
Adjournment

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

WEDNESDAY, MAY 1, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 53

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposals of amendment to the following House bills:

H. 280. An act relating to payment of wages.

H. 401. An act relating to municipal and regional planning and flood resilience.

H. 406. An act relating to listers and assessors.

And has severally concurred therein.

Message from the House No. 54

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 14. An act relating to payment of fair-share fees.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Louis Porter, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Perrin, Mark of Middlebury - Member of the Education, Board of, - from April 18, 2013, to February 28, 2019.

To the Committee on Education.

Gibbs, Jason of Duxbury - Member of the Community High School of Vermont Board, - from April 18, 2013, to February 29, 2016.

To the Committee on Education.

Fraser, Richard of South Ryegate - Member of the Community High School of Vermont Board, - from April 18, 2013, to February 29, 2016.

To the Committee on Education.

Marzec-Gerrion, Mary of Pittsford - Member of the Human Rights Commission, - from April 18, 2013, to February 28, 2018.

To the Committee on Judiciary.

Bill Referred to Committee on Appropriations

H. 395.

House 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 establishment of the Vermont Clean Energy Loan Fund.

Bill Ordered to Lie

S. 55.

Senate bill entitled:

An act relating to increasing efficiency in state government finance and lending operations.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Government Operations, on motion of Senator White, the bill was ordered to lie.

House Proposal of Amendment Concurred In**S. 47.**

House proposal of amendment to Senate bill entitled:

An act relating to protection orders and second degree domestic assault.

Was taken up.

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

Sec. 1. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the rules of civil procedure and may be served by any law enforcement officer.

(b) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order.

(c) Abuse orders shall be served by the law enforcement agency at the earliest possible time and shall take precedence over other summonses and orders. Orders shall be served in a manner calculated to insure ensure the safety of the plaintiff. Methods of service which include advance notification to the defendant shall not be used. The person making service shall file a return of service with the court stating the date, time, and place at which the order was delivered personally to the defendant. A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued, and who receives notice from the court on the record that the order has been issued, shall be deemed to have been served.

~~(b)~~(d) If service of a notice of hearing issued under section 1103 or 1104 of this title cannot be made before the scheduled hearing, the court shall continue the hearing and extend the terms of the order upon request of the plaintiff for such additional time as it deems necessary to achieve service on the defendant.

Sec. 2. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the rules of civil procedure and may

be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(c) Abuse orders shall be served by the law enforcement agency at the earliest possible time and shall take precedence over other summonses and orders. Orders shall be served in a manner calculated to ensure the safety of the plaintiff. Methods of service which include advance notification to the defendant shall not be used. The person making service shall file a return of service with the court stating the date, time, and place at which the order was delivered personally to the defendant.

(d) If service of a notice of hearing issued under section 1103 or 1104 of this title cannot be made before the scheduled hearing, the court shall continue the hearing and extend the terms of the order upon request of the plaintiff for such additional time as it deems necessary to achieve service on the defendant.

Sec. 3. 12 V.S.A. § 5135 is amended to read:

§ 5135. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer.

(b) A defendant who attends a hearing held under section 5133 or 5134 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order.

(c) Orders against stalking or sexual assault shall be served by the law enforcement agency at the earliest possible time and shall take precedence over other summonses and orders, with the exception of abuse prevention orders issued pursuant to 15 V.S.A. chapter 21. Orders shall be served in a manner calculated to ensure the safety of the plaintiff. Methods of service which include advance notification to the defendant shall not be used. The person

making service shall file a return of service with the court stating the date, time, and place that the order was delivered personally to the defendant.

~~(b)~~(d) If service of a notice of hearing issued under section 5133 or 5134 of this title cannot be made before the scheduled hearing, the court shall continue the hearing and extend the terms of the order upon request of the plaintiff for such additional time as it deems necessary to achieve service on the defendant.

Sec. 4. 12 V.S.A. § 5135 is amended to read:

§ 5135. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b) A defendant who attends a hearing held under section 5133 or 5134 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(c) Orders against stalking or sexual assault shall be served by the law enforcement agency at the earliest possible time and shall take precedence over other summonses and orders, with the exception of abuse prevention orders issued pursuant to 15 V.S.A. chapter 21. Orders shall be served in a manner calculated to ensure the safety of the plaintiff. Methods of service which include advance notification to the defendant shall not be used. The person making service shall file a return of service with the court stating the date, time, and place that the order was delivered personally to the defendant.

(d) If service of a notice of hearing issued under section 5133 or 5134 of this title cannot be made before the scheduled hearing, the court shall continue the hearing and extend the terms of the order upon request of the plaintiff for such additional time as it deems necessary to achieve service on the defendant.

Sec. 5. 33 V.S.A. § 6937 is amended to read:

§ 6937. SERVICE

(a) A petition or ex parte temporary order or final order issued under this subchapter shall be served by any sheriff or constable or any municipal or state police officer in accordance with the Vermont Rules of Civil Procedure.

(b) A defendant who attends a hearing held under section 6935 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order.

(c) The person making service shall file a return of service with the court stating the date, time and place at which the order was delivered personally to the defendant.

Sec. 6. 33 V.S.A. § 6937 is amended to read:

§ 6937. SERVICE

(a) A petition or ex parte temporary order or final order issued under this subchapter shall be served by any sheriff or constable or any municipal or state police officer in accordance with the Vermont Rules of Civil Procedure. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b) A defendant who attends a hearing held under section 6935 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(c) The person making service shall file a return of service with the court stating the date, time and place at which the order was delivered personally to the defendant.

Sec. 7. 12 V.S.A. § 5136 is amended to read:

§ 5136. PROCEDURE

(a) Except as otherwise specified in this chapter, proceedings commenced under this chapter shall be in accordance with the Vermont Rules of Civil

Procedure and shall be in addition to any other available civil or criminal remedies.

(b) The ~~court administrator~~ Court Administrator is authorized to contract with public or private agencies to assist plaintiffs to seek relief and to gain access to superior court. Law enforcement agencies shall assist in carrying out the intent of this section.

(c) The ~~office~~ Office of the ~~court administrator~~ Court Administrator shall ensure that the superior court has procedures in place so that the contents of orders and pendency of other proceedings can be known to all courts for cases in which an order against stalking or sexual assault proceeding is related to a criminal proceeding.

(d) Unless otherwise ordered by the court, an order issued pursuant to sections 5133 and 5134 of this title shall not be stayed pending an appeal.

Sec. 8. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of him or herself or his or her children by filing a complaint under this chapter. The plaintiff shall submit an affidavit in support of the order.

* * *

(c)(1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:

* * *

(2) The court order may include the following:

(A) an order that the defendant refrain from abusing the plaintiff, his or her children, or both and from interfering with their personal liberty, including restrictions on the defendant's ability to contact the plaintiff or the children in person, by phone, or by mail and restrictions prohibiting the defendant from coming within a fixed distance of the plaintiff, the children, the plaintiff's residence, or other designated locations where the plaintiff or children are likely to spend time;

(B) an order that the defendant immediately vacate the household and that the plaintiff be awarded sole possession of a residence;

(C) a temporary award of parental rights and responsibilities in accordance with the criteria in section 665 of this title;

(D) an order for parent-child contact under such conditions as are necessary to protect the child or the plaintiff, or both, from abuse. An order for parent-child contact may if necessary include conditions under which the plaintiff may deny parent-child contact pending further order of the court;

(E) if the court finds that the defendant has a duty to support the plaintiff, an order that the defendant pay the plaintiff's living expenses for a fixed period of time not to exceed three months;

(F) if the court finds that the defendant has a duty to support the child or children, a temporary order of child support pursuant to chapter 5 of this title, for a period not to exceed three months. A support order granted under this section may be extended if the relief from abuse proceeding is consolidated with an action for legal separation, divorce, or parentage;

(G) an order concerning the possession, care, and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household;

(H) an order that the defendant return any personal documentation in his or her possession, including immigration documentation, birth certificates, and identification cards:

(i) pertaining to the plaintiff; or

(ii) pertaining to the plaintiff's children if relief is sought for the children or for good cause shown.

* * *

Sec. 9. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the rules of civil procedure, temporary orders under this chapter may be issued ex parte, without notice to defendant, upon motion and findings by the court that defendant has abused plaintiff, his or her children, or both. The plaintiff shall submit an affidavit in support of the order. Relief under this section shall be limited as follows:

(1) ~~upon~~ Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff, his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household; ~~and~~

(B) to refrain from interfering with the plaintiff's personal liberty, the personal liberty of plaintiff's children, or both; and

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment.

(2) ~~upon~~ Upon a finding that the plaintiff, his or her children, or both have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) ~~upon~~ Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

* * *

Sec. 10. 15 V.S.A. § 1152 is amended to read:

§ 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION

* * *

(f) The Civil or Family Division of Washington County Superior Court shall have jurisdiction over petitions for protective orders filed by program participants pursuant to 12 V.S.A. §§ 5133 and 5134, to sections 1103 and 1104 of this title, and to 33 V.S.A. § 6935. A program participant may file a petition for a protective order in the county in which he or she resides or in Washington County to protect the confidentiality of his or her address.

Sec. 11. 13 V.S.A. § 1044 is amended to read:

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

(B) a final abuse prevention order issued under ~~section 15 V.S.A. § 1103 of Title 15~~ or a similar order issued in another jurisdiction.

(C) ~~an a final~~ a final order against stalking or sexual assault issued under ~~chapter 178 of Title 12~~ 15 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) ~~an~~ a final order against abuse of a vulnerable adult issued under ~~chapter 69 of Title 33 V.S.A. § 6935~~ or a similar order issued in another jurisdiction.

(2) commits the crime of domestic assault; and

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title.

(3) For the purpose of this subsection, the term “issued in another jurisdiction” means issued by a court in any other state, in a federally recognized Indian tribe, territory, or possession of the United States, in the Commonwealth of Puerto Rico, or in the District of Columbia.

* * *

Sec. 12. EFFECTIVE DATE

(a) Secs. 2, 4, and 6 of this act shall take effect on November 1, 2013.

(b) This section and all remaining sections of this act shall take effect on July 1, 2013.

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

Bill Passed

S. 37.

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

An act relating to the creation of a tax increment financing district.

Bill Passed in Concurrence with Proposal of Amendment

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

H. 99. An act relating to equal pay.

Bill Passed in Concurrence with Proposal of Amendment

House bill of the following title:

H. 169. An act relating to relieving employers' experience-rating records.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 29, Nays 0.

Senator Galbraith 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, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: Bray.

Bill Passed in Concurrence with Proposal of Amendment

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

H. 178. An act relating to anatomical gifts.

Third Reading Ordered

H. 315.

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

An act relating to group health coverage for same-sex spouses.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 29, Nays 0.

Senator Campbell 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, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: Bray.

Proposals of Amendment; Third Reading Ordered**H. 50.**

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

An act relating to the sale, transfer, or importation of pets.

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

First: In Sec. 5, 20 V.S.A. § 3682, in subsection (c), by striking out “chapter 9” where it appears in the first and second sentences, and inserting in lieu thereof the following: chapter 8

Second: In Sec. 6, 20 V.S.A. chapter 194, in § 3901, by striking out subdivision (11) in its entirety and inserting in lieu thereof the following:

(11) “Pet shop” means a place ~~where animals are bought, sold, exchanged, or offered for~~ of retail or wholesale business, including a flea market, that is not part of a private dwelling, where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are maintained or displayed for the purpose of sale or exchange to the general public.

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

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

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

Thereupon, pending the question, Shall the bill be read a third time?, Senator Sears moved that the Senate propose to the House that the bill be amended by adding a new section to be numbered Sec. 47b to read as follows:

* * * Barbers and Cosmetologists * * *

Sec. 47b. AMENDMENT TO RULES OF THE BOARD OF BARBERS AND COSMETOLOGISTS

By March 31, 2014, the Board of Barbers and Cosmetologists (the “Board”) shall amend Rule 12.3 of the Board to allow in a shop, including in an immediate work area of a shop, therapy animals, in addition to the service animals already permitted under that rule.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Sears?, Senator Sears requested and was granted leave to withdraw the proposal of amendment.

Thereupon, third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered

H. 101.

Senator Rodgers, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to hunting, fishing, and trapping.

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

First: In Sec. 6, 10 V.S.A. § 4252, by striking out subdivisions (a)(9) and (10) in their entirety.

and in the first sentence of subdivision (a)(12), after “archery, muzzle loader,” and before the period, by striking out the following: “turkey, second archery, and second muzzle loader” and inserting in lieu thereof the following: and turkey

and in the first sentence of subsection (b), by striking out the following: “second archery license, or” where it appears and inserting in lieu thereof the following: or a

Second: In Sec. 8, 10 V.S.A. § 4254b, by striking out subdivision (a)(4) in its entirety and inserting in lieu thereof the following:

(4) “Long-term care facility” means any facility required to be licensed under 33 V.S.A. chapter 71 or a mental hospital required to be licensed under 18 V.S.A. chapter 43.

Third: By striking out Sec. 9 in its entirety and inserting in lieu thereof the following:

Sec. 9. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the ~~commissioner~~ Commissioner. Fees for each license shall be:

- | | |
|---|---------|
| (1) Fishing license | \$25.00 |
| (2) Hunting license | \$22.00 |
| (3) Combination hunting and fishing license | \$38.00 |

(4) Big game licenses (all require a hunting license)	
(A) archery license	\$20.00
(B) muzzle loader license	\$20.00
(C) turkey license	\$23.00
(D) second muzzle loader license <u>[Deleted.]</u>	\$17.00
(E) second archery license <u>[Deleted.]</u>	\$17.00
(F) moose license	\$100.00
(G) additional <u>early season</u> bear tag	\$5.00
(5) Trapping license	\$20.00
(6) Hunting license for persons aged 17 or under	\$8.00
(7) Trapping license for persons aged 17 or under	\$10.00
(8) Fishing license for persons aged 15 through 17	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	\$10.00
(11) Combination hunting and fishing license for persons aged 17 or under	\$12.00
(12) Mentored hunting license	\$10.00
(b) Nonresidents may apply for licenses on forms provided by the commissioner <u>Commissioner</u> . Fees for each license shall be:	
(1) Fishing license	\$50.00
(2) One-day fishing license	\$20.00
(3) <u>[Deleted.]</u>	
(4) Hunting license	\$100.00
(5) Combination hunting and fishing license	\$135.00
(6) Big game licenses (all require a hunting license)	
(A) archery license	\$38.00
(B) muzzle loader license	\$40.00
(C) turkey license	\$38.00
(D) second muzzle loader license <u>[Deleted]</u>	\$25.00
(E) second archery license <u>[Deleted.]</u>	\$25.00

(F) moose license	\$350.00
(G) additional <u>early season</u> bear tag	\$15.00

* * *

(j) If the ~~board~~ Board determines that a moose season will be held in accordance with the rules adopted under sections 4082 and 4084 of this title, the ~~commissioner~~ Commissioner annually may issue three no-cost moose licenses to a ~~child or young adult age 21 years or under~~ person who has a ~~life threatening~~ life-threatening disease or illness and who is sponsored by a qualified charitable organization, provided that at least one of the no-cost annual moose licenses awarded each year shall be awarded to a child or young adult age 21 years of age or under who has a life-threatening illness. The child or ~~young~~ adult ~~must~~ shall comply with all other requirements of this chapter and the rules of the ~~board~~ Board. Under this subsection, a person may receive only one no-cost moose license in his or her lifetime. The ~~commissioner~~ Commissioner shall adopt rules in accordance with 3 V.S.A. chapter 25 of Title 3 to implement this subsection. The rules shall define the child or ~~young~~ adult qualified to receive the no-cost license, shall define a qualified sponsoring charitable organization, and shall provide the application process and criteria for issuing the no-cost moose license.

* * *

(m) The fee for a therapeutic group fishing license issued under section 4254b of this title shall be \$50.00 per year, provided that the Commissioner may waive the fee under this section if the applicant for a therapeutic group fishing license completes instructor certification under the Department's Let's Go Fishing Program. The Commissioner may, at his or her discretion, issue a free therapeutic fishing license to an applicant.

Fourth: In Sec. 20, 10 V.S.A. § 5201, in subdivision (a)(2), after “owner's name and a” and before “method by which to” by striking out the following: “legitimate” where it appears

Fifth: In Sec. 21 (Effective Dates), in subsection (b), by striking out the following: “Fish and Wildlife Board” where it appears and inserting in lieu thereof the following: Commissioner of Fish and Wildlife

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

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Natural Resources and Energy.

