

Journal of the Senate

TUESDAY, APRIL 24, 2018

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

Pledge of Allegiance

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

Bill Referred to Committee on Finance

H. 925.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

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

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

H. 894. An act relating to pensions, retirement, and setting the contribution rates for municipal employees.

H. 907. An act relating to improving rental housing safety.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 57.

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. 57. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 27, 2018, it be to meet again no later than Tuesday, May 1, 2018.

Bill Passed in Concurrence with Proposal of Amendment

H. 828.

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

An act relating to disclosures in campaign finance law.

Bill Passed in Concurrence with Proposals of Amendment

H. 909.

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

An act relating to technical and clarifying changes in transportation-related laws.

Proposal of Amendment; Third Reading Ordered

H. 25.

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to sexual assault survivors' rights.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3501 is amended to read:

§ 3501. DEFINITIONS

(a) As used in this chapter:

* * *

(7) "Weapon of mass destruction" means:

(A) a chemical warfare agent, weaponized biological or biologic warfare agent, nuclear agent, or radiological agent; or

(B) any firearm possessed with the intent to inflict injury or death on multiple persons.

* * *

Sec. 2. 13 V.S.A. § 4003 is amended to read:

§ 4003. CARRYING DANGEROUS WEAPONS

A person who carries or possesses a dangerous or deadly weapon, openly or concealed, or with the intent or avowed purpose of injuring a fellow man, who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, to injure another shall be imprisoned not more than two years or fined not more than \$200.00 \$2,000.00, or both. It shall be a felony punishable by not more than 10 years or a fine of \$25,000.00, or both, if the person intends to injure multiple persons.

Sec. 3. 13 V.S.A. § 1703 is added to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) “Domestic terrorism” shall mean threatening to engage in, engaging in, or taking substantial steps to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple people; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Substantial step” shall mean conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who knowingly and willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to domestic terrorism.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Judiciary?,

Senator Sears moved to amend the proposal of amendment of the Committee on Judiciary, as follows:

First: In Sec. 3, 13 V.S.A. § 1703(a), subdivision (1), by striking out the following: “threatening to engage in,”

Second: By striking out Sec. 1, 13 V.S.A. § 3501, in its entirety and renumbering the remaining sections to be numerically accurate.

Which was agreed to.

Thereupon, the proposal of amendment recommended by the Committee on Judiciary, as amended, was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Proposal of Amendment; Third Reading Ordered

H. 378.

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

An act relating to the creation of the Artificial Intelligence Task Force.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ARTIFICIAL INTELLIGENCE TASK FORCE; REPORT

(a) Creation. There is created the Artificial Intelligence Task Force to:

(1) investigate the field of artificial intelligence; and

(2) make recommendations on the responsible growth of Vermont’s emerging technology markets, the use of artificial intelligence in State government, and State regulation of the artificial intelligence field.

(b) Definition. As used in this section, “artificial intelligence” means models and systems performing functions generally associated with human intelligence, such as reasoning and learning.

(c) Membership. The Task Force shall be composed of the following 12 members:

(1) the Secretary of Commerce and Community Development or designee;

(2) the Secretary of Digital Services or designee;

(3) the Commissioner of Public Safety or designee;

(4) one member to represent the interests of workers appointed by the President of the Vermont State Labor Council, AFL-CIO;

(5) the Executive Director of the American Civil Liberties Union of Vermont or designee;

(6) one member appointed by the Chief Justice of the Supreme Court;

(7) two members who are academics at a postsecondary institute, with one appointed by the Speaker and one appointed by the Committee on Committees;

(8) one member with experience in the field of ethics and human rights, appointed by the Vermont chapter of the National Association of Social Workers;

(9) one member appointed by the Vermont Society of Engineers;

(10) one member who is a secondary or postsecondary student in Vermont, appointed by the Governor; and

(11) one member appointed by the Vermont Medical Society.

(d) Powers and duties. The Task Force shall study the field of artificial intelligence, including the following:

(1) an assessment of the development and use of artificial intelligence technology, including benefits and risks;

(2) whether and how to use artificial intelligence in State government, including an analysis of the fiscal impact, if any, on the State; and

(3) whether State regulation of the artificial intelligence field is needed.

(e) Meetings.

(1) The Secretary of Commerce and Community Development or designee shall call the first meeting of the Task Force to occur on or before October 1, 2018.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) The Task Force shall meet not more than 10 times and shall cease to exist on June 30, 2019.

(f) Quorum. A majority of membership shall constitute a quorum of the Task Force.

(g) Staff services. The Task Force shall be entitled to staff services of the Agency of Commerce and Community Development.

(h) Reports. On or before February 15, 2019, the Task Force shall submit an update to the Senate Committee on Government Operations and the House Committee on Energy and Technology. On or before June 30, 2019, the Task Force shall submit a final report to the Senate Committee on Government Operations and the House Committee on Energy and Technology that shall include:

(1) a summary of the development and current use of artificial intelligence in Vermont;

(2) a proposal for a definition of artificial intelligence, if needed;

(3) a proposal for State regulation of artificial intelligence, if needed;

(4) a proposal for the responsible and ethical development of artificial intelligence in the State, including an identification of the potential risks and benefits of such development; and

(5) a recommendation on whether the General Assembly should establish a permanent commission to study the artificial intelligence field.

