts;

(D) issue the annual Clean Water Investment Report required under section 1389a of this title; ~~and~~

(E) solicit, consult with, and accept public comment from organizations interested in improving water quality in Vermont regarding recommendations under this subsection (d) for the allocation of funds from the Clean Water Fund; and

(F) establish a process under which a watershed organization, State agency, or other interested party may propose that a water quality project or program identified in a watershed basin plan receive funding from the Clean Water Fund.

(e) Priorities.

(1) In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize:

(A) funding to programs and projects that address sources of water pollution in waters listed as impaired on the list of waters established by 33 U.S.C. § 1313(d);

(B) funding to projects that address sources of water pollution identified as a significant contributor of water quality pollution, including

financial assistance to grant recipients at the initiation of a funded project;

(C) funding to programs or projects that address or repair riparian conditions that increase the risk of flooding or pose a threat to life or property;

(D) assistance required for State and municipal compliance with stormwater requirements for highways and roads;

(E) funding for education and outreach regarding the implementation of water quality requirements, including funding for education, outreach, demonstration, and access to tools for the implementation of the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation;

(F) funding for innovative or alternative technologies or practices designed to improve water quality or reduce sources of pollution to surface waters, including funding for innovative nutrient removal technologies and community-based methane digesters that utilize manure, wastewater, and food residuals to produce energy;

(G) funding to purchase agricultural land in order to take that land out of practice when the State water quality requirements cannot be remediated through agricultural Best Management Practices; ~~and~~

(H) funding to municipalities for the establishment and operation of stormwater utilities; and

(I) investment in watershed basin planning, water quality project identification screening, water quality project evaluation, and conceptual plan development of water quality projects.

(2) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Clean Water Fund Board shall, during the first three years of its existence and within the priorities established under subdivision (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal compliance with water quality requirements, and to municipalities for the establishment and operation of stormwater utilities.

(3) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall, after satisfaction of the priorities established under subdivision (1) of this subsection (e), attempt to provide ~~for equitable apportionment of awards from the Fund to all regions of the State and for control of all sources of point and non-point sources of pollution in the State~~ investment in all watersheds of the State based on the needs identified in watershed basin plans.

(f) Assistance. The Clean Water Fund Board shall have the administrative, technical, and legal assistance of the Agency of Administration, the Agency of Natural Resources, the Agency of Agriculture, Food and Markets, the Agency of Transportation, and the Agency of Commerce and Community Development for those issues or services within the jurisdiction of the respective agency. The cost of the services provided by agency staff shall be paid from the budget of the agency providing the staff services.

(g) Terms; appointed members. Members who are appointed to the Clean Water Fund Board shall be appointed for terms of four years, except initial appointments shall be made such that the member appointed by the Speaker shall be appointed for a term of two years. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments.

* * * Coordinated Water Quality Grants; Performance Grants * * *

Sec. 6. COORDINATED WATER QUALITY GRANTS

The Secretary of Natural Resources, the Secretary of Agriculture, Food and Markets, and the Secretary of Transportation shall coordinate prior to awarding water quality grants or funding in order to maximize the water quality benefit or impact of funded projects in a watershed planning basin. When grants are issued, the Secretary of Natural Resources, the Secretary of Agriculture, Food and Markets, and the Secretary of Transportation shall, when allowed by law, authorize funds or identify other funding opportunities that may be used to support capacity to implement projects in the watershed basin.

Sec. 7. 10 V.S.A. § 1253(d) is amended to read:

(d)(1) Through the process of basin planning, the Secretary shall determine what degree of water quality and classification should be obtained and maintained for those waters not classified by the Board before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The Secretary shall prepare and maintain an overall surface water management plan to assure that the State water quality standards are met in all State waters. The surface water management plan shall include a schedule for updating the basin plans. The Secretary, in consultation with regional planning commissions and the Natural Resources Conservation Council, shall revise all 15 basin plans and update the basin plans on a five-year rotating basis. On or before January 15 of each year, the Secretary shall report to the House Committees on Agriculture and Forestry, on Natural Resources and ~~Energy, and on Fish, Wildlife and Water Resources,~~ Fish, and Wildlife, and to the Senate Committees on Agriculture and on

Natural Resources and Energy regarding the progress made and difficulties encountered in revising basin plans. The report shall include a summary of basin planning activities in the previous calendar year, a schedule for the production of basin plans in the subsequent calendar year, and a summary of actions to be taken over the subsequent three years. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(2) In developing a basin plan under this subsection, the Secretary shall:

(A) identify waters that should be reclassified outstanding resource waters or that should have one or more uses reclassified under section 1252 of this title;

(B) identify wetlands that should be reclassified as Class I wetlands;

(C) identify projects or activities within a basin that will result in the protection and enhancement of water quality;

(D) assure that municipal officials, citizens, watershed groups, and other interested groups and individuals are involved in the basin planning process;

(E) assure regional and local input in State water quality policy development and planning processes;

(F) provide education to municipal officials and citizens regarding the basin planning process;

(G) develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans;

(H) provide for public notice of a draft basin plan; and

(I) provide for the opportunity of public comment on a draft basin plan.

(3) The Secretary shall, contingent upon the availability of funding, ~~contract with a regional planning commission or~~ negotiate and issue performance grants to the Vermont Association of Planning and Development Agencies or its designee and the Natural Resources Conservation Council or its designee to assist in or to produce a basin plan under the schedule set forth in subdivision (1) of this subsection in a manner consistent with the authority of regional planning commissions under 24 V.S.A. chapter 117 and the authority of the natural resources conservation districts under chapter 31 of this title. ~~When contracting negotiating a scope of work with a regional planning commission or~~ the Vermont Association of Planning and

Development Agencies or its designee and the Natural Resources Conservation Council or its designee to assist in or produce a basin plan, the Secretary may require the regional planning commission Vermont Association of Planning and Development Agencies or the Natural Resources Conservation Council to:

(A) conduct any of the activities required under subdivision (2) of this subsection (d);

(B) provide technical assistance and data collection activities to inform municipal officials and the State in making water quality investment decisions;

(C) coordinate municipal planning and adoption or implementation of municipal development regulations to better to meet State water quality policies and investment priorities; or

(D) assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost-effective use of State and federal funds.

* * * Lakes in Crisis * * *

Sec. 8. 10 V.S.A. chapter 47, subchapter 2A is added to read:

Subchapter 2A. Lake in Crisis

§ 1310. DESIGNATION OF LAKE IN CRISIS

(a) The Secretary of Natural Resources (Secretary) shall review whether a lake in the State should be designated as a lake in crisis upon the Secretary's own motion or upon petition of 15 or more persons or a selectboard of a municipality in which the lake or a portion of the lake is located.

(b) The Secretary shall designate a lake as a lake in crisis if, after review under subsection (a) of this section, the Secretary determines that:

(1) the lake or segments of the lake have been listed as impaired;

(2) the condition of the lake will cause:

(A) a potential harm to the public health; and

(B) a risk of damage to the environment or natural resources; and

(3) a municipality in which the lake or a portion of the lake is located has reduced the valuation of real property due to the condition of the lake.

§ 1311. STATE RESPONSE TO A LAKE IN CRISIS

(a) Adoption of crisis response plan. When a lake is declared in crisis, the Secretary shall within 90 days after the designation of the lake in crisis issue a comprehensive crisis response plan for the management of the lake in crisis in

order to improve water quality in the lake or to mitigate or eliminate the potential harm to public health or the risk of damages to the environment or natural resources. The Secretary shall coordinate with the Secretary of Agriculture, Food and Markets and the Secretary of Transportation in the development of the crisis response plan. The crisis response plan may require implementation of one or both of the following in the watershed of the lake in crisis:

(1) water quality requirements necessary to address specific harms to public health or risks to the environment or natural resources; or

(2) implementation of or compliance with existing water quality requirements under one or more of the following:

(A) water quality requirements under chapter 47 of this title, including requiring a property owner to obtain a permit or implement best management practices for the discharge of stormwater runoff from any size of impervious surfaces if the Secretary determines that the treatment of the discharge of stormwater runoff is necessary to reduce the adverse impacts to water quality of the discharge or stormwater on the lake in crisis;

(B) agricultural water quality requirements under 6 V.S.A. chapter 215, including best management practices under 6 V.S.A. § 4810 to reduce runoff from the farm; or

(C) water quality requirements adopted under section 1264 of this section for stormwater runoff from municipal or State roads.

(b) Public hearing. The Secretary shall hold at least one public hearing in the watershed of the lake in crisis and shall provide an opportunity for public notice and comment for a proposed lake in crisis response plan.

(c) Term of designation. A lake shall remain designated as in crisis under this section until the Secretary determines that the lake no longer satisfies the criteria for designation under subsection (b) of this section.

(d) Agency cooperation and services. All other State agencies shall cooperate with the Secretary in responding to the lake in crisis, and the Secretary shall be entitled to seek technical and scientific input or services from the Agency of Agriculture, Food and Markets, the Agency of Transportation, or other necessary State agencies.

§ 1312. LAKE IN CRISIS ORDER

The Secretary, after consultation with the Secretary of Agriculture, Food and Markets, may issue a lake in crisis order as an administrative order under chapter 201 of this title to require a person to:

- (1) take an action identified in the lake in crisis response plan;
- (2) cease or remediate any acts, discharges, site conditions, or processes contributing to the impairment of the lake in crisis;
- (3) mitigate a significant contributor of a pollutant to the lake in crisis; or
- (4) conduct testing, sampling, monitoring, surveying, or other analytical operations required to determine the nature, extent, duration, or severity of the potential harm to the public health or a risk of damage to the environment or natural resources.

§ 1313. ASSISTANCE

(a) A person subject to a lake in crisis order shall be eligible for technical and financial assistance from the Secretary to be paid from the Lake in Crisis Response Program Fund. The Secretary shall adopt by procedure the process for application for assistance under this section.

(b) State financial assistance awarded under this section shall be in the form of a grant. An applicant for a State grant shall pay at least 35 percent of the total eligible project cost. The dollar amount of a State grant shall be equal to the total eligible project cost, less 35 percent of the total as paid by the applicant, and less the amount of any federal assistance awarded.

(c) A grant awarded under this section shall comply with all terms and conditions for the issuance of State grants.

§ 1314. FUNDING OF STATE RESPONSE TO A LAKE IN CRISIS

(a) Initial response. Upon designation of a lake in crisis, the Secretary may, for the purposes of the initial response to the lake in crisis, expend up to \$50,000.00 appropriated to the Agency of Natural Resources from the Clean Water Fund for authorized contingency spending.

(b) Long-term funding. In the subsequent budget submitted to the General Assembly under 32 V.S.A. § 701, the Secretary of Administration shall propose appropriations to the Lake in Crisis Response Program Fund to implement fully the crisis response plan for the lake in crisis, including recommended appropriations from one or more of the following:

- (1) the Clean Water Fund established under section 1389 of this title;
- (2) the Vermont Housing and Conservation Trust Fund established under section 312 of this title;
- (3) capital funds and other monies available from the Secretary of Agriculture, Food and Markets for water quality programs or projects;

(4) capital funds and other monies available from the Secretary of Natural Resources for water quality programs or projects; and

(5) General Fund appropriations.

§ 1315. LAKE IN CRISIS RESPONSE PROGRAM FUND

(a) There is created a special fund known as the Lake in Crisis Response Program Fund to be administered by the Secretary of Natural Resources. The Fund shall consist of:

(1) funds that may be appropriated by the General Assembly; and

(2) other gifts, donations, or funds received from any source, public or private, dedicated for deposit into the Fund.

(b) The Secretary shall use monies deposited in the Fund for the Secretary's implementation of a crisis response plan for a lake in crisis and for financial assistance under section 1313 of this title to persons subject to a lake in crisis order.

(c) Notwithstanding the requirements of 32 V.S.A. § 588(3) and (4), interest earned by the Fund and the balance of the Fund at the end of the fiscal year shall be carried forward in the Fund and shall not revert to the General Fund.

Sec. 9. LAKE CARMI; LAKE IN CRISIS

The General Assembly declares Lake Carmi as a lake in crisis under 10 V.S.A. chapter 47, subchapter 2A. The crisis response plan for Lake Carmi shall include implementation of runoff controls.

Sec. 10. 10 V.S.A. § 8003(a) is amended to read:

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

(1) 10 V.S.A. chapter 23, relating to air quality;

(2) 10 V.S.A. chapter 32, relating to flood hazard areas;

(3) 10 V.S.A. chapters 47 and 56, relating to water pollution control, water quality standards, and public water supply, and lakes in crisis;

* * *

Sec. 11. 10 V.S.A. § 8503(a) is amended to read:

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this

title and rulemaking, under the following authorities and under the rules adopted under those authorities:

- (1) The following provisions of this title:
 - (A) chapter 23 (air pollution control);
 - (B) chapter 50 (aquatic nuisance control);
 - (C) chapter 41 (regulation of stream flow);
 - (D) chapter 43 (dams);
 - (E) chapter 47 (water pollution control; lakes in crisis);

* * *

* * * ANR Report on Future Farming Practices * * *

Sec. 12. AGENCY OF AGRICULTURE, FOOD AND MARKETS

REPORT ON FARMING PRACTICES IN VERMONT

(a) The Nutrient Management Commission convened by the Secretary of Agriculture, Food and Markets as a requirement of the U.S. Environmental Protection Agency's approved implementation plan for the Lake Champlain total maximum daily load plan shall review whether and how to revise farming practices in Vermont in a manner that mitigates existing environmental impacts while maintaining economic viability. In conducting its review, the Commission shall consider whether and how to:

- (1) revise farming practice to improve or build healthy soils;
- (2) reduce agriculturally based pollution in areas of high pollution, stressed, or impaired waters;
- (3) establish a carrying capacity or maximum number of livestock that the land used for nutrient application on a farm can support without contribution of nutrients to a water;
- (4) provide financial and technical support to facilitate the transition by farms to less-polluting practices through one or more of the following:
 - (A) cover cropping;
 - (B) reduced tillage or no tillage;
 - (C) accelerated implementation of best management practices (BMPs);
 - (D) evaluation of the effectiveness of using riparian buffers in excess of 25 feet;

(E) increased use of direct manure injection;

(F) crop rotations to build soil health, including limits on the planting of continuous corn;

(G) elimination or reduction of the use of herbicides in the termination of cover crops; and

(H) diversification of dairy farming.

(b) On or before January 15, 2019, the Secretary of Agriculture, Food and Markets shall submit to the Senate Committees on Natural Resources and Energy and on Agriculture and to the House Committees on Natural Resources, Fish, and Wildlife and on Agriculture and Forestry any recommendation of the Nutrient Management Commission regarding any of the farming practices or subject areas listed under subdivisions (a)(1)–(4) of this section.

* * * Effective Dates * * *

Sec. 13. EFFECTIVE DATES; IMPLEMENTATION

This act shall take effect on passage, except that Secs. 3–5 (water quality occupancy surcharge) shall take effect on January 1, 2020.

Rep. Ancel of Calais, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources, Fish, and Wildlife and when amended as follows:

First: By striking out Secs. 1-4 in their entirety and inserting in lieu thereof the following new Secs. 1-4b:

* * * Clean Water Funding * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Within Vermont there are 7,100 miles of rivers and streams and 812 lakes and ponds of at least five acres in size.

(2) Currently, over 350 waters or water segments in the State do not meet water quality standards, are at risk of not meeting water quality standards, or are altered due to the presence of aquatic nuisances.

(3) In 2015, the General Assembly enacted 2015 Acts and Resolves No. 64, an act relating to improving the quality of State waters (Act 64), for the purpose, among others, of providing mechanisms, staffing, and financing necessary for the State to achieve and maintain compliance with the Vermont Water Quality Standards for all State waters.

(4) Act 64 directed the State Treasurer to recommend to the General Assembly a long-term mechanism for financing water quality improvement in the State, including proposed revenue sources for water quality improvement programs.

(5) The State Treasurer submitted a Clean Water Report in January 2017 that included:

(A) an estimate that over 20 years it would cost \$2.3 billion to achieve compliance with water quality requirements;

(B) a projection that revenue available for water quality over the 20-year period would be approximately \$1.06 billion, leaving a 20-year total funding gap of \$1.3 billion;

(C) an estimate of annual compliance costs of \$115.6 million, which, after accounting for projected revenue, would leave a funding gap of \$48.5 million to pay for the costs of compliance with the first tier of federal and State water quality requirements; and

(D) a financing plan to provide more than \$25 million annually in additional State funds for water quality programs.

(6) After determining that a method to achieve equitable and effective long-term funding methods to support clean water efforts in Vermont was necessary, the General Assembly established in 2017 Acts and Resolves No. 73, Sec. 26 the Working Group on Water Quality Funding to develop draft legislation to accomplish this purpose.

(7) The Act 73 Working Group did not recommend a long-term funding method to support clean water efforts in Vermont and instead recommended that the General Assembly maintain a Capital Bill clean water investment of \$15 million a year through fiscal years 2020 and 2021.

(8) In the years beyond fiscal year 2021, the Act 73 Working Group acknowledged that capital funds would need to be reduced to \$10 to \$12 million a year and that additional revenues would need to be raised.

(9) The U.S. Environmental Protection Agency (EPA) in a letter to the General Assembly stated that it is important for the State of Vermont to establish a long-term revenue source to support water quality improvement in order to comply with the accountability framework of the Lake Champlain Total Maximum Daily Load plan.

(10) The General Assembly should in this act establish the necessary long-term revenue sources to support water quality improvement and should encourage the Executive Branch and other interested parties to propose additional or alternative revenue sources sufficient to achieve the State goals

for water quality improvement.

* * * Rooms and Meals Tax * * *

Sec. 2. 32 V.S.A. § 9241 is amended to read:

§ 9241. IMPOSITION OF TAX

(a) An operator shall collect a tax of nine and one quarter percent of the rent of each occupancy.