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

Bill Passed in Concurrence with Proposals of Amendment

H. 528.

House bill entitled:

An act relating to revenue changes for fiscal year 2014 and fiscal year 2015.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ashe, on behalf of the Committee on Finance, moved to amend the Senate proposal of amendment as follows:

First: In Sec. 3, in subsection (d), by striking out the following: “for the purpose of financing health care coverage under Catamount Health assistance, as provided under 33 V.S.A. chapter 19, subchapter 3a”

Second: In Sec. 8 (joint fiscal office), by striking out the words: “state return” and inserting in lieu thereof the word: state returns

Third: In Sec. 31, in subsection (a), by striking the word “agency” after the words “totality of”

Fourth: In Sec. 31, by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Membership. The Chair and Vice Chair of the Committee shall be legislative members selected by all the members of the Committee. The Committee on Workforce Barriers shall be composed of seven members as follows:

(1) the chairs of the Senate and House Committees on Appropriations or their designees;

(2) the chairs of the Senate Committee on Finance and the House Committee on Ways and Means or their designees;

(3) the chairs of the Senate Committee on Health and Welfare and the House Committee on Human Services or their designees;

(4) the chairs of the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development or their designees;

(5) the Secretary of Administration or designee;

(6) the Secretary of Human Services or designee; and

(7) the Commissioner of Labor or designee.

Fifth: In Sec. 33, in subsection (b), by striking out the following: “17 (Vermont higher education tax credit),” and in subsection (f), by striking out the following: “Secs. 15 (definition of taxable income) and 16 (minimum payment)” and inserting in lieu thereof the following: Secs. 15 (definition of taxable income), 16 (minimum payment), and 17 (Vermont higher education tax credit)

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Pollina moved to amend the Senate proposal of amendment as follows:

First: By inserting two new sections to be numbered Sec. 15a and Sec. 15b to read as follows:

Sec. 15a. REPEAL

2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

Sec. 15b. TAX RATES

For tax year 2013 and after, the tax rates for the two highest income tax brackets in 32 V.S.A. § 5822(a)(1)–(5) are raised the rates of 8.80 percent and 8.95 percent to 9.8 percent and 10.45 percent respectively. The tax rates for the three lowest brackets shall remain the same as they were in tax year 2012: 3.55 percent, 6.80 percent, and 7.80 percent. The Office of Legislative Council is authorized to alter the statutory chart in 32 V.S.A. § 5822(a)(1)–(5) to reflect these changes.

Second: In Sec. 33, in subsection (f), after the following: “Secs. 15 (definition of taxable income)” by inserting the following: 15a (income tax rate repeal), 15b (income tax rates),

Third: By striking out Sec. 22 (sales tax definitions) and Sec. 23 (sales tax exemptions), and inserting in lieu thereof the following:

Sec. 23. [Deleted.]

Sec. 24. [Deleted.]

And in Sec. 33, in subsection (b) by striking out the following: “22 (sales tax definitions), 23 (sales tax exemptions),”

Fourth: By striking out Secs. 24 (satellite programming tax), 25 (satellite tax rate for fiscal year 2015), 26 (satellite tax exemption), and 27 (satellite tax rate for fiscal year 2016), in their entirety and inserting in lieu thereof the following:

Sec. 24. [Deleted.]

Sec. 25. [Deleted.]

Sec. 26. [Deleted.]

Sec. 27. [Deleted.]

And in Sec. 33, in subsection (b), by striking the following “24 (satellite programming tax).” and by striking out subsections 33(h) and Sec. 33(i) in their entirety.

Which was disagreed to on a roll call, Yeas 7, Nays 22.

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

Roll Call

Those Senators who voted in the affirmative were: Cummings, Fox, French, McCormack, Pollina, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Benning, Campbell, Collins, Doyle, Flory, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman.

The Senator absent and not voting was: Bray.

Senator Cummings moved that the Senate proposal of amendment be amended as follows:

First: By striking out Secs. 18, 19, and 20 in their entirety and inserting in lieu thereof the following:

Sec. 18. ESTATE TAX STUDY

The Department of Taxes shall report to the General Assembly on ways to make Vermont’s estate tax more transparent and equitable. In conducting its study, the Department of Taxes shall consult with the Vermont Tax Advisory Board, the Joint Fiscal Office, and with attorneys, accountants, or other professionals who practice in this area. The report shall include analysis of Vermont’s current estate tax rates, estate tax base, exemptions, and deductions. The report shall make recommendations aimed at making the administration and application of Vermont’s estate tax simpler and fairer. The report of the Department of Tax shall be due on or before January 15, 2014.

Sec. 19. [Deleted.]

Sec. 20. [Deleted.]

Second: In Sec. 33, in subsection (b), after the following “17 (Vermont higher education tax credit), by inserting the following: 18 (estate tax study),” and by striking out subsection (g) in its entirety.

Which was agreed to on a roll call, Yeas 17, Nays 12.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Benning, Collins, Cummings, Doyle, Flory, Fox, Kitchel, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Snelling, Westman, White.

Those Senators who voted in the negative were: Ashe, Baruth, Campbell, French, Galbraith, Hartwell, Lyons, MacDonald, Rodgers, Sears, Starr, Zuckerman.

The Senator absent and not voting was: Bray.

Senators Lyons and Snelling moved that the Senate proposal of amendment be amended as follows:

First: By adding a new section to be numbered Sec. 23a to read as follows:

Sec. 23a. 2012 Acts and Resolves No. 143, Sec. 52 is amended to read:

Sec. 52. TEMPORARY MORATORIUM ON ENFORCEMENT OF SALES TAX ON PREWRITTEN SOFTWARE ACCESSED REMOTELY

Notwithstanding the imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233, the ~~department of taxes~~ Department of Taxes shall not assess tax on charges for remotely accessed software made after December 31, 2006 and before July 1, ~~2013~~ 2015, and taxes paid on such charges shall be refunded upon request if within the statute of limitations and documented to the satisfaction of the ~~commissioner~~ Commissioner. “Charges for remotely accessed software” means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer or a related company. Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

Second: By adding a new section to be numbered Sec. 23b to read as follows:

Sec. 23b. CLOUD TAX IMPLEMENTATION

The Department of Taxes shall report to the Senate Committee on Finance and House Committee on Ways and Means on how it plans to implement the

sales and use tax on the sale of prewritten software accessed remotely under Vermont law. The report shall specify the types of transactions that would be taxable under current law and the types of transactions that would not be taxable. To the extent the report identifies any outstanding issues with implementing the tax, the report shall include specific recommendations for administrative or legislative action. The report shall be due on or before January 15, 2015.

Third: In Sec. 33, in subsection (b), after the following: “23 (sales tax exemptions),” by inserting the following: 23a (cloud moratorium), 23b (cloud implementation).

Fourth: By striking out Secs. 24 (satellite tax), 25 (satellite tax rate for FY 2015), 26 (satellite exemptions), and 27 (satellite tax rate for FY 2016) in their entirety, and inserting in lieu thereof the following:

Sec. 24. 32 V.S.A. chapter 242 is added to read:

CHAPTER 242. TAX ON SATELLITE TELEVISION PROGRAMMING

§ 10401. DEFINITIONS

As used in this chapter:

(1) “Commissioner” means the Commissioner of Taxes.

(2) “Distributor” means any person engaged in the business of making satellite programming available for purchase by subscribers.

(3) “Satellite programming” means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber’s receiving equipment located at an end user subscribers’ or end user customers’ premises.

(4) “Subscriber” means a person who purchases programming taxable under this chapter.

§ 10402. TAX IMPOSED

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of five percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

(b) The tax together with a return in a form prescribed by the Commissioner shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer’s taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.

(c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of chapter 151 of this title shall apply to the tax imposed by this section.

§ 10403. EXEMPTIONS

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State;

(2) the provision of satellite programming to a person for resale; and

(3) the first \$15.00 of monthly charges paid by each subscriber for the provision of satellite programming which shall not be counted as gross receipts.

(b) The following organizations are not covered by the tax in this chapter:

(1) the State of Vermont or any of its agencies, instrumentalities, public authorities, or political subdivisions; and

(2) the United States of America or any of its agencies and instrumentalities.

Sec. 25. 32 V.S.A. § 10403(a) is amended to read:

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State; and

(2) the provision of satellite programming to a person for resale;

~~(3) the first \$15.00 of monthly charges paid by each subscriber for the provision of satellite programming shall not be counted as gross receipts.~~

Sec. 26. [Deleted.]

Sec. 27. [Deleted.]

Fifth: In Sec. 33 (effective dates), by striking out subsections (h) and (i) in their entirety and inserting a new subsection (h) to read as follows:

(h) Sec. 25 (satellite exemptions) shall take effect on July 1, 2014.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Lyons and Snelling?, Senator Lyons requested and was granted leave to withdraw the proposal of amendment.

Senator Rodgers moved that the Senate proposal of amendment be amended as follows:

First: By inserting a new section to be numbered Sec. 8a above the reader assistance heading of "Property Taxes" to read as follows:

Sec. 8a. 32 V.S.A. § 3201(8) is added to read:

§ 3201. ADMINISTRATION OF TAXES

(a) In the administration of taxes, the ~~commissioner~~ Commissioner may:

* * *

(9) When the Commissioner determines that a class of taxpayers has a common compliance problem or a common question about compliance with this title, the Commissioner shall exercise his or her discretion under this section to waive any past liability, penalty, or interest for taxpayers within that class. The Commissioner's decision to grant or deny relief under this subsection is final and not subject to subsequent review.

Second: In Sec. 33(b), after the following: “8 (joint fiscal office).” by inserting the following: 8a (administration of taxes).

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Rodgers?, Senator Rodgers requested and was granted leave to withdraw the proposal of amendment.

Senators Rodgers and Starr moved that the Senate proposal of amendment be amended as follows:

First: By adding a new section to be numbered Sec. 17a to read as follows:

Sec. 17a. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed July 1, ~~2013~~ 2014, and no credit under that section shall be available for any taxable year beginning on or after July 1, ~~2013~~ 2014.

Second: In Sec. 33(b), after the following: “13 (blighted property).” by inserting the following: 17a (wood manufacturers tax credit).

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senators Rodgers and Starr?, Senator Starr requested and was granted leave to withdraw the proposal of amendment.

Senator Ashe, on behalf of the Committee on Finance moved that the Senate proposal of amendment be amended as follows:

First: By adding a new section to be numbered Sec. 17a to read as follows:

Sec. 17a. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read as follows:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed ~~July 1, 2013~~ January 1, 2014, and no credit under that section shall be available for any taxable year beginning on or after ~~July 1, 2013~~ January 1, 2014.

Second: By adding a new section to be numbered Sec. 17b to read as follows:

Sec. 17b. WOOD PRODUCTS MANUFACTURERS TAX CREDIT LIMITATION

For taxable year 2013, the total amount of credits available under 32 V.S.A. § 5930y shall not exceed \$75,000.00. The Department of Taxes shall allocate the credits for taxable year 2013 proportionally based on the claims received for the credit.

Third: In Sec. 33(b), after the following: “13 (blighted property),” by adding the following: 17a (wood manufacturers tax credit), 17b (wood manufacturers tax credit limitation).

Which was agreed to.

Senators Rodgers and Starr moved that the Senate proposal of amendment be amended as follows:

First: By striking out Secs. 24 (satellite programming tax), 25 (satellite tax rate for fiscal year 2015), 26 (satellite tax exemption), and 27 (satellite tax rate for fiscal year 2016), in their entirety and inserting in lieu thereof the following:

Sec. 24. [Deleted.]

Sec. 25. [Deleted.]

Sec. 26. [Deleted.]

Sec. 27. [Deleted.]

And in Sec. 33, in subsection (b), by striking out the following: “24 (satellite programming tax).” and by striking out subsections 33(h) and 33(i) in their entirety

Second: In Sec. 15, in subdivision 21(A)(iv), by striking out the following: “\$12,000.00” and inserting in lieu thereof the following: \$10,000.00

Which was disagreed to on a roll call, Yeas 8, Nays 21.

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Doyle, Galbraith, Kitchel, McAllister, Rodgers, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Campbell, Collins, Cummings, Flory, Fox, French, Hartwell, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Sears, Snelling, White, Zuckerman.

The Senator absent and not voting was: Bray.

Senators Westman, Campbell, Collins, Cummings, French, Pollina and White moved to amend the Senate proposal of amendment by striking out Sec. 17 (Vermont higher education tax credit) in its entirety and inserting in lieu thereof the following:

Sec. 17. [Deleted.]

And in Sec. 33(f) by striking out the following: “17 (Vermont higher education tax credit).”

Which was agreed to on a roll call, Yeas 24, Nays 5.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Hartwell, Kitchel, Lyons, Mazza, McAllister, McCormack, Nitka, Pollina, Rodgers, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Galbraith, MacDonald, Mullin, Sears.

The Senator absent and not voting was: Bray.

Senator Sears moved that the Senate proposal of amendment be amended as follows:

First: By striking out Sec. 22 (sales tax definitions) and Sec. 23 (sales tax exemptions), and inserting in lieu thereof the following:

Sec. 22. [Deleted.]

Sec. 23. [Deleted.]

Second: In Sec. 33, in subsection (b) by striking out the following: “22 (sales tax definitions), 23 (sales tax exemptions),”

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 24, Nays 5.

Senator Galbraith 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, Baruth, Campbell, Collins, Cummings, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Doyle, Flory, McAllister, Pollina.

The Senator absent and not voting was: Bray.

Recess

On motion of Senator Campbell the Senate recessed until two o'clock and thirty minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Proposal of Amendment; Consideration Interrupted by Recess

H. 530.

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to making appropriations for the support of government.

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. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2014 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2014. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2013. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2014 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serve as the primary source and reference for appropriations for fiscal year 2014.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending June 30, 2014.

Sec. A.103 DEFINITIONS

(a) For the purposes of this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land, and construction of new buildings and permanent improvements, and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, and contracted third party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the state appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2014, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2014, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2013 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no more than 45 days prior to legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized state positions, both classified and exempt, excluding temporary

positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2014 except for new positions authorized by the 2013 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriation of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.100 Secretary of administration - secretary's office

Personal services	844,340
Operating expenses	<u>129,219</u>
Total	973,559
Source of funds	
General fund	746,543
Interdepartmental transfers	<u>227,016</u>
Total	973,559

Sec. B.101 Secretary of administration - finance

Personal services	1,214,086
Operating expenses	<u>174,974</u>
Total	1,389,060
Source of funds	
Interdepartmental transfers	<u>1,389,060</u>
Total	1,389,060

Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	1,362,068
Operating expenses	<u>339,297</u>
Total	1,701,365
Source of funds	
Internal service funds	<u>1,701,365</u>
Total	1,701,365

Sec. B.103 Secretary of administration - general liability insurance

Personal services	282,457
Operating expenses	<u>63,401</u>
Total	345,858
Source of funds	
Internal service funds	<u>345,858</u>
Total	345,858

Sec. B.104 Secretary of administration - all other insurance

Personal services	24,398
Operating expenses	<u>22,065</u>
Total	46,463
Source of funds	
Internal service funds	<u>46,463</u>
Total	46,463

Sec. B.105 Information and innovation - communications and information technology

Personal services	10,850,041
Operating expenses	9,583,673
Grants	<u>735,000</u>
Total	21,168,714
Source of funds	
Internal service funds	<u>21,168,714</u>
Total	21,168,714

Sec. B.106 Finance and management - budget and management

Personal services	1,101,626
Operating expenses	<u>241,073</u>
Total	1,342,699
Source of funds	
General fund	1,099,521
Interdepartmental transfers	<u>243,178</u>
Total	1,342,699

Sec. B.107 Finance and management - financial operations

Personal services	2,878,757
Operating expenses	<u>327,711</u>
Total	3,206,468
Source of funds	
Internal service funds	<u>3,206,468</u>
Total	3,206,468

Sec. B.108 Human resources - operations

Personal services	6,837,121
Operating expenses	<u>949,416</u>
Total	7,786,537
Source of funds	
General fund	1,721,503
Special funds	244,912
Internal service funds	5,150,473
Interdepartmental transfers	<u>669,649</u>
Total	7,786,537

Sec. B.109 Human resources - employee benefits & wellness

Personal services	1,080,565
Operating expenses	<u>818,530</u>
Total	1,899,095
Source of funds	
Internal service funds	1,884,796
Interdepartmental transfers	<u>14,299</u>
Total	1,899,095

Sec. B.110 Libraries

Personal services	2,094,320
Operating expenses	1,670,470
Grants	<u>67,163</u>
Total	3,831,953