(i) The update and report described in subsection (h) of this section shall be submitted electronically to the Senate Committee on Government Operations and the House Committee on Energy and Technology, unless otherwise requested.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

Proposal of Amendment; Third Reading Ordered**H. 404.**

Senator Ayer, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to Medicaid reimbursement for long-acting reversible contraceptives.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. COVERAGE FOR CERTAIN OVER-THE-COUNTER
CONTRACEPTIVES; REPORT

(a) Each health insurer offering qualified health benefit plans through the Vermont Health Benefit Exchange shall, in consultation with its pharmacy benefit manager, if any, determine how to provide coverage for over-the-counter oral contraceptives and over-the-counter emergency contraceptives in its Exchange and non-Exchange plans without requiring a prescription and without imposing cost-sharing requirements.

(b) On or before January 15, 2019, each health insurer shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on how it could provide coverage for over-the-counter oral and emergency contraceptives in its health insurance plans without a prescription or cost-sharing, including any estimated impact on health insurance premiums, and whether the insurer intends to add this benefit to any or all of its health insurance plans.

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 (Medicaid reimbursement) shall take effect on July 1, 2018.

(b) Sec. 2 (over-the-counter contraceptives) and this section shall take effect on passage.

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

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

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

Proposal of Amendment; Third Reading Ordered
H. 710.

Senator Baruth, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to beer franchises.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REDESIGNATION; ADDITION OF SUBCHAPTER

7 V.S.A. chapter 23, subchapter 1, which shall include 7 V.S.A. §§ 701-709, is added to read:

Subchapter 1. General Provisions

Sec. 2. 7 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

As Except as otherwise provided pursuant to section 752 of this chapter, as used in this chapter:

* * *

(2) “Franchise” or “agreement” shall mean one or more of the following:

* * *

(E) a relationship that has been in existence for at least one year in which the wholesale dealer’s business is substantially reliant on the certificate of approval holder or manufacturer for the continued supply of malt beverages or vinous beverages; ~~and~~ or

(F) a written or oral arrangement for a definite or indefinite period that has been in existence for at least one year in which a certificate of approval holder or manufacturer grants to a wholesale dealer a license to use a trade name, ~~trade mark~~ trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

* * *

(7) “Wholesale dealer” means a packager licensed pursuant to section 272 of this title or a wholesale dealer licensed pursuant to section 273 of this title.

Sec. 3. 7 V.S.A. § 702 is amended to read:

§ 702. PROHIBITED ACTS BY MANUFACTURER OR CERTIFICATE OF APPROVAL HOLDER

A manufacturer or certificate of approval holder shall not do any of the following:

(1) ~~induce~~ Induce or coerce, or attempt to induce or coerce, any wholesale dealer to accept delivery of any alcoholic beverage, any form of advertisement, or any other commodity, that was not ordered by the wholesale dealer;

(2) ~~induce~~ Induce or coerce, or attempt to induce or coerce, any wholesale dealer to do any illegal act or thing by threatening to cancel or terminate the wholesale dealer's malt beverages or vinous beverages franchise agreement;

(3) ~~fail~~ Fail or refuse to deliver promptly to a wholesale dealer after the receipt of its order any malt beverages or vinous beverages when the product is ~~publicly advertised~~ available for immediate sale. If a manufacturer or certificate of approval holder believes in good faith that it does not have a sufficient amount of a product available for immediate sale to satisfy the demand of a wholesale dealer and its other customers, it shall allocate the available product between the wholesale dealer and its other customers in a fair and equitable manner.

(4) Require a wholesale dealer to agree to any condition, stipulation, or provision limiting the wholesale dealer's rights to sell the product of another manufacturer or certificate of approval holder.

Sec. 4. 7 V.S.A. § 707 is amended to read:

§ 707. SALE OR TRANSFER; PURCHASE BY MANUFACTURER

* * *

(e) The provisions of subsections (b) through (d) of this section shall not apply to the sale or transfer of a franchise to the spouse, child, grandchild, sibling, parent, foster child, child-in-law, sibling-in-law, niece, or nephew of the owner of the wholesale dealer.

Sec. 5. 7 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Small Manufacturers and Certificate of Approval Holders

§ 751. APPLICATION

(a) The provisions of this subchapter shall apply to any franchise between a wholesale dealer and either:

(1) a certificate of approval holder that produces or distributes a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer's total annual sales of malt beverages by volume; or

(2) a manufacturer that produces a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer's total annual sales of malt beverages by volume.

(b) The provisions of sections 702, 705, and 706 of this title shall apply to any franchise that is subject to the provisions of this subchapter.