(b) An operator shall collect a tax on the sale of each taxable meal at the rate of nine and one quarter percent of each full dollar of the total charge and on each sale for less than one dollar and on each part of a dollar in excess of a full dollar in accordance with the following formula:

\$0.01-0.11	\$0.01
0.12-0.22	0.02
0.23-0.33	0.03
0.34-0.44	0.04
0.45-0.55	0.05
0.56-0.66	0.06
0.67-0.77	0.07
0.78-0.88	0.08
0.89-1.00	0.09
<u>0.01-0.11</u>	<u>0.01</u>
<u>0.12-0.22</u>	<u>0.02</u>
<u>0.23-0.32</u>	<u>0.03</u>
<u>0.33-0.43</u>	<u>0.04</u>
<u>0.44-0.54</u>	<u>0.05</u>
<u>0.55-0.65</u>	<u>0.06</u>
<u>0.66-0.76</u>	<u>0.07</u>
<u>0.77-0.86</u>	<u>0.08</u>
<u>0.87-1.00</u>	<u>0.09</u>

* * *

Sec. 3. 32 V.S.A. § 9242(c) is amended to read:

(c) A tax of nine and one-quarter percent of the gross receipts from meals

and occupancies and 10 percent of the gross receipts from alcoholic beverages, exclusive of taxes collected pursuant to section 9241 of this title, received from occupancy rentals, taxable meals, and alcoholic beverages by an operator, is hereby levied and imposed and shall be paid to the State by the operator as herein provided. Every person required to file a return under this chapter shall, at the time of filing the return, pay the Commissioner the taxes imposed by this chapter as well as all other monies collected by him or her under this chapter; provided, however, that every person who collects the taxes on taxable meals and alcoholic beverages according to the tax bracket schedules of section 9241 of this title shall be allowed to retain any amount lawfully collected by the person in excess of the tax imposed by this chapter as compensation for the keeping of prescribed records and the proper account and remitting of taxes.

* * * Unclaimed Beverage Container Deposits * * *

Sec. 4. 10 V.S.A. § 1530 is added to read:

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT TRANSACTION ACCOUNT; ESCHEATS

(a) As used in this section, “deposit initiator” means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.

(b) A deposit initiator shall open a separate interest-bearing account in a Vermont branch of a financial institution to be known as the deposit transaction account. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.

(c) Beginning on October 1, 2019, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the account not more than three business days after the date on which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.

(d) Beginning on January 1, 2020, and quarterly thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator’s deposit transaction account in the preceding quarter. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

-
- (1) the balance of the account at the beginning of the preceding quarter;
 - (2) the number of beverage containers sold in the preceding quarter and the number of beverage containers returned in the preceding quarter;
 - (3) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;
 - (4) the amount of refund payments made from the deposit transaction account in the preceding quarter;
 - (5) any income earned on the deposit transaction account in the preceding quarter;
 - (6) any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding quarter; and
 - (7) any additional information required by the Commissioner of Taxes.

(e)(1) On or before January 1, 2020, and quarterly thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that should be in the deposit transaction account less the sum of:

(A) income earned on amounts on the account during that quarter; and

(B) the total amount of refund value paid out by the deposit initiator for beverage containers during that quarter.

(2) In any calendar quarter, the deposit initiator may submit to the Commissioner of Taxes a request for reimbursement of refunds paid under this chapter that exceed the funds that are or should be in the deposit initiator's deposit transaction account. The Commissioner of Taxes shall pay a request for reimbursement under this subdivision from the funds remitted to the Commissioner under subdivision (1) of this subsection, provided that:

(A) the Commissioner determines that the funds in the deposit initiator's deposit transaction action are insufficient to pay the refunds on returned beverage containers; and

(B) a reimbursement paid by the Commissioner to the deposit initiator shall not exceed the amount paid by the deposit initiator under subdivision (1) of this subsection (e) in the preceding 12 months less amounts paid to the initiator pursuant to this subdivision (2) during that same 12-month period.

(f) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

* * * Clean Water Fund; General Fund; * * *

Sec. 4a. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the "Clean Water Fund" to be administered by the Secretary of Administration. The Fund shall consist of:

(1) ~~revenues dedicated for deposit into the Fund by the General Assembly, including from~~ the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a; ~~and~~

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the amount equal to the increase from nine percent to nine and one-quarter percent of the rooms tax imposed by 32 V.S.A. § 9241(a) and the revenue from the increase from nine percent to nine and one-quarter percent of the meals tax imposed by 32 V.S.A. § 9241(b);

(4) the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

* * *

Sec. 4b. 32 V.S.A. § 435 is amended to read:

§ 435. GENERAL FUND

(a) There is established the General Fund which shall be the basic operating fund of the State. The General Fund shall be used to finance all expenditures for which no special revenues have otherwise been provided by law.

(b) The General Fund shall be composed of revenues from the following sources:

(1) Alcoholic beverage tax levied pursuant to 7 V.S.A. chapter 15;

* * *

(7) Meals and rooms taxes levied pursuant to chapter 225 of this title less the amount deposited in the Clean Water Fund under 10 V.S.A. § 1388;

* * *

Second: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 2–3 (rooms and meals tax), 4a (Clean Water Fund), and 4b (General Fund) shall take effect on January 1, 2020.

Rep. Feltus of Lyndon, for the committee on Appropriations, reported in favor of its passage in concurrence with proposal of amendment when amended by the committees on Ways and Means and Natural Resources, Fish, and Wildlife and when amended as follows:

In Sec. 8, 10 V.S.A. chapter 47, subchapter 2A, in § 1314, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Long-term funding. Annually, the Secretary of Natural Resources shall present to the House and Senate Committees on Appropriations a multi-year plan for the funding of all lakes designated in crisis under this subchapter. Based on the multi-year plan, the Secretary of Administration annually shall recommend to the House and Senate Committees on Appropriations recommended appropriations to the Lake in Crisis Response Program Fund for the subsequent fiscal year.

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

Pending the question Shall the proposal of amendment as recommended by the committee on Natural Resources, Fish, and Wildlife be amended as recommended by the committee on Ways and Means? **Rep. Harrison of Chittenden** asked that the question be divided and that Sec. 2, Sec 3, Sec. 4, and Sec. 4a be taken first and Sec. 1 and Sec. 4b be taken second and Sec. 13 be taken third.

Pending the question, Shall the proposal of the Committee on Natural Resources, Fish, and Wildlife be amended as recommended by the Committee on Ways and Means in the first instance only (Sections, 2; 3; 4; 4a)? **Rep. Ancel of Calais** 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 proposal of the Committee on Natural Resources, Fish, and Wildlife be amended as recommended by the Committee on Ways and Means in the first instance only (Sections, 2; 3; 4; 4a)? was decided in the affirmative. Yeas, 84. Nays, 55.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Miller of Shaftsbury
Bartholomew of Hartland	Fields of Bennington	Morris of Bennington
Baser of Bristol	Forguites of Springfield	Mrowicki of Putney
Belaski of Windsor	Gardner of Richmond	Noyes of Wolcott
Beyor of Highgate	Giambatista of Essex	Ode of Burlington
Bissonnette of Winooski	Gonzalez of Winooski	Potter of Clarendon
Bock of Chester	Grad of Moretown	Pugh of South Burlington
Botzow of Pownal	Haas of Rochester	Rachelson of Burlington
Briglin of Thetford	Head of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	Hill of Wolcott	Sharpe of Bristol
Buckholz of Hartford	Hooper of Montpelier	Sheldon of Middlebury
Burke of Brattleboro	Hooper of Randolph	Squirrell of Underhill
Carr of Brandon	Houghton of Essex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Stuart of Brattleboro
Christensen of Weathersfield	Jessup of Middlesex	Sullivan of Dorset
Christie of Hartford	Keenan of St. Albans City	Sullivan of Burlington *
Cina of Burlington	Kimbell of Woodstock *	Taylor of Colchester
Colburn of Burlington	Kitzmiller of Montpelier	Till of Jericho
Conlon of Cornwall	Krowinski of Burlington	Toleno of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Townsend of South Burlington
Conquest of Newbury	Lanpher of Vergennes	Troiano of Stannard
Copeland-Hanzas of Bradford	Lefebvre of Newark	Walz of Barre City
Dakin of Colchester	Lippert of Hinesburg	Webb of Shelburne
Deen of Westminster *	Long of Newfane	Weed of Enosburgh
Donahue of Northfield	Lucke of Hartford *	Wood of Waterbury
Donovan of Burlington	Macaig of Williston	Yacovone of Morristown
Dunn of Essex	Masland of Thetford	Yantachka of Charlotte *
	McCormack of Burlington *	Young of Glover
	McCullough of Williston	

Those who voted in the negative are:

Ainsworth of Royalton	Harrison of Chittenden	Pajala of Londonderry
Bancroft of Westford	Helm of Fair Haven	Parent of St. Albans Town
Batchelor of Derby	Higley of Lowell	Poirier of Barre City *
Beck of St. Johnsbury	Jickling of Randolph	Quimby of Concord
Brennan of Colchester	Juskiewicz of Cambridge	Rosenquist of Georgia
Browning of Arlington *	Keefe of Manchester	Savage of Swanton
Burditt of West Rutland	LaClair of Barre Town	Scheuermann of Stowe *
Canfield of Fair Haven	Lawrence of Lyndon	Shaw of Pittsford
Corcoran of Bennington	Lewis of Berlin	Sibilia of Dover
Cupoli of Rutland City	Marcotte of Coventry	Smith of Derby *
Devereux of Mount Holly	Martel of Waterford *	Smith of New Haven
Dickinson of St. Albans	Mattos of Milton	Strong of Albany

Town	McCoy of Poultney	Terenzini of Rutland Town
Fagan of Rutland City	McFaun of Barre Town	Turner of Milton
Feltus of Lyndon	Morrissey of Bennington	Van Wyck of Ferrisburgh
Frenier of Chelsea	Murphy of Fairfax	Viens of Newport City
Gamache of Swanton	Myers of Essex	Willhoit of St. Johnsbury
Gannon of Wilmington	Nolan of Morristown	Wright of Burlington
Graham of Williamstown	Norris of Shoreham	

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

Condon of Colchester	O'Sullivan of Burlington	Read of Fayston
Hebert of Vernon	Partridge of Windham	Toll of Danville
Joseph of North Hero	Pearce of Richford	Trieber of Rockingham

Those members abstaining:

Gage of Rutland City

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote no because I refuse to enact destructive taxes even to fund clean water, and even with the possibility that these unfortunate revenue changes will be replaced by something better. We should identify pollution taxes on materials and activities that cause water pollution, as described in the amendment to S.260 that I am likely to be prevented from offering to the House.”

Rep. Deen of Westminster explained his vote as follows:

“Madam Speaker:

Tourists don’t magically appear in Vermont. They use our roads, drives/parking lots, buildings, carbon discharges, all challenges to boatable, swimmable, drinkable water. How attractive is stinking green water, dead fish, toxin laden beaches. A real tourist attraction.”

Rep. Kimball of Woodstock explained his vote as follows:

“Madam Speaker:

I voted yes with the firm belief that in the next 18 months we will deliver a better package of funding mechanisms that have greater nexus to water pollutions sources and will provide the needed funds to clean and protect our waterways.”

Rep. Lucke of Hartford explained her vote as follows:

“Madam Speaker:

I am a Vermonter who wants all of the EPA boxes checked. The game of

NOT IT by stakeholders and administration must stop – this legislation gives us a backstop to insure the EPA requirements are met.

MY hope is with this in place that stakeholders and administration will work collaboratively to provide a dynamic long term funding source for clean water in Vermont that includes the examination of Vermont's tax code and exemptions.”

Rep. Martel of Waterford explained her vote as follows:

“Madam Speaker:

It is a sad day when we have to pick on unclaimed beverage deposits and distributors, and increase our rooms and meals taxes to fund clean water. These are hard-working people that are getting penalized.”

Rep. McCormack of Burlington explained his vote as follows:

“Madam Speaker:

Finally.”

Rep. Poirier of Barre City explained his vote as follows:

“Madam Speaker:

I voted no. I would have voted yes if we had taxed the polluters, such as a parcel tax. My constituents do not pollute the lake, so why should they be taxed for someone else's problem.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

First no new funding for our clean water efforts is needed until 2021.

As importantly, though, when we do institute a funding source it must have a nexus to water. Putting the vast majority of the burden to clean up our state's waterways on our hospitality industry is both unfair and misguided.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

I voted no and I won't have to explain my vote to my constituents!”

Rep. Sullivan of Burlington explained her vote as follows:

“Madam Speaker:

Unless we are willing to pay for water clean-up, we will not have clean water. We have tried to do it this way before. I believe it is an investment very much worth making.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

When I travel, I have never once checked on the taxes and fees of my hotel room. However, I do flush the toilet.”

Thereupon, the proposal of the committee on Natural, Resources, Fish, and Wildlife, as amended, was amended in Sec. 1 and 4b as recommended by the committee on Ways and Means.

Thereupon, the proposal of the committee on Natural, Resources, Fish and Wildlife, as amended, was further amended as recommended by the committee on Ways and Means in Sec. 13 only.

Thereupon, the proposal of amendment of the committee on Natural, Resources, Fish, and Wildlife, as amended, was further amended by the committee on Appropriations.

Thereupon the proposal of the committee on Natural, Resources, Fish, and Wildlife, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. Browning of Arlington** moved to amend the House proposal of amendment as follows:

First: By a new Sec. 1a to read:

Sec. 1a. INTENT OF THE GENERAL ASSEMBLY ON WATER QUALITY

(a) It is the intent of the General Assembly to provide long-term funding for the clean water initiatives through the following mechanisms and approaches:

(1) Develop and impose excise taxes on all materials that contribute to water pollution directly or indirectly through land use and activities in order to reduce their use, with the tax percentage of sufficient magnitude to raise needed revenue as that figure becomes more certain, with the resulting revenue to be deposited in the Clean Water Fund.

(2) Examine the Vermont tax code in order to:

(A) identify all provisions that function to subsidize or reduce the after-tax cost of any material or activity that contributes to water pollution; and

(B) eliminate or modify all such provisions to remove such inappropriate cost reductions, allocating any resulting revenue increases to the Clean Water Fund.

(3) Facilitate the formation of local storm water utility districts to finance storm water treatment through assessments on impervious surfaces in municipalities with sufficient density of development and impervious surfaces to warrant such an approach.

(b) No later than November 15, 2018, the Joint Fiscal Office, with the assistance of the Department of Taxes, shall report to the General Assembly with recommendations on how to implement the intent of the General Assembly, as outlined in subsection (a) of this section.

Second: By striking Secs. 3–4b and their reader assistance headings in their entirety, and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Sec. 4. [Deleted.]

Sec. 4a. [Deleted.]

Sec. 4b. [Deleted.]

Third: By striking out Sec. 13 and its reader assistance heading in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

* * * Effective Date * * *

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, **Rep. Deen of Westminster** asked the question be divided and that Secs. 2 and 3 be taken first and Sec. 1 be taken second.

Thereupon, **Rep. Bartholomew of Hartland** raised a point of order that Secs. 2 and 3 were a substantial negation of action taken by the House and was a violation of the House rules which the Speaker ruled well taken.

Thereupon Sec. 1 as offered by **Rep. Browning of Arlington** was agreed to.

Thereupon, 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, 48.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Morris of Bennington
Bancroft of Westford	Fields of Bennington	Mrowicki of Putney
Bartholomew of Hartland	Forguites of Springfield	Murphy of Fairfax
Baser of Bristol	Gardner of Richmond	Myers of Essex *
Belaski of Windsor	Giambatista of Essex	Noyes of Wolcott
Beyor of Highgate	Gonzalez of Winooski	Ode of Burlington
Bissonnette of Winooski	Grad of Moretown	Potter of Clarendon
Bock of Chester	Haas of Rochester	Pugh of South Burlington

Botzow of Pownal	Head of South Burlington	Rachelson of Burlington
Brennan of Colchester	Hill of Wolcott	Scheu of Middlebury
Briglin of Thetford	Hooper of Montpelier	Sharpe of Bristol
Brumsted of Shelburne	Hooper of Randolph	Sheldon of Middlebury
Buckholz of Hartford	Houghton of Essex	Squirrell of Underhill
Burke of Brattleboro	Howard of Rutland City	Stevens of Waterbury
Carr of Brandon	Jessup of Middlesex	Stuart of Brattleboro
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Sullivan of Dorset
Christensen of Weathersfield	Juskiewicz of Cambridge	Sullivan of Burlington
Christie of Hartford	Keenan of St. Albans City	Taylor of Colchester
Cina of Burlington	Kimbell of Woodstock	Till of Jericho
Colburn of Burlington	Kitzmiller of Montpelier	Toleno of Brattleboro
Conlon of Cornwall	Krowinski of Burlington *	Townsend of South Burlington
Connor of Fairfield	Lalonde of South Burlington	Troiano of Stannard
Conquest of Newbury	Lanpher of Vergennes	Walz of Barre City
Copeland-Hanzas of Bradford	Lefebvre of Newark	Webb of Shelburne
Corcoran of Bennington	Lippert of Hinesburg	Weed of Enosburgh
Dakin of Colchester	Long of Newfane	Wood of Waterbury
Deen of Westminster	Lucke of Hartford	Wright of Burlington
Donahue of Northfield	Macaig of Williston	Yacovone of Morristown
Donovan of Burlington	Masland of Thetford	Yantachka of Charlotte
Dunn of Essex	McCormack of Burlington	Young of Glover
	McCullough of Williston	
	Miller of Shaftsbury	

Those who voted in the negative are:

Ainsworth of Royalton	Helm of Fair Haven	Poirier of Barre City
Batchelor of Derby	Higley of Lowell	Quimby of Concord
Beck of St. Johnsbury	Jickling of Randolph	Rosenquist of Georgia
Browning of Arlington *	Keefe of Manchester	Savage of Swanton
Burditt of West Rutland	LaClair of Barre Town	Scheuermann of Stowe
Canfield of Fair Haven	Lawrence of Lyndon	Shaw of Pittsford
Cupoli of Rutland City	Lewis of Berlin	Sibilia of Dover
Devereux of Mount Holly	Marcotte of Coventry	Smith of Derby
Dickinson of St. Albans Town	Martel of Waterford	Smith of New Haven
Fagan of Rutland City	Mattos of Milton	Strong of Albany
Feltus of Lyndon	McCoy of Poultney	Terenzini of Rutland Town
Frenier of Chelsea	McFaun of Barre Town	Turner of Milton *
Gamache of Swanton	Morrissey of Bennington	Van Wyck of Ferrisburgh
Gannon of Wilmington *	Nolan of Morristown	Viens of Newport City
Graham of Williamstown	Norris of Shoreham	Willhoit of St. Johnsbury
Harrison of Chittenden	Pajala of Londonderry	
	Parent of St. Albans Town	

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

Condon of Colchester	Partridge of Windham	Toll of Danville
Hebert of Vernon	Pearce of Richford	Trieber of Rockingham
O'Sullivan of Burlington	Read of Fayston	

Those members abstaining:

Gage of Rutland City

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

While I greatly appreciate the inclusion of the possible pollution taxes in this bill, I have to vote no because the bill still enacts destructive taxes. The ends don’t justify the means. Vermonters deserve better.”