Source of funds	
General fund	2,644,496
Special funds	127,019
Federal funds	963,293
Interdepartmental transfers	<u>97,145</u>
Total	3,831,953
Sec. B.111 Tax - administration/collection	
Personal services	13,452,030
Operating expenses	<u>3,606,359</u>
Total	17,058,389
Source of funds	
General fund	15,513,545
Special funds	1,299,400
Interdepartmental transfers	<u>245,444</u>
Total	17,058,389
Sec. B.112 Buildings and general services - administration	
Personal services	718,740
Operating expenses	<u>61,999</u>
Total	780,739
Source of funds	
Interdepartmental transfers	<u>780,739</u>
Total	780,739
Sec. B.113 Buildings and general services - engineering	
Personal services	2,327,797
Operating expenses	<u>474,850</u>
Total	2,802,647
Source of funds	
Interdepartmental transfers	<u>2,802,647</u>
Total	2,802,647
Sec. B.114 Buildings and general services - information centers	
Personal services	3,254,150
Operating expenses	1,399,962
Grants	<u>33,000</u>
Total	4,687,112
Source of funds	
General fund	678,129
Transportation fund	3,930,356
Special funds	<u>78,627</u>
Total	4,687,112

Sec. B.115 Buildings and general services - purchasing

Personal services	990,356
Operating expenses	<u>190,439</u>
Total	1,180,795
Source of funds	
General fund	<u>1,180,795</u>
Total	1,180,795

Sec. B.116 Buildings and general services - postal services

Personal services	640,226
Operating expenses	<u>133,400</u>
Total	773,626
Source of funds	
General fund	79,157
Internal service funds	<u>694,469</u>
Total	773,626

Sec. B.117 Buildings and general services - copy center

Personal services	719,383
Operating expenses	<u>153,027</u>
Total	872,410
Source of funds	
Internal service funds	<u>872,410</u>
Total	872,410

Sec. B.118 Buildings and general services - fleet management services

Personal services	598,336
Operating expenses	<u>164,579</u>
Total	762,915
Source of funds	
Internal service funds	<u>762,915</u>
Total	762,915

Sec. B.119 Buildings and general services - federal surplus property

Personal services	31,036
Operating expenses	<u>13,891</u>
Total	44,927
Source of funds	
Enterprise funds	<u>44,927</u>
Total	44,927

Sec. B.120 Buildings and general services - state surplus property

Personal services	143,737
Operating expenses	<u>107,035</u>
Total	250,772
Source of funds	
Internal service funds	<u>250,772</u>
Total	250,772

Sec. B.121 Buildings and general services - property management

Personal services	1,306,056
Operating expenses	<u>1,191,640</u>
Total	2,497,696
Source of funds	
Internal service funds	<u>2,497,696</u>
Total	2,497,696

Sec. B.122 Buildings and general services - fee for space

Personal services	12,619,641
Operating expenses	<u>14,837,602</u>
Total	27,457,243
Source of funds	
Internal service funds	<u>27,457,243</u>
Total	27,457,243

Sec. B.123 Geographic information system

Grants	<u>378,700</u>
Total	378,700
Source of funds	
Special funds	<u>378,700</u>
Total	378,700

Sec. B.124 Executive office - governor's office

Personal services	1,200,333
Operating expenses	<u>437,916</u>
Total	1,638,249
Source of funds	
General fund	1,451,749
Interdepartmental transfers	<u>186,500</u>
Total	1,638,249

Sec. B.125 Legislative council

Personal services	3,042,428
Operating expenses	<u>724,016</u>
Total	3,766,444
Source of funds	
General fund	<u>3,766,444</u>
Total	3,766,444

Sec. B.126 Legislature

Personal services	3,467,973
Operating expenses	<u>3,412,007</u>
Total	6,879,980
Source of funds	
General fund	<u>6,879,980</u>
Total	6,879,980

Sec. B.127 Joint fiscal committee

Personal services	1,314,830
Operating expenses	<u>125,858</u>
Total	1,440,688
Source of funds	
General fund	<u>1,440,688</u>
Total	1,440,688

Sec. B.128 Sergeant at arms

Personal services	514,458
Operating expenses	<u>70,127</u>
Total	584,585
Source of funds	
General fund	<u>584,585</u>
Total	584,585

Sec. B.129 Lieutenant governor

Personal services	146,082
Operating expenses	<u>28,963</u>
Total	175,045
Source of funds	
General fund	<u>175,045</u>
Total	175,045

Sec. B.130 Auditor of accounts

Personal services	3,378,241
Operating expenses	<u>155,467</u>
Total	3,533,708
Source of funds	
General fund	396,784
Special funds	53,145
Internal service funds	<u>3,083,779</u>
Total	3,533,708

Sec. B.131 State treasurer

Personal services	2,907,173
Operating expenses	<u>297,164</u>
Total	3,204,337
Source of funds	
General fund	976,216
Special funds	2,123,541
Interdepartmental transfers	<u>104,580</u>
Total	3,204,337

Sec. B.132 State treasurer - unclaimed property

Personal services	886,715
Operating expenses	<u>251,413</u>
Total	1,138,128
Source of funds	
Private purpose trust funds	<u>1,138,128</u>
Total	1,138,128

Sec. B.133 Vermont state retirement system

Personal services	6,557,649
Operating expenses	<u>30,370,108</u>
Total	36,927,757
Source of funds	
Pension trust funds	<u>36,927,757</u>
Total	36,927,757

Sec. B.134 Municipal employees' retirement system

Personal services	2,138,185
Operating expenses	<u>537,207</u>
Total	2,675,392

Source of funds	
Pension trust funds	<u>2,675,392</u>
Total	2,675,392
Sec. B.135 State labor relations board	
Personal services	181,889
Operating expenses	<u>43,272</u>
Total	225,161
Source of funds	
General fund	206,051
Special funds	6,788
Interdepartmental transfers	<u>12,322</u>
Total	225,161
Sec. B.136 VOSHA review board	
Personal services	25,288
Operating expenses	<u>20,026</u>
Total	45,314
Source of funds	
General fund	22,657
Interdepartmental transfers	<u>22,657</u>
Total	45,314
Sec. B.137 Homeowner rebate	
Grants	<u>13,967,000</u>
Total	13,967,000
Source of funds	
General fund	<u>13,967,000</u>
Total	13,967,000
Sec. B.138 Renter rebate	
Grants	<u>8,838,400</u>
Total	8,838,400
Source of funds	
General fund	2,651,500
Education fund	<u>6,186,900</u>
Total	8,838,400
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,293,196</u>
Total	3,293,196

Source of funds	
Education fund	<u>3,293,196</u>
Total	3,293,196
Sec. B.140 Municipal current use	
Grants	<u>13,475,000</u>
Total	13,475,000
Source of funds	
General fund	<u>13,475,000</u>
Total	13,475,000
Sec. B.141 Lottery commission	
Personal services	1,757,229
Operating expenses	1,280,936
Grants	<u>150,000</u>
Total	3,188,165
Source of funds	
Enterprise funds	<u>3,188,165</u>
Total	3,188,165
Sec. B.142 Payments in lieu of taxes	
Grants	<u>5,800,000</u>
Total	5,800,000
Source of funds	
Special funds	<u>5,800,000</u>
Total	5,800,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

Sec. B.145 Total general government

Source of funds	
General fund	69,657,388
Transportation fund	3,930,356
Special funds	10,336,132
Education fund	9,480,096
Federal funds	963,293
Internal service funds	69,123,421
Interdepartmental transfers	6,795,236
Enterprise funds	3,233,092
Pension trust funds	39,603,149
Private purpose trust funds	<u>1,138,128</u>
Total	214,260,291

Sec. B.200 Attorney general

Personal services	7,633,012
Operating expenses	<u>1,084,151</u>
Total	8,717,163
Source of funds	
General fund	4,269,409
Special funds	1,253,751
Tobacco fund	348,000
Federal funds	798,366
Interdepartmental transfers	<u>2,047,637</u>
Total	8,717,163

Sec. B.201 Vermont court diversion

Grants	<u>1,916,483</u>
Total	1,916,483
Source of funds	
General fund	1,396,486
Special funds	<u>519,997</u>
Total	1,916,483

Sec. B.202 Defender general - public defense

Personal services	8,930,535
Operating expenses	<u>947,591</u>
Total	9,878,126
Source of funds	
General fund	9,364,838
Special funds	<u>513,288</u>
Total	9,878,126

Sec. B.203 Defender general - assigned counsel

Personal services	3,945,930
Operating expenses	<u>49,819</u>
Total	3,995,749
Source of funds	
General fund	3,870,485
Special funds	<u>125,264</u>
Total	3,995,749

Sec. B.204 Judiciary

Personal services	32,510,309
Operating expenses	8,671,701
Grants	<u>70,000</u>
Total	41,252,010
Source of funds	
General fund	35,067,633
Special funds	3,835,319
Tobacco fund	39,871
Federal funds	714,176
Interdepartmental transfers	<u>1,595,011</u>
Total	41,252,010

Sec. B.205 State's attorneys

Personal services	9,856,733
Operating expenses	<u>1,539,920</u>
Total	11,396,653
Source of funds	
General fund	8,990,262
Special funds	9,982
Federal funds	31,000
Interdepartmental transfers	<u>2,365,409</u>
Total	11,396,653

Sec. B.206 Special investigative unit

Personal services	99,676
Operating expenses	162
Grants	<u>1,420,000</u>
Total	1,519,838
Source of funds	
General fund	<u>1,519,838</u>
Total	1,519,838

Sec. B.207 Sheriffs

Personal services	3,493,064
Operating expenses	<u>335,464</u>
Total	3,828,528
Source of funds	
General fund	<u>3,828,528</u>
Total	3,828,528

Sec. B.208 Public safety - administration

Personal services	2,098,413
Operating expenses	<u>1,584,079</u>
Total	3,682,492
Source of funds	
General fund	2,773,807
Federal funds	<u>908,685</u>
Total	3,682,492

Sec. B.209 Public safety - state police

Personal services	48,640,226
Operating expenses	7,532,421
Grants	<u>7,645,120</u>
Total	63,817,767
Source of funds	
General fund	24,925,517
Transportation fund	25,238,498
Special funds	2,536,320
Federal funds	10,057,432
Interdepartmental transfers	<u>1,060,000</u>
Total	63,817,767

Sec. B.210 Public safety - criminal justice services

Personal services	7,158,220
Operating expenses	<u>2,410,980</u>
Total	9,569,200
Source of funds	
General fund	7,026,613
Special funds	1,684,945
Federal funds	525,967
ARRA funds	<u>331,675</u>
Total	9,569,200

Sec. B.211 Public safety - emergency management

Personal services	2,064,284
Operating expenses	547,084
Grants	<u>13,137,210</u>
Total	15,748,578
Source of funds	
General fund	719,580
Federal funds	<u>15,028,998</u>
Total	15,748,578

Sec. B.212 Public safety - fire safety

Personal services	5,368,821
Operating expenses	1,548,070
Grants	<u>157,000</u>
Total	7,073,891
Source of funds	
General fund	646,809
Special funds	5,981,178
Federal funds	400,904
Interdepartmental transfers	<u>45,000</u>
Total	7,073,891

Sec. B.213 Public safety - homeland security

Personal services	5,100,032
Operating expenses	265,297
Grants	<u>3,997,535</u>
Total	9,362,864
Source of funds	
General fund	169,950
Federal funds	<u>9,192,914</u>
Total	9,362,864

Sec. B.214 Radiological emergency response plan

Personal services	685,174
Operating expenses	331,379
Grants	<u>1,568,062</u>
Total	2,584,615
Source of funds	
Special funds	<u>2,584,615</u>
Total	2,584,615

Sec. B.215 Military - administration

Personal services	493,465
Operating expenses	392,436
Grants	<u>100,000</u>
Total	985,901
Source of funds	
General fund	<u>985,901</u>
Total	985,901

Sec. B.216 Military - air service contract

Personal services	5,119,918
Operating expenses	<u>1,118,130</u>
Total	6,238,048
Source of funds	
General fund	471,703
Federal funds	<u>5,766,345</u>
Total	6,238,048

Sec. B.217 Military - army service contract

Personal services	3,905,112
Operating expenses	<u>9,138,297</u>
Total	13,043,409
Source of funds	
General fund	125,876
Federal funds	<u>12,917,533</u>
Total	13,043,409

Sec. B.218 Military - building maintenance

Personal services	986,686
Operating expenses	<u>464,967</u>
Total	1,451,653
Source of funds	
General fund	1,402,437
Federal funds	<u>49,216</u>
Total	1,451,653

Sec. B.219 Military - veterans' affairs

Personal services	524,453
Operating expenses	115,841
Grants	<u>223,984</u>
Total	864,278
Source of funds	

General fund	735,457
Special funds	65,000
Federal funds	<u>63,821</u>
Total	864,278
Sec. B.220 Center for crime victims' services	
Personal services	1,662,830
Operating expenses	297,792
Grants	<u>8,987,173</u>
Total	10,947,795
Source of funds	
General fund	1,164,554
Special funds	6,284,237
Federal funds	<u>3,499,004</u>
Total	10,947,795
Sec. B.221 Criminal justice training council	
Personal services	1,345,876
Operating expenses	<u>1,296,267</u>
Total	2,642,143
Source of funds	
General fund	2,347,571
Interdepartmental transfers	<u>294,572</u>
Total	2,642,143
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,281,364
Operating expenses	614,401
Grants	<u>344,410</u>
Total	2,240,175
Source of funds	
General fund	1,126,129
Special funds	963,797
Federal funds	<u>150,249</u>
Total	2,240,175
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	2,942,103
Operating expenses	664,900
Grants	<u>2,400,000</u>
Total	6,007,003
Source of funds	

General fund	2,142,097
Special funds	3,142,064
Federal funds	682,544
Global Commitment fund	34,006
Interdepartmental transfers	<u>6,292</u>
Total	6,007,003
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,028,318
Operating expenses	658,717
Grants	<u>2,802,474</u>
Total	4,489,509
Source of funds	
General fund	871,062
Special funds	3,063,352
Federal funds	444,844
Interdepartmental transfers	<u>110,251</u>
Total	4,489,509
Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship	
Personal services	3,538,132
Operating expenses	563,711
Grants	<u>1,340,475</u>
Total	5,442,318
Source of funds	
General fund	2,383,659
Special funds	1,911,422
Federal funds	794,341
Global Commitment fund	56,272
Interdepartmental transfers	<u>296,624</u>
Total	5,442,318
Sec. B.226 Financial regulation - administration	
Personal services	1,649,226
Operating expenses	<u>191,025</u>
Total	1,840,251
Source of funds	
Special funds	<u>1,840,251</u>
Total	1,840,251

Sec. B.227 Financial regulation - banking

Personal services	1,411,547
Operating expenses	<u>262,123</u>
Total	1,673,670
Source of funds	
Special funds	<u>1,673,670</u>
Total	1,673,670

Sec. B.228 Financial regulation - insurance

Personal services	6,203,711
Operating expenses	<u>482,988</u>
Total	6,686,699
Source of funds	
Special funds	4,590,443
Federal funds	1,504,283
Global Commitment fund	165,946
Interdepartmental transfers	<u>426,027</u>
Total	6,686,699

Sec. B.229 Financial regulation - captive insurance

Personal services	3,822,779
Operating expenses	<u>455,696</u>
Total	4,278,475
Source of funds	
Special funds	<u>4,278,475</u>
Total	4,278,475

Sec. B.230 Financial regulation - securities

Personal services	548,649
Operating expenses	<u>165,856</u>
Total	714,505
Source of funds	
Special funds	<u>714,505</u>
Total	714,505

Sec. B.231 Financial regulation - health care administration

Personal services	127,672
Operating expenses	<u>4,500</u>
Total	132,172
Source of funds	
Special funds	<u>132,172</u>
Total	132,172

Sec. B.232 Secretary of state

Personal services	6,994,156
Operating expenses	1,981,411
Grants	<u>812,715</u>
Total	9,788,282
Source of funds	
Special funds	7,713,282
Federal funds	2,000,000
Interdepartmental transfers	<u>75,000</u>
Total	9,788,282

Sec. B.233 Public service - regulation and energy

Personal services	8,115,051
Operating expenses	830,251
Grants	<u>5,336,427</u>
Total	14,281,729
Source of funds	
Special funds	12,367,430
Federal funds	802,249
ARRA funds	1,074,354
Enterprise funds	<u>37,696</u>
Total	14,281,729

Sec. B.234 Public service board

Personal services	2,736,114
Operating expenses	<u>428,852</u>
Total	3,164,966
Source of funds	
Special funds	3,091,566
ARRA funds	<u>73,400</u>
Total	3,164,966

Sec. B.235 Enhanced 9-1-1 Board

Personal services	3,386,718
Operating expenses	516,908
Grants	<u>885,000</u>
Total	4,788,626
Source of funds	
Special funds	<u>4,788,626</u>
Total	4,788,626