§ 752. DEFINITIONS

As used in this subchapter:

(1) "Barrel" means 31 gallons of malt beverages.

(2) "Certificate of approval holder" means a holder of a certificate of approval issued by the Liquor Control Board pursuant to section 274 of this title that produces or distributes a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of a wholesale dealer's total annual sales of malt beverages by volume.

(3) "Compensation" means the cost of a wholesale dealer's laid-in inventory related to a franchise that has been or is about to be terminated plus five times the average annual gross profits earned by the wholesale dealer on the sale of products pursuant to the franchise during the last three calendar years or, if the franchise has not been in existence for three years, the period of time during which the franchise has been in existence. "Gross profits" shall equal the revenue earned by the wholesale dealer on the sale of products pursuant to the franchise minus the cost of those products, including shipping and taxes.

(4) "Franchise" means an agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer that was entered into on or after January 1, 2019 and has existed for at least one year and has one or more of the following characteristics:

(A) the wholesale dealer is granted the right to offer and sell the brands of malt beverages offered by the certificate of approval holder or manufacturer;

(B) the wholesale dealer, as an independent business, constitutes a component of a certificate of approval holder's or manufacturer's distribution system;

(C) the wholesale dealer's business is substantially associated with the certificate of approval holder's or manufacturer's brand, advertising, or other commercial symbol designating the manufacturer;

(D) the wholesale dealer's business is substantially reliant on the certificate of approval holder or manufacturer for the continued supply of malt beverages; or

(E) the certificate of approval holder or manufacturer has granted the wholesale dealer a license to use a trade name, trademark, service mark, or related characteristic, and there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

(5) "Manufacturer" means a manufacturer licensed pursuant to section 271 of this title that produces a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of a wholesale dealer's total annual sales of malt beverages by volume.

(6) "Total annual sales" means the total volume of all malt beverages sold by a wholesale dealer in the last four completed calendar quarters. A wholesale dealer's total annual sales of malt beverages shall include the worldwide, aggregate amount of all brands of malt beverages that were sold, directly or indirectly, during the last four completed calendar quarters by the wholesale dealer and any entity that controlled, was controlled by, or was under common control with the wholesale dealer.

(7) "Total annual volume" means:

(A) the amount of malt beverages manufactured worldwide during the last four completed calendar quarters, directly or indirectly, by or on behalf of:

(i) the certificate of approval holder or manufacturer;

(ii) any employee, director, or officer of a certificate of approval holder or manufacturer; or

(iii) an affiliate of the certificate of approval holder or manufacturer, regardless of whether the affiliation is corporate, or is by management, direction, or control; or

(B) the amount of malt beverages distributed worldwide during the last four completed calendar quarters directly or indirectly, by or on behalf of:

(i) the certificate of approval holder;

(ii) any employee, director, or officer of a certificate of approval holder; or

(iii) an affiliate of the certificate of approval holder, regardless of whether the affiliation is corporate, or is by management, direction, or control.

§ 753. CANCELLATION OF FRANCHISE

(a) The terms of a written franchise between the certificate of approval holder or manufacturer and the wholesale dealer shall govern the right to cancel, terminate, refuse to continue, or to cause a wholesale dealer to relinquish a franchise.

(b) In the absence of a provision in a written franchise agreement to the contrary, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision in a written franchise agreement to the contrary, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

§ 754. CANCELLATION FOR GOOD CAUSE; NOTICE; RECTIFICATION

(a)(1) Except as otherwise provided pursuant to section 753 of this subchapter and subsection (d) of this section, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for good cause shall provide the franchisee with at least 120 days' written notice of the intent to terminate or cancel the franchise.

(2) The notice shall state the causes and reasons for the intended termination or cancellation.

(b) A franchisee shall have 120 days in which to rectify any claimed deficiency.

(c) The Superior Court, upon petition and after providing both parties with notice and opportunity for a hearing, shall determine whether good cause exists to allow termination or cancellation of the franchise.

(d) The notice provisions of subsection (a) of this section may be waived if the reason for termination or cancellation is insolvency, the occurrence of an assignment for the benefit of creditors, bankruptcy, or if the certificate of approval holder or manufacturer is able to prove to the court that providing the required notice would do irreparable harm to the marketing of its product.

§ 755. CANCELLATION FOR NO CAUSE; NOTICE; COMPENSATION

Except as otherwise provided pursuant to section 753 of this subchapter, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for no cause shall:

(1) Provide the franchisee with written notice of the intent to cancel or terminate the franchise at least 30 days before the date on which the franchise shall terminate.

(2) On or before the date the franchise shall be canceled or terminated, pay, or have paid on its behalf by a designated wholesale dealer, compensation, as defined pursuant to section 752 of this subchapter, for the franchisee's interest in the franchise. The compensation shall be the wholesale dealer's sole and exclusive remedy for any termination or cancellation pursuant to this section.

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

(2) The notice of intended sale or transfer shall give the full name and address of the proposed transferee, along with full details outlining the qualifications of the proposed transferee which, in the opinion of the wholesale dealer, make the proposed transferee competent to operate the franchise.