Rep. Gannon of Wilmington explained his vote as follows:

“Madam Speaker:

Tourism is critical to the economy of my community. It has already been damaged by the closure of the Hermitage Club. This bill will further damage our fragile economy.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

We can’t kick the can down the road when it comes to cleaning up our lakes and streams. By voting yes we are taking action to secure a long term plan because our drinking water, tourist economy, property values, and quality of life depend on it.”

Rep. Myers of Essex explained her vote as follows:

“Madam Speaker:

I was going to vote no on S.260. I was going to vote no because of the funding of the water cleanup in the bill. But for a long time I have felt that the amendment made by Rep. Browning is the right way to move forward on the cleanup. Therefore today I voted yes in the naïve hope the intent language will actually see the light of day.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

Everyone wants to clean up water. Without passage of this bill we will invest over \$21 million to that cause in FY20. This is another case of overreach by this body in an attempt to embarrass the Governor. I vote ‘No.’ Thank you.”

Recess

At one o'clock and twenty-eight minutes in the afternoon, the Speaker declared a recess until two o'clock and five minutes in the afternoon.

At two o'clock and nineteen minutes in the afternoon, the Speaker called the House to order.

Action on Bill Postponed

H. 526

House bill, entitled

An act relating to regulating notaries public

Was taken up and pending consideration of the Senate proposal of amendment, on motion of **Rep. Townsend of South Burlington**, action on the bill was postponed until May 8, 2018.

Action on Bill Postponed

H. 923

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up and pending consideration of the Senate proposal of amendment, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until May 7, 2018.

Message from the Senate No. 65

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 considered bills originating in the House of the following titles:

H. 925. An act relating to approval of amendments to the charter of the City of Barre.

H. 926. An act relating to approval of amendments to the charter of the Town of Colchester.

And has passed the same in concurrence.

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

H. 132. An act relating to limiting landowner liability for posting the dangers of swimming holes.

H. 660. An act relating to establishing the Commission on Sentencing

Disparities and Criminal Code Reclassification.

H. 736. An act relating to lead poisoning prevention.

H. 899. An act relating to fees for records filed in town offices and a town fee report and request.

H. 913. An act relating to boards and commissions.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 143. An act relating to automobile insurance requirements and transportation network companies.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the third day of May, 2018, he approved and signed a bill originating in the Senate of the following title:

S. 182. An act relating to the investment authority of municipal trustees of public funds.

**Rules Suspended; Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 280

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to the Advisory Council for Strengthening Families

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Noyes of Wolcott, for the committee on Human Services, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ADVISORY COUNCIL ON CHILD POVERTY AND
STRENGTHENING FAMILIES

(a)(1) There is created the Advisory Council on Child Poverty and Strengthening Families to:

(A) identify and examine structural and other issues in Vermont that:

(i) lead to families living in poverty; and
(ii) create conditions that prevent families from moving out of poverty; and

(B) advance policies that:

- (i) promote financial stability and asset building;
- (ii) support safety nets for families with low income; and
- (iii) mitigate the effects of childhood poverty.

(2) The Advisory Council shall provide guidance and recommend policies that either reduce incidences of or mitigate the effects of childhood poverty. It shall serve as an educational forum for both its members and the public. The Advisory Council shall use data better to understand existing and emerging challenges to children and families living in poverty.

(3) The Advisory Council shall monitor the development and implementation of the Agency of Human Services' childhood trauma response plan required pursuant to 2017 Acts and Resolves No. 43, Sec. 4.

(b)(1) Voting membership. The Advisory Council shall be composed of the following 15 voting members:

- (A) the President Pro Tempore of the Senate or designee;
- (B) the Speaker of the House or designee;
- (C) the Chair of the Senate Committee on Education or designee;
- (D) the Chair of the Senate Committee on Health and Welfare or designee;
- (E) the Chair of the House Committee on Education or designee;
- (F) the Chair of the House Committee on Human Services or designee;
- (G) a member appointed by Voices for Vermont's Children;
- (H) a member appointed by the Vermont Low Income Advocacy Council;
- (I) a member appointed by Vermont Legal Aid;
- (J) a member appointed by the Vermont Coalition for Disability Rights;
- (K) a member appointed by the Vermont Affordable Housing Coalition;

(L) a nongovernmental designee of the Child and Family Trauma Work Group who does not otherwise represent an organization with membership on this Council;

(M) an employee of the prekindergarten through grade 12 public education delivery system in Vermont appointed jointly by the Executive Directors of the Vermont Superintendents Association, the Vermont Principals' Association, and the Vermont Council of Special Education Coordinators;

(N) a business owner appointed by Vermont Businesses Roundtable; and

(O) a member appointed by the Vermont Community Action Partnership.

(2) Nonvoting membership. The Advisory Council shall be composed of the following five nonvoting members or designees:

(A) the Secretary of Education;

(B) the Secretary of Human Services;

(C) the Commissioner for Children and Families;

(D) the Commissioner of Health; and

(E) the Commissioner of Labor.

(c) Assistance. The Advisory Council shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Work products.

(1) Compilation of minutes. On or before January 1 of each year, the Advisory Council shall submit to the General Assembly a compilation of its meeting minutes from the previous calendar year that summarizes the Advisory Council's activities and decisions.

(2) Recommendations. On or before January 1 of each year, the Advisory Council shall submit a list of policy recommendations and legislative priorities from the previous calendar year to the General Assembly or to the appropriate State agency or organization that are aimed at reducing incidences of or mitigating the effects of childhood poverty.

(3) Legislation. On or before November 15 of each year, the Advisory Council may prepare legislation for introduction by one or more of its legislative members that contains any of the Advisory Council's policy recommendations for reducing incidences of or mitigating the effects of childhood poverty.

(e) Meetings.

(1) The member of the House Committee on Human Services shall call the first meeting of the Advisory Council to occur on or before July 1 of each year.

(2) Each year the Advisory Council shall select a chair from among its legislative members at the first meeting. The Advisory Council may select a vice chair from among its legislative members.

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

(4) At least once annually, the Advisory Council shall meet in a location other than the State House for the purpose of receiving testimony from members of Vermont families experiencing poverty or organizations providing direct services to Vermont families experiencing poverty.

(5)(A) The Advisory Council shall cease to exist on July 1, 2028.

(B) Five years prior, in 2023, the Advisory Council shall conduct a midterm review of its achievements and effectiveness using results-based accountability. Among any other benchmarks that the Advisory Council chooses to measure pursuant to subdivision (C) of this subdivision (5), it shall review, as compared to 2016:

(i) the number and percentage of children living in families at 50 percent, 100 percent, and 200 percent of the federal poverty level; and

(ii) the number and percentage of children living in families paying more than 30 percent of their cash income for housing and related expenses.

(C) On or before January 1, 2019, the Advisory Council shall identify any additional benchmarks it plans to measure during its 2023 midterm review.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Council serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings.

(2) Other members of the Advisory Council who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings.

(3) Payments to members of the Advisory Council authorized under this subsection shall be made from monies appropriated by the General Assembly.

Sec. 2. 2015 Acts and Resolves No. 60, Sec. 23(h) is amended to read:

(h) Sunset. On June 1, ~~2018~~ 2021, this section (creating the Joint Legislative Child Protection Oversight Committee) is repealed and the Committee shall cease to exist.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage; provided, however, that if the date of passage is after June 1, 2018, then notwithstanding 1 V.S.A. § 214, Sec. 2 shall apply retroactively to June 1, 2018.

And that after passage the title of the bill be amended to read: “An act relating to the Advisory Council on Child Poverty and Strengthening Families”

Rep. Yacovone of Morrystown, for the committee on Appropriations, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment when amended by the committee on Human Services and when amended as follows:

First: In Sec. 1, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof as follows:

(b)(1) Voting membership. The Advisory Council shall be composed of the following 15 voting members:

(A) three members of the Senate, not all from the same political party, appointed by the Committee on Committees, including one member from the Committee on Education and one member from the Committee on Health and Welfare;

(B) three members of the House, not all from the same political party, appointed by the Speaker of House, including one member from the Committee on Education and one member from the Committee on Human Services;

(C) a member appointed by Voices for Vermont’s Children;

(D) a member appointed by the Vermont Low Income Advocacy Council;

(E) a member appointed by Vermont Legal Aid;

(F) a member appointed by the Vermont Coalition for Disability Rights;

(G) a member appointed by the Vermont Affordable Housing Coalition;

(H) a nongovernmental designee of the Child and Family Trauma Work Group who does not otherwise represent an organization with membership on this Council;

(I) an employee of the prekindergarten through grade 12 public education delivery system in Vermont appointed jointly by the Executive Directors of the Vermont Superintendents Association, the Vermont Principals' Association, and the Vermont Council of Special Education Coordinators;

(J) a business owner appointed by the Vermont Businesses Roundtable; and

(K) a member appointed by the Vermont Community Action Partnership.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

Sec. 2. 2015 Acts and Resolves No. 60, Sec. 23 is amended to read:

Sec. 23. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT
COMMITTEE

* * *

(c) Powers and duties.

(1) The Committee shall:

~~(A) Exercise exercise oversight over Vermont's system systems for youth justice and protecting children from abuse and neglect, including:~~

~~(i)(A) evaluating whether the branches, departments, agencies, and persons that are responsible for protecting children from abuse and neglect are effective;~~

~~(ii)(B) determining if there are deficiencies in the system and the causes of those deficiencies;~~

~~(iii)(C) evaluating which programs are the most cost-effective;~~

and

~~(iv)(D) determining whether there is variation in policies, procedures, practices, and outcomes between different areas of the State and the causes and results of any such variation;~~

~~(v) evaluating whether licensed mandatory reporters should be required to certify that they completed training on the requirements set forth under 33 V.S.A. § 4913; and~~

~~(vi) evaluating the measures recommended by the Working Group~~

~~to Recommend Improvements to CHINS Proceedings established in Sec. 24 of this act to ensure that once a child is returned to his or her family, the court or the Department for Children and Families may continue to monitor the child and family where appropriate.~~

~~(B) The Committee shall report any proposed legislation on or before January 15, 2016 to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.~~

(2) The Committee may review and make recommendations to the House and Senate Committees on Appropriations regarding budget proposals and appropriations relating to protecting children from abuse and neglect.

* * *

(h) Sunset. On June 1, 2018 2022, this section (creating the Joint Legislative Child Protection Oversight Committee) is repealed and the Committee shall cease to exist.

Sec. 3. EFFECTIVE DATES

This act shall take effect on passage; provided, however, that if the date of passage is after June 1, 2018, then notwithstanding 1 V.S.A. § 214, Sec. 2 shall apply retroactively to June 1, 2018.

Thereupon, the bill was read the second time, the report of the committee on Appropriations and Human Services, as amended, was agreed to and third reading was ordered.

Rules Suspended; Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed

H. 910

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled
An act relating to the Open Meeting Law and the Public Records Act
Was taken up for immediate consideration.

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

* * * Open Meeting Law * * *

Sec. 1. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

(1) “Business of the public body” means the public body’s governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(2) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2)(3)(A) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

(B) “Meeting” shall not mean ~~written correspondence or an electronic~~ any communication, including in person or through e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that:

(i) no other business of the public body is discussed or conducted; and

(ii) such a ~~written correspondence or such an electronic~~ communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(C) “Meeting” shall not mean occasions when a quorum of a public body attends social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time.

(D) “Meeting” shall not mean a gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business.

(3)(4) “Public body” means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

(4)(5) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has

requested under subdivision 312(c)(5) of this title to be notified of special meetings.

~~(5)~~(6) “Quasi-judicial proceeding” means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

* * * Public Records Act * * *

Sec. 2. 1 V.S.A. § 315 is amended to read:

§ 315. STATEMENT OF POLICY; SHORT TITLE

(a) It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.

(b) The General Assembly finds that public records are essential to the administration of State and local government. Public records contain information that allows government programs to function, provides officials with a basis for making decisions, and ensures continuity with past operations. Public records document the legal responsibilities of government, help protect the rights of citizens, and provide citizens a means of monitoring government programs and measuring the performance of public officials. Public records provide documentation for the functioning of government and for the retrospective analysis of the development of Vermont government and the impact of programs on citizens.

(c) This subchapter may be known and cited as the Public Records Act or the PRA.

Sec. 3. 1 V.S.A. § 317 is amended to read:

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

* * *

(e)(1) For any exemption to the Public Records Act enacted or substantively amended in legislation introduced in the General Assembly in 2019 or later, in the fifth year after the effective date of the enactment, reenactment, or substantive amendment of the exemption, the exemption shall be repealed on July 1 of that fifth year except if the General Assembly reenacts the exemption prior to July 1 of the fifth year or if the law otherwise requires.

(2) Legislation that enacts, reenacts, or substantively amends an exemption to the Public Records Act shall explicitly provide for its repeal on July 1 of the fifth year after the effective date of the exemption unless the legislation specifically provides otherwise.

(f) Unless otherwise provided by law, a record produced or acquired during the period of applicability of an exemption that is subsequently repealed shall, if exempt during that period, remain exempt following the repeal of the exemption.

Sec. 4. LEGISLATIVE INTENT

(a) In Sec. 3 of this act, the repeal and reenactment provision added in 1 V.S.A. § 317(e) shall apply only to Public Records Act exemptions that are enacted, reenacted, or substantively amended in legislation introduced in the General Assembly in 2019 or later.

(b) In rearranging the text of existing law in 1 V.S.A. § 318(b)-(c) within Sec. 5 of this act, the General Assembly intends to make the text more organized and clear, and does not intend to effect any substantive changes through the rearrangement of existing text.

Sec. 5. 1 V.S.A. § 318 is amended to read:

§ 318. PROCEDURE

(a)(1) As used in this section, “promptly” means immediately, with little or no delay, and, unless otherwise provided in this section, not more than three business days:

(A) from receipt of a request under this subchapter; or

(B) in the case of a reversal on appeal by a head of the agency pursuant to subsection (c) of this section, from the date of the determination on appeal.

(2) A custodian or head of the agency who fails to comply with the applicable time limit provisions of this section shall be deemed to have denied the request or the appeal upon the expiration of the time limit.

(b) Upon request, the custodian of a public record shall promptly produce the record for inspection or a copy of the record, except that:

(1) If the record is in active use or in storage and therefore not available for use at the time the person asks to examine it, the custodian shall so promptly certify this fact in writing to the applicant and, in the certification, set a date and hour within one calendar week of the request when the record will be available ~~for examination~~.

(2) If the custodian considers the record to be exempt from inspection and copying under the provisions of this subchapter, the custodian shall promptly so certify in writing. ~~Such certification shall identify the records withheld and the basis for the denial. A record shall be produced for inspection or a certification shall be made that a record is exempt within three business days of receipt of the request, unless otherwise provided in subdivision (5) of this subsection.~~ The certification shall:

(A) identify the records withheld;

(B) include the asserted statutory basis for denial and a brief statement of the reasons and supporting facts for denial.~~The custodian shall also;~~

(C) provide the names and titles or positions of each person responsible for denial of the request; and

(D) notify the person of his or her right to appeal to the head of the agency any adverse determination.

~~(3) If appealed to the head of the agency, the head of the agency shall make a determination with respect to any appeal within five business days after the receipt of such appeal. If an appeal of the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under section 319 of this title. [Repealed.]~~

(4) If a record does not exist, the custodian shall promptly certify in writing that the record does not exist under the name given to the custodian by the applicant or by any other name known to the custodian.

(5) In unusual circumstances as herein specified, the time limits prescribed in this ~~subsection~~ section may be extended by written notice to the person making ~~such~~ the request setting forth the reasons for ~~such~~ the extension and the date on which a determination is expected to be dispatched. No such

notice shall specify a date that would result in an extension for more than ten business days from receipt of the request or, in the case of a reversal on appeal by a head of the agency pursuant to subsection (c) of this section, from the date of the determination on appeal. As used in this subdivision, “unusual circumstances” means to the extent reasonably necessary to the proper processing of the particular request:

(A) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(B) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records ~~which~~ that are demanded in a single request; or

(C) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein, or with the Attorney General.

~~(b) Any person making a request to any agency for records under subsection (a) of this section shall be deemed to have exhausted the person’s administrative remedies with respect to each request if the agency fails to comply within the applicable time limit provisions of this section. Upon any determination by an agency to comply with a request for records, the records shall be made available promptly to the person making such request. Any notification of denial of any request for records under this section shall set forth the names and titles or positions of each person responsible for the denial of such request.~~

(c)(1) Any denial of access by the custodian of a public record may be appealed to the head of the agency. The head of the agency shall make a written determination on an appeal within five business days after the receipt of the appeal.