Sec. B.236 Human rights commission

Personal services	432,141
Operating expenses	<u>74,532</u>
Total	506,673
Source of funds	
General fund	422,882
Federal funds	<u>83,791</u>
Total	506,673

Sec. B.237 Liquor control - administration

Personal services	2,002,914
Operating expenses	<u>647,264</u>
Total	2,650,178
Source of funds	
Enterprise funds	<u>2,650,178</u>
Total	2,650,178

Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,153,635
Operating expenses	<u>445,222</u>
Total	2,598,857
Source of funds	
Special funds	25,000
Tobacco fund	218,444
Federal funds	254,841
Interdepartmental transfers	5,000
Enterprise funds	<u>2,095,572</u>
Total	2,598,857

Sec. B.239 Liquor control - warehousing and distribution

Personal services	859,469
Operating expenses	<u>436,065</u>
Total	1,295,534
Source of funds	
Enterprise funds	<u>1,295,534</u>
Total	1,295,534

Sec. B.240 Total protection to persons and property

Source of funds	
General fund	118,749,083
Transportation fund	25,238,498
Special funds	75,689,951

Tobacco fund	606,315
Federal funds	66,671,503
ARRA funds	1,479,429
Global Commitment fund	256,224
Interdepartmental transfers	8,326,823
Enterprise funds	<u>6,078,980</u>
Total	303,096,806

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	10,337,270
Operating expenses	3,232,916
Grants	<u>5,503,998</u>
Total	19,074,184
Source of funds	
General fund	5,165,482
Special funds	91,017
Tobacco fund	291,127
Federal funds	9,843,546
Global Commitment fund	415,000
Interdepartmental transfers	<u>3,268,012</u>
Total	19,074,184

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,208,745,075</u>
Total	1,208,745,075
Source of funds	
General fund	158,881,045
Special funds	20,795,259
Tobacco fund	35,743,693
State health care resources fund	267,531,579
Federal funds	725,753,499
Interdepartmental transfers	<u>40,000</u>
Total	1,208,745,075

Sec. B.302 Rate setting

Personal services	840,348
Operating expenses	<u>82,162</u>
Total	922,510
Source of funds	
Global Commitment fund	<u>922,510</u>
Total	922,510

 Sec. B.303 Developmental disabilities council

Personal services	223,211
Operating expenses	58,633
Grants	<u>248,388</u>
Total	530,232
Source of funds	
Federal funds	<u>530,232</u>
Total	530,232

Sec. B.304 Human services board

Personal services	309,988
Operating expenses	<u>47,907</u>
Total	357,895
Source of funds	
General fund	117,962
Federal funds	153,851
Interdepartmental transfers	<u>86,082</u>
Total	357,895

Sec. B.305 AHS - administrative fund

Personal services	350,000
Operating expenses	<u>4,650,000</u>
Total	5,000,000
Source of funds	
Interdepartmental transfers	<u>5,000,000</u>
Total	5,000,000

Sec. B.306 Department of Vermont health access - administration

Personal services	122,057,685
Operating expenses	3,809,070
Grants	<u>26,367,955</u>
Total	152,234,710
Source of funds	
General fund	1,700,505
Special funds	3,625,432
Federal funds	90,687,335
Global Commitment fund	51,144,321
Interdepartmental transfers	<u>5,077,117</u>
Total	152,234,710

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>658,195,658</u>
Total	658,195,658
Source of funds	
Global Commitment fund	<u>658,195,658</u>
Total	658,195,658

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>201,375,033</u>
Total	201,375,033
Source of funds	
General fund	87,690,448
Federal funds	<u>113,684,585</u>
Total	201,375,033

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>36,118,235</u>
Total	36,118,235
Source of funds	
General fund	29,000,408
Global Commitment fund	<u>7,117,827</u>
Total	36,118,235

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>43,923,308</u>
Total	43,923,308
Source of funds	
General fund	18,960,907
Federal funds	<u>24,962,401</u>
Total	43,923,308

Sec. B.311 Health - administration and support

Personal services	6,012,508
Operating expenses	2,750,348
Grants	<u>3,465,000</u>
Total	12,227,856
Source of funds	
General fund	1,947,664

Special funds	1,019,232
Federal funds	5,259,091
Global Commitment fund	<u>4,001,869</u>
Total	12,227,856
Sec. B.312 Health - public health	
Personal services	33,615,712
Operating expenses	6,305,676
Grants	<u>36,843,272</u>
Total	76,764,660
Source of funds	
General fund	7,342,870
Special funds	10,931,733
Tobacco fund	2,393,377
Federal funds	36,266,649
Global Commitment fund	18,800,791
Interdepartmental transfers	1,004,240
Permanent trust funds	<u>25,000</u>
Total	76,764,660
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	2,967,468
Operating expenses	391,758
Grants	<u>28,742,481</u>
Total	32,101,707
Source of funds	
General fund	3,022,339
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	6,539,025
Global Commitment fund	20,361,280
Interdepartmental transfers	<u>350,000</u>
Total	32,101,707
Sec. B.314 Mental health - mental health	
Personal services	22,230,696
Operating expenses	1,633,320
Grants	<u>175,623,941</u>
Total	199,487,957
Source of funds	
General fund	1,048,819
Special funds	6,836
Federal funds	6,093,289

Global Commitment fund	192,319,013
Interdepartmental transfers	<u>20,000</u>
Total	199,487,957

Sec. B.316 Department for children and families - administration & support services

Personal services	40,229,665
Operating expenses	8,271,811
Grants	<u>1,242,519</u>
Total	49,743,995
Source of funds	
General fund	16,482,195
Special funds	633,798
Federal funds	15,366,271
Global Commitment fund	17,049,231
Interdepartmental transfers	<u>212,500</u>
Total	49,743,995

Sec. B.317 Department for children and families - family services

Personal services	24,364,141
Operating expenses	3,285,261
Grants	<u>63,842,469</u>
Total	91,491,871
Source of funds	
General fund	21,918,167
Special funds	1,691,637
Federal funds	26,974,257
Global Commitment fund	40,743,756
Interdepartmental transfers	<u>164,054</u>
Total	91,491,871

Sec. B.318 Department for children and families - child development

Personal services	3,518,830
Operating expenses	370,166
Grants	<u>68,147,170</u>
Total	72,036,166
Source of funds	
General fund	33,255,661
Special funds	1,820,000
Federal funds	26,781,519
Global Commitment fund	<u>10,178,986</u>
Total	72,036,166

 Sec. B.319 Department for children and families - office of child support

Personal services	9,170,808
Operating expenses	<u>4,022,077</u>
Total	13,192,885
Source of funds	
General fund	3,135,551
Special funds	455,718
Federal funds	9,214,016
Interdepartmental transfers	<u>387,600</u>
Total	13,192,885

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	1,870,826
Grants	<u>11,445,414</u>
Total	13,316,240
Source of funds	
General fund	9,566,240
Global Commitment fund	<u>3,750,000</u>
Total	13,316,240

Sec. B.321 Department for children and families - general assistance

Grants	<u>8,290,504</u>
Total	8,290,504
Source of funds	
General fund	6,486,713
Federal funds	1,111,320
Global Commitment fund	<u>692,471</u>
Total	8,290,504

Sec. B.322 Department for children and families - 3SquaresVT

Grants	<u>26,813,146</u>
Total	26,813,146
Source of funds	
Federal funds	<u>26,813,146</u>
Total	26,813,146

Sec. B.323 Department for children and families - reach up

Operating expenses	253,242
Grants	<u>50,866,723</u>
Total	51,119,965
Source of funds	

General fund	21,195,902
Special funds	19,916,856
Federal funds	7,882,807
Global Commitment fund	<u>2,124,400</u>
Total	51,119,965

Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP

Grants	<u>19,557,664</u>
Total	19,557,664
Source of funds	
General fund	7,900,000
Federal funds	<u>11,657,664</u>
Total	19,557,664

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	484,606
Operating expenses	67,957
Grants	<u>5,213,713</u>
Total	5,766,276
Source of funds	
General fund	1,458,486
Special funds	57,990
Federal funds	4,047,312
Global Commitment fund	<u>202,488</u>
Total	5,766,276

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	241,413
Operating expenses	131,692
Grants	<u>11,613,465</u>
Total	11,986,570
Source of funds	
Special funds	<u>11,986,570</u>
Total	11,986,570

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	4,092,905
Operating expenses	<u>632,294</u>
Total	4,725,199

Source of funds	
General fund	891,786
Global Commitment fund	3,778,521
Interdepartmental transfers	<u>54,892</u>
Total	4,725,199
Sec. B.328 Department for children and families - disability determination services	
Personal services	4,493,121
Operating expenses	<u>1,138,949</u>
Total	5,632,070
Source of funds	
Federal funds	5,385,553
Global Commitment fund	<u>246,517</u>
Total	5,632,070
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	26,187,084
Operating expenses	<u>3,871,829</u>
Total	30,058,913
Source of funds	
General fund	7,785,111
Special funds	1,390,457
Federal funds	12,027,023
Global Commitment fund	6,322,467
Interdepartmental transfers	<u>2,533,855</u>
Total	30,058,913
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,512,026</u>
Total	21,512,026
Source of funds	
General fund	8,277,315
Federal funds	7,640,264
Global Commitment fund	5,438,822
Interdepartmental transfers	<u>155,625</u>
Total	21,512,026

Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired

Grants	<u>1,481,457</u>
Total	1,481,457
Source of funds	
General fund	364,064
Special funds	223,450
Federal funds	648,943
Global Commitment fund	<u>245,000</u>
Total	1,481,457

Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation

Grants	<u>9,095,971</u>
Total	9,095,971
Source of funds	
General fund	1,535,695
Special funds	70,000
Federal funds	4,062,389
Global Commitment fund	7,500
Interdepartmental transfers	<u>3,420,387</u>
Total	9,095,971

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>170,247,699</u>
Total	170,247,699
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	169,659,254
Interdepartmental transfers	<u>58,000</u>
Total	170,247,699

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>4,873,029</u>
Total	4,873,029
Source of funds	
Global Commitment fund	<u>4,873,029</u>
Total	4,873,029

Sec. B.335 Corrections - administration

Personal services	2,097,495
Operating expenses	<u>226,070</u>
Total	2,323,565
Source of funds	
General fund	<u>2,323,565</u>
Total	2,323,565

Sec. B.336 Corrections - parole board

Personal services	257,161
Operating expenses	<u>70,819</u>
Total	327,980
Source of funds	
General fund	<u>327,980</u>
Total	327,980

Sec. B.337 Corrections - correctional education

Personal services	3,794,353
Operating expenses	<u>530,774</u>
Total	4,325,127
Source of funds	
Education fund	3,929,242
Interdepartmental transfers	<u>395,885</u>
Total	4,325,127

Sec. B.338 Corrections - correctional services

Personal services	103,240,653
Operating expenses	19,147,376
Grants	<u>8,706,735</u>
Total	131,094,764
Source of funds	
General fund	123,930,845
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,812,679
Interdepartmental transfers	<u>396,315</u>
Total	131,094,764

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>10,507,763</u>
Total	10,507,763
Source of funds	

General fund	<u>10,507,763</u>
Total	10,507,763
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	466,118
Operating expenses	<u>345,501</u>
Total	811,619
Source of funds	
Special funds	<u>811,619</u>
Total	811,619
Sec. B.341 Corrections - Vermont offender work program	
Personal services	954,670
Operating expenses	<u>548,231</u>
Total	1,502,901
Source of funds	
Internal service funds	<u>1,502,901</u>
Total	1,502,901
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	16,395,081
Operating expenses	<u>5,107,960</u>
Total	21,503,041
Source of funds	
General fund	1,344,225
Special funds	12,145,964
Federal funds	7,601,866
Global Commitment fund	<u>410,986</u>
Total	21,503,041
Sec. B.343 Commission on women	
Personal services	287,700
Operating expenses	<u>71,135</u>
Total	358,835
Source of funds	
General fund	353,835
Special funds	<u>5,000</u>
Total	358,835
Sec. B.344 Retired senior volunteer program	
Grants	<u>151,096</u>
Total	151,096
Source of funds	

General fund	<u>151,096</u>
Total	151,096
Sec. B.345 Green Mountain Care Board	
Personal services	6,608,296
Operating expenses	<u>289,175</u>
Total	6,897,471
Source of funds	
General fund	473,118
Special funds	1,010,428
Global Commitment fund	2,360,462
Interdepartmental transfers	<u>3,053,463</u>
Total	6,897,471
Sec. B.346 Total human services	
Source of funds	
General fund	594,698,887
Special funds	89,631,251
Tobacco fund	39,814,431
State health care resources fund	267,531,579
Education fund	3,929,242
Federal funds	1,187,818,672
Global Commitment fund	1,227,174,838
Internal service funds	1,502,901
Interdepartmental transfers	25,678,027
Permanent trust funds	<u>25,000</u>
Total	3,437,804,828
Sec. B.400 Labor - programs	
Personal services	24,553,334
Operating expenses	5,293,630
Grants	<u>1,781,436</u>
Total	31,628,400
Source of funds	
General fund	3,054,572
Special funds	3,363,869
Federal funds	23,846,533
Interdepartmental transfers	<u>1,363,426</u>
Total	31,628,400
Sec. B.401 Total labor	
Source of funds	
General fund	3,054,572

Special funds	3,363,869
Federal funds	23,846,533
Interdepartmental transfers	<u>1,363,426</u>
Total	31,628,400
Sec. B.500 Education - finance and administration	
Personal services	7,072,845
Operating expenses	2,019,419
Grants	<u>12,591,200</u>
Total	21,683,464
Source of funds	
General fund	3,007,875
Special funds	13,293,157
Education fund	892,795
Federal funds	3,624,185
Global Commitment fund	<u>865,452</u>
Total	21,683,464
Sec. B.501 Education - education services	
Personal services	12,643,713
Operating expenses	1,434,792
Grants	<u>124,242,308</u>
Total	138,320,813
Source of funds	
General fund	6,203,344
Special funds	2,578,228
Federal funds	<u>129,539,241</u>
Total	138,320,813
Sec. B.502 Education - special education: formula grants	
Grants	<u>163,454,037</u>
Total	163,454,037
Source of funds	
Education fund	<u>163,454,037</u>
Total	163,454,037
Sec. B.503 Education - state-placed students	
Grants	<u>15,100,000</u>
Total	15,100,000
Source of funds	
Education fund	<u>15,100,000</u>
Total	15,100,000

Sec. B.504 Education - adult education and literacy

Grants	<u>7,351,468</u>
Total	7,351,468
Source of funds	
General fund	787,995
Education fund	5,800,000
Federal funds	<u>763,473</u>
Total	7,351,468

Sec. B.505 Education - adjusted education payment

Grants	<u>1,223,114,508</u>
Total	1,223,114,508
Source of funds	
Education fund	<u>1,223,114,508</u>
Total	1,223,114,508

Sec. B.506 Education - transportation

Grants	<u>16,726,497</u>
Total	16,726,497
Source of funds	
Education fund	<u>16,726,497</u>
Total	16,726,497

Sec. B.507 Education - small school grants

Grants	<u>7,491,286</u>
Total	7,491,286
Source of funds	
Education fund	<u>7,491,286</u>
Total	7,491,286

Sec. B.508 Education - capital debt service aid

Grants	<u>130,000</u>
Total	130,000
Source of funds	
Education fund	<u>130,000</u>
Total	130,000

Sec. B.509 Education - tobacco litigation

Personal services	145,029
Operating expenses	45,378
Grants	<u>576,134</u>
Total	766,541

Source of funds	
Tobacco fund	<u>766,541</u>
Total	766,541
Sec. B.510 Education - essential early education grant	
Grants	<u>6,141,155</u>
Total	6,141,155
Source of funds	
Education fund	<u>6,141,155</u>
Total	6,141,155
Sec. B.511 Education - technical education	
Grants	<u>13,018,754</u>
Total	13,018,754
Source of funds	
Education fund	<u>13,018,754</u>
Total	13,018,754
Sec. B.512 Education - Act 117 cost containment	
Personal services	1,080,553
Operating expenses	154,437
Grants	<u>91,000</u>
Total	1,325,990
Source of funds	
Special funds	<u>1,325,990</u>
Total	1,325,990
Sec. B.513 Appropriation and transfer to education fund	
Grants	<u>288,921,564</u>
Total	288,921,564
Source of funds	
General fund	<u>288,921,564</u>
Total	288,921,564
Sec. B.514 State teachers' retirement system	
Personal services	7,277,783
Operating expenses	27,671,276
Grants	<u>71,783,200</u>
Total	106,732,259
Source of funds	
General fund	71,783,200
Pension trust funds	<u>34,949,059</u>
Total	106,732,259