(b) If the certificate of approval holder or manufacturer opposes the proposed sale or transfer to the proposed transferee, the certificate of approval holder or manufacturer may either:

(1) prevent the proposed sale or transfer from occurring by paying compensation for the wholesale dealer's interest in the franchise in the same manner as if the franchise were being terminated for no cause pursuant to section 755 of this subchapter; or

(2) not less than 60 days before the date of the proposed sale or transfer, file a petition with the Superior Court that clearly states the certificate of approval holder's or manufacturer's reasons for resisting the proposed sale or transfer.

(c)(1) Upon receipt of a petition pursuant to subdivision (b)(2) of this section, the Superior Court shall hold a hearing on the proposed transfer or sale. The court shall make a full inquiry into the qualifications of the proposed transferee and shall determine whether or not the proposed transferee is in a

position to continue substantially the operations of the franchise, to assume the obligations of the franchise holder, and to conduct the business in a manner that will protect the legitimate interests of the certificate of approval holder or manufacturer.

(2) If the Superior Court finds the proposed transferee is qualified to operate the franchise, it shall approve the transfer of the franchise to the proposed transferee.

(d) The provisions of subsections (b) and (c) of this section shall not apply to the sale or transfer of a franchise to the spouse, child, grandchild, sibling, parent, foster child, child-in-law, sibling-in-law, niece, or nephew of the owner of the wholesale dealer.

§ 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

§ 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a franchise that is subject to this subchapter.

Sec. 6. 7 V.S.A. § 759 is added to read:

§ 759. WRITTEN AGREEMENT

All franchises entered into pursuant to this subchapter shall be in writing.

Sec. 7. 7 V.S.A. § 752 is amended to read:

§ 752. DEFINITIONS

As used in this subchapter:

* * *

(4) “Franchise” means ~~an~~ a written agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer that was entered into after January 1, 2019 and has existed for at least one year and has one or more of the following characteristics:

* * *

Sec. 8. 7 V.S.A. § 753 is amended to read:

§ 753. CANCELLATION OF FRANCHISE

(a) The terms of a ~~written~~ franchise between the certificate of approval holder or manufacturer and the wholesale dealer shall govern the right to cancel, terminate, refuse to continue, or to cause a wholesale dealer to relinquish a franchise.

(b) In the absence of a provision in a written franchise agreement to the contrary, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision in a written franchise agreement to the contrary, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

Sec. 9. 7 V.S.A. § 756 is amended to read:

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

* * *

Sec. 10. 7 V.S.A. § 757 is amended to read:

§ 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

Sec. 11. 7 V.S.A. § 758 is amended to read:

§ 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a franchise that is subject to this subchapter.

Sec. 12. TRANSITION TO WRITTEN CONTRACTS

(a) Franchise agreements that were entered into before January 1, 2019 and are not in writing shall transition to a written franchise agreement as provided pursuant to this subsection:

(1) A certificate of approval holder or manufacturer and a wholesale dealer who are parties to a franchise agreement that was entered into before January 1, 2019 and is not in writing shall negotiate a written franchise agreement to take effect on or before July 1, 2022.

(2) If the certificate of approval holder or manufacturer and the wholesale dealer are unable to reach agreement on the terms of a written franchise agreement on or before July 1, 2022 or if the parties mutually agree that the franchise shall not continue beyond that date, the franchise shall be deemed to terminate on July 1, 2022 and the certificate of approval holder or manufacturer shall pay the wholesale dealer compensation for its interest in the franchise in the same manner as if the franchise were terminated for no cause pursuant to 7 V.S.A. § 755.

(b) As used in this section:

(1) “Certificate of approval holder” has the same meaning as in 7 V.S.A. § 752.

(2) “Manufacturer” has the same meaning as in 7 V.S.A. § 752.

(3) “Wholesale dealer” has the same meaning as in 7 V.S.A. § 701.

**Sec. 13. APPLICATION OF ACT TO EXISTING AND PROSPECTIVE
FRANCHISE AGREEMENTS**

(a) Definitions. As used in this section:

(1) “Certificate of approval holder” has the same meaning as in 7 V.S.A. § 752.

(2) “Manufacturer” has the same meaning as in 7 V.S.A. § 752.

(3) “Wholesale dealer” has the same meaning as in 7 V.S.A. § 701.

(b) Existing Franchise Agreements.

(1) Until July 1, 2022, the provisions of 7 V.S.A. chapter 23, subchapter 1 (existing franchise law) shall apply to all franchise agreements that were entered into before January 1, 2019.

(2) Between January 1, 2019 and July 1, 2022, certificate of approval holders, manufacturers, and wholesale dealers who are parties to a franchise agreement that was entered into before January 1, 2019 and is not in writing shall negotiate a written franchise agreement to take effect on or before July 1, 2022 as provided pursuant to Sec. 12 of this act.