(2) A If the head of the agency upholds the denial of a request for records, in whole or in part, the written determination shall include:

(A) the asserted statutory basis for upholding the denial and;

(B) a brief statement of the reasons and supporting facts for upholding the denial; and

(C) notification of the provisions for judicial review of the determination under section 319 of this title.

~~(2)~~(3) If the head of the agency reverses the denial of a request for records, the records shall be promptly made available to the person making the

~~request. A failure by the agency to comply with any of the time limit provisions of this section shall be deemed a final denial of the request for records by the agency.~~

* * *

(h) The head of a State agency or department shall:

(1) designate the agency's or department's records officer described in 3 V.S.A. § 218, or shall designate some other person, to be accountable for overseeing the processing of requests for public records received by the agency or department in accordance with this section; and

(2) post on the agency's or department's website the name and contact information of the person designated under subdivision (1) of this subsection.

Sec. 6. 1 V.S.A. § 318a is added to read:

§ 318a. EXECUTIVE BRANCH AGENCY PUBLIC RECORDS REQUEST SYSTEM

(a) The Secretary of Administration shall maintain and update the Public Records Request System established pursuant to 2006 Acts and Resolves No. 132, Sec. 3 and 2011 Acts and Resolves No. 59, Sec. 13 with the information furnished under subsection (b) of this section and post System information on the website of the Agency of Administration.

(b) All public agencies of the Executive Branch of the State:

(1) that receive a written request to inspect or copy a record under this subchapter shall catalogue the request in the Public Records Request System established and maintained by the Secretary of Administration by furnishing the following information:

(A) the date the request was received;

(B) the agency that received the request;

(C) the person that made the request, including a contact name;

(D) the status of the request, including whether the request was fulfilled in whole, fulfilled in part, or denied;

(E) if the request was fulfilled in part or denied, the exemption or other grounds asserted as the basis for partial fulfillment or denial;

(F) the estimated hours necessary to respond to the request;

(G) the date the agency closed the request; and

(H) the elapsed time between receipt of the request and the date the agency closed the request; and

(2) shall post in a conspicuous location on their respective websites a link to the location on the Agency of Administration's website where Public Records Request System information is maintained.

Sec. 7. REPEAL

2011 Acts and Resolves No. 59, Sec. 13 (State agency public request system) is repealed.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2018, except that Sec. 3 shall take effect on January 1, 2019.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Harrison of Chittenden** moved that the House refuse to concur and ask for a Committee of Conference which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Harrison of Chittenden
Rep. Gannon of Wilmington
Rep. Weed of Enosburgh

Rules Suspended; Senate Proposal of Amendment Concurred in
S. 166

Appearing on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the provision of medication-assisted treatment for inmates

Was taken up for immediate consideration.

The Senate concurs in the House proposal of amendment with the following proposal of amendment thereto:

In Sec. 4, 28 V.S.A. § 801b, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d)(1) As part of reentry planning, the Department shall commence medication-assisted treatment prior to an inmate's release if:

(A) the inmate screens positive for an opioid use disorder;

(B) medication-assisted treatment is medically necessary; and

(C) the inmate elects to commence medication-assisted treatment.

(2) If medication-assisted treatment is indicated and despite best efforts

induction is not possible prior to release, the Department shall ensure comprehensive care coordination with a community-based provider.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 224

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to co-payment limits for visits to chiropractors

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Jickling of Randolph, for the committee on Health Care, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4088a is amended to read:

§ 4088a. CHIROPRACTIC SERVICES

(a)(1) A health insurance plan shall provide coverage for clinically necessary health care services provided by a chiropractic physician licensed in this State for treatment within the scope of practice described in 26 V.S.A. chapter 10, but limiting adjunctive therapies to physiotherapy modalities and rehabilitative exercises. A health insurance plan does not have to provide coverage for the treatment of any visceral condition arising from problems or dysfunctions of the abdominal or thoracic organs.

(2) A health insurer may require that the chiropractic services be provided by a licensed chiropractic physician under contract with the insurer or upon referral from a health care provider under contract with the insurer.

(3) Health care services provided by chiropractic physicians may be subject to reasonable deductibles, co-payment and co-insurance amounts, fee or benefit limits, practice parameters, and utilization review consistent with any applicable regulations published by the Department of Financial Regulation; provided that any such amounts, limits, and review shall not function to direct treatment in a manner unfairly discriminative against chiropractic care, and collectively shall be no more restrictive than those applicable under the same policy to care or services provided by other health care providers but allowing for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types

of health care providers.

(4) For silver- and bronze-level qualified health benefit plans and reflective silver plans offered pursuant to 33 V.S.A. chapter 18, subchapter 1, health care services provided by a chiropractic physician may be subject to a co-payment requirement, provided that any required co-payment amount shall be between 140 and 160 percent of the amount of the co-payment applicable to care and services provided by a primary care provider under the plan.

(5) Nothing herein contained in this section shall be construed as impeding or preventing either the provision or coverage of health care services by licensed chiropractic physicians, within the lawful scope of chiropractic practice, in hospital facilities on a staff or employee basis.

* * *

Sec. 2. 8 V.S.A. § 4088k is added to read:

§ 4088k. PHYSICAL THERAPY CO-PAYMENTS FOR CERTAIN PLANS

For silver- and bronze-level qualified health benefit plans and reflective silver plans offered pursuant to 33 V.S.A. chapter 18, subchapter 1, health care services provided by a licensed physical therapist may be subject to a co-payment requirement, provided that any required co-payment amount shall be between 140 and 160 percent of the amount of the co-payment applicable to care and services provided by a primary care provider under the plan.

Sec. 3. CHIROPRACTIC AND PHYSICAL THERAPY CO-PAYMENT LIMITS; IMPACT REPORTS

(a) On or before January 1, 2019, the Department of Vermont Health Access and the health insurance carriers offering qualified health benefit plans on the Vermont Health Benefit Exchange shall submit a report to the House Committee on Health Care, the Senate Committees on Health and Welfare and on Finance, and the Green Mountain Care Board regarding the projected impact of the chiropractic and physical therapy co-payment limits for qualified health benefit plans and reflective silver plans required by Secs. 1 and 2 of this act on the plans' premium rates, on the plans' actuarial values, and on plan designs, including any impacts on the cost-sharing levels and amounts for other health care services. The information shall be reported separately for each provider type.

(b) On or before November 15, 2021, the Department of Vermont Health Access and the health insurance carriers offering qualified health benefit plans on the Vermont Health Benefit Exchange shall submit a report to the House Committee on Health Care, the Senate Committees on Health and Welfare and on Finance, and the Green Mountain Care Board regarding the impact of the

chiropractic and physical therapy co-payment limits for qualified health benefit plans and reflective silver plans on utilization of chiropractic and physical therapy services. The information shall be reported separately for each provider type.

Sec. 4. HEALTH INSURANCE COVERAGE FOR NON-OPIOID APPROACHES TO TREATING AND MANAGING PAIN; REPORT

(a) The Department of Vermont Health Access shall convene a working group to develop recommendations related to insurance coverage for non-opioid approaches, including nonpharmacological approaches, to treating and managing pain. The working group shall be composed of the following members:

(1) the Commissioner of Financial Regulation or designee;

(2) one representative of each health insurance carrier offering qualified health benefit plans on the Vermont Health Benefit Exchange;

(3) the Chief Health Care Advocate or designee; and

(4) a pain management clinician selected by the Vermont Medical Society.

(b) The Department of Vermont Health Access shall provide the working group with the clinical approaches to non-opioid treatments for pain that the Department is developing with stakeholders. Using the model being developed by the Department, the working group shall consider issues related to health insurance coverage for non-opioid approaches, including nonpharmacological approaches, to treating and managing pain, including whether health insurance plans should cover certain non-opioid approaches, including nonpharmacological approaches, to treating and managing pain and an appropriate level of cost-sharing that should apply to chiropractic care, physical therapy, and any other non-opioid or nonpharmacological modalities for treating and managing pain that the working group recommends for insurance coverage.

(c) On or before January 15, 2019, the working group shall provide its recommendations to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 (8 V.S.A. § 4088a) and 2 (8 V.S.A. § 4088k) shall take effect on January 1, 2020 and shall apply to all health insurance plans issued on and after January 1, 2020 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2021.

(b) The remaining sections shall take effect on passage.

And that after passage the title of the bill be amended to read: “An act relating to co-payment limits for chiropractic care and physical therapy”

Thereupon, the bill was read the second time, the report of the committee on Health Care was agreed to and third reading was ordered.

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

H. 928

On Motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Brumsted of Shelburne, spoke for the committee on Government Operations.

Rep. Trieber of Rockingham for the committee on Appropriations to which had been referred the bill reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Executive Branch; Exempt Employees; Fiscal Years 2019 and 2020

Sec. 1. EXECUTIVE BRANCH; EXEMPT EMPLOYEES; PERMITTED SALARY INCREASES; FISCAL YEARS 2019 AND 2020

(a) Exempt employees in the Executive Branch may receive salary increases not to exceed:

(1) In Fiscal Year 2019:

(A)(i) for employees earning an annual salary of up to and including \$90,000.00 as of July 1, 2018, 1.9 percent beginning on July 8, 2018; and

(ii) for employees earning an annual salary of more than \$90,000.00 as of July 1, 2018, \$1,710.00 beginning on July 8, 2018; and

(B) 1.35 percent beginning on January 6, 2019.

(2) In Fiscal Year 2020:

(A)(i) for employees earning an annual salary of up to and including \$90,000.00 as of July 1, 2019, 1.9 percent beginning on July 7, 2019; and

(ii) for employees earning an annual salary of more than

\$90,000.00 as of July 1, 2019, \$1,710.00 beginning on July 7, 2019; and

(B) 1.35 percent beginning on January 5, 2020.

(b)(1) The permitted increases set forth in subsection (a) of this section for employees earning an annual salary of up to and including \$90,000.00 are consistent with the collective bargaining agreement between the State and the Vermont State Employees' Association for classified employees in the Executive Branch, which provides for a 1.9 percent step increase in July 2018 and 2019 and a 1.35 percent across-the-board increase in January 2019 and 2020, resulting in an overall budgetary impact of 2.575 percent in Fiscal Year 2019 and of 3.25 percent in Fiscal Year 2020.

(2) The permitted increases set forth in subsection (a) of this section for employees earning an annual salary of more than \$90,000.00 are differentiated for the purpose of addressing exponential salary increases of those employees compared to the employees who annually earn \$90,000.00 or less.

Sec. 2. EXECUTIVE BRANCH; EXEMPT AGENCY AND DEPARTMENT HEADS, DEPUTIES, AND EXECUTIVE ASSISTANTS; ANNUAL SALARY ADJUSTMENT AND SPECIAL SALARY INCREASE OR BONUS; EXEMPT EMPLOYEES IN PAY PLANS

(a) For purposes of determining annual salary adjustments, special salary increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), "the total rate of adjustment available to classified employees under the collective bargaining agreement" shall be the fiscal equivalent of compensation increases provided in the collective bargaining agreement, which is as follows:

(1) In Fiscal Year 2019, 2.575 percent.

(2) In Fiscal Year 2020, 3.25 percent.

(b) Notwithstanding any provision of this act to the contrary, exempt employees in the Executive Branch who are in a pay plan established pursuant to 32 V.S.A. § 1020(c) may receive salary adjustments not to exceed those available to classified employees provided under the collective bargaining agreement in effect, as set forth in that subsection.

* * * Executive Branch; Miscellaneous Statutory Salaries;
Fiscal Year 2019 * * *

Sec. 3. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

(a) Each elective officer of the Executive Department is entitled to an annual salary as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 10,</u> <u>2016</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 09,</u> <u>2017</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>
Governor	\$166,060	\$172,619	\$174,329	\$176,682
Lieutenant Governor	70,490	73,274	74,666	75,674
Secretary of State	105,297	109,456	111,166	112,667
State Treasurer	105,297	109,456	111,166	112,667
Auditor of Accounts	105,297	109,456	111,166	112,667
Attorney General	126,055	131,034	132,744	134,536

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary ~~which~~ that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(1) Heads of the following Departments and Agencies:

	<u>Base</u> <u>Salary</u> <u>as of</u> <u>July 10,</u> <u>2016</u>	<u>Base</u> <u>Salary</u> <u>as of</u> <u>July 09,</u> <u>2017</u>	<u>Base</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Base</u> <u>Salary</u> <u>as of</u> <u>January</u> <u>6,</u> <u>2019</u>

(A) Administration	\$100,416	\$104,382	<u>\$106,092</u>	<u>\$107,524</u>
(B) Agriculture,				
Food and Markets	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(C) Financial Regulation	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(D) Buildings and General				
Services	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(E) Children and Families	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(F) Commerce and Community				
Development	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(G) Corrections	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(H) Defender General	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(I) Disabilities, Aging, and				
Independent Living	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(J) Economic Development	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(K) Education	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(L) Environmental				
Conservation	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(M) Finance and				
Management	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(N) Fish and Wildlife	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(O) Forests, Parks and				
Recreation	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(P) Health	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(Q) Housing and Community				
Development	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(R) Human Resources	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(S) Human Services	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(T) Information and				
Innovation				
<u>Digital Services</u>	93,874	97,582	<u>106,092</u>	<u>107,524</u>

(U) Labor	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(V) Libraries	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(W) Liquor Control	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(X) Lottery	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(Y) Mental Health	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(Z) Military	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(AA) Motor Vehicles	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(BB) Natural Resources	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(CC) Natural Resources Board				
Chairperson <u>Chair</u>	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(DD) Public Safety	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(EE) Public Service	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(FF) Taxes	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(GG) Tourism and				
Marketing	85,154	88,518	<u>90,200</u>	<u>91,418</u>
(HH) Transportation	100,416	104,382	<u>106,092</u>	<u>107,524</u>
(II) Vermont Health Access	93,874	97,582	<u>99,292</u>	<u>100,632</u>
(JJ) Veterans' Home	93,874	97,582	<u>99,292</u>	<u>100,632</u>

(2) The Secretary of Administration may include the Director of the Office of Professional Regulation in any pay plans that may be established under the authority of subsection 1020(c) of this title, provided the minimum hiring rate does not fall below a base salary, as of July 10, 2016, of \$72,192.00 and as of July 09, 2017, of \$75,044.00 July 8, 2018 of \$76,470.00 and as of January 6, 2019 of \$77,502.00.

(3) If the Chair of the Natural Resources Board is employed on less than a full-time basis, the hiring and salary maximums for that position shall be reduced proportionately.

(4) When a permanent employee is appointed to an exempt position, the Governor may authorize such employee to retain the present salary even though it is in excess of any salary maximum provided in statute.

* * *

* * * Executive Branch; Miscellaneous Statutory Salaries;
Fiscal Year 2020 * * *

Sec. 4. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

(a) Each elective officer of the Executive Department is entitled to an annual salary as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>
Governor	\$174,329	\$176,682	<u>\$178,392</u>	<u>\$180,800</u>
Lieutenant Governor	74,666	75,674	<u>77,112</u>	<u>78,153</u>
Secretary of State	111,166	112,667	<u>114,377</u>	<u>115,921</u>
State Treasurer	111,166	112,667	<u>114,377</u>	<u>115,921</u>
Auditor of Accounts	111,166	112,667	<u>114,377</u>	<u>115,921</u>
Attorney General	132,744	134,536	<u>136,246</u>	<u>138,085</u>

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(1) Heads of the following Departments and Agencies:

	<u>Base</u> <u>Salary</u>	<u>Base</u> <u>Salary</u>	<u>Base</u> <u>Salary</u>	<u>Base</u> <u>Salary</u>
	<u>as of</u> <u>July 8,</u>	<u>as of</u> <u>January 6,</u>	<u>as of</u> <u>July 7,</u>	<u>as of</u> <u>January</u>
	<u>2018</u>	<u>2019</u>	<u>2019</u>	<u>2020</u>
5. (A) Administration	\$106,092	\$107,524	\$109,234	\$110,709
(B) Agriculture, Food and Markets	106,092	107,524	109,234	110,709
(C) Financial Regulation	99,292	100,632	102,342	103,724
(D) Buildings and General Services	99,292	100,632	102,342	103,724
(E) Children and Families	99,292	100,632	102,342	103,724
(F) Commerce and Community Development	106,092	107,524	109,234	110,709
(G) Corrections	99,292	100,632	102,342	103,724
(H) Defender General	99,292	100,632	102,342	103,724
(I) Disabilities, Aging, and Independent Living	99,292	100,632	102,342	103,724
(J) Economic Development	90,200	91,418	93,128	94,385
(K) Education	106,092	107,524	109,234	110,709
(L) Environmental Conservation	99,292	100,632	102,342	103,724
(M) Finance and Management	99,292	100,632	102,342	103,724
(N) Fish and Wildlife	90,200	91,418	93,128	94,385
(O) Forests, Parks and Recreation	90,200	91,418	93,128	94,385

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(P) Health	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(Q) Housing and Community				
Development	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(R) Human Resources	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(S) Human Services	106,092	107,524	<u>109,234</u>	<u>110,709</u>
(T) Digital Services	106,092	107,524	<u>109,234</u>	<u>110,709</u>
(U) Labor	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(V) Libraries	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(W) Liquor Control	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(X) Lottery	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(Y) Mental Health	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(Z) Military	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(AA) Motor Vehicles	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(BB) Natural Resources	106,092	107,524	<u>109,234</u>	<u>110,709</u>
(CC) Natural Resources Board				
Chair	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(DD) Public Safety	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(EE) Public Service	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(FF) Taxes	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(GG) Tourism and				
Marketing	90,200	91,418	<u>93,128</u>	<u>94,385</u>
(HH) Transportation	106,092	107,524	<u>109,234</u>	<u>110,709</u>
(II) Vermont Health Access	99,292	100,632	<u>102,342</u>	<u>103,724</u>
(JJ) Veterans' Home	99,292	100,632	<u>102,342</u>	<u>103,724</u>

(2) The Secretary of Administration may include the Director of the Office of Professional Regulation in any pay plans that may be established under the authority of subsection 1020(c) of this title, provided the minimum hiring rate does not fall below a base salary, as of ~~July 8, 2018, of \$76,470.00 and as of January 6, 2019, of \$77,502.00~~ July 7, 2019 of \$78,975.00 and as of January 5, 2020 of \$80,041.00.