Sec. B.515 Total general education

Source of funds	
General fund	370,703,978
Special funds	17,197,375
Tobacco fund	766,541
Education fund	1,451,869,032
Federal funds	133,926,899
Global Commitment fund	865,452
Pension trust funds	<u>34,949,059</u>
Total	2,010,278,336

Sec. B.600 University of Vermont

Grants	<u>42,469,032</u>
Total	42,469,032
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,006,156</u>
Total	42,469,032

Sec. B.601 Vermont Public Television

Grants	<u>547,683</u>
Total	547,683
Source of funds	
General fund	<u>547,683</u>
Total	547,683

Sec. B.602 Vermont state colleges

Grants	<u>24,300,464</u>
Total	24,300,464
Source of funds	
General fund	<u>24,300,464</u>
Total	24,300,464

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,149,998</u>
Total	1,149,998
Source of funds	
General fund	744,591
Global Commitment fund	<u>405,407</u>
Total	1,149,998

 Sec. B.604 Vermont interactive technology

Grants	<u>809,249</u>
Total	809,249
Source of funds	
General fund	<u>809,249</u>
Total	809,249

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,414,515</u>
Total	19,414,515
Source of funds	
General fund	<u>19,414,515</u>
Total	19,414,515

Sec. B.606 New England higher education compact

Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000

Sec. B.607 University of Vermont - Morgan Horse Farm

Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1

Sec. B.608 Total higher education

Source of funds	
General fund	84,363,379
Global Commitment fund	<u>4,411,563</u>
Total	88,774,942

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	3,176,914
Operating expenses	799,518
Grants	<u>45,510</u>
Total	4,021,942
Source of funds	
General fund	3,739,109
Special funds	55,343

Federal funds	30,000
Interdepartmental transfers	<u>197,490</u>
Total	4,021,942
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,153,733</u>
Total	2,153,733
Source of funds	
General fund	1,732,233
Interdepartmental transfers	<u>421,500</u>
Total	2,153,733
Sec. B.702 Fish and wildlife - support and field services	
Personal services	14,603,485
Operating expenses	4,946,802
Grants	<u>650,000</u>
Total	20,200,287
Source of funds	
General fund	4,328,935
Special funds	20,000
Fish and wildlife fund	8,914,102
Federal funds	6,742,250
Interdepartmental transfers	<u>195,000</u>
Total	20,200,287
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,266,011
Operating expenses	550,951
Grants	<u>1,806,971</u>
Total	3,623,933
Source of funds	
General fund	1,057,402
Special funds	1,307,878
Federal funds	1,169,535
Interdepartmental transfers	<u>89,118</u>
Total	3,623,933
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	4,947,666
Operating expenses	649,757
Grants	<u>521,500</u>
Total	6,118,923
Source of funds	

General fund	3,514,173
Special funds	975,000
Federal funds	1,500,000
Interdepartmental transfers	<u>129,750</u>
Total	6,118,923
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	6,251,094
Operating expenses	<u>2,299,709</u>
Total	8,550,803
Source of funds	
General fund	805,451
Special funds	<u>7,745,352</u>
Total	8,550,803
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	449,568
Operating expenses	<u>1,213,158</u>
Total	1,662,726
Source of funds	
General fund	403,521
Special funds	179,205
Federal funds	1,050,000
Interdepartmental transfers	<u>30,000</u>
Total	1,662,726
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	<u>522,702</u>
Total	522,702
Source of funds	
General fund	50,320
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>190,000</u>
Total	522,702
Sec. B.708 Forests, parks and recreation - forest highway maintenance	
Personal services	95,000
Operating expenses	<u>84,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

 Sec. B.709 Environmental conservation - management and support services

Personal services	4,745,461
Operating expenses	1,256,590
Grants	<u>113,780</u>
Total	6,115,831
Source of funds	
General fund	1,070,011
Special funds	167,258
Federal funds	192,691
Interdepartmental transfers	<u>4,685,871</u>
Total	6,115,831

Sec. B.710 Environmental conservation - air and waste management

Personal services	10,067,224
Operating expenses	8,246,278
Grants	<u>2,131,238</u>
Total	20,444,740
Source of funds	
General fund	683,446
Special funds	16,330,510
Federal funds	3,230,784
Interdepartmental transfers	<u>200,000</u>
Total	20,444,740

Sec. B.711 Environmental conservation - office of water programs

Personal services	14,753,079
Operating expenses	4,695,933
Grants	<u>1,929,702</u>
Total	21,378,714
Source of funds	
General fund	7,674,248
Special funds	6,028,489
Federal funds	6,828,349
Interdepartmental transfers	<u>847,628</u>
Total	21,378,714

Sec. B.712 Environmental conservation - tax-loss Connecticut river flood control

Operating expenses	<u>34,700</u>
Total	34,700
Source of funds	
General fund	3,470

Special funds	<u>31,230</u>
Total	34,700
Sec. B.713 Natural resources board	
Personal services	2,431,059
Operating expenses	<u>364,618</u>
Total	2,795,677
Source of funds	
General fund	829,791
Special funds	<u>1,965,886</u>
Total	2,795,677
Sec. B.714 Total natural resources	
Source of funds	
General fund	26,072,035
Special funds	34,994,533
Fish and wildlife fund	8,914,102
Federal funds	20,837,609
Interdepartmental transfers	<u>6,986,357</u>
Total	97,804,636
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	2,095,805
Operating expenses	656,454
Grants	<u>1,404,570</u>
Total	4,156,829
Source of funds	
General fund	2,986,829
Federal funds	1,100,000
Interdepartmental transfers	<u>70,000</u>
Total	4,156,829
Sec. B.801 Economic development	
Personal services	2,908,179
Operating expenses	801,097
Grants	<u>2,108,179</u>
Total	5,817,455
Source of funds	
General fund	4,456,655
Special funds	605,350
Federal funds	751,550

Interdepartmental transfers	<u>3,900</u>
Total	5,817,455
Sec. B.802 Housing & community development	
Personal services	6,288,668
Operating expenses	772,325
Grants	<u>2,454,341</u>
Total	9,515,334
Source of funds	
General fund	2,266,663
Special funds	3,754,534
Federal funds	3,435,337
Interdepartmental transfers	<u>58,800</u>
Total	9,515,334
Sec. B.803 Historic sites - special improvements	
Operating expenses	<u>13,000</u>
Total	13,000
Source of funds	
Special funds	<u>13,000</u>
Total	13,000
Sec. B.804 Community development block grants	
Grants	<u>25,524,135</u>
Total	25,524,135
Source of funds	
Federal funds	<u>25,524,135</u>
Total	25,524,135
Sec. B.805 Downtown transportation and capital improvement fund	
Personal services	86,884
Grants	<u>297,082</u>
Total	383,966
Source of funds	
Special funds	<u>383,966</u>
Total	383,966
Sec. B.806 Tourism and marketing	
Personal services	1,079,788
Operating expenses	1,909,597
Grants	<u>238,500</u>
Total	3,227,885
Source of funds	

General fund	3,137,885
Interdepartmental transfers	<u>90,000</u>
Total	3,227,885
Sec. B.807 Vermont life	
Personal services	761,087
Operating expenses	<u>65,916</u>
Total	827,003
Source of funds	
Enterprise funds	<u>827,003</u>
Total	827,003
Sec. B.808 Vermont council on the arts	
Grants	<u>641,607</u>
Total	641,607
Source of funds	
General fund	<u>641,607</u>
Total	641,607
Sec. B.809 Vermont symphony orchestra	
Grants	<u>141,214</u>
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	<u>912,219</u>
Total	912,219
Source of funds	
General fund	<u>912,219</u>
Total	912,219
Sec. B.811 Vermont housing and conservation board	
Grants	<u>28,203,945</u>
Total	28,203,945
Source of funds	
Special funds	14,180,600
Federal funds	<u>14,023,345</u>
Total	28,203,945

Sec. B.812 Vermont humanities council

Grants	<u>217,959</u>
Total	217,959
Source of funds	
General fund	<u>217,959</u>
Total	217,959

Sec. B.813 Total commerce and community development

Source of funds	
General fund	14,761,031
Special funds	18,937,450
Federal funds	44,834,367
Interdepartmental transfers	222,700
Enterprise funds	<u>827,003</u>
Total	79,582,551

Sec. B.900 Transportation - finance and administration

Personal services	9,952,251
Operating expenses	1,973,579
Grants	<u>245,000</u>
Total	12,170,830
Source of funds	
Transportation fund	11,246,130
Federal funds	<u>924,700</u>
Total	12,170,830

Sec. B.901 Transportation - aviation

Personal services	3,628,764
Operating expenses	8,158,027
Grants	<u>185,000</u>
Total	11,971,791
Source of funds	
Transportation fund	4,542,791
Federal funds	<u>7,429,000</u>
Total	11,971,791

Sec. B.902 Transportation - buildings

Operating expenses	<u>2,873,000</u>
Total	2,873,000
Source of funds	
Transportation fund	993,000

TIB fund	<u>1,880,000</u>
Total	2,873,000
Sec. B.903 Transportation - program development	
Personal services	38,955,555
Operating expenses	261,265,552
Grants	<u>23,579,529</u>
Total	323,800,636
Source of funds	
Transportation fund	35,403,238
TIB fund	15,162,888
Federal funds	257,658,307
Interdepartmental transfers	4,019,000
Local match	1,169,703
TIB proceeds fund	<u>10,387,500</u>
Total	323,800,636
Sec. B.904 Transportation - rest areas construction	
Personal services	170,000
Operating expenses	<u>1,275,753</u>
Total	1,445,753
Source of funds	
Transportation fund	50,000
TIB fund	174,476
Federal funds	<u>1,221,277</u>
Total	1,445,753
Sec. B.905 Transportation - maintenance state system	
Personal services	39,744,134
Operating expenses	48,877,536
Grants	<u>75,000</u>
Total	88,696,670
Source of funds	
Transportation fund	78,151,670
Federal funds	10,445,000
Interdepartmental transfers	<u>100,000</u>
Total	88,696,670
Sec. B.906 Transportation - policy and planning	
Personal services	4,179,113
Operating expenses	1,610,228
Grants	<u>4,969,497</u>
Total	10,758,838

Source of funds	
Transportation fund	2,057,947
Federal funds	8,387,344
Interdepartmental transfers	<u>313,547</u>
Total	10,758,838
Sec. B.907 Transportation - rail	
Personal services	4,883,127
Operating expenses	28,446,710
Grants	<u>1,600,000</u>
Total	34,929,837
Source of funds	
Transportation fund	12,432,950
TIB fund	2,970,667
Federal funds	<u>19,526,220</u>
Total	34,929,837
Sec. B.908 Transportation - public transit	
Personal services	1,148,922
Operating expenses	125,062
Grants	<u>27,296,244</u>
Total	28,570,228
Source of funds	
Transportation fund	7,528,574
Federal funds	<u>21,041,654</u>
Total	28,570,228
Sec. B.909 Transportation - central garage	
Personal services	3,931,872
Operating expenses	<u>16,388,084</u>
Total	20,319,956
Source of funds	
Internal service funds	<u>20,319,956</u>
Total	20,319,956
Sec. B.910 Department of motor vehicles	
Personal services	15,927,083
Operating expenses	9,035,884
Grants	<u>158,000</u>
Total	25,120,967
Source of funds	
Transportation fund	23,085,000

Federal funds	<u>2,035,967</u>
Total	25,120,967
Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>
Total	6,333,500
Sec. B.912 Transportation - town highway Vermont local roads	
Grants	<u>400,000</u>
Total	400,000
Source of funds	
Transportation fund	235,000
Federal funds	<u>165,000</u>
Total	400,000
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,248,750</u>
Total	7,248,750
Source of funds	
Transportation fund	<u>7,248,750</u>
Total	7,248,750
Sec. B.914 Transportation - town highway bridges	
Personal services	3,800,000
Operating expenses	12,127,597
Grants	<u>639,000</u>
Total	16,566,597
Source of funds	
Transportation fund	1,123,394
TIB fund	933,963
Federal funds	13,495,630
Local match	<u>1,013,610</u>
Total	16,566,597
Sec. B.915 Transportation - town highway aid program	
Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744

 Sec. B.916 Transportation - town highway class 1 supplemental grants

Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>3,600,000</u>
Total	3,600,000
Source of funds	
Transportation fund	400,000
Federal funds	<u>3,200,000</u>
Total	3,600,000

Sec. B.919 Transportation - municipal mitigation grant program

Grants	<u>1,551,000</u>
Total	1,551,000
Source of funds	
Transportation fund	440,000
Federal funds	<u>1,111,000</u>
Total	1,551,000

Sec. B.920 Transportation - public assistance grant program

Grants	<u>29,235,250</u>
Total	29,235,250
Source of funds	
Special funds	2,235,250
Federal funds	<u>27,000,000</u>
Total	29,235,250

Sec. B.921 Transportation board

Personal services	181,114
Operating expenses	<u>18,886</u>
Total	200,000

Source of funds	
Transportation fund	<u>200,000</u>
Total	200,000
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	218,733,438
TIB fund	21,121,994
Special funds	2,235,250
Federal funds	373,641,099
Internal service funds	20,319,956
Interdepartmental transfers	4,432,547
Local match	2,183,313
TIB proceeds fund	<u>10,387,500</u>
Total	653,055,097
Sec. B.1000 Debt service	
Operating expenses	<u>77,216,569</u>
Total	77,216,569
Source of funds	
General fund	70,521,584
Transportation fund	2,414,979
TIB debt service fund	2,397,816
Special funds	628,910
ARRA funds	<u>1,253,280</u>
Total	77,216,569
Sec. B.1001 Total debt service	
Source of funds	
General fund	70,521,584
Transportation fund	2,414,979
TIB debt service fund	2,397,816
Special funds	628,910
ARRA funds	<u>1,253,280</u>
Total	77,216,569

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2014, \$3,293,000 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed below:

(1) Workforce development. The amount of \$1,377,500 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$817,500 is transferred to the Vermont Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce development. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont Career Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the Department of Labor working with the Workforce Development Council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the Agency of Commerce and Community Development to issue performance grants to the University of Vermont and the Vermont Center for Emerging Technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and Next Generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$330,000 as follows:

(A) Health care loan repayment. The amount of \$300,000 is appropriated to the Agency of Human Services – Global Commitment for the Department of Health to use for health care loan repayment. The department shall use these funds for a grant to the Area Health Education Centers (AHEC) for repayment of commercial or governmental loans for postsecondary health-care-related education or training owed by persons living and working in Vermont in the health care field.

(B) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the Agency of Agriculture, Food and Markets for a loan forgiveness program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$1,444,500 as follows:

(A) Nondegree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses

to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the Vermont Student Assistance Corporation for the National Guard Educational Assistance Program established in 16 V.S.A. § 2856.

(C) Dual enrollment programs. The amount of \$800,000 is appropriated to the Vermont State Colleges for dual enrollment programs. The State Colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state college system when programs at the other institutions are better academically or geographically suited to student need.

(4) Science Technology Engineering and Math (STEM) Incentive. The amount of \$141,000 is appropriated to the Agency of Commerce and Community Development for an incentive payment pursuant to 2011 Acts and Resolves No. 52, Sec. 6.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2015 NEXT GENERATION FUND DISTRIBUTION

(a) The Department of Labor, in coordination with the Agency of Commerce and Community Development, the Agency of Human Services, and the Agency of Education, and in consultation with the Workforce Development Council, shall recommend to the Governor no later than November 1, 2013 how \$3,293,000 from the Next Generation Fund should be allocated or appropriated in fiscal year 2015 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The Department of Labor shall actively and publically promote the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 UNEMPLOYMENT INSURANCE INTEREST

(a) The amount of \$428,009 in general funds is appropriated in fiscal year 2014 to the Department of Labor for unemployment insurance interest payments to the federal government.

Sec. B.1102 WORKING LANDSCAPE APPROPRIATION

(a) The amount of \$1,175,000 in General Funds is appropriated in fiscal year 2014 to the Agency of Agriculture, Food and Markets for transfer to the Vermont Working Lands Enterprise Special Fund established in 6 V.S.A. § 4605 for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for direct grants and investments in food and forest systems

pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, including grants that enable farmers' markets to accept electronic benefit transfer funds, and to continue to fund two (2) limited service working landscape staff positions in the Agency.

Sec. B.1103 DEPOSIT OF MORTGAGE PROCESSING SERVICES SETTLEMENT; APPROPRIATIONS TO THE DEPARTMENT OF FINANCIAL REGULATION

(a) The amount of \$371,000 received from Lender Processing Services, Inc., et al., relating to improperly executed mortgage loan documents and deposited into the Fees and Reimbursement Special Fund (#21638) in the Office of the Attorney General, shall be transferred to the General Fund in fiscal year 2014.

