

# Journal of the Senate

TUESDAY, FEBRUARY 6, 2018

The Senate was called to order by the President.

## **Devotional Exercises**

Devotional exercises were conducted by the Pastor Bruce Wilkinson of Williston.

## **Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

## **Bill Referred to Committee on Appropriations**

### **S. 103.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to the regulation of toxic substances and hazardous materials.

## **Joint Senate Resolution Adopted on the Part of the Senate**

### **J.R.S. 46.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

**J.R.S. 46.** Joint resolution relating to weekend adjournment.

### ***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 9, 2018, it be to meet again no later than Tuesday, February 13, 2018.

## **Bills Referred**

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

**H. 132.**

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

To the Committee on Judiciary.

**H. 271.**

An act relating to administration of the Supplemental Nutrition Assistance Program.

To the Committee on Health and Welfare.

**H. 410.**

An act relating to adding products to Vermont's energy efficiency standards for appliances and equipment.

To the Committee on Natural Resources and Energy.

**Bill Passed****S. 179.**

Senate bill of the following title was read the third time and passed:

An act relating to community justice centers.

**Bill Amended; Third Reading Ordered****S. 182.**

Senator Clarkson, for the Committee on Government Operations, to which was referred Senate bill entitled:

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

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

Sec. 1. 24 V.S.A. § 2432 is amended to read:

§ 2432. POWERS AND DUTIES; INVESTMENTS

(a)(1) The trustees shall apply ~~the~~ estate income ~~of such estate~~ to the purpose for which it is held, and deeds or contracts made by them shall be in the name of the town. ~~They~~

(2) The trustees may:

(A) lease, sell, or convey real estate so held; and invest the funds received therefrom; and

~~(B) They may loan lend~~ estate money ~~belonging to such estate~~, at annual or ~~semi-annual~~ semiannual interest, and as security for ~~such loans~~ each loan shall take deeds or mortgages of real estate in this State.

(b) The trustees may invest in:

(1) any security, including a revenue obligation, issued, insured, or guaranteed by the United States;

(2) ~~such~~ municipal bonds or other bonds that are rated at the time of the transaction by a nationally recognized statistical rating organization, as defined in 15 U.S.C. § 78c(a)(62) as may be amended, in one of its four highest categories;

(3) repurchase agreements or debt securities of any federally insured financial institution as defined in 8 V.S.A. § 11101(32);

(4) the shares of an investment company, or an investment trust, such as a mutual fund, closed-end fund, or a unit investment trust, ~~which that~~ is registered under the federal Investment Company Act of 1940, as amended, if ~~such the~~ mutual investment fund has been in operation for at least ~~ten~~ five years and has net assets of at least ~~\$500,000,000.00~~ \$100,000,000.00; or

(5) deposits in federally insured financial institutions as defined in 8 V.S.A. § 11101(32).

(c)(1) The trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds ~~shall~~ have been invested, as well as the proceeds of ~~such the~~ investments.

(2) The trustees are encouraged to invest in financial institutions operating in the State and in investments within the State that will result in reinvestment in Vermont.

(3) The provisions of this section as to future investments shall not require the liquidation or disposition of securities legally acquired and held.

(4) If the municipality has adopted an investment policy, the trustees shall invest in accordance with the provisions of the municipal policy that do not conflict with this section.

(d) The trustees may delegate management and investment of funds under their charge to the extent that is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). Notwithstanding the limitations on investments set forth in subsection (b) of this section, an agent exercising a delegated management or investment

function may invest the funds in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act.

Sec. 2. 24 V.S.A. § 4345 is amended to read:

§ 4345. OPTIONAL POWERS AND DUTIES OF REGIONAL PLANNING COMMISSIONS

Any regional planning commission created under this chapter may:

\* \* \*

(16) Include in its charter and bylaws adopted pursuant to section 4343 of this chapter the power to:

\* \* \*

(D) Enter into contracts with public and private entities, including the State of Vermont and the federal government to provide regional planning services and fulfill its duties pursuant to this section and section 4345a of this title.

(E) Invest funds held in reserve in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act. This subdivision (E) only shall apply to funds whose investment is not otherwise restricted by State or federal law; the terms of a grant, gift, or devise; or the terms of a contract or service agreement formed under this chapter.

\* \* \*

Sec. 3. 18 V.S.A. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all monies received by a town for cemetery purposes shall be paid to the town treasurer, who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. In such book shall also be stated the amount received from each donor, the time when, and the specific purpose to which the use thereof is appropriated.

(b)(1) All monies so received by the town may be invested and reinvested by the treasurer, with the approval of the selectboard, by deposit in:

\* \* \*

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). ~~An~~ Notwithstanding the limitations on

investments set forth in this subsection, an agent exercising a delegated management or investment function may invest cemetery funds ~~only in the securities enumerated in this section~~ in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act.

(4) If the municipality has adopted an investment policy, the treasurer, selectboard, or trustees of public funds shall invest in accordance with the provisions of the municipal policy that do not conflict with this section.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

#### **Joint Resolution Adopted on the Part of the Senate**

##### **J.R.S. 45.**

Joint Senate resolution entitled:

Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2018.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

#### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 7, 2018.