(3) If the Chair of the Natural Resources Board is employed on less than a full-time basis, the hiring and salary maximums for that position shall be reduced proportionately.

(4) When a permanent employee is appointed to an exempt position, the Governor may authorize such employee to retain the present salary even though it is in excess of any salary maximum provided in statute.

* * *

* * * Judicial Branch; Statutory Salaries; Fiscal Year 2019 * * *

Sec. 5. 32 V.S.A. § 1003(c) is amended to read:

(c) The officers of the Judicial Branch named below shall be entitled to annual salaries as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 10,</u> <u>2016</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 09,</u> <u>2017</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>
(1) Chief Justice of Supreme Court	\$159,827	\$166,140	<u>\$167,850</u>	<u>\$170,116</u>
(2) Each Associate Justice	152,538	158,563	<u>160,273</u>	<u>162,437</u>
(3) Administrative judge	152,538	158,563	<u>160,273</u>	<u>162,437</u>
(4) Each Superior judge	145,011	150,739	<u>152,449</u>	<u>154,507</u>
(5) [Repealed.]				
(6) Each magistrate	109,337	113,656	<u>115,366</u>	<u>116,923</u>
(7) Each Judicial Bureau hearing officer	109,337	113,656	<u>115,366</u>	<u>116,923</u>

Sec. 6. 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of ~~\$167.63 a day as of July 10, 2016 and \$174.25 a day as of July 09, 2017~~ \$177.56 a day as of July 8, 2018 and \$179.96 a day as of January 6, 2019 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a two-hour minimum and hourly

thereafter.

* * *

Sec. 7. 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 10,</u> <u>2016</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 09,</u> <u>2017</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>
(1) Addison	\$57,169	\$59,427	<u>\$60,556</u>	<u>\$61,374</u>
(2) Bennington	72,271	75,126	<u>76,553</u>	<u>77,586</u>
(3) Caledonia	50,698	52,701	<u>53,702</u>	<u>54,427</u>
(4) Chittenden	120,608	125,372	<u>127,082</u>	<u>128,798</u>
(5) Essex	14,163	14,722	<u>15,002</u>	<u>15,205</u>
(6) Franklin	57,169	59,427	<u>60,556</u>	<u>61,374</u>
(7) Grand Isle	14,163	14,722	<u>15,002</u>	<u>15,205</u>
(8) Lamoille	39,911	41,487	<u>42,275</u>	<u>42,846</u>
(9) Orange	47,460	49,335	<u>50,272</u>	<u>50,951</u>
(10) Orleans	46,383	48,215	<u>49,131</u>	<u>49,794</u>
(11) Rutland	102,473	106,521	<u>108,231</u>	<u>109,692</u>
(12) Washington	78,741	81,851	<u>83,406</u>	<u>84,532</u>
(13) Windham	63,641	66,155	<u>67,412</u>	<u>68,322</u>
(14) Windsor	86,293	89,702	<u>91,406</u>	<u>92,640</u>

* * *

* * * Judicial Branch; Statutory Salaries; Fiscal Year 2020 * * *

Sec. 8. 32 V.S.A. § 1003(c) is amended to read:

(c) The officers of the Judicial Branch named below shall be entitled to

annual salaries as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>
(1) Chief Justice of Supreme Court	\$167,850	\$170,116	\$171,826	\$174,146
(2) Each Associate Justice	160,273	162,437	164,147	166,363
(3) Administrative judge	160,273	162,437	164,147	166,363
(4) Each Superior judge	152,449	154,507	156,217	158,326
(5) [Repealed.]				
(6) Each magistrate	115,366	116,923	118,633	120,235
(7) Each Judicial Bureau hearing officer	115,366	116,923	118,633	120,235

Sec. 9. 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of ~~\$177.56 a day as of July 8, 2018 and \$179.96 a day as of January 6, 2019~~ \$183.38 a day as of July 7, 2019 and \$185.86 a day as of January 5, 2020 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

* * *

Sec. 10. 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation:

<u>Annual</u>	<u>Annual</u>	<u>Annual</u>	<u>Annual</u>
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	<u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>	<u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>
(1) Addison	\$60,556	\$61,374	\$62,540	\$63,384
(2) Bennington	76,553	77,586	79,060	80,127
(3) Caledonia	53,702	54,427	55,461	56,210
(4) Chittenden	127,082	128,798	130,508	132,270
(5) Essex	15,002	15,205	15,494	15,703
(6) Franklin	60,556	61,374	62,540	63,384
(7) Grand Isle	15,002	15,205	15,494	15,703
(8) Lamoille	42,275	42,846	43,660	44,249
(9) Orange	50,272	50,951	51,919	52,620
(10) Orleans	49,131	49,794	50,740	51,425
(11) Rutland	108,231	109,692	111,402	112,906
(12) Washington	83,406	84,532	86,138	87,301
(13) Windham	67,412	68,322	69,620	70,560
(14) Windsor	91,406	92,640	94,350	95,624

* * *

* * * Sheriffs; Statutory Salaries; Fiscal Year 2019 * * *

Sec. 11. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of ~~\$77,672.00 as of July 10, 2016 and \$80,740.00 as of July 09, 2017~~ \$82,274.00 as of July 8, 2018 and \$83,385.00 as of January 6, 2019. The Sheriff of Chittenden County shall be entitled to an annual salary in the amount of ~~\$82,197.00 as of July 10, 2016 and \$85,444.00 as of July 09, 2017~~ \$87,067.00 as of July 8, 2018 and \$88,242.00 as of January 6, 2019.

* * *

* * * Sheriffs; Statutory Salaries; Fiscal Year 2020 * * *

Sec. 12. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of ~~\$82,274.00 as of July 8, 2018 and \$83,385.00 as of January 6, 2019~~ \$84,969.00 as of July 7, 2019 and \$86,116.00 as of January 5, 2020. The Sheriff of Chittenden County shall be entitled to an annual salary in the amount of ~~\$87,067.00 as of July 8, 2018 and \$88,242.00 as of January 6, 2019~~ \$89,919.00 as of July 7, 2019 and \$91,133.00 as of January 5, 2020.

* * *

* * * State's Attorneys; Statutory Salaries; Fiscal Year 2019 * * *

Sec. 13. 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The State's Attorneys shall be entitled to receive annual salaries as follows:

	Annual Salary as of July 10, 2016	Annual Salary as of July 09, 2017	<u>Annual</u> Salary as of July 8, 2018	<u>Annual</u> Salary as of January 6, 2019
(1) Addison County	\$105,064	\$109,214	<u>\$110,924</u>	<u>\$112,421</u>
(2) Bennington County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(3) Caledonia County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(4) Chittenden County	109,841	114,180	<u>115,890</u>	<u>117,455</u>
(5) Essex County	78,799	81,912	<u>83,468</u>	<u>84,595</u>
(6) Franklin County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(7) Grand Isle County	78,799	81,912	<u>83,468</u>	<u>84,595</u>
(8) Lamoille County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(9) Orange County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(10) Orleans County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(11) Rutland County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(12) Washington County	105,064	109,214	<u>110,924</u>	<u>112,421</u>

(13) Windham County	105,064	109,214	<u>110,924</u>	<u>112,421</u>
(14) Windsor County	105,064	109,214	<u>110,924</u>	<u>112,421</u>

* * *

* * * State’s Attorneys; Statutory Salaries; Fiscal Year 2020 * * *

Sec. 14. 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE’S ATTORNEYS

(a) The State’s Attorneys shall be entitled to receive annual salaries as follows:

	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 8,</u> <u>2018</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 6,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>July 7,</u> <u>2019</u>	<u>Annual</u> <u>Salary</u> <u>as of</u> <u>January 5,</u> <u>2020</u>
(1) Addison County	\$110,924	\$112,421	<u>\$114,131</u>	<u>\$115,672</u>
(2) Bennington County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(3) Caledonia County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(4) Chittenden County	115,890	117,455	<u>119,165</u>	<u>120,774</u>
(5) Essex County	83,468	84,595	<u>86,202</u>	<u>87,366</u>
(6) Franklin County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(7) Grand Isle County	83,468	84,595	<u>86,202</u>	<u>87,366</u>
(8) Lamoille County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(9) Orange County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(10) Orleans County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(11) Rutland County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(12) Washington County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(13) Windham County	110,924	112,421	<u>114,131</u>	<u>115,672</u>
(14) Windsor County	110,924	112,421	<u>114,131</u>	<u>115,672</u>

* * *

* * * Appropriations * * *

Sec. 15. PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2018 through June 30, 2020; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2018 through June 30, 2020; and salary increases for employees in the Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) Fiscal Year 2019.

(A) General Fund. The amount of \$6,636,000.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2019 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$1,876,000.00 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2019 collective bargaining agreements and the requirements of this act.

(C) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2019 collective bargaining agreements and the requirements of this act. The estimated amounts are \$8,362,000.00 from special fund, federal, and other sources.

(D) Transfers. With due regard to the possible availability of other funds, for fiscal year 2019, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(2) Fiscal Year 2020.

(A) General Fund. The amount of \$8,539,000.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2020 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,368,000.00 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2020 collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2020 collective bargaining agreements and the requirements of this act. The estimated amounts are \$11,308,000.00 from special fund, federal, and other sources.

(D) Transfers. With due regard to the possible availability of other funds, for fiscal year 2020, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(3) This section shall include sufficient funding to ensure administration of exempt pay plans authorized by 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The Chief Justice of the Vermont Supreme Court may extend the provisions of the Judiciary's collective bargaining agreement to Judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the State of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2018 through June 30, 2020 and salary increases for employees in the Judicial Branch not covered by the bargaining agreements shall be funded as follows:

(A) Fiscal Year 2019. The amount of \$745,000.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2019 collective bargaining agreement and the requirements of this act.

(B) Fiscal Year 2020. The amount of \$1,025,441.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2020 collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2018 through June 30, 2020, the General Assembly shall be funded as follows:

(1) Fiscal Year 2019. The amount of \$236,800.00 is appropriated from the General Fund to the Legislative Branch.

(2) Fiscal Year 2020. The amount of \$303,800.00 is appropriated from the General Fund to the Legislative Branch.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

This act shall take effect on July 1, 2018, except that the following shall take effect on July 1, 2019:

- (1) Sec. 4 (Executive Branch; Miscellaneous Statutory Salaries; Fiscal Year 2020);
- (2) Secs. 8–10 (Judicial Branch; Statutory Salaries; Fiscal Year 2020);
- (3) Sec. 12 (Sheriffs; Statutory Salaries; Fiscal Year 2020); and
- (4) Sec. 14 (State’s Attorneys; Statutory Salaries; Fiscal Year 2020).

Which was agreed to. Thereupon, the bill was read the second time and third reading was ordered.

**Rules Suspended; Second Reading; Proposals of Amendment Agreed to;
Third Reading Ordered**

S. 261

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to mitigating trauma and toxic stress during childhood by strengthening child and family resilience

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Mrowicki of Putney, for the committee on Human Services, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose and Status Update * * *

Sec. 1. PURPOSE

It is the purpose of this act to ensure a consistent family support system by enhancing opportunities to build resilience among families throughout the State that are experiencing the causes or symptoms of childhood adversity. While significant efforts to provide preventative services are already well under way in many parts of the State, better coordination is necessary to ensure that gaps in services are addressed and redundancies do not occur. In this regard, this act builds on the significant work advanced in 2017 Acts and Resolves No. 43, including the principles for Vermont’s trauma-informed system of care. The General Assembly supports a public health approach to address childhood adversity wherein interventions pertaining to socioeconomic determinants of health are employed in a manner that has the broadest societal reach and in which specialized interventions are directed to individuals with

the most acute need.

Sec. 2. STATUS REPORT; COMPLETION OF ACT 43 REPORT

On or before November 1, 2018, the Agency of Human Services' Director of Trauma Prevention and Resilience Development shall submit to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare and to any existing Advisory Council on Child Poverty and Strengthening Families a status report on the Agency's methodology and progress in preparing the response plan required pursuant to 2017 Acts and Resolves No. 43, Sec. 4, including any preliminary findings. The status report shall include information as to the Agency's progress in implementing trauma-informed training opportunities for child care providers

* * * Human Services Generally * * *

Sec. 3. 33 V.S.A. § 3402 is added to read:

§ 3402. DEFINITIONS

As used in this chapter:

(1) "Childhood adversity" means experiences that may be traumatic to children and youths during the first 18 years of life, such as experiencing violence or other emotionally disturbing exposures in their homes or communities.

(2) "Resilience" means the ability to respond to, withstand, and recover from serious hardship with coping skills and a combination of protective factors, including a strong community, family support, social connections, knowledge of parenting and child development, concrete support in times of need, and social and emotional competence of children.

(3) "Toxic stress" means strong, frequent, or prolonged experience of adversity without adequate support.

(4) "Trauma-informed" means a type of program, organization, or system that recognizes the widespread impact of trauma and potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved in a system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks actively to resist retraumatization and build resilience among the population served.

Sec. 4. 33 V.S.A. § 3403 is added to read:

§ 3403. DIRECTOR OF TRAUMA PREVENTION AND RESILIENCE
DEVELOPMENT

(a) There is created the permanent position of Director of Trauma

Prevention and Resilience Development within the Office of the Secretary in the Agency of Human Services for the purpose of directing and coordinating systemic approaches across State government that build childhood resiliency and mitigate toxic stress by implementing a public health approach. The Director shall engage families and communities to build the protective factors of a strong community, family support, social connections, knowledge of parenting and child development, concrete support in times of need, and the social and emotional competence of children. It is the intent of the General Assembly that the Director position be funded by the repurposing of existing expenditures and resources, including the potential reassignment of existing positions. If the Secretary determines to fund this position by reassigning an existing position, he or she shall propose to the Joint Fiscal Committee prior to October 1, 2018 any necessary statutory modifications to reflect the reassignment.

(b) The Director shall:

(1) provide advice and support to the Secretary of Human Services and facilitate communication and coordination among the Agency's departments with regard to childhood trauma, toxic stress, and the promotion of resilience building;

(2) collaborate with both community and State partners, including the Agency of Education and the Judiciary, to build consistency between trauma-informed systems that address medical and social service needs and serve as a conduit between providers and the public;

(3) provide support for and dissemination of educational materials pertaining to childhood trauma, toxic stress, and the promotion of resilience building, including to postsecondary institutions within Vermont's State College System;

(4) coordinate with partners inside and outside State government, including the Child and Family Trauma Work Group; and

(5) evaluate the work of the Agency and the Agency's grantees and community contractors that addresses resilience and trauma-prevention using results-based accountability methodologies.

Sec. 5. 2017 Acts and Resolves No. 43, Sec. 4 is amended to read:

Sec. 4. ~~ADVERSE CHILDHOOD EXPERIENCES~~ ADVERSITY;
RESPONSE PLAN

(a) On or before January 15, 2019, the Agency of Human Services shall present to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare, in response to the work

completed by the Adverse Childhood Experiences Working Group established pursuant to Sec. 3 of this act, a plan that specially addresses the integration of evidence-informed and family-focused prevention, intervention, treatment, and recovery services for individuals affected by adverse childhood experiences adversity. The plan shall address the coordination of services throughout and among the Agency, the Agency of Education, and the Judiciary and shall propose mechanisms for:

- (1) improving and engaging community providers in the systematic prevention of trauma;
- (2) case detection and care of individuals affected by adverse childhood experiences adversity; and
- (3) ensuring that the Agency's policies related to children, families, and communities build resilience;
- (4) ensuring that the Agency and grants to the Agency of Human Services' Agency's community partners related to children and families strive toward accountability and community resilience are evaluated using results-based accountability methodology; and
- (5) providing an estimate of the resources necessary to implement the response plan, including any possible reallocations.

* * *

* * * Health Care * * *

Sec. 6. 18 V.S.A. § 702 is amended to read:

§ 702. BLUEPRINT FOR HEALTH; STRATEGIC PLAN

* * *

(c) The Blueprint shall be developed and implemented to further the following principles:

- (1) ~~the primary care provider~~ The Blueprint community health team should serve a central role in the coordination of medical care and social services and shall be compensated appropriately for this effort;
- (2) ~~use~~ Use of information technology should be maximized;
- (3) ~~local~~ Local service providers should be used and supported, whenever possible;
- (4) ~~transition~~ Transition plans should be developed by all involved parties to ensure a smooth and timely transition from the current model to the Blueprint model of health care delivery and payment;

(5) ~~implementation~~ Implementation of the Blueprint in communities across the State should be accompanied by payment to providers sufficient to support care management activities consistent with the Blueprint, recognizing that interim or temporary payment measures may be necessary during early and transitional phases of implementation; ~~and~~.

(6) ~~interventions~~ Interventions designed to prevent chronic disease and improve outcomes for persons with chronic disease should be maximized, should target specific chronic disease risk factors, and should address changes in individual behavior; ~~the physical, mental, and social environment;~~ and health care policies and systems.

(7) Providers should assess trauma and toxic stress to ensure that the needs of the whole person are addressed and opportunities to build resilience and community supports are maximized.

* * *

Sec. 7. 18 V.S.A. § 9382 is amended to read:

§ 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

(a) In order to be eligible to receive payments from Medicaid or commercial insurance through any payment reform program or initiative, including an all-payer model, each accountable care organization shall obtain and maintain certification from the Green Mountain Care Board. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for certifying accountable care organizations. To the extent permitted under federal law, the Board shall ensure these rules anticipate and accommodate a range of ACO models and sizes, balancing oversight with support for innovation. In order to certify an ACO to operate in this State, the Board shall ensure that the following criteria are met:

* * *

(17) The ACO provides connections and incentives to existing community services for preventing and addressing the impact of childhood adversity. The ACO collaborates on the development of quality-outcome measurements for use by primary care providers who work with children and families and fosters collaboration among care coordinators, community service providers, and families.