(b) The amount of \$125,000 in General Funds is appropriated in fiscal year 2014 to the Department of Financial Regulation – Banking Division for grants providing continued support of the Home Ownership Centers, which provide foreclosure intervention, homeowner counseling, assistance to mobile home owners, and similar services.

(c) The amount of \$75,000 in General Funds is appropriated in fiscal year 2014 to the Department of Financial Regulation – Banking Division for a grant to Vermont Legal Aid to fund legal services for homeowners facing foreclosure.

Sec. B.1104 [DELETED]

Sec. B.1201 GENERAL FUND REDUCTION; AUTHORIZED POSITION COUNT

(a) The Secretary of Administration shall reduce general fund appropriations by the amount of \$200,000 within the executive branch of state government as a result of budgeted positions not being authorized in fiscal year 2014.

Sec. C.100 2012 Acts and Resolves, No. 162, Sec. B.1101 is amended to read:

Sec. B.1101 ONE-TIME ELECTIONS ~~EXPENSE APPROPRIATION~~ AND AUTOMATED BUSINESS REGISTRATION SYSTEM EXPENSES APPROPRIATIONS

(a) In fiscal year 2013, there is appropriated to the ~~secretary of state~~ Secretary of State for 2012 primary and general elections:

General fund		\$135,000
Special fund	\$375,000	<u>\$240,000</u>

(b) In fiscal year 2013, notwithstanding 17 V.S.A. § 2856(a), there is appropriated to the Secretary of State from the Vermont Campaign Fund for expenses related to automating its business registration system:

<u>Special fund</u>	<u>\$135,000</u>
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Sec. C.100.1 SECRETARY OF STATE; VERMONT CAMPAIGN FUND DEPOSIT; EXPENDITURES

(a) The amount of \$30,000 in civil penalties received by the Attorney General from the Republican Governors Association and \$10,000 in other receipts from the parties pursuant to a settlement with the Attorney General during 2013 shall be deposited into the Vermont Campaign Fund.

(b) The Secretary of State is authorized to expend up to \$50,000 from the Vermont Campaign Fund during fiscal year 2013 for development costs for campaign finance system development expenditures.

Sec. C.101 2012 Acts and Resolves No. 162, Sec. B.200, as amended by 2013 Acts and Resolves No. 1, Sec. 8, is further amended to read:

Sec. B.200 Attorney general		
Personal services	7,660,981	7,660,981
Operating expenses	<u>977,285</u>	<u>977,285</u>
Total	8,638,266	8,638,266
Source of funds		
General fund	3,943,997	3,943,997
Special funds	1,278,455	1,389,455
Tobacco fund	459,000	348,000
Federal funds	745,364	745,364
Interdepartmental transfers	<u>2,211,450</u>	<u>2,211,450</u>
Total	8,638,266	8,638,266

Sec. C.102 2012 Acts and Resolves No. 162, Sec. B.240, as amended by 2013 Acts and Resolves No. 1, Sec. 15, is further amended to read:

Sec. B.240 Total protection to persons and property		
	282,833,185	282,833,185
Source of funds		
General fund	109,237,894	109,237,894
Transportation fund	25,238,498	25,238,498
Special funds	67,957,274	68,068,274
Tobacco fund	790,816	679,816
Federal funds	58,191,789	58,191,789
ARRA funds	5,160,681	5,160,681
Global Commitment fund	1,138,944	1,138,944

Interdepartmental transfers	8,701,945	8,701,945
Enterprise funds	<u>6,415,344</u>	<u>6,415,344</u>
Total	282,833,185	282,833,185

Sec. C.103 2012 Acts and Resolves No. 162, Sec. B.903 as amended by 2013 Acts and Resolves No. 1, Sec. 51.1, is further amended to read:

Sec. B.903 Transportation - program development

Personal services	36,309,069	36,309,069
Operating expenses	247,904,463	247,904,463
Grants	<u>37,369,326</u>	<u>37,369,326</u>
Total	321,582,858	321,582,858

Source of funds

Transportation fund	34,178,585	34,178,585
TIB fund	16,673,911	16,673,911
Federal funds	256,588,181	256,588,181
Interdepartmental transfers	3,770,000	3,770,000
Transportation local fund	1,372,181	1,372,181
<u>TIB proceeds fund</u>		<u>9,000,000</u>
Total	312,582,858	321,582,858

Sec. C.104 2012 Acts and Resolves No. 162, Sec. D.101(a)(3) is amended to read:

(3) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2014 transportation infrastructure bonds debt service: ~~\$1,764,213~~ \$1,702,378.

Sec. C.105 2012 Acts and Resolves No. 162, Secs. B.1000 and B.1001 are amended to read:

Sec. B.1000 Debt service

Operating expenses	72,111,263	71,962,178
Total	72,111,263	71,962,178

Source of funds

General fund	63,667,340	63,667,340
General obligation bonds debt service fund	2,321,565	2,321,565
Transportation fund	2,482,442	2,482,442
TIB debt service fund	1,758,486	1,609,401
Special funds	628,150	628,150
ARRA funds	<u>1,253,280</u>	<u>1,253,280</u>
Total	72,111,263	71,962,178

Sec. B.1001 Total debt service

Source of funds

General fund	63,667,340	63,667,340
General obligation bonds debt service fund	2,321,565	2,321,565
Transportation fund	2,482,442	2,482,442
TIB debt service fund	1,758,486	1,609,401
Special funds	628,150	628,150
ARRA funds	1,253,280	1,253,280
Total	72,111,263	71,962,178

Sec. C.106 ADMINISTRATION OF IRENE RECOVERY CDBG GRANT; LIMITED SERVICE POSITION

(a) The establishment of one (1) new classified limited service position – Grants Specialist – is authorized in fiscal year 2013 in the Agency of Commerce and Community Development.

Sec. C.107 CARRY FORWARD REALLOCATION

(a) The Vermont Information Centers Division of the Department of Buildings and General Services shall transfer the amount of \$50,000 in fiscal year 2013 to the Department of Tourism and Marketing for a grant to the Lake Champlain Maritime Museum.

Sec. C.108 CRISIS FUEL TRANSFER AUTHORITY

(a) Notwithstanding any other law to the contrary, the Commissioner of Finance shall have the authority to transfer funds from the Energy and Regulation Fund (#21698) of the Public Service Department to meet fiscal year 2013 LIHEAP crisis fuel needs.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Property Valuation and Review Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Property Valuation and Review Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$13,889,000 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Trust Board. Notwithstanding 10 V.S.A. § 312, amounts above \$13,889,000 from

the property transfer tax that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(3) The sum of \$3,587,154 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,587,154 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,587,154 shall be allocated as follows:

(A) \$2,758,884 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$449,570 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Vermont Center for Geographic Information.

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) from the General Fund to the:

(A) Communications and Information Technology Internal Service Fund established by 22 V.S.A. § 902a: \$735,000.

(B) Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$3,293,000.

(C) Facilities Operations Fund established in 29 V.S.A. § 160a: \$1,862,785.

(D) Clean Energy Development Fund established in 30 V.S.A. § 8015: \$150,000.

(2) from the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the fund: \$383,966.

(3) from the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund for the purpose of funding transportation infrastructure bonds debt service for a new bond issue in fiscal year 2014 and to fund fiscal year 2015 transportation infrastructure bonds debt service: \$2,450,788.

(4) from the Emergency Relief and Assistance Fund established in 20 V.S.A. § 45 to the General Fund: \$6,500,000.

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2013 in the Tobacco Litigation Settlement Fund shall remain for appropriation in fiscal year 2014.

Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2014 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2014 is not negative shall be transferred from the Tobacco Trust Fund to the Tobacco Litigation Settlement Fund in fiscal year 2014.

Sec. D.104 DEPOSIT OF WITHHELD TOBACCO SETTLEMENT FUNDS

(a) Notwithstanding any other provision of law, any payments to the State of Vermont, including principal and interest, that have been withheld beginning in fiscal year 2003, by the tobacco manufacturing companies pursuant to the Master Tobacco Settlement, shall be deposited in the Tobacco Trust Fund for the purpose of sustaining the Vermont Tobacco Prevention and Control Programs.

Sec. D.105 AMERICAN ELECTRIC POWER (AEP) SETTLEMENT TO THE CLEAN ENERGY DEVELOPMENT FUND

(a) Any funds recovered by the Attorney General as a result of the American Electric Power Service Corporation settlement shall be deposited into the Clean Energy Development Fund established by 30 V.S.A. § 8015.

Sec. D.106 [DELETED]

Sec. D.107 CLARIFICATION OF FISCAL YEAR 2014 REQUIRED TRANSFERS

(a) 32 V.S.A. § 6075(b) requires a calculation of the increase in the amount of General Fund forecasted for fiscal year 2014 comparing the last official forecast to the forecast made in July 2013. Any increase in the forecasted available general fund under this calculation shall further be reduced by revenue growth attributable to changes in federal tax law such as contemplated under the Marketplace Fairness Act of 2013.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH – POSITIONS AUTHORIZED IN FISCAL YEAR 2014

(a) The establishment of the following new classified positions is authorized in fiscal year 2014 as follows:

(1) In the Department of Information and Innovation – one (1) Enterprise Architect position – for work on the Judiciary’s information technology project.

(2) In the Treasurer’s Office – one (1) Financial Specialist.

(3) In the Department of Mental Health – seventeen (17) positions – for work at the new state hospital anticipated to be operational by April 2014. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(4) In the Department for Children and Families – fourteen (14) Benefits Program Specialist.

(5) Nineteen (19) positions are established in the position pool of the executive branch. The Secretary of Administration in consultation with the Commissioner of Human Resources may assign pool positions to executive branch entities provided the requesting entities demonstrate both need for the position and the fiscal capacity to fund the requested positions. The administration may convert one of these positions to an exempt position if needed.

(b) The establishment of the following new limited service positions is authorized in fiscal year 2014 as follows:

(1) In the Department of Buildings and General Services – two (2) classified positions – for engineering-related work. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(2) In the Department of Public Safety – two (2) classified positions and one (1) exempt position – for grant management and public assistance. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(3) In the Department of Environmental Conservation – three (3) classified positions – relating to the Department reengineering initiative. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(c) The Secretary of Administration and the Commissioner of Human Resources shall provide a written report to the Joint Fiscal Committee at its November 2013 meeting on the status of positions authorized in this section and existing pool positions that have been assigned to date.

Sec. E.100.1 FEDERAL EMERGENCY MANAGEMENT AGENCY
REPORTING AND OVERSIGHT

(a) The Secretary of Administration shall report to the Joint Fiscal Committee at each of its scheduled meetings in fiscal year 2014 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene. The report shall include:

(1) a projection of the total funding needs for the FEMA Public Assistance Program and to the extent possible, details about the projected funding by state agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match;

(3) information on any audit findings that may result in financial impacts to the State; and

(4) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by state agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. E.100.2 3 V.S.A. § 2222 is amended to read:.

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

* * *

(g)(1) The ~~secretary of administration~~ Secretary of Administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is ~~\$500,000.00~~ \$1,000,000.00 or greater or when required by the ~~state chief information officer~~ State Chief Information Officer. Documentation of this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:

- (A) an acquisition cost assessment;
- (B) a technology architecture review;
- (C) an implementation plan assessment;
- (D) a cost analysis and a model for benefit analysis; ~~and~~

(E) a procurement negotiation advisory services contract; and

(F) an impact analysis on net operating costs for the agency carrying out the activity.

* * *

Sec. E.101 29 V.S.A. § 1401 is amended to read:

§ 1401. PURCHASE OF INSURANCE

The ~~commissioner of buildings and general services~~ Secretary of Administration shall secure insurance coverage for the benefit of the ~~state~~ State and its employees while performing official duties, in fire and casualty companies authorized to do business in this ~~state~~ State in such amounts and such coverages as deemed for the best interests of the ~~state~~ State. Insurance policies covering the ~~state~~ State shall provide that loss, if any, shall be payable to the ~~state~~ State. All policies shall be filed and kept in the office of the ~~commissioner of buildings and general services~~ Secretary of Administration. The cost of all insurance purchased and the cost of managing such purchases shall be borne by the department or board for whose benefit it is purchased.

Sec. E.101.1 29 V.S.A. § 1402 is amended to read:

§ 1402. PREFERENCE TO VERMONT COMPANIES, AGENTS

In the purchase of such insurance as authorized in section 1401 of this title, the ~~commissioner of buildings and general services~~ Secretary of Administration shall give preference to Vermont-domiciled companies and independent agents licensed in and resident in Vermont when consistent as to coverages, services, and the best interests of the ~~state~~ State. Nothing contained herein shall be considered or construed as meaning or intending to be more than a legislative declaration of intent and policy, and in effecting the intent and policy herein expressed, the decisions and actions of the ~~department~~ Secretary shall not be subject to judicial challenge.

Sec. E.101.2 29 V.S.A. § 1405 is amended to read:

§ 1405. INVENTORIES OF STATE PROPERTY

State departments, institutions, and agencies having property belonging to the ~~state~~ State or in their charge on or before February 1 in each ~~even numbered~~ even-numbered year shall render an inventory to the ~~commissioner of buildings and general services~~ Secretary of Administration of all such property, and its value, on hand on January 1 preceding, on such forms and in such detail as the ~~commissioner of buildings and general services~~ Secretary of Administration may require.

Sec. E.101.3 29 V.S.A. § 1406 is amended to read:

§ 1406. LIABILITY INSURANCE

(a) The ~~commissioner of buildings and general services~~ Secretary of Administration, on behalf of the ~~state~~ State, may contract or enter into agreements with any insurance company or companies or insurance corporation or corporations licensed to do business within the ~~state~~ State for the purpose of insuring the ~~state~~ State against liability or may ~~self-insure~~ self-insure against liability.

(b) The ~~commissioner of buildings and general services~~ Secretary of Administration is directed to charge back against individual departmental appropriations in all funds the proper amounts necessary to pay the cost of the insurance or ~~self-insurance~~ self-insurance referred to in subsection (a) of this section.

(c) The ~~state liability self-insurance fund~~ State Liability Self-Insurance Fund is created to provide a program of ~~self-insuring~~ self-insuring liability coverages for all state agencies, legislature, departments, state colleges, judiciary, quasi-state agencies, boards, commissions, and employees, as defined in 3 V.S.A. § 1101. All covered entities shall participate in the program and shall contribute to the ~~fund~~ Fund. The ~~fund~~ Fund shall be administered by the ~~commissioner of buildings and general services~~ Secretary of Administration to adjust claims, to pay judgments, and to reimburse contractors and state agencies for services rendered.

* * *

Sec. E.101.4 29 V.S.A. § 1408 is amended to read:

§ 1408. WORKERS' COMPENSATION INSURANCE

(a) The ~~state employees' workers' compensation fund~~ State Employees' Workers' Compensation Fund is created to provide a program for self-insurance coverage for all officers and state employees, as defined in ~~section 3 V.S.A. § 1101 of Title 3~~, of all state agencies, departments, boards, and commissions pursuant to ~~chapters 21 V.S.A. chapter 9 and 11 of Title 21~~. All state agencies, departments, boards, and commissions shall participate in the program and contribute to the ~~fund~~ Fund. The ~~fund~~ Fund shall be administered by the ~~commissioner of buildings and general services~~ Secretary of Administration who:

(1) shall authorize payments from the ~~fund~~ Fund in accordance with the provisions of this section and ~~chapters 21 V.S.A. chapter 9 and 11 of Title 21~~;

* * *

(c) ~~On February 1, 1990, the commissioner shall assess each program participant an amount to be deposited in the fund. The assessment shall be the greater of:~~

~~(1) 115 percent of the yearly average workers' compensation losses suffered by the program participant during the preceding four years, or during the years, not to exceed four, which are documented in the insurance section of the department of buildings and general service; or~~

~~(2) 50 percent of the standard workers' compensation premium based on the National Council on Compensation Insurance rate classifications for Vermont in effect on the first day of the preceding fiscal year for that program participant. [Repealed.]~~

(d) ~~In subsequent years, the commissioner~~ The Secretary shall annually assess each program participant an amount to be deposited in the ~~state employees' workers' compensation fund~~ State Employees' Workers' Compensation Fund. ~~The commissioner~~ Secretary may adjust the annual assessment to assure that the debts and obligations of the program are adequately funded.

* * *

Sec. E.101.5 23 V.S.A. § 3214 is amended to read:

§ 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT SERVICES

* * *

(b) VAST shall purchase a trails' liability insurance policy in the amount of \$1,000,000.00. The ~~state~~ State of Vermont shall be named an additional insured. The policy shall extend to all VAST affiliated snowmobile clubs and their respective employees and agents to provide for trails' liability coverage for development and maintenance of the statewide snowmobile trails program including groomer use and operation. ~~The department of buildings and general services~~ Office of the Secretary of Administration shall assist VAST with the procurement of trails liability and other related insurance.