(3) Beginning on July 1, 2022, the provisions of 7 V.S.A. chapter 23, subchapter 2 shall apply to franchise agreements between a certificate of approval holder or manufacturer and a wholesale dealer.

(c) Prospective franchise agreements. The provisions of 7 V.S.A. chapter 23, subchapter 2 shall apply to franchise agreements between a certificate of approval holder or manufacturer and a wholesale dealer that are entered into on or after January 1, 2019.

Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 3, 4, 5, 12, and 13 shall take effect on January 1, 2019.

(b) The remaining sections shall take effect on July 1, 2022.

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

Senator Ashe Assumes the Chair

President Resumes the Chair

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

Proposal of Amendment; Third Reading Ordered

H. 718.

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to creation of the Restorative Justice Study Committee.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Restorative justice has proven to be very helpful in reducing offender recidivism, and, in many cases, has resulted in positive outcomes for victims.

(2) Victims thrive when they have options. Because the criminal justice system does not always meet victims' needs, restorative justice may provide options to improve victims' outcomes.

Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

(a) Creation. There is created the Restorative Justice Study Committee for the purpose of conducting a comprehensive examination of whether there is a role for victim-centered restorative justice principles and processes in domestic and sexual violence and stalking cases.

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

(1) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(2) an executive director of a dual domestic and sexual violence Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(3) an executive director of a sexual violence Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(4) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(5) a representative of the Vermont Association of Court Diversion Programs;

(6) a representative of a Vermont community justice program;

(7) a prosecutor who handles, in whole or in part, domestic violence, sexual violence, and stalking cases, appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;

(8) the Executive Director of Vermonters for Criminal Justice Reform or designee;

(9) a representative of the Vermont Abenaki community, appointed by the Governor;

(10) the Executive Director of the Discussing Intimate Partner Violence and Accessing Support (DIVAS) Program for incarcerated women;

(11) the Coordinator of the Vermont Domestic Violence Council;

(12) the Commissioner of Corrections or a designee familiar with community and restorative justice programs;

(13) a representative of the Office of the Defender General;

(14) the Court Diversion and Pretrial Services Director;

(15) three members, appointed by the Vermont Network Against Domestic and Sexual Violence;

(16) two victims of domestic and sexual violence or stalking appointed by the Vermont Network Against Domestic and Sexual Violence; and

(17) the Commissioner for Children and Families or designee.

(c) Powers and duties. The Committee shall study whether restorative justice can be an effective process for holding perpetrators of domestic and sexual violence and stalking accountable while preventing future crime and keeping victims and the greater community safe. In deciding whether restorative justice can be suitable both in the community and in an incarcerative setting for each subset of cases, the Committee shall study the following:

(1) the development of specialized processes to ensure the safety, confidentiality, and privacy of victims;

(2) the nature of different offenses such as domestic violence, sexual violence, and stalking, including the level of harm caused by or violence involved in the offenses;

(3) the appropriateness of restorative justice in relation to the offense;

(4) a review of the potential power imbalances between the people who are to take part in restorative justice for these offenses;

(5) ways to protect the physical and psychological safety of anyone who is to take part in restorative justice for these offenses;

(6) training opportunities related to intake-level staff in domestic and sexual violence and stalking;

(7) community collaboration opportunities in the implementation of statewide protocols among restorative justice programs and local domestic and sexual violence organizations, prosecutors, corrections, and organizations that represent marginalized Vermonters;

(8) the importance of victims' input in the development of any restorative justice process related to domestic and sexual violence and stalking cases;

(9) opportunities for a victim to participate in a restorative justice process, which may include alternatives to face-to-face meetings with an offender;

(10) risk-assessment tools that can assess perpetrators for risk prior to acceptance of referral;

(11) any necessary data collection to provide the opportunity for ongoing improvement of victim-centered response; and

(12) resources required to provide adequate trainings, ensure needed data gathering, support collaborative information sharing, and sustain relevant expertise at restorative justice programs.

(d) Assistance. The Vermont Network Against Domestic and Sexual Violence shall convene the first meeting of the Committee and provide support services.

(e) Reports. On or before December 1, 2018, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit an interim written report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary. On or before July 1, 2019, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit a final report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Vermont Network Against Domestic and Sexual Violence shall convene the meetings of the Committee, the first one to occur on or before August 1, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

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

(4) The Committee shall meet not more than ten times and shall cease to exist on July 1, 2019.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than ten meetings as follows:

(1) Compensation and reimbursement for the two victims of domestic and sexual violence or stalking appointed by the Vermont Network Against Domestic and Sexual Violence shall be paid by the Vermont Network Against Domestic and Sexual Violence.