* * *

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

And that after passage the title of the bill be amended to read: “An act relating to ensuring a coordinated public health approach to addressing childhood adversity and promoting resilience”

Rep Trieber of Rockingham, for the committee on Appropriations, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 4, 33 V.S.A. § 3403, subdivision (b)(3), after the word “System” and before the semicolon, by inserting the phrase “and the University of Vermont and State Agricultural College”

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended? **Rep. Pugh 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 House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended? was decided in the affirmative. Yeas, 135. Nays, 0.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gage of Rutland City	Murphy of Fairfax
Ancel of Calais	Gamache of Swanton	Myers of Essex
Bancroft of Westford	Gannon of Wilmington	Nolan of Morristown
Bartholomew of Hartland	Gardner of Richmond	Norris of Shoreham
Baser of Bristol	Giambatista of Essex	Noyes of Wolcott
Beck of St. Johnsbury	Gonzalez of Winooski	Ode of Burlington
Belaski of Windsor	Grad of Moretown	Pajala of Londonderry
Beyor of Highgate	Graham of Williamstown	Parent of St. Albans Town
Bissonnette of Winooski	Haas of Rochester	Potter of Clarendon
Bock of Chester	Harrison of Chittenden	Pugh of South Burlington
Botzow of Pownal	Head of South Burlington	Quimby of Concord
Brennan of Colchester	Helm of Fair Haven	Rachelson of Burlington
Briglin of Thetford	Higley of Lowell	Rosenquist of Georgia
Browning of Arlington	Hill of Wolcott	Savage of Swanton
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	Shaw of Pittsford
Canfield of Fair Haven	Jessup of Middlesex	Sheldon of Middlebury
Carr of Brandon	Jickling of Randolph	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Smith of Derby
Christensen of Weathersfield	Juskiewicz of Cambridge	Smith of New Haven
Christie of Hartford	Keefe of Manchester	Squirrell of Underhill
	Keenan of St. Albans City	Stevens of Waterbury

Cina of Burlington	Kimbell of Woodstock	Strong of Albany
Colburn of Burlington	Kitzmiller of Montpelier	Stuart of Brattleboro
Conlon of Cornwall	Krowinski of Burlington	Sullivan of Dorset
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Burlington
Conquest of Newbury	Lanpher of Vergennes	Taylor of Colchester
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Terenzini of Rutland Town
Corcoran of Bennington	Lefebvre of Newark	Townsend of South Burlington
Cupoli of Rutland City	Lewis of Berlin	Trieber of Rockingham
Dakin of Colchester	Lippert of Hinesburg	Troiano of Stannard
Deen of Westminster	Long of Newfane	Turner of Milton
Devereux of Mount Holly	Lucke of Hartford	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Macaig of Williston	Viens of Newport City
Donahue of Northfield	Marcotte of Coventry	Walz of Barre City
Donovan of Burlington	Masland of Thetford	Webb of Shelburne
Dunn of Essex	Mattos of Milton	Weed of Enosburgh
Emmons of Springfield	McCormack of Burlington	Willhoit of St. Johnsbury
Fagan of Rutland City	McCoy of Poultney	Wood of Waterbury
Feltus of Lyndon	McCullough of Williston	Yacovone of Morristown
Fields of Bennington	McFaun of Barre Town	Yantachka of Charlotte
Forguites of Springfield	Miller of Shaftsbury	Young of Glover
Frenier of Chelsea	Morris of Bennington	
	Morrissey of Bennington	
	Mrowicki of Putney	

Those who voted in the negative are: none

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

Batchelor of Derby	O'Sullivan of Burlington	Till of Jericho
Condon of Colchester	Partridge of Windham	Toleno of Brattleboro
Hebert of Vernon	Pearce of Richford	Toll of Danville
LaClair of Barre Town	Poirier of Barre City	Wright of Burlington
Martel of Waterford	Read of Fayston	

Thereupon, third reading was ordered.

**Rules Suspended; Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 908

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the Administrative Procedure Act

Appearing on the Calendar for notice, was taken up for immediate consideration.

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

 Sec. 1. PURPOSE

The General Assembly adopts the changes in this act to:

- (1) improve public participation in rulemaking and public access to the rulemaking process and to adopted rules;
- (2) increase the efficiency of the rulemaking process; and
- (3) ensure that rules are authorized, necessary, and reasonable and are subject to a thorough regulatory analysis.

Sec. 2. 3 V.S.A. chapter 25 is amended to read:

CHAPTER 25. ADMINISTRATIVE PROCEDURE

Subchapter 1. General Provisions

§ 800. PURPOSE

The General Assembly intends that:

- (1) agencies Agencies maximize the involvement of the public in the development of rules;
- (2) agency Agency inclusion of public participation in the rule-making processes rulemaking process should be consistent;
- (3) Agencies write rules so that they are clear and accessible to the public.
- (4) When an agency adopts rules, it subjects the rules to thorough regulatory analysis.
- (5) the The General Assembly should articulate, as clearly as possible, the intent of any legislation which that delegates rule-making rulemaking authority;
- (4)(6) when When an agency adopts policy or, procedures, or guidance, it should shall not do so to supplant or avoid the adoption of rules.

§ 801. SHORT TITLE AND DEFINITIONS

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

* * *

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, which that is used by the agency in the discharge of its powers and duties. The

term includes all such requirements, regardless of whether they are stated in writing.

(8) “Procedure” means a practice ~~which that~~ that has been adopted in the manner provided in section 835 of this title writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

* * *

(13)(A) “Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers.

* * *

§ 806. PROCEDURE TO REQUEST ADOPTION OF RULES OR PROCEDURES; GUIDANCE DOCUMENTS

(a) A person may submit a written request to an agency asking the agency to adopt, amend, or repeal a procedure or rule. Within 30 days of after receiving the request, the agency shall initiate ~~rule-making~~ rulemaking proceedings; shall adopt a, amend, or repeal the procedure; or shall deny the request, giving its reasons in writing.

(b) A person may submit a written request to an agency asking the agency to adopt a guidance document as a rule or to amend or repeal the guidance document. Within 30 days after receiving the request, the agency shall initiate rulemaking proceedings; shall amend or repeal the guidance document; or shall deny the request, giving its reasons in writing.

* * *

Subchapter 2. Contested Cases

§ 809. CONTESTED CASES; NOTICE; HEARING; RECORDS

* * *

(i) When a board or commission member who hears all or a substantial part of a case retires from office or completes his or her term before the case is completed, he or she may remain a member of the board or commission for the purpose of deciding and concluding the case. If the member who retires or completes his or her term is a chair, the member may also remain a member

for the purpose of certifying questions of law if an appeal is taken, when such is required by law. For this service, the member may be compensated in the manner provided for active members.

* * *

Subchapter 3. Rulemaking; Procedures; Guidance Documents

§ 817. LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

* * *

§ 818. SECRETARY OF STATE; CENTRALIZED RULE SYSTEM

(a) The Secretary of State shall establish and maintain a centralized rule system that is open and available to the public. The system shall include all rules in effect or proposed as of July 1, 2019 and all rules proposed and adopted by agencies of the State after that date.

(b) The Secretary shall design the centralized rule system to:

(1) facilitate public notice of and access to the rulemaking process;

(2) provide the public with greater access to current and previous versions of adopted rules; and

(3) promote more efficient and transparent filing by State agencies of rulemaking documents and review by the committees established in this chapter.

(c) At a minimum, the records included in the system shall include all documents submitted to the Secretary of State under this subchapter.

(d) The centralized rule system may be digital, may be available online, and may be designed to support such other functions as the Secretary of State determines are consistent with the goals of this section and section 800 of this title.

* * *

§ 831. REQUIRED POLICY STATEMENTS AND RULES

(a) Where due process or a statute directs an agency to adopt rules, the agency shall initiate rulemaking and adopt rules in the manner provided by sections 836-844 of this title.

(b) An agency shall adopt a procedure describing an existing practice when so requested by an interested person.

(c) An agency shall initiate rulemaking to adopt as a rule an existing practice or procedure when so requested by 25 or more persons or by the Legislative Committee on Administrative Rules. An agency shall not be

required to initiate rulemaking with respect to any practice or procedure, except as provided by this subsection.

(d) An agency required to hold hearings on contested cases as required by section 809 of this title shall adopt rules of procedure in the manner provided in this chapter.

(e) Within 30 days after an agency discovers that the text of a final proposed rule as submitted to the Legislative Committee on Administrative Rules deviates from the text that the agency intended to submit to the Committee, the agency shall initiate rulemaking to correct the rule if the period for final adoption of the rule under subsection 843(c) of this title has elapsed.

(f) Except as provided in subsections (a)-(d)(e) of this section, an agency shall not be required to initiate rulemaking or to adopt a procedure or a rule.

* * *

§ 832a. ~~RULES AFFECTING SMALL BUSINESSES~~

~~(a) Where a rule provides for the regulation of a small business, an agency shall consider ways by which a small business can reduce the cost and burden of compliance by specifying less numerous, detailed or frequent reporting requirements, or alternative methods of compliance.~~

~~(b) An agency shall also consider creative, innovative, or flexible methods of compliance with the rule when the agency finds, in writing, such action would not:~~

~~(1) significantly reduce the effectiveness of the rule in achieving the objectives or purposes of the statutes being implemented or interpreted; or~~

~~(2) be inconsistent with the language or purpose of statutes that are implemented or interpreted by the rule; or~~

~~(3) increase the risk to the health, safety, or welfare of the public or to the beneficiaries of the regulation, or compromise the environmental standards of the State.~~

~~(c) This section shall not apply where the regulation is incidental to:~~

~~(1) a purchase of goods or services by the State or an agency thereof; or~~

~~(2) the payment for goods or services by the State or an agency thereof for the benefit of a third party. [Repealed.]~~

§ 832b. ~~ADMINISTRATIVE RULES AFFECTING SCHOOL DISTRICTS~~

~~If a rule affects or provides for the regulation of public education and public schools, the agency proposing the rule shall evaluate the cost implications to~~

~~local school districts and school taxpayers, clearly state the associated costs, and report them in a local school cost impact statement to be filed with the economic impact statement on the rule required by subsection 838(c) of this title. An agency proposing a rule affecting school districts shall also consider and include in the local school cost impact statement an evaluation of alternatives to the rule, including no rule on the subject which would reduce or ameliorate costs to local school districts while achieving the objectives or purposes of the proposed rule. The Legislative Committee on Administrative Rules may object to any proposed rule if a local school cost impact statement is not filed with the proposed rule, or the Committee finds the statement to be inadequate, in the same manner in which the Committee may object to an economic impact statement under section 842 of this title. [Repealed.]~~

§ 833. STYLE OF RULES

(a) Rules and procedures shall be written in a clear and coherent manner using words with common and everyday meanings, consistent with the text of the rule or procedure.

(b)(1) When an agency proposes to amend an existing rule, it shall replace terms identified as potentially disrespectful by the study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1 with respectful language recommended therein or used in the Vermont Statutes Annotated, where appropriate.

(2) All new rules adopted by agencies shall use, to the fullest extent possible, respectful language consistent with the Vermont Statutes Annotated and the respectful language study produced in accordance with 2012 Acts and Resolves No. 24, Sec. 1, where appropriate.

(c) The Secretary of State may issue a guidance document suggesting how agencies may draft rules and procedures in accordance with this section. The guidance document may include suggestions on style, numbering, and drafting the content of the filings required under this subchapter.

* * *

§ 835. COMPILATION OF PROCEDURES AND GUIDANCE DOCUMENTS

(a) Procedures and guidance documents shall be maintained by the agency in an official current compilation that is indexed by subject includes an index. Each addition, change, or deletion to the official compilation shall also be dated, indexed, and recorded. The compilation shall be a public record. The agency shall publish the compilation and index on its Internet website and make all procedures and guidance documents available to the public. On or after January 1, 2024, an agency shall not rely on a procedure or guidance

document or cite it against any party to a proceeding, unless the procedure or guidance document is included in a compilation maintained and published in accordance with this subsection.

(b) A procedure or guidance document shall not have the force of law. However, this subsection shall not apply to a procedure if a statute that specifically enables the procedure states that it has the force of law. This subsection is not intended to affect whether a court or quasi-judicial body gives deference to a procedure or guidance document issued by an agency whose action is before the court or body.

§ 836. PROCEDURE FOR ADOPTION OF RULES

(a) Except for emergency rules, rules shall be adopted by taking the following steps:

- (1) prefiling, when required;
- (2) filing the proposed rule;
- (3) publishing the proposed rule;
- (4) holding a public hearing and receiving comments;
- (5) filing the final proposal;
- (6) responding to the Legislative Committee on Administrative Rules when required; and
- (7) filing the adopted rule.

(b) During the rulemaking process, the agency proposing the rule shall post on its website information concerning the proposal.

(1) The agency shall post the information on a separate page that is readily accessible from a prominent link on its main web page and that lists proposed rules by title and topic.

(2) For each rulemaking, the posted information shall include:

- (A) The proposed rule as filed under section 838 of this title.
- (B) The date by which comments may be submitted on the proposed rule and the address for such submission.
- (C) The date and location of any public hearing.
- (D) Each comment submitted to the agency on the proposed rule. The agency shall redact sensitive personal information from the posted comments. As used in this subdivision (D), "sensitive personal information" means each of the items listed in 9 V.S.A. § 2430(5)(A)(i)–(iv) and does not include the name, affiliation, and contact information of the commenter.

(E) The final proposed rule as filed under section 841 of this title.

(F) Each document submitted by the agency to the Legislative Committee on Administrative Rules.

(3) The agency shall maintain the information required by this subsection on its website until the earliest of the following dates: filing of a final adopted rule under section 843 of this title; withdrawal of the proposed rule; or expiration of the period for final adoption under subsection 843(c) of this title.

(4) If an agency is a board or commission exercising quasi-judicial functions and members of the public can access all of the information required by subdivision (2) of this subsection through the agency's online case-management system, this information need not also be posted on the agency's website. Instead, the list of proposed rules on the agency's website shall include the case number for each proposed rule and instructions for accessing all of the information about the proposed rule in the agency's online case-management system.

* * *

§ 838. FILING OF PROPOSED RULES

(a) Filing; information. Proposed rules shall be filed with the Secretary of State. ~~The filing shall include in a format determined by the Secretary that includes the following information:~~

(1) ~~a cover sheet;~~ The name of the agency and the subject or title of the rule.

(2) ~~an~~ An analysis of economic impact statement;

(3) ~~an incorporation~~ An analysis of environmental impact.

(4) An explanation of all material incorporated by reference statement, if the proposed rule includes ~~an incorporation by reference;~~ any.

(4) ~~an adopting page;~~

(5) ~~the~~ The text of the proposed rule;

(6) ~~an~~ An annotated text showing changes from existing rules; The annotated text of the rule shall include markings to indicate clearly changed wording from any existing rule.

(7) ~~an~~ An explanation of the strategy for maximizing public input on the proposed rule as prescribed by the Interagency Committee on Administrative Rules; and.

(8) a A brief summary of the scientific information upon which the

proposed rule is based, to the extent the proposed rule depends on scientific information for its validity. The summary shall refer to the scientific studies on which the proposed rule is based and shall explain the procedure for obtaining such studies from the agency.

~~(b)~~ The cover sheet shall be on a form prepared by the Secretary of State containing at least the following information:

~~(1)~~ the name of the agency;

~~(2)~~ the title or subject of the rule;

~~(3)~~(9) a A concise summary in plain language explaining the effect of the rule; and its effect.

~~(4)~~(10) ~~the~~ The specific statutory authority for the rule, and, if none exists, the general statutory authority for the rule;

~~(5)~~(11) an An explanation of why the rule is necessary;

~~(6)~~(12) an An explanation of the people, enterprises, and government entities affected by the rule;

~~(7)~~ a brief summary of the economic impact of the rule;

~~(8)~~(13) ~~the~~ The name, address, and telephone number of an individual in the agency able to answer questions and receive comments on the proposal;

~~(9)~~(14) a A proposed schedule for completing the requirements of this chapter, including, if there is a hearing scheduled, the date, time, and place of that hearing and a deadline for receiving comments;

~~(10)~~(15) ~~whether~~ Whether the rule contains an exemption from inspection and copying of public records, or otherwise contains a Public Records Act exemption by designating information as confidential or limiting its public release and, if so, the asserted statutory authority for the exemption and a brief summary of the reason for the exemption; ~~and~~.

~~(11)~~(16) a A signed and dated statement by the adopting authority approving the contents of the filing.

~~(c)~~(b) Economic impact analysis; rules affecting small businesses and school districts.

(1) General requirements. The economic impact ~~statement~~ analysis shall analyze the anticipated costs and benefits to be expected from adoption of the rule. Specifically, each economic impact ~~statement~~ analysis shall, for each requirement in the rule:

(A) ~~List categories~~ list each category of people, enterprises, and government entities potentially affected and estimate for each the costs and

benefits anticipated; and

(B) ~~Compare~~ compare the economic impact of the rule with the economic impact of other alternatives to the rule, including having no rule on the subject or a rule having separate requirements for small business businesses.

~~(C) Include a flexibility statement. The flexibility statement shall compare the burden imposed on small businesses by compliance with the rule to the burden which would be imposed by alternatives considered under section 832a of this title.~~

~~(D) Include a greenhouse gas impact statement. The greenhouse gas impact statement shall explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted. The Secretary of Administration, in conjunction with the Secretaries of Agriculture, Food and Markets, of Natural Resources, and of Transportation, and the Commissioner of Public Service shall provide a checklist which shall be used in the adoption of rules to assure the full consideration of greenhouse gas impacts, direct and indirect.~~

(2) Small businesses. When a rule provides for the regulation of a small business, in the economic impact analysis, the agency shall include, when appropriate, a specific and clearly demarcated evaluation of ways by which a small business can reduce the cost and burden of compliance by specifying less numerous, detailed, or frequent reporting requirements or alternative methods of compliance.