* * *

Sec. E.101.6 23 V.S.A. § 3217 is amended to read:

§ 3217. LIABILITY INSURANCE; TRAIL MAINTENANCE

The ~~state~~ State may extend coverage of its liability insurance to parties under contract with the ~~department of forests, parks and recreation~~ Department of Forests, Parks and Recreation for development and maintenance of the

snowmobile trail system. Insurance coverage shall match the ~~state's~~ State's current financial liability limits and shall be limited to those activities defined by the development and maintenance contract. The ~~department of buildings and general services~~ Secretary of Administration shall pay for this extended coverage with funds from snowmobile registration receipts.

Sec. E.101.7 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
LAW ENFORCEMENT SERVICES

* * *

(b) The ~~department of buildings and general services~~ Office of the Secretary of Administration shall assist VASA with the procurement of trail liability and other related insurance.

* * *

Sec. E.101.8 29 V.S.A. § 1902 is amended to read:

§ 1902. DUTIES OF COMMISSIONER OF BUILDINGS AND GENERAL
SERVICES

* * *

(b) ~~The commissioner of buildings and general services shall purchase state insurance as provided in chapter 55 of this title.~~

* * *

Sec. E.105 Information and innovation – communications and information technology

(a) Of this appropriation, \$735,000 is for a grant to the Vermont Telecommunications Authority established in 30 V.S.A. § 8061.

Sec. E.105.1 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

* * *

(C) to review and approve in accordance with ~~agency of administration~~ Agency of Administration policies the assignment of appropriate project managers for information technology activities within state government with a cost in excess of ~~\$100,000.00~~ \$1,000,000.00; and

* * *

Sec. E.106 32 V.S.A. § 305a(a) is amended to read:

(a) On or about January 15 and again by July 31 of each year, and at such other times as the ~~emergency board~~ Emergency Board or the ~~governor~~ Governor deems proper, the ~~joint fiscal office~~ Joint Fiscal Office and the ~~secretary of administration~~ Secretary of Administration shall provide to the ~~emergency board~~ Emergency Board their respective estimates of state revenues in the general, transportation, transportation infrastructure bond, education, and state health care resources funds, ~~and revenues from the gross receipts tax under 33 V.S.A. § 2503.~~ The January revenue estimate shall be for the current and next two succeeding fiscal years, and the July revenue estimate shall be for the current and immediately succeeding fiscal years. Federal fund estimates shall be provided at the same times for the current fiscal year. Global Commitment fund estimates shall be provided in January for the current and immediately succeeding fiscal year and in July for the current fiscal year.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$30,000 is from the Current Use Application Fee Special Fund and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

(b) The Tax Commissioner shall provide a report to the House and Senate Committees on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance on or before January 15, 2014 on compliance program revenue targets, collection trends, and program activities. The report shall include program outcomes and measures to evaluate program activity.

Sec. E.113 Buildings and general services – engineering

(a) The \$2,802,647 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Appropriations Act of the 2013 session.

Sec. E.118 2010 Acts and Resolves No. 156, Sec. E.114(a), as amended by 2011 Acts and Resolves No. 3, Sec. 60 is further amended to read:

(a) ~~The commissioner of the department of buildings and general services~~ Commissioner of Buildings and General Services shall submit a report to the ~~house and senate committees on appropriations~~ House and Senate Committees on Appropriations by January 15th of each year through fiscal year 2015 detailing the number of state employees, by department, that exceeded a \$14,000 14,000 mileage ~~reimbursement~~ amount for use of their private vehicle during the previous fiscal year.

Sec. E.118.1 Buildings and general services - fleet management services

(a) Any state employee that uses the standard mileage reimbursement rate for use of their private vehicle shall be required to use a state-owned or -leased vehicle if the mileage that is submitted for reimbursement exceeds 11,400 on a fiscal year basis. Exceptions may be made if the employee receives approval from his or her agency secretary or department head to exceed the 11,400 limit on mileage that is eligible for reimbursement for use of a private vehicle.

Sec. E.123 Geographic information system

(a) No transfer of functions of the Geographic Information System (GIS) program shall occur in fiscal year 2014 without legislative approval. The Executive Director of the GIS program shall report on or before November 30, 2013 to the Joint Fiscal Committee on potential options for administrative and business office functions to be supported by an appropriate state entity and any other recommendations for long-term financial sustainability of the program.

Sec. E.125 Legislative council

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Legislative Council and carried forward into fiscal year 2014, the amount of \$25,000 shall revert to the General Fund.

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Legislature and carried forward into fiscal year 2014, the amount of \$375,000 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2015 be included at a level sufficient to support an 18-week legislative session.

(c) Legislative members appointed to serve on study committees included in H.528, an act relating to revenue changes for fiscal year 2014 and fiscal year 2015, during adjournment of the General Assembly, shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

(d) Other members appointed to serve on study committees included in H.528 who are not employees of the State of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010. The funds to pay the per diems for these committee members shall be paid from the lead agency's appropriation.

Sec. E.126.1 LAKE SHORELAND PROTECTION COMMISSION

(a) There is created a Lake Shoreland Protection Commission to:

(1) provide information regarding current laws or regulations in place to protect the waters of the State that are held in trust for the public.

(2) take testimony regarding the regulation of disturbance, clearing and creation of impervious surfaces in the shorelands of lakes; and

(b) The Commission shall be composed of the current members of the Senate Committee on Natural Resources and Energy and two members from the House appointed by the Speaker of the House.

(c) The Commission may conduct five public meetings in the State to provide information and collect public input regarding the proposed regulation of activities in the shorelands of lakes. The Commission shall collaborate with regional and municipal planning organizations. The Commission shall hold four of the five meetings in different regions of the State. The fifth meeting shall be held in Montpelier.

(d) The Commission, with the assistance of the Agency of Natural Resources, shall:

(1) summarize the scope and requirements of existing regulation of activities that preserve and improve water quality and avoid degradation, including a summary of the proposed rules to implement the antidegradation policy and the programs and requirements the State may need to implement in order to meet the Total Maximum Daily Load plan for Lake Champlain;

(2) summarize the findings of the Agency of Natural Resources' State Water Quality Remediation, Implementation, and Funding Report of 2012, as required by 2012 Acts and Resolves No. 148, Sec. 19, including how Vermont ranks in relation to other states with regard to clean water protection;

(3) summarize the need for regulation in the shorelands of lakes as part of an integrated policy to preserve and protect clean water in the State;

(4) summarize how other states regulate activities in shoreland areas of lakes, including:

(A) what activities are regulated;

(B) how development, construction, or creation of nonvegetated surface in shoreland areas of lakes is regulated;

(C) whether activities in shoreland areas of lakes are regulated by the state, a local authority, or some combination of state and local authority;

(D) whether a buffer or other area of vegetated surface is required within a specified distance of a lake; and

(E) what activities in shoreland areas of lakes are exempt from regulation; and

(5) provide educational materials regarding shoreland protection, including copies of the Agency of Natural Resources' draft standards for the regulation of the shorelands of lakes and vegetation management.

(6) The Commission shall solicit and hear input and proposals from the public regarding, in response to the information provided under subdivisions (1)-(5) of this subsection, how the State of Vermont should protect water quality, aquatic habitat, and shoreland habitat while also preserving reasonable use of the property.

(e) For purposes of fulfilling its charge under this section, the Commission shall have technical services of the Agency of Natural Resources. The Office of Legislative Council shall provide legal and administrative services to the Commission. The Commission may request financial services from the Joint Fiscal Office.

(f) The Commission shall consider the public input and proposals provided under subsection (d) of this section and shall publish a report of the Commission's recommendations for legislative action for the protection of the shorelands of the lakes of the State. The Commission may make recommendations for consideration by the General Assembly. The report of the Commission shall be posted to the website of the General Assembly on or before January 15, 2014.

(g) In addition to the public meetings required under subsection (c) of this section, the Commission may meet no more than three times, and shall cease to exist on July 1, 2014.

(h) For attendance at meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

Sec. E.126.2 32 V.S.A. § 1053 is amended to read:

§ 1053. OFFICERS OF THE GENERAL ASSEMBLY

~~For each week of each session, the~~ The clerk of the house, the first assistant clerk of the house, the second assistant clerk of the house, the secretary of the senate and the assistant secretary of the senate shall be entitled to their necessary expenses and salaries as determined by the rules committee of the house or senate, as the case may be.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2014, the amount of \$75,000 shall revert to the General Fund.

(b) Up to \$85,000 may be transferred from the legislative budget in fiscal year 2013 to help fund expected costs for a contract for evaluation of the health care exchange proposal, financial analysis for a Health Care Advisory group, and increased Fiscal Office revenue analysis staff capacity.

Sec. E.130 AUDITOR RECOMMENDATION ON SPECIAL EDUCATION PERFORMANCE AUDIT

(a) The State Auditor shall review the feasibility of conducting a performance audit of special education in Vermont. The Office of the State Auditor shall consider whether a performance audit could:

(1) identify differences and causes thereof, in special education services provided among Vermont school districts and other jurisdictions;

(2) identify opportunities to improve special education planning, budgeting and financial controls;

(3) evaluate educational outcomes for special education students;

(4) provide strategies for delivery of cost-effective special education services without compromising service quality.

(b) The State Auditor shall report to the Joint Fiscal Committee at its September 2013 meeting on the items identified in subsection (a) of this section and define a scope and plan that could be used to guide the performance audit process if one is determined to be feasible.

Sec. E.131 [DELETED]

Sec. E.131.1 VERMONT COMMUNITY LOAN FUND INVESTMENT

(a) Notwithstanding 32 V.S.A. § 433, the State Treasurer is authorized to invest up to \$500,000 of short-term operating or restricted funds in the Vermont Community Loan Fund on terms acceptable to the Treasurer and consistent with 32 V.S.A. § 433(b).

Sec. E.131.2 24 V.S.A. § 1759(a) is amended to read:

(a) Any bond issued under this subchapter shall draw interest at a rate not to exceed the rate approved by the voters of the municipal corporation in accordance with section 1758 of this title, or if no rate is specified in the vote under that section, at a rate approved by the legislative branch of the municipal corporation, such interest to be payable semiannually. Such bonds or bond shall be payable serially, the first payment to be deferred not later than from one to five years after the issuance of the bonds and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than 20 years from the date of issue. In the case of bonds issued for the purchase or development of a municipal

forest, the first payment may be deferred not more than 30 years from the date of issuance thereof. Thereafter such bonds or bond shall be payable annually in equal or diminishing amounts so that the entire debt will be paid in not more than 60 years from the date of issue. In the case of bonds issued for ~~improvements on public highways~~ any capital project that have has a useful life of at least 30 years ~~and that involve bridge construction or roadway reconstruction, including a bridge component~~, the entire debt will be paid in not more than 30 years from the date of issue.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2014, investment fees shall be paid from the corpus of the fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) The towns currently engaged in litigation regarding grand list appeals of the assessment of TransCanada hydroelectric property may submit to the Attorney General legal expenditures made by those towns as a result of this litigation, as those values were established by reference to information from the Department of Taxes, Division of Property Valuation and Review. The Attorney General shall review the submitted bills and, if reasonable, approve reimbursement up to the amount transferred in subsection (b) of this section.

(b) As the litigation may have a substantial impact on the education grand list, \$50,000 of the appropriation in Sec. B.139 of this act shall be transferred to the Attorney General and reserved for payment of expenses incurred by towns in defense of grand list appeals as provided herein. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.141 Lottery commission

(a) Of this appropriation, the Lottery Commission shall transfer \$150,000 to the Department of Health, Office of Alcohol and Drug Abuse Programs, to support the gambling addiction program.

(b) The Vermont State Lottery shall provide assistance and work with the Vermont Council on Problem Gambling on systems and program development.

(c) The Executive Director of the Vermont State Lottery Commission shall report to the Joint Fiscal Committee at its November 2013 meeting on the operational, fiscal, and public policy issues of allowing Keno games in Vermont.

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for state payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the state share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the state share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$725,000 is appropriated in Sec. B.200 of this act.

Sec. E.204 4 V.S.A. § 28(e) is added to read:

(e) Upon completion of the agreements authorized by this section, the remaining balance in the Fund shall be deposited in the Court Technology Special Fund pursuant to section 27 of this title.

Sec. E.207 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

* * *

(2)(A) For necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness the sum of ~~\$15.40~~ \$18.00 per hour for each deputy sheriff or assistant so required if the sheriff or constable makes oath that the deputy sheriff, assistant, or assistants were required giving the name of the assistant or assistants if there were more than one; provided, however, a full-time law enforcement officer shall not receive compensation under this subsection if otherwise compensated for the hours during which

such transportation is performed. In addition to the rate established in this section, the sheriffs' department shall be reimbursed for the costs of the employers' contribution to Social Security and workers' compensation insurance attributable to services provided under this section. Reimbursement shall be calculated on an hourly basis; the sheriff's department shall also be reimbursed for the costs of employer contributions for unemployment compensation, when a claim is filed and the percentage owed from the sheriff's department to the ~~state~~ State can be accounted for under this section;

* * *

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in Special Funds shall be available for snowmobile law enforcement activities and \$35,000 in General Funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) \$405,000 is allocated for grants in support of the Drug Task Force and the Gang Task Force. \$190,000 of this amount shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force and to support the efforts of the Mobile Enforcement Team (Gang Task Force), or carried forward.

Sec. E.211 [DELETED]

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.214 Radiological emergency response plan

(a) Of the funds appropriated in Sec. B.214 of this act, \$200,000 is for the American Red Cross as a sub-grantee of the Radiological Emergency Response Program Special Fund in order to enhance sheltering capacity in response to any potential future incident involving Vermont Yankee Nuclear Power Plant. This is the first in a four-year plan to assess a total of \$770,000 for this purpose. Regardless of the operational or ownership status of the Vermont Yankee Nuclear Power Plant, the assessment over the next three years shall include \$250,000 in fiscal year 2015, \$175,000 in fiscal year 2016, and \$145,000 in fiscal year 2017 respectively for this purpose.

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance Program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be General Funds from this appropriation, and \$150,000 shall be Next Generation Special Funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.219 Military – veterans' affairs

(a) Of this appropriation, \$5,000 shall be used for continuation of the Vermont Medal Program, \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council, \$7,500 shall be used for the Veterans' Day parade, \$5,000 shall be granted to the Vermont State Council of the Vietnam Veterans of America to fund the Service Officer Program, and \$5,000 shall be used for the Military, Family, and Community Network.

(b) Of this General Fund appropriation, \$16,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.219.1 16 V.S.A. § 2538 is amended to read:

§ 2538. AMOUNT, DURATION, ~~RESIDENCE~~

(a) ~~An~~ Subject to subsection (c) of this section, an armed services scholarship shall pay tuition for an ~~approved program~~ academic credit at a Vermont postsecondary institution eligible for student assistance funds under Title IV of the Higher Education Act of 1965 and leading to a ~~an undergraduate~~ certificate or degree ~~other than a postgraduate degree~~ as follows:

(1) ~~at a Vermont university, college, or technical institute supported in whole or in part by public funds appropriated from the state treasury; or~~ If the person attends the University of Vermont, the scholarship shall pay an amount equal to the actual tuition charged by the University to the person.

(2) ~~tuition expenses at a Vermont postsecondary institution up to an amount equal to the in-state tuition fee for that year at the Vermont state colleges~~ If the person attends a Vermont State College, the scholarship shall pay an amount equal to the actual tuition charged by the institution to the person.

(3) If the person attends any other postsecondary institution located in Vermont, the scholarship shall pay an amount equal to the actual tuition charged by the institution to the person, or an amount equal to that which the scholarship would have paid if the person attended the University of Vermont pursuant to subdivision (1) of this subsection, whichever is less.

(b) An armed services scholarship ~~shall be tenable~~ may be used for a maximum of 130 academic credits ~~or less as may be necessary to complete requirements for graduation~~ an undergraduate certificate or degree.

(c) A person eligible and applying for an armed forces scholarship shall apply for a Federal Pell Grant. The amount of the armed services scholarship awarded shall be the remaining tuition ~~costs~~ to be paid pursuant to subsection (a) of this section, following receipt of a Pell Grant.

(d) A person who has obtained a bachelor's degree is not eligible for an armed services scholarship.