(2) Compensation and reimbursement for the representative of the Vermont Abenaki community appointed by the Governor as provided in subdivision (b)(9) of this section and the three members appointed by the

Vermont Network Against Domestic and Sexual Violence as provided in subdivision (b)(15) of this section shall be paid by the Secretary of Administration from General Funds appropriated to Agency of Administration.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

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

In Sec. 2, subsection (g) after the words “ten meetings” by inserting the words from funds appropriated to the Agency of Administration or

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

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

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

Proposals of Amendment; Third Reading Ordered

H. 719.

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to insurance companies and trust companies.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 5 in its entirety and following the existing reader assistance heading by inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. 8 V.S.A. § 3665(d) is amended to read:

(d)(1) If an insurer fails to pay timely a an uncontested claim, it shall pay interest on the amount of the claim beginning 30 days after a beneficiary files a properly executed proof of loss. The interest rate shall be the rate paid on proceeds left on deposit, or six percent, whichever is greater.

(2) In the event more than 60 days elapse from the date payment on an uncontested claim is due to a beneficiary, or in the event judgment is entered for a beneficiary or the Department or a settlement agreement between the insurer and the beneficiary or the Department is executed, interest shall accrue from 30 days after the beneficiary filed a proof of loss.—The interest rate imposed on the insurer shall be at the judgment rate allowed by law.

Second: By adding two new sections to be Secs. 9 and 10 and one accompanying reader assistance heading to read as follows:

* * * Captive Insurance; Affiliated Reinsurance Companies * * *

Sec. 9. 8 V.S.A. § 6001(5) is amended to read:

(5) “Captive insurance company” means any pure captive insurance company, association captive insurance company, sponsored captive insurance company, industrial insured captive insurance company, agency captive insurance company, risk retention group, affiliated reinsurance company, or special purpose financial insurance company formed or licensed under the provisions of this chapter. For purposes of this chapter, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this State, unless otherwise permitted by the Commissioner.

Sec. 10. 8 V.S.A. chapter 141, subchapter 5 is added to read:

Subchapter 5. Affiliated Reinsurance Companies

§ 6049a. APPLICABLE LAW

(a) An affiliated reinsurance company shall be subject to the provisions of this subchapter and to the provisions of subchapter 1 of this chapter. In the event of any conflict between the provisions of this subchapter and the provisions of subchapter 1 of this chapter, the provisions of this subchapter shall control.

(b) An affiliated reinsurance company shall be subject to all applicable rules adopted pursuant to section 6015 of this chapter that are in effect as of the effective date of this subchapter and those that are adopted after the effective date of this subchapter.

§ 6049b. DEFINITIONS

As used in this subchapter:

(1) “Affiliated reinsurance company” means a company licensed by the Commissioner pursuant to this subchapter to reinsure risks ceded by a ceding insurer that is its parent or affiliate.

(2) “Ceding insurer” means an insurance company approved by the

Commissioner and licensed or otherwise authorized to transact the business of insurance or reinsurance in its state or country of domicile, which cedes risk to an affiliated reinsurance company pursuant to a reinsurance contract.

(3) "Organizational documents" means the affiliated reinsurance company's articles of incorporation and bylaws and such other documents as shall be approved by the Commissioner.

(4) "Reinsurance contract" means a contract between an affiliated reinsurance company and a ceding insurer pursuant to which the affiliated reinsurance company agrees to provide reinsurance to the ceding insurer.

§ 6049c. LICENSING; AUTHORITY

(a) An affiliated reinsurance company shall only reinsure the risks of a ceding insurer. An affiliated reinsurance company may cede the risks assumed under a reinsurance contract to another reinsurer, subject to the prior approval of the Commissioner.

(b) In conjunction with the issuance of a license to an affiliated reinsurance company, the Commissioner may issue an order that includes any provisions, terms, and conditions regarding the organization, licensing, and operation of the affiliated reinsurance company that are deemed appropriate by the Commissioner and that are not inconsistent with the provisions of this chapter.

(c) To qualify for a license, an affiliated reinsurance company shall be subject, in addition to the requirements of subsection 6002(c) of this chapter, to the following:

(1) The information submitted to the Commissioner pursuant to subsection 6002(c)(1)(B) of this chapter shall include:

(A) the source and form of the affiliated reinsurance company's capital and surplus;

(B) the investment policy of the affiliated reinsurance company, which shall provide for a diversified investment portfolio both as to type and issue and shall include a requirement for liquidity and for the reasonable preservation, administration, and management of such assets with respect to the risks associated with any reinsurance transactions.

(2) The application shall include copies of all agreements and documentation, including reinsurance agreements, described in subdivision (1) of this subsection (c) unless otherwise approved by the Commissioner and any other statements or documents required by the Commissioner to evaluate the affiliated reinsurance company's application for licensure.

(d) Subdivision 6002(c)(3) of this chapter shall apply to all information

submitted pursuant to subsection (c) of this section and to any order issued to the affiliated reinsurance company pursuant to subsection (b) of this section.

§ 6049d. FORMATION

(a) An affiliated reinsurance company may be incorporated as a stock insurer with its capital divided into shares, or in such other organizational form as may be approved by the Commissioner.

(b) An affiliated reinsurance company's organizational documents shall limit the affiliated reinsurance company's authority to the transaction of the business of insurance or reinsurance and to those activities that the affiliated reinsurance company conducts to accomplish its purposes as expressed in this subchapter.