(A) An agency shall also include in this evaluation its consideration of creative, innovative, or flexible methods of compliance with the rule when the agency finds, in writing, that these methods of compliance would not:

(i) significantly reduce the effectiveness of the rule in achieving the objectives or purposes of the statutes being implemented or interpreted; or

(ii) be inconsistent with the language or purpose of statutes that are implemented or interpreted by the rule; or

(iii) increase the risk to the health, safety, or welfare of the public or to the beneficiaries of the regulation or compromise the environmental standards of the State.

(B) This subdivision (2) shall not apply when the regulation is incidental to:

(i) a purchase of goods or services by the State or an agency thereof; or

(ii) the payment for goods or services by the State or an agency thereof for the benefit of a third party.

(3) School districts. If a rule affects or provides for the regulation of public education and public schools, the economic impact analysis shall include a specific and clearly demarcated evaluation of the cost implications to local school districts and school taxpayers and shall clearly state the associated costs. This evaluation also shall include consideration of alternatives to the rule, including having no rule on the subject, that would reduce or ameliorate costs to local school districts while achieving the objectives or purposes of the proposed rule.

(4) Most appropriate method. In addition, each economic impact statement analysis shall conclude that the rule is the most appropriate method of achieving the regulatory purpose and, with respect to small businesses, contain any findings required by section 832a of this title. Only employees of the agency and information either already available to the agency or available at reasonable cost shall need be used in preparing economic impact statements analyses.

(c) Environmental impact analysis. The environmental impact analysis shall:

(1) Analyze the anticipated environmental impacts, whether positive or negative, from adoption of the rule. Examples of environmental impacts include the emission of greenhouse gases; the discharge of pollutants to water; and effects on the ability of the environment to provide benefits such as food and fresh water, regulation of climate and water flow, and recreation.

(2) Compare the environmental impact of the rule with the environmental impact of other alternatives to the rule, including having no rule on the subject.

(d) Incorporation by reference.

(1) A rule may incorporate by reference all or any part of a code, standard, or rule that has been adopted by an agency of the United States, this State, or another state or by a nationally recognized organization or association, if:

(A) repeating verbatim the text of the code, standard, or rule in the rule would be unduly cumbersome, expensive, or otherwise inexpedient; and

(B) the reference in the rule fully identifies the incorporated code, standard, or rule by citation, date, and place where copies are available.

(2) Materials incorporated by reference shall be readily available to the public. As used in this subsection, "readily available" means that all of the

following apply:

(A) Each filing states where copies of the incorporated code, standard, or rule are available in written or electronic form from the agency adopting the rule or the agency of the United States, this State, another state, or the organization or association originally issuing the code, standard, or rule.

(B) A copy of the code, standard, or rule is made available for public inspection at the principal office of the agency, and is available at that office for copying in the manner set forth in 1 V.S.A. § 316 and subject to the exceptions set forth in 1 V.S.A. § 317(c).

(C) The incorporated code, standard, or rule is made available for free public access online unless the agency is prevented from providing such access by law or legally enforceable contract.

~~(d) Any required incorporation by reference statement shall include a separately signed statement by the adopting authority:~~

~~(1) certifying that the text of the matter incorporated has been reviewed by the agency, with the name of the reviewing official;~~

~~(2) explaining how the text of the matter incorporated can be obtained by the public, and at what cost;~~

~~(3) explaining any modifications to the matter incorporated;~~

~~(4) discussing the comparative desirability of reproducing the incorporated matter in full in the text of the rule; and~~

~~(5) certifying that the agency has the capability and the intent to enforce the rule.~~

~~(e) The adopting page shall be on a form prepared by the Secretary of State and shall contain the name of the agency, the subject of the proposed rule, an explanation of the effect of the proposal on existing rules, and any internal reference number assigned by the agency.~~

~~(f) The annotated text of the rule shall include markings to clearly indicate changed wording from any existing rule.~~

~~(g) The brief summary of scientific information shall refer to scientific studies upon which the proposed rule is based and shall explain the procedure for obtaining such studies from the agency.~~

§ 839. PUBLICATION OF PROPOSED RULES

(a) Online. The Secretary of State shall publish online notice of a proposed rule within two weeks of after receipt of the proposed rule. Notice shall include the following information:

- (1) the name of the agency;
- (2) the title or subject of the rule;
- (3) a concise summary in plain language of the effect of the rule;
- (4) an explanation of the people, enterprises, and governmental entities affected by the rule;
- (5) a brief summary of the economic impact;
- (6) the name, telephone number, and address of an agency official able to answer questions and receive comments on the proposal;
- (7) the date, time, and place of the hearing or hearings; and
- (8) the deadline for receiving comments.

(b) Editing of notices. The Secretary of State may edit all notices for clarity, brevity, and format and shall include a brief statement explaining how members of the public can participate in the rulemaking process.

(c) Newspaper publication. The Secretary of State shall arrange for one formal publication, in a consolidated advertisement in newspapers having general circulation in different parts of the State as newspapers of record approved by the Secretary of State, of information relating to all proposed rules that includes the following information:

- (1) the name of the agency and its Internet address;
- (2) the title or subject and a concise summary of the rule and the Internet address at which the rule may be viewed; and
- (3) the office name, office telephone number, and office mailing address of an agency official able to answer questions and receive comments on the proposal.

(d) Reimbursement. The Secretary of State shall be reimbursed by agencies making publication in accordance with subsection (c) of this section so that all costs are prorated among agencies publishing at the same time.

* * *

§ 841. FINAL PROPOSAL

(a) After considering public comment as required in section 840 of this title, an agency shall file a final proposal with the Secretary of State and with the Legislative Committee on Administrative Rules. The Committee may require that the agency include an electronic copy of the final proposal with its filing.

(b) The filing of the final proposal shall include all information required to

be filed with the original proposal, suitably amended to reflect any changes made in the rule and the fact that public hearing and comment ~~has~~ have been completed.

(1) With the final proposal, the agency shall include a statement that succinctly and separately addresses each of the following:

(A) how the proposed rule is within the authority of the agency;

(B) why the proposed rule is not arbitrary;

(C) the strategy for maximizing public input that was prescribed by the Interagency Committee on Administrative Rules and the actions taken by the agency that demonstrate compliance with that strategy;

(D) the sufficiency of the economic impact analysis; and

(E) the sufficiency of the environmental impact analysis.

(2) Where ~~When~~ an agency decides in a final proposal to overrule substantial arguments and considerations raised for or against the original proposal or to reject suggestions with respect to separate requirements for small businesses, the final proposal shall include a description of the reasons for the agency's decision.

* * *

§ 842. REVIEW BY LEGISLATIVE COMMITTEE

(a) ~~Objection; time frame; process.~~ Within ~~30 days of the date a rule is first placed on the Committee's agenda but no later than~~ 45 days after the filing of a final proposal unless the agency consents to an extension of this review period, the Legislative Committee on Administrative Rules, by majority vote of the entire Committee, may object under subsection (b), ~~(c), or (d)~~ of this section, and recommend that the agency amend or withdraw the proposal. The agency shall be notified promptly of the objections. Failure to give timely notice shall be deemed approval. The agency shall within 14 days ~~of~~ after receiving notice respond in writing to the Committee and send a copy to the Secretary of State. In its response, the agency may include revisions to the proposed rule or filing documents that seek to cure defects noted by the Committee. After receipt of this response, the Committee may withdraw or modify its objections.

(b) ~~Grounds for objection.~~ The Committee may object under this subsection if:

(1) a proposed rule is beyond the authority of the agency;

(2) a proposed rule is contrary to the intent of the Legislature;

(3) a proposed rule is arbitrary; or

(4) the agency did not adhere to the strategy for maximizing public input prescribed by the Interagency Committee on Administrative Rules;

(5) a proposed rule is not written in a satisfactory style in accordance with section 833 of this title;

(6) the economic impact analysis fails to recognize a substantial economic impact of the proposed rule, fails to include an evaluation and statement of costs to local school districts required under section 838 of this title, or fails to recognize a substantial economic impact of the rule to such districts; or

(7) the environmental impact analysis fails to recognize a substantial environmental impact of the proposed rule.

(c) Objections; legal effect.

(1) When objection is made under this subsection section, and the objection is not withdrawn after the agency responds, on majority vote of the entire Committee, it may file the objection in certified form with the Secretary of State. The objection shall contain a concise statement of the Committee's reasons for its action. The Secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the agency.

(2) After a Committee objection is filed with the Secretary under this subsection, or on the same grounds under subsection 817(d) of this title, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the Legislature, is not arbitrary, and is written in a satisfactory style in accordance with section 833 of this title, and that the agency did adhere to the strategy for maximizing public input prescribed by the Interagency Committee on Administrative Rules and its economic and environmental impact analyses did not fail to recognize a substantial economic or environmental impact. The objection of the Committee shall not be admissible evidence in any proceeding other than to establish the fact of the objection. If the agency fails to meet its burden of proof, the Court court shall declare the whole or portion of the rule objected to invalid.

(3) The failure of the Committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

~~(c) The Committee may object under this subsection if a proposed rule is~~

~~not written in a satisfactory style according to section 833 of this title.~~

~~(d) The Committee may object under this subsection if the economic impact statement fails to recognize a substantial economic impact of the proposed rule that the Committee describes in its notice of objection. The Committee may object one time under this subsection and return the proposed rule to the agency as unacceptable for filing. The agency may then cure the defect and adopt the rule, or it may adopt the rule without change.~~

(e) Notice of objection; inclusion on rule copies. When an objection is made under subsection (b) of this section and has been certified by the Secretary of State, notice of the objection shall be included on all copies of the rule distributed to the public.

§ 843. FILING OF ADOPTED RULES

(a) An adopting authority may adopt a properly filed final proposed rule after:

(1) The passage of 30 days from the date a rule is first placed on the committee's agenda or 45 days after filing of a final proposal under section 841 of this title, whichever occurs first, provided the agency has not received notice of objection from the Legislative Committee on Administrative Rules; or

(2) Receiving notice of approval from the Legislative Committee on Administrative Rules; or

(3) Responding to an objection of the Legislative Committee on Administrative Rules under section 842 of this title. After responding to such an objection, an agency may adopt the rule without change or may make a germane change in accordance with subsection (b) of this section.

(b) The text of the adopted rule shall be the same as the text of the final proposed rule submitted under section 841, except that any germane change may be made by the agency in response to an objection or expressed concern of the Legislative Committee on Administrative Rules.

(c) Adoption shall be complete upon proper filing with the Secretary of State and with the Legislative Committee on Administrative Rules. An agency shall have eight months from the date of initial filing with the Secretary of State to adopt a rule unless extended by action or request of the Legislative Committee on Administrative Rules. The Secretary of State shall refuse to accept a final filing after that date, except that:

(1) Within 30 days after discovering that the text of a final adopted rule deviates from the text of a final proposed rule as approved by the Legislative Committee on Administrative Rules, an agency shall correct the adopted rule

to conform to the final proposed rule as so approved and shall refile the adopted rule in the manner set forth in this section, along with documentation demonstrating that the refiled adopted rule conforms to the final proposed rule as approved.

(2) An agency may refile a final adopted rule in the manner set forth in this section solely for the purpose of correcting one or more typographic errors that do not change the substance or effect of the rule.

* * *

§ 844. EMERGENCY RULES

(a) Where an agency believes that there exists an imminent peril to public health, safety, or welfare, it may adopt an emergency rule. The rule may be adopted without having been prefiled or filed in proposed or final proposed form, and may be adopted after whatever notice and hearing that the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that emergency rules are known to persons who may be affected by them.

(b) Emergency rules adopted under this section shall not remain in effect for more than ~~120~~ 180 days. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule.

(c) Emergency rules adopted under this section shall be filed with the Secretary of State and with the Legislative Committee on Administrative Rules. The Legislative Committee on Administrative Rules shall distribute copies of emergency rules to the appropriate standing committees.

(d) Emergency rules adopted under this section shall include:

(1) as much of the information required for the filing of a proposed rule as is practicable under the circumstances; and

(2) a signed and dated statement by the adopting authority explaining the nature of the imminent peril to the public health, safety, or welfare and approving of the contents of the rules.

(e)(1) On a majority vote of the entire Committee, the Committee may object under this subsection if an emergency rule is:

(A) beyond the authority of the agency;

(B) contrary to the intent of the Legislature;

(C) arbitrary; or

(D) not necessitated by an imminent peril to public health, safety, or welfare sufficient to justify adoption of an emergency rule.

(2) When objection is made under this subsection, on majority vote of the entire Committee, the Committee may file the objection in certified form with the Secretary of State. The objection shall contain a concise statement of the Committee's reasons for its action. The Secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the agency. After a Committee objection is filed with the Secretary under this subsection, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the Legislature, is not arbitrary, and is justified by an imminent peril to the public health, safety, or welfare. If the agency fails to meet its burden of proof, the ~~Court~~ court shall declare the whole or portion of the rule objected to invalid. The failure of the Committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

(3) When the Committee makes an objection to an emergency rule under this subsection, the agency may withdraw the rule to which an objection was made. Prior to withdrawal, the agency shall give notice to the Committee of its intent to withdraw the rule. A rule shall be withdrawn upon the filing of a notice of withdrawal with the Secretary of State and the Committee. If the emergency rule amended an existing rule, upon withdrawal of the emergency rule, the existing rule shall revert to its original form, as though the emergency rule had never been adopted.

(f) In response to an expressed concern of the Legislative Committee on Administrative Rules, an agency may make a germane change to an emergency rule that is approved by the Committee. A change under this subsection shall not be considered a newly adopted emergency rule and shall not extend the period during which the emergency rule remains in effect.

(g) In the alternative to the grounds specified in subsection (a) of this section, an agency may adopt emergency amendments to existing rules using the process set forth in this section if each of the subdivisions (1)–(5) of this subsection applies. On a majority vote of the entire Committee, the Legislative Committee on Administrative Rules may object to the emergency amendments on the basis that one or more of these subdivisions do not apply or under subdivision (e)(1)(A), (B), or (C) of this section, or both.

(1) The existing rules implement a program controlled by federal statute or rule or by a multistate entity.

(2) The controlling federal statute or rule has been amended to require a change in the program or the multistate entity has made a change in the program that is to be implemented in all of the participating states.

(3) The controlling federal statute or rule or the multistate entity requires implementation of the change within 120 days or less.

(4) The adopting authority finds each of the following in writing:

(A) The agency cannot by the date required for implementation complete the final adoption of amended rules using the process set forth in sections 837 through 843 of this title.

(B) Failure to amend the rules by the date required for implementation would cause significant harm to the public health, safety, or welfare or significant financial loss to the State.

(5) On the date the emergency rule amendments are adopted pursuant to this subsection, the adopting authority prefiles a corresponding permanent rule pursuant to section 837 of this title.

§ 845. EFFECT OF RULES

(a) Rules shall be valid and binding on persons they affect, and shall have the force of law unless amended or revised or unless a court of competent jurisdiction determines otherwise. Except as provided by subsections 842(b)(c) and 844(e) of this title, rules shall be prima facie evidence of the proper interpretation of the matter ~~that~~ to which they refer to.

(b) No agency shall grant routine waivers of or variances from any provisions of its rules without either amending the rules, or providing by rule for a process and specific criteria under which the agency may grant a waiver or variance procedure in writing. The duration of the waiver or variance may be temporary if the rule so provides.

* * *

§ 847. AVAILABILITY OF ADOPTED RULES; RULES BY SECRETARY OF STATE

(a) Availability from agency. An agency shall make each rule it has finally adopted available to the public online and for physical inspection and copying. Online, the agency shall post its adopted rules on a separate web page that is readily accessible from a prominent link on its main web page, that lists adopted rules by title and topic, and that is searchable.

(b) Register; code.

(1) The Secretary of State (Secretary) shall keep open to public inspection a permanent register of rules. The Secretary may satisfy this requirement by incorporating the register into the centralized rule system created pursuant to section 818 of this title.

~~(2) The Secretary also shall publish a code of administrative rules that contains the rules adopted under this chapter. The requirement to publish a code shall be considered satisfied if a commercial publisher offers such a code in print at a competitive price and at no charge online. However, if the Secretary establishes the centralized rule system under section 818 of this title as a digital system, then the system shall include the online publication of this code.~~

~~(b) The Secretary of State shall publish not less than quarterly a bulletin setting forth the text of all rules filed since the immediately preceding publication and any objections filed under subsection 842(b) or 844(e) of this title.~~

~~(c) The bulletin may omit any rule if either:~~

~~(1) a commercial publisher offers a comparable publication at a competitive price; or~~

~~(2) all three of the following apply:~~

~~(A) its publication would be unduly cumbersome or expensive; and~~

~~(B) the rule is made available on application to the adopting agency; and~~

~~(C) the bulletin contains a notice stating the general subject matter of the omitted rule and stating how a copy of the rule and any objection filed under subsection 842(b) or 844(e) of this title may be obtained.~~

~~(d) Bulletins shall be made available upon request to agencies and officials of this State free of charge and to other persons at prices fixed by the Secretary of State to cover mailing and publication costs.~~

~~(e)(c) Rules for administration. The Secretary of State shall adopt rules for the effective administration of this chapter. These rules shall be applicable to every agency and shall include uniform procedural requirements, style, appropriate forms, and a system for compiling and indexing rules.~~

§ 848. ~~RULES REPEAL; OPERATION OF LAW~~ AMENDMENT OF AUTHORITY; NOTICE BY AGENCY

~~(a) Repeal by operation of law. A rule shall be repealed without formal proceedings under this chapter if:~~

~~(1) the agency that adopted the rule is abolished and its authority, specifically including its authority to implement its existing rules, has not been transferred to another agency; or~~

~~(2) a court of competent jurisdiction has declared the rule to be~~

invalid; or

(3) the statutory authority for the rule, as stated by the agency under subdivision 838(b)(4) of this title, is repealed by the General Assembly or declared invalid by a court of competent jurisdiction.