§ 6049e. MINIMUM CAPITAL AND SURPLUS

An affiliated reinsurance company shall not be issued a license unless it possesses and thereafter maintains unimpaired paid-in capital and surplus of not less than \$5,000,000.00. The Commissioner may prescribe additional capital and surplus based upon the type, volume, and nature of reinsurance business transacted. Except as otherwise provided in this section, the provisions of chapter 159 of this title, Risk Based Capital for Insurers, shall apply in full to an affiliated reinsurance company.

§ 6049f. PERMITTED REINSURANCE

(a) An affiliated reinsurance company shall only reinsure the risks of a ceding insurer, pursuant to a reinsurance contract. An affiliated reinsurance company shall not issue a contract of insurance or a contract for assumption of risk or indemnification of loss other than such reinsurance contract.

(b) The reinsurance contract shall contain all provisions reasonably required or approved by the Commissioner, which requirements shall take into account the laws applicable to the ceding insurer regarding the ceding insurer's taking credit for the reinsurance provided under such reinsurance contract.

(c) An affiliated reinsurance company may cede risks assumed through a reinsurance contract to one or more reinsurers through the purchase of reinsurance, subject to the prior approval of the Commissioner. Except as otherwise provided in this section, the provisions of subchapter 10 of chapter 101 of this title, reinsurance of risks, shall apply in full to an affiliated reinsurance company.

(d) Unless otherwise approved in advance by the Commissioner, a reinsurance contract shall not contain any provision for payment by the affiliated reinsurance company in discharge of its obligations under the reinsurance contract to any person other than the ceding insurer or any receiver of the ceding insurer.

(e) An affiliated reinsurance company shall notify the Commissioner immediately of any action by a ceding insurer or any other person to foreclose on or otherwise take possession of collateral provided by the affiliated reinsurance company to secure any obligation of the affiliated reinsurance company.

§ 6049g. DISPOSITION OF ASSETS; INVESTMENTS

(a) The assets of an affiliated reinsurance company shall be preserved and administered by or on behalf of the affiliated reinsurance company to satisfy the liabilities and obligations of the affiliated reinsurance company incident to the reinsurance contract and other related agreements.

(b) The Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the affiliated reinsurance company unless the investment is otherwise approved in its plan of operation or in an order issued to the affiliated reinsurance company pursuant to subsection 6049c of this chapter.

§ 6049h. ANNUAL REPORT; BOOKS AND RECORDS

(a) For the purposes of subsection 6007(b) of this chapter:

(1) Each affiliated reinsurance company shall file its report in the form required by subsection 3561(a) of this title, and each affiliated reinsurance company shall comply with the requirements set forth in section 3569 of this title; and

(2) An affiliated reinsurance company shall report using statutory accounting principles, unless the Commissioner requires, approves, or accepts the use of generally accepted accounting principles or another comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations required or approved or accepted by the Commissioner and as supplemented by additional information required by the Commissioner.

(b) Unless otherwise approved in advance by the Commissioner, an affiliated reinsurance company shall maintain its books, records, documents, accounts, vouchers, and agreements in this State. An affiliated reinsurance company shall make its books, records, documents, accounts, vouchers, and agreements available for inspection by the Commissioner at any time. An affiliated reinsurance company shall keep its books and records in such manner that its financial condition, affairs, and operations can be readily ascertained and so that the Commissioner may readily verify its financial statements and determine its compliance with this chapter.

(c) Unless otherwise approved in advance by the Commissioner, all original books, records, documents, accounts, vouchers, and agreements shall be preserved and kept available in this State for the purpose of examination and inspection and until such time as the Commissioner approves the destruction or other disposition of such books, records, documents, accounts, vouchers, and agreements. If the Commissioner approves the keeping outside this State of the items listed in this subsection, the affiliated reinsurance company shall maintain in this State a complete and true copy of each such original. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically

(d) The provisions of sections 3578a (annual financial reporting) and 3579 (qualified accountants) of this title shall apply in full to an affiliated reinsurance company.

§ 6049i. INSURANCE HOLDING COMPANY SYSTEMS

Except as otherwise provided in this section, the provisions of subchapter 13 of chapter 101 of this title shall apply in full to an affiliated reinsurance company.

§ 6049j. CORPORATE GOVERNANCE; DISCLOSURE

Except as otherwise provided in this section, the provisions of section 3316 of this title shall apply in full to an affiliated reinsurance company.

§ 6049k. OWN RISK AND SOLVENCY ASSESSMENT

Except as otherwise provided in this section, the provisions of chapter 101, subchapter 7A (own risk and solvency assessment) of this title shall apply in full to an affiliated reinsurance company.

§ 6049l. REQUIREMENTS FOR ACTUARIAL OPINIONS

Except as otherwise provided in this section, the provisions of chapter 101, section 3577 (requirements for actuarial opinions) of this title shall apply in full to an affiliated reinsurance company.

§ 6049m. CONFIDENTIALITY

(a) All documents, materials, and other information, including confidential and privileged documents, examination reports, preliminary examination reports or results, working papers, recorded information, and copies of any of these produced by, obtained by, or disclosed to the Commissioner or any other person in the course of an examination made under this subchapter are confidential and shall not be:

- (1) subject to subpoena;

(2) subject to public inspection and copying under the Public Records Act; or

(3) discoverable or admissible in evidence in any private civil action.

(b) In furtherance of his or her regulatory duties, the Commissioner may:

(1) share documents, materials, and other information, including those that are confidential and privileged, with other state, federal, or international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3, and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, and other information;

(2) receive documents, materials, and information, including those that are confidential and privileged, from other state, federal, and international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3, and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(3) enter into written agreements with other state, federal, and international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3 and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries governing the sharing and use of information consistent with this section, including agreements providing for cooperation between the Commissioner and other agencies in relation to the activities of a supervisory college; and

(4) participate in a supervisory college for any affiliated reinsurance company that is part of an affiliated group with international operations in order to assess the insurer's compliance with Vermont laws and regulations, as well as to assess its business strategy, financial condition, risk exposure, risk management, governance processes, and legal and regulatory position.

(c) Prior to sharing information under subsection (b) of this section, the Commissioner shall determine that sharing the information will substantially

further the performance of the regulatory or law enforcement duties of the recipient and that the information shall not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except to the extent provided in subsection (b) of this section.

And by renumbering the remaining section to be numerically correct.

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

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

Proposal of Amendment; Third Reading Ordered

H. 915.

Senator Branagan, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to the protection of pollinators.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 641 is amended to read:

§ 641. DEFINITIONS

As used in this chapter:

(1) “Agricultural seed” includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized as agricultural seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds used as agricultural seed.

(2) “Secretary” means the Secretary of Agriculture, Food and Markets or ~~his or her~~ designee.

(3) “Agency” means the Agency of Agriculture, Food and Markets.

(4) “Flower seed” includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed.

* * *

(7) “Vegetable seeds” include the seeds of those crops ~~which~~ that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this State.

* * *

(11) “Economic poison” shall have the same meaning as in section 911 of this title.

(12) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(13) “Treated corn or soybean seed” means a corn or soybean seed that is treated or covered with a neonicotinoid pesticide.

(14) “Untreated corn or soybean seed” means corn or soybean seed that is not treated with a neonicotinoid pesticide.

Sec. 2. 6 V.S.A. chapter 35, subchapter 3 is added to read:

Subchapter 3. Seed Supply; Untreated Corn or Soybean Seed

§ 650. SEED SUPPLY; UNTREATED CORN OR SOYBEAN SEED

A person who sells treated corn or soybean seed in the State shall offer for sale untreated corn or soybean seed. As used in this section, “offer for sale” includes arranging for or taking orders for the delivery of untreated corn or soybean seed.

Sec. 3. IMPLEMENTATION OF REQUIREMENT TO OFFER
UNTREATED CORN OR SOYBEAN SEED

A person shall be required to offer untreated corn or soybean seed for sale under 6 V.S.A. § 650 beginning on July 1, 2018 for the purpose of use during the planting season in 2019.

Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS REPORT
ON IMPACT OF NEONICOTINOID-TREATED SEEDS ON
POLLINATORS

(a) The Secretary of Agriculture, Food and Markets (Secretary) shall assess the effect of neonicotinoid-treated seeds on the loss of pollinator populations in Vermont by independently reviewing claims of pollinator losses by

beekeepers. On or before January 15, 2019, the Secretary shall submit to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture the results of the assessment of pollinator losses. The report shall include:

(1) data collected by the Secretary regarding pollinator losses in the State, provided that the data shall be provided in an aggregated form that does not disclose the identity of individual persons, households, or businesses from whom the data were obtained;

(2) the causes of pollinator losses;

(3) an assessment of whether neonicotinoid-treated seeds caused or contributed to any pollinator losses in Vermont; and

(4) recommendations, if any, for preventing pollinator losses in Vermont.

(b) As used in this section:

(1) “Economic poison” shall have the same meaning as in 6 V.S.A. § 911.

(2) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.

(3) “Neonicotinoid-treated seed” means agricultural seed treated with a neonicotinoid pesticide.

Sec. 5. EDUCATIONAL CAMPAIGN; PESTICIDES AND POLLINATORS

The Secretary of Agriculture, Food and Markets shall develop and implement an educational program to inform users of pesticides in the State of the effects of pesticides on pollinators and methods or techniques for mitigating the effects of pesticides on pollinators. The Secretary of Agriculture, Food and Markets shall conduct the educational program at least until July 1, 2020.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

Appointment Confirmed

The following Gubernatorial appointment was confirmed by the Senate, upon full report given by the Committee to which it was referred:

The nomination of

Kline, Scot L. of Essex - Superior Judge - March 13, 2018, to March 31, 2023.

Was confirmed by the Senate on a roll call Yeas 30, Nays 0.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 25, 2018.