(b) Notice to Secretary of State; deletion. When a rule is repealed by operation of law under this section, the agency that adopted the rule shall notify the Secretary of State in such manner as the Secretary may prescribe by rule or procedure, and the Secretary of State shall delete the rule from the published code of administrative rules.

(c) Repeal for nonpublication.

(1) On July 1, 2018, a rule shall be repealed without formal proceedings under this chapter if:

(A) as of July 1, 2016, the rule was in effect but not published in the code of administrative rules; and

(B) the rule is not published in such code before July 1, 2018.

(2) An agency seeking to publish a rule described in subdivision (1) of this subsection may submit a digital copy of the rule to the Secretary of State with proof acceptable to the Secretary that as of July 1, 2016 the rule was adopted and in effect under this chapter and the digital copy consists of the text of such rule without change.

(d) Amendment of authority for rule.

(1) If the statutory authority for a rule, as stated by the agency under subdivision 838(b)(4) of this title, is amended by the General Assembly, and the amendment does not transfer authority from the adopting agency to another agency, the agency within 30 days following the effective date of the statutory amendment shall review the rule and make a written determination as to whether such the statutory amendment repeals the authority upon which the rule is based, or requires revision of the rule and shall, within 60 days of the effective date of the statutory amendment, inform in writing submit a copy of this written determination to the Secretary of State and the Legislative Committee on Administrative Rules whether repeal or revision of the rule is required by the statutory amendment, in such manner as the Secretary may prescribe by rule or procedure.

(2) If the statutory authority for a rule, as stated by the agency under subdivision 838(b)(4) of this title, is transferred by act of the General Assembly to another agency, the agency to which the authority is transferred shall provide notice of the transfer, in such manner as the Secretary of State may prescribe by rule or procedure, within 30 days following the effective date

of the statutory amendment, to the Secretary and the Legislative Committee on Administrative Rules.

§ 849. BOARDS AND COMMISSIONS; RETIRING MEMBERS

When a board or commission member, who hears all or a substantial part of a case, retires from office or completes his or her term before the case is completed, he or she may remain a member of the board or commission for the purpose of deciding and concluding the case. If the member who retires or completes his or her term is a chair, he or she may also remain a member for the purpose of certifying questions of law if appeal is taken, where such is required by law. For this service, the member may be compensated in the manner provided for active members. [Repealed.]

Sec. 3. REDESIGNATION

Within 3 V.S.A. chapter 25 (administrative procedure):

- (1) §§ 800–808 shall be within subchapter 1.
- (2) §§ 809–816 shall be within subchapter 2.
- (3) §§ 817–849 shall be within subchapter 3.

Sec. 4. MISFILING OF EDUCATION RULES

(a) Filing of incorrect rule text.

(1) On or about April 16, 2013, the State Board of Education (SBE) approved revisions to its rules on special education, Series 2360 (the Rules) for submission to the Legislative Committee on Administrative Rules (LCAR). The rulemaking number for the proposed revisions was 12-P55.

(2) On May 30, 2013, LCAR approved revisions to the Rules proposed by the SBE. LCAR approved the Rules as it received them, without change.

(3) On or about June 4, 2013, the SBE submitted the approved rule in final adopted form to LCAR and the Secretary of State (SOS). The number for the final adopted rule was 13-03.

(4) In 2013, the versions of the Rules submitted by the SBE for approval by LCAR and for final adoption were not the correct version and were submitted in error.

(5) The correct version of the Rules was the text approved by the SBE on or about April 16, 2013. This version was distributed by the Agency of Education to the public as if it were the adopted rule.

(b) Notwithstanding any contrary provision of 3 V.S.A. § 836, 843, or 845, on or before 30 days after the effective date of this section, the SBE shall file the version of the Rules approved by the SBE on or about April 16, 2013 as a

final proposal pursuant to 3 V.S.A. § 841. The SBE shall include with this filing a certification signed by the Chair of the SBE that the text of the final proposal is the same as the version of the rules approved by the SBE on or about April 16, 2013.

Sec. 5. EFFECTIVE DATES

(a) This section and Sec. 4 (misfiling of education rules) shall take effect on passage.

(b) The remainder of this act shall take effect on July 1, 2018, except that in Sec. 2, 3 V.S.A. §§ 818 and 847(b) and (c) shall take effect on July 1, 2019.

Pending the question Will the House concur in the Senate proposal of amendment? **Reps. Kitzmiller of Montpelier, Townsend of South Burlington, Brumsted of Shelburne, Devereux of Mount Holly, Gannon of Wilmington, Gardner of Richmond, Harrison of Chittenden, LaClair of Barre Town, Lewis of Berlin, and Weed of Enosburgh** , moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 2, 3 V.S.A. chapter 25, in § 838 (filing of proposed rules), in subsection (b) (economic impact analysis; rules affecting small businesses and school districts), in subdivision (2) (small businesses), in the first sentence, by striking out “when appropriate,”

Which was agreed to.

Message from the Senate No. 66

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 considered a bill originating in the House of the following title:

H. 912. An act relating to the health care regulatory duties of the Green Mountain Care Board.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 676. An act relating to miscellaneous energy subjects.

And has concurred therein.

The Senate has considered House proposal of amendment to the following Senate bill and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 269. An act relating to blockchain, cryptocurrency, and financial technology.

Senator Clarkson
Senator Soucy
Senator Balint

Pursuant to the request of the House for Committees of Conference on the disagreeing votes of the two Houses on the following House bills the President announced the appointment as members of such Committees on the part of the Senate:

H. 711. An act relating to employment protections for crime victims.

Senator Balint
Senator Nitka
Senator Soucy.

H. 780. An act relating to portable rides at agricultural fairs, field days, and other similar events.

Senator Starr
Senator Pollina
Senator Brooks.

H. 915. An act relating to the protection of pollinators.

Senator Branagan
Senator Rodgers
Senator Baruth.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 105

Senate bill, entitled

An act relating to consumer justice enforcement

Was taken up and pending third reading of the bill, **Rep. Scheuermann of Stowe** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, 9 V.S.A. chapter 152, in § 6055, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Limitations on applicability.

(1) This section shall not apply to contracts to which one party is:

(A) regulated by the Vermont Department of Financial Regulation; or

(B) a financial institution as defined by 8 V.S.A. § 11101(32).

(2) This section shall not apply to a contract for recreational use of land between a commercial entity that owns, leases, licenses, or otherwise controls the land and a person who uses the land for a recreational use. As used in this subdivision, "recreational use" means an activity undertaken for recreational, educational, or conservation purposes, including hunting, fishing, trapping, guiding, camping, biking, in-line skating, jogging, skiing, snowboarding, swimming, diving, water sports, rock climbing, hang gliding, caving, boating, hiking, riding an animal or a vehicle, picking wild or cultivated plants, picnicking, gleaning, rock collecting, nature study, outdoor sports, noncommercial aviation, visiting or enjoying archaeological, scenic, natural, or scientific sites, or other similar activities.

Pending the question Shall the House propose to the Senate to amend the bill as offered by Rep. Scheuermann of Stowe? **Reps. Colburn of Burlington, Conquest of Newbury and Grad of Moretown** moved to substitute an amendment for the amendment offered by the Rep. Scheuermann of Stowe, as follows:

First: By adding a Sec. 1a. to read as follows:

Sec. 1a. LEGISLATIVE INTENT

The General Assembly acknowledges that outdoor recreation is an important part of Vermont's economy and culture that encourages healthy communities and individuals, increases our connection to nature, enhances the Vermont lifestyle, and supports the attraction of high-quality employers and a sustainable workforce in all economic sectors. It is not the intent of the General Assembly to change the way courts allocate responsibility for the inherent risks of any outdoor recreational activity or sport.

Second: In Sec. 1, 9 V.S.A. chapter 152, in § 6055, by adding a subsection (f) to read as follows:

(f) Nothing in this chapter shall be construed to limit the application of 12 V.S.A. § 1037 (acceptance of inherent risks).

Pending the question Shall the amendment offered by Rep. Colburn of Burlington and others be substituted for the amendment offered by Rep.

Scheuermann of Stowe? **Rep. Frenier of Chelsea** moved that the bill be committed to the committee on Energy and Technology which was disagreed to.

Pending the question, Shall the amendment offered by Rep. Colburn of Burlington and others be substituted for the amendment offered by Rep. Scheuermann of Stowe? **Rep. Murphy of Fairfax** 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 amendment offered by Rep. Colburn of Burlington be substituted for the amendment offered by Rep. Scheuermann of Stowe? was decided in the affirmative. Yeas, 72. Nays, 59.

Those who voted in the affirmative are:

Ancel of Calais	Fields of Bennington	McCullough of Williston
Bartholomew of Hartland	Forguites of Springfield	Miller of Shaftsbury
Belaski of Windsor	Giambatista of Essex	Morris of Bennington
Bissonnette of Winooski	Gonzalez of Winooski	Mrowicki of Putney
Bock of Chester	Grad of Moretown	Noyes of Wolcott
Botzow of Pownal	Haas of Rochester	Ode of Burlington
Briglin of Thetford	Head of South Burlington	Potter of Clarendon
Burke of Brattleboro	Hill of Wolcott	Pugh of South Burlington
Carr of Brandon	Hooper of Montpelier	Rachelson of Burlington
Chesnut-Tangerman of Middletown Springs	Hooper of Randolph	Scheu of Middlebury
Christensen of Weathersfield	Houghton of Essex	Sharpe of Bristol
Christie of Hartford	Howard of Rutland City	Sheldon of Middlebury
Cina of Burlington	Jessup of Middlesex	Squirrell of Underhill
Colburn of Burlington	Joseph of North Hero	Stevens of Waterbury
Conlon of Cornwall	Keenan of St. Albans City	Sullivan of Burlington
Connor of Fairfield	Kimbell of Woodstock	Taylor of Colchester
Conquest of Newbury	Kitzmiller of Montpelier	Toll of Danville
Copeland-Hanzas of Bradford	Krowinski of Burlington	Townsend of South Burlington
Dakin of Colchester	Lalonde of South Burlington	Troiano of Stannard
Deen of Westminster	Lanpher of Vergennes	Walz of Barre City
Donovan of Burlington	Lippert of Hinesburg	Webb of Shelburne
Dunn of Essex	Long of Newfane	Weed of Enosburgh
Emmons of Springfield	Macaig of Williston	Wood of Waterbury
	Masland of Thetford	Yantachka of Charlotte
	McCormack of Burlington	

Those who voted in the negative are:

Ainsworth of Royalton	Gannon of Wilmington	Norris of Shoreham
Bancroft of Westford	Gardner of Richmond	Pajala of Londonderry
Beck of St. Johnsbury	Graham of Williamstown	Parent of St. Albans Town
Beyor of Highgate	Harrison of Chittenden	Quimby of Concord
Brennan of Colchester	Helm of Fair Haven	Rosenquist of Georgia
Browning of Arlington	Higley of Lowell	Savage of Swanton
Buckholz of Hartford	Jickling of Randolph	Scheuermann of Stowe
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Pittsford

Canfield of Fair Haven	Keefe of Manchester	Sibilia of Dover
Corcoran of Bennington	Lawrence of Lyndon	Smith of Derby
Cupoli of Rutland City	Lefebvre of Newark	Smith of New Haven
Devereux of Mount Holly	Lucke of Hartford	Strong of Albany
Dickinson of St. Albans Town	Marcotte of Coventry	Sullivan of Dorset
Donahue of Northfield	Mattos of Milton	Terenzini of Rutland Town
Fagan of Rutland City	McCoy of Poultney	Turner of Milton
Feltus of Lyndon	McFaun of Barre Town	Van Wyck of Ferrisburgh
Frenier of Chelsea	Morrissey of Bennington	Viens of Newport City
Gage of Rutland City	Murphy of Fairfax	Willhoit of St. Johnsbury
Gamache of Swanton	Myers of Essex	Yacovone of Morristown
	Nolan of Morristown	Young of Glover

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

Baser of Bristol	Lewis of Berlin	Read of Fayston
Batchelor of Derby	Martel of Waterford	Stuart of Brattleboro
Brumsted of Shelburne	O'Sullivan of Burlington	Till of Jericho
Condon of Colchester	Partridge of Windham	Toleno of Brattleboro
Hebert of Vernon	Pearce of Richford	Trieber of Rockingham
LaClair of Barre Town	Poirier of Barre City	Wright of Burlington

Thereupon the amendment as substituted by **Rep. Colburn of Burlington and others** was agreed to.

Pending third reading of the bill, **Rep Parent of St. Albans Town** moved to amend the proposal of amendment as follows:

In Sec. 1, 9 V.S.A. chapter 152, in § 6055, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Limitations on applicability. This section shall not apply to contracts to which one party is:

- (1) regulated by the Vermont Department of Financial Regulation;
- (2) a financial institution as defined by 8 V.S.A. § 11101(32); or
- (3) an entity regulated by the Vermont Public Utility Commission.

Which was disagreed to.

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

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

S. 203

House bill, entitled

An act relating to systemic improvements to the mental health system

S. 105

House bill, entitled

An act relating to consumer justice enforcement

S. 150

House bill, entitled

An act relating to automated license plate recognition systems

S. 179

House bill, entitled

An act relating to community justice centers

S. 180

House bill, entitled

An act relating to the Vermont Fair Repair Act

S. 222

House bill, entitled

An act relating to miscellaneous judiciary procedures

S. 262

House bill, entitled

An act relating to miscellaneous changes to the Medicaid program and the Department of Vermont Health Access

S. 273

House bill, entitled

An act relating to miscellaneous law enforcement amendments

H. 908

House bill, entitled

An act relating to the Administrative Procedure Act

H. 910

House bill, entitled

An act relating to the Open Meeting Law and the Public Records Act

Committee of Conference Appointed

S. 269

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to blockchain, cryptocurrency, and financial technology

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. O'Sullivan of Burlington
Rep. McCoy of Poultney
Rep. Young of Glover

Adjournment

At five o'clock and five minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until Saturday, May 5, 2018, at eight o'clock and thirty minutes in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 361

House concurrent resolution congratulating the 2017 West Rutland High School Golden Horde Division IV girls' championship softball team;

H.C.R. 362

House concurrent resolution congratulating the Migrant Justice organization on the progress achieved with its Milk with Dignity Program;

H.C.R. 363

House concurrent resolution honoring Vermont high school students who have achieved fluency in world languages other than English, and welcoming the establishment of a Vermont Seal of Biliteracy;

H.C.R. 364

House concurrent resolution congratulating the Clemmons family of Charlotte and its A Sense of Place project on winning a National Creative Placemaking Fund grant;

H.C.R. 365

House concurrent resolution congratulating Cadence Wheeler of Springfield on his jumping achievements at State and New England indoor track and field championship meets;

H.C.R. 366

House concurrent resolution honoring former South Burlington Fire Captain Gary Rounds for his exemplary municipal public service;

H.C.R. 367

House concurrent resolution commemorating the 80th Anniversary of the Castleton Colonial Day Historic House Tour;

H.C.R. 368

House concurrent resolution congratulating the 2018 Essex High School Vermont-NEA Scholars' Bowl championship team;

H.C.R. 369

House concurrent resolution congratulating Carl Fung on winning the 2017 national LEGO REBRICK SuperBots contest;

H.C.R. 370

House concurrent resolution congratulating the Essex Junction all-stars Little League Baseball team on winning the 2017 Vermont State championship;

H.C.R. 371

House concurrent resolution designating Wednesday, June 27, 2018 as Post-Traumatic Stress Injury Awareness Day;

H.C.R. 372

House concurrent resolution congratulating the 2018 Vermont History Day winners;

H.C.R. 373

House concurrent resolution congratulating the Health Care & Rehabilitation Services of Southeastern Vermont on its 50th anniversary;

H.C.R. 374

House concurrent resolution congratulating Tessa Napolitano of Burlington on winning the 2018 Elks New England Regional Hoop Shoot for her age group;

H.C.R. 375

House concurrent resolution congratulating Ellie Whalen of Rutland Town on winning the 2018 Elks New England Regional Hoop Shoot for her age group;

H.C.R. 376

House concurrent resolution congratulating the 2017 Oxbow Union High School Olympians Division III championship girls' softball team and honoring Coach Robin Wozny on the completion of her outstanding high school coaching career;

H.C.R. 377

House concurrent resolution congratulating Alice Bennett of Bennington on her 100th birthday;

H.C.R. 378

House concurrent resolution congratulating Honorary Shaftsbury Fire Chief Charles O. Becker on 70 years of exemplary service;

H.C.R. 379

House concurrent resolution congratulating William Collins on 40 years of outstanding service as a Bennington Rescue Squad Emergency Medical Technician;

H.C.R. 380

House concurrent resolution in memory of former Georgia Justice of the Peace Charles Aubrey Thweatt;

H.C.R. 381

House concurrent resolution designating the week of May 7, 2018 as Women's Lung Health Week;

H.C.R. 382

House concurrent resolution recognizing the 2017 Miss Vermont's Outstanding Teen Jenna Lawrence's work on behalf of Alzheimer's public awareness and eradication;

H.C.R. 383

House concurrent resolution congratulating the Hinesburg Fire Department on its 75th anniversary;

H.C.R. 384

House concurrent resolution recognizing the importance of forests and forestry-related industries in Vermont in commemoration of Arbor Day;

H.C.R. 385

House concurrent resolution in memory of Bellows Falls educator and civic leader Francis X. Coyne;

H.C.R. 386

House concurrent resolution congratulating Wilson House in East Dorset on its 30th anniversary;

H.C.R. 387

House concurrent resolution congratulating Miss Vermont 2017 Erin Connor of Bridport

S.C.R. 23

Senate concurrent resolution in memory of Gertrude Martha Hodge of Topsham;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2018, seventy-fourth Biennial session.]