Sec. E.219.2 16 V.S.A. § 2539(b) and (c) are amended to read:

(b) On being notified of ~~the~~ an eligible applicant's matriculation at an institution as specified in subsection 2538(a) of this title, the ~~adjutant general or office of veterans' affairs shall certify eligibility to the commissioner of finance and management who~~ Adjutant General or the Office of Veterans' Affairs shall provide funds from the special fund established in section 2541 of this title to the Vermont Student Assistance Corporation, which, upon verifying enrollment, shall disburse the scholarship award to the institution from the armed services scholarship fund established in section 2541 of this title.

(c) Application for renewal of an armed services scholarship shall be made annually with written endorsement by the proper officer of the institution attended that the holder of the scholarship has maintained satisfactory scholastic standing. On receipt of this certification, the ~~adjutant general or office of veterans' affairs shall forward it to the commissioner of finance and management who~~ Adjutant General or the Office of Veterans' Affairs shall provide funds from the special fund established in section 2541 of this title to the Vermont Student Assistance Corporation, which, upon verifying enrollment, shall disburse the scholarship award to the institution from the armed services scholarship fund established in section 2541 of this title.

Sec. E.219.3 16 V.S.A. § 2541 is amended to read:

§ 2541. ARMED SERVICES SCHOLARSHIP FUND

(a) ~~An armed services scholarship fund~~ Armed Services Scholarship Fund is established ~~in the office of the state treasurer~~ to comprise appropriations made by the ~~general assembly~~ General Assembly. The fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Military Department for the armed services scholarships established in section 2537 of this title.

(b) ~~The state treasurer may invest the monies in the fund.~~

(c) ~~Monies in the fund shall be used to fund armed services scholarships established in section 2537 of this title.~~

(d) ~~All balances in the fund~~ Fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the ~~fund~~ Fund which are not withdrawn pursuant to this section shall remain in the ~~fund~~ Fund.

Sec. E.219.4 20 V.S.A. § 1548 is amended to read:

§ 1548. VERMONT VETERANS' FUND

(a) There is created a special fund to be known as the Vermont ~~veterans' fund~~ Veterans' Fund. This ~~fund~~ Fund shall be administered by the ~~state treasurer~~ Military Department and shall be paid out in grants on the recommendations of a nine-member committee comprising:

(1) The ~~adjutant general~~ Adjutant General or designee;

(2) The Vermont ~~veterans home administrator~~ Veterans' Home Administrator or designee;

(3) The ~~commissioner of the department of labor~~ Commissioner of Labor or designee;

(4) The ~~secretary of the agency of human resources~~ Secretary of Human Services or designee;

(5) The ~~director~~ Director of the White River Junction VA medical center or designee;

(6) The ~~director~~ Director of the White River Junction VA benefits office, or designee; and

(7) Three members of the ~~governor's veterans' council~~ Governor's Veterans' Council to be appointed by that ~~council~~ Council.

(b) The purpose of this ~~fund~~ Fund shall be to provide grants or other support to individuals and organizations:

- (1) For the long-term care of veterans.
- (2) To aid homeless veterans.
- (3) For transportation services for veterans.
- (4) To fund veterans' service programs.
- (5) To recognize veterans.

(c) The Vermont ~~veterans' fund~~ Veterans' Fund shall consist of revenues paid into it from the Vermont ~~veterans' fund~~ Veterans' Fund checkoff established in 32 V.S.A. § 5862e and from any other source. The Fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Military Department for the purposes in subsection (b) of this section.

(d) For purposes of this section, "veteran" means a resident of Vermont who served on active duty in the United States ~~armed forces~~ Armed Forces or the Vermont ~~national guard~~ National Guard or Vermont ~~air national guard~~ Air National Guard and who received an honorable discharge.

Sec. E.220 Center for crime victims' services

(a) Of the funds appropriated in Sec. B.220 of this act, \$30,000 is from the Domestic and Sexual Violence Special Fund created in 13 V.S.A. § 5360 to be used as a grant from the Center for Crime Victims Services to the Vermont Network Against Domestic and Sexual Violence for the acquisition of a data collection system.

Sec. E.220.1 STUDY COMMITTEE ON FUTURE FUNDING FOR THE VERMONT CENTER FOR CRIME VICTIMS SERVICES

(a) There is created a Study Committee on Future Funding for the Vermont Center for Crime Victims Services (CCVS). The purpose of the Committee is to address an anticipated decrease in available revenue for CCVS and to develop a financial plan of action that will ensure that CCVS will be able to continue to provide the services that victims of crime need in order to recover from the physical, emotional, and financial aftermath of criminal victimization.

(b) The Committee shall be composed of:

(1) One Representative from each of the House Committees on Appropriations, on Judiciary, and on Ways and Means appointed by the Speaker of the House.

(2) One Senator from each of the Senate Committees on Appropriations, on Judiciary, and on Finance appointed by the Committee on Committees.

(3) One representative from the Agency of Administration, appointed by the Secretary of Administration.

(4) The Executive Director of the Vermont Center for Crime Victims Services.

(c) The members of the Committee shall elect a Chair, who shall convene meetings and set meeting agendas.

(d) The Committee shall:

(1) analyze the factors that affect the revenue generated by 13 V.S.A. § 7282 and deposited into the Victims' Compensation Fund and the Crime Victims' Restitution Fund;

(2) assess the trends that are affecting the revenue of these funds, and develop revenue projections for fiscal year 2015 and beyond, based on these trends;

(3) identify strategies the State can engage in that will maximize revenue from these funding sources;

(4) identify alternative or new funding sources, including the State's General Fund;

(5) review how other states fund victim services;

(6) review federal grant programs, identify impending cuts to federal funding, and develop a plan of action for implementing these cuts; and

(7) analyze victim service programs mandated by state statute and funded with state special funds and make recommendations that contain costs and achieve greater efficiencies.

(e) For purposes of its study of these issues, the Committee shall have the assistance of the Office of Legislative Council, the Joint Fiscal Office, the Department of Finance and Management, and the Center for Crime Victims Services.

(f) By January 15, 2014, the Committee shall report to the House Committees on Appropriations, on Judiciary and on Ways and Means and Senate Committees on Appropriations, on Judiciary and on Finance on its findings and any legislative or administrative recommendations.

(g) The Committee shall meet no more than six times, and shall cease to exist upon filing its report. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to compensation and reimbursement for expenses under 2 V.S.A. § 406.

Sec. E.221 Criminal justice training council

(a) Notwithstanding any other provision of law, from the fiscal year 2013 funds appropriated to the Criminal Justice Training Council and carried forward into fiscal year 2014, the amount of \$40,000 shall revert to the General Fund.

Sec. E.222 Agriculture, food and markets – administration

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment Funds appropriated in this section for the Administration Division to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

Sec. E.223 Agriculture, food and markets – food safety and consumer protection

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment Funds appropriated in this section for the Food Safety and Consumer Protection Division to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

Sec. E.228 Financial regulation – insurance

(a) The Department of Financial Regulation shall use the Global Commitment Funds appropriated in this section for the Insurance Division for the purpose of funding certain health-care-insurance-related Department of Financial Regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.233 PUBLIC SERVICE DEPARTMENT; ELECTRIC GENERATION SITING; REPORT

(a) On or before November 15, 2013, the Department of Public Service shall submit a written report and recommendations, with proposed legislation, on each of the following:

(1) establishing a comprehensive planning process for the siting of electric generation plants that integrates state energy planning with local and

regional land use planning and strengthens the role of local and regional plans in the siting review process;

(2) increasing the accessibility of the siting review process for electric generation plants to local and regional governments and concerned citizens;

(3) funding intervenors participating in the siting review process for electric generation plants; and

(4) establishing specific standards applicable to wind generation plants to address their impacts on public health, the environment, and land use, including noise limits and setback requirements.

(b) In performing its tasks under this section, the Department shall use the information and data collected by and consider the report and recommendations of the Governor's Energy Siting Policy Commission created by Executive Order No. 10-12 dated October 2, 2012.

(c) In performing its tasks under this section, the Department shall have the assistance of the Agency of Commerce and Community Development, the Agency of Natural Resources, the Department of Health, and regional planning commissions created under 24 V.S.A. chapter 117.

(d)(1) The Department shall give widespread public notice of the assessment and report required by this section and shall maintain on its website a prominent page concerning this process that provides notice of all public meetings held and posts relevant information and documents.

(2) In performing the assessment and developing the report required by this section, the Department shall provide an opportunity for local legislative bodies, local planning commissions, affected businesses and organizations, and members of the public to submit relevant factual information, analysis, and comment.

(e) The Department shall submit the report, recommendations, and proposed legislation required by this section to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, the House Committee on Commerce and Economic Development, and the Joint Energy Committee under 2 V.S.A. chapter 17.

(f) During adjournment between the 2013 and 2014 sessions, the Joint Energy Committee shall meet no more than six times to review the conduct and content of the report required by this section and the report and recommendations of the Siting Policy Commission and to discuss potential legislation on any issue relating to the development, siting, and operation of electric generation plants. To this end, the Joint Energy Committee may require the Department to provide progress reports and call as witnesses

personnel from the Department and the other entities listed in subsection (c) of this section, members of the Siting Policy Commission, and such other persons as it may direct.

Sec. E.235 Enhanced 9-1-1 Board

(a) Up to \$75,000 of the funds appropriated in Sec. B 235 of this act shall be used to ensure that on or before January 15, 2014, the Enhanced 911 Board, in coordination with the Secretary of Education, shall provide technical assistance and guidance to school districts to comply with the requirement in 30 V.S.A. § 7057 that accurate location information is associated with each landline telephone installed in a school. The General Assembly anticipates the Board will seek a budget adjustment if insufficient funds are available within this appropriation.

Sec. E.236 9 V.S.A. § 4504 is amended to read:

§ 4504. RENTAL OF HOUSING; EXEMPTIONS

* * *

(2) if the dwelling unit is in a building with three or fewer units and the owner or a member of the owner's immediate family resides in one of the units, provided any notice, statement, or advertisement with respect to the unit complies with subdivision 4503(a)(3) of this title;

* * *

* * * HUMAN SERVICES * * *

Sec. E.300 HOUSING SUBSIDY; AGENCY EVALUATION; REPORT

(a) Agency of Human Services spending, represented in the Agency's Housing Inventory, initiated in 2011 contains 193 discrete funding lines. It is in the interest of the State to systematically review the State's spending on all State housing subsidies funded in whole or in part by the General Fund.

(b) The Agency of Human Services shall continue its work on the Housing Inventory. As part of the review, the Secretary shall evaluate the eligibility criteria, duration of the subsidy, expected outcomes for those receiving financial support, and the possible overlaps in the programs.

(c) On or before November 15, 2013, the Secretary shall report findings to the Joint Fiscal Committee, the House Committee on Human Services, and the Senate Committee on Health and Welfare accompanied with recommendations to maximize the State's investment of funds and other supports that enhance the ability of Vermonters to achieve stability and independence in their living arrangements.

Sec. E.300.1 AGENCY OF HUMAN SERVICES PROGRAMS AND SUBSTANCE ABUSE CONTINUUM OF SERVICES; REVIEW AND RECOMMENDATION

(a) In recognition of the fact that most, if not all, of the Agency programs serve persons with substance abuse and many persons with co-occurring substance abuse, medical, and mental health conditions, the Secretary of Human Services shall report on the capacity of the system, including outpatient, inpatient, residential treatment, and recovery substance abuse, medical, and mental health services to address these needs. In addition to the resources of the Agency, the Secretary may seek the advice and consultation of independent persons with clinical case management and public policy expertise to assess current policies and resources available within the Agency and make recommendations to change current policies, change the allocations of resources, restructure payment systems, and prioritize future additional resources. The Secretary of Education, the Commissioner of Labor, the Administrative Judge in the Judiciary, and leaders in the State's law enforcement agencies are expected to be available as needed for consultation in this effort. The Secretary of Human Services shall report to the General Assembly with this assessment and recommendations by January 15, 2014.

Sec. E.301 Secretary's office – Global Commitment

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver ("Global Commitment") approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the state funds appropriated in this section, a total estimated sum of \$27,761,422 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) \$17,641,800 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,858,200 of Federal Funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,901,341 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$2,179,180 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) \$1,852,303 certified state match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,186,798 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 2011 Acts and Resolves No. 60, Sec. 3 is amended to read:

Sec. 3. REQUEST FOR A WAIVER

By no later than July 1, 2012, the ~~agency of human services~~ Agency of Human Services shall include as a part of its application request for a demonstration project from the Centers for Medicare and Medicaid Services to integrate care for dual eligible individuals the additional proposal of allowing the ~~state~~ State to provide for an "enhanced hospice access" benefit, whereby the definition of "terminal illness" is expanded from six months' life expectancy to that of 12 months and participants may access hospice without being required to first discontinue curative therapy. Also, by no later than July 1, 2013, the ~~agency of human services~~ Agency of Human Services shall submit a Global Commitment Medicaid waiver ~~amendment~~ renewal application to provide funding for the same enhanced hospice access benefit.

Sec. E.302 PAYMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS PROVIDING RESIDENTIAL CHILD CARE SERVICES

(a) Notwithstanding any other provision of law, for the first quarter of state fiscal year 2014, the Division of Rate Setting shall calculate payment rates for private nonmedical institutions (PNMI) providing residential child care services as 100 percent of each program's final per diem rate in effect on June 30, 2013.

(1) For programs whose final per diem rate as of June 30, 2013 includes an approved rate adjustment, the per diem rate for the first quarter of state fiscal year 2014 will include provisions from the Division of Rate Setting's rate adjustment order.

(2) For programs whose final per diem rate as of June 30, 2013 is categorized as a start-up rate, the per diem rate for the first quarter of state fiscal year 2014 will include provisions from the Division of Rate Setting's final order on the start-up rate.

(b) The Division of Rate Setting shall propose a rule to set rates effective October 1, 2013 for PNMI facilities providing residential child care services based on actual historical costs in a base year.

Sec. E.306 32 V.S.A. § 305a(c) is amended to read:

(c) The January estimates shall include estimated caseloads and estimated ~~per member per month~~ per-member per-month expenditures for the current and next succeeding fiscal years for each Medicaid enrollment group as defined by the ~~agency~~ Agency and the ~~joint fiscal office~~ Joint Fiscal Office for state health care assistance programs or premium assistance programs supported by the state health care resources and Global Commitment funds, ~~for VermontRx~~, and for the programs under ~~the Choices for Care~~ any Medicaid Section 1115 waiver. For Board consideration, there shall be provided two versions of the next succeeding fiscal year's estimated per-member per-month expenditures, one shall include an increase in Medicaid provider reimbursements in order to ensure that the expenditure estimates reflect amounts attributable to health care inflation as required by subdivisions 307(d)(5) and (d)(6) of this title and one shall be without the inflationary adjustment. For VPharm, the January estimates shall include estimated caseloads and estimated per-member per-month expenditures for the current and next succeeding fiscal years by income category. The January estimates shall include the expenditures for the current and next succeeding fiscal years for the Medicare Part D phased-down state contribution payment and for the disproportionate share hospital payments. In July, the ~~administration~~ Administration and the ~~joint fiscal office~~ Joint Fiscal Office shall make a report to the ~~emergency board~~ Emergency Board on the most recently ended fiscal year for all Medicaid and Medicaid-related programs, including caseload and expenditure information for each Medicaid eligibility group. Based on this report, the ~~emergency board~~ Emergency Board may adopt revised estimates for the current fiscal year and estimates for the next succeeding fiscal year.

Sec. E.306.1 32 V.S.A. § 307(d) is amended to read:

(d) The ~~governor's~~ Governor's budget shall include his or her recommendations for an annual budget for Medicaid and all other health care assistance programs administered by the ~~agency of human services~~ Agency of Human Services. The ~~governor's~~ Governor's proposed Medicaid budget shall include a proposed annual financial plan, and a proposed five-year financial plan, with the following information and analysis:

* * *

(5) health care inflation trends consistent with provider reimbursements approved under 18 V.S.A. § 9376 and hospital budgets approved by the Green Mountain Care Board under 18 V.S.A. chapter 221, subchapter 7;

(6) recommendations for funding provider reimbursement at levels sufficient to ensure reasonable access to care, and at levels at least equal to Medicare reimbursement;

* * *

Sec. E.307 33 V.S.A. § 1802(9) is added to read:

(9) “Modified adjusted gross income” shall have the same meaning as in 26 U.S.C. § 36B(d)(2)(B).

Sec. E.307.1 33 V.S.A. § 1812 is added to read:

§ 1812. FINANCIAL ASSISTANCE TO INDIVIDUALS

(a)(1) An individual or family eligible for federal premium tax credits under 26 U.S.C. § 36B with income less than or equal to 300 percent of federal poverty level shall be eligible for premium assistance from the State of Vermont.

(2) The Department of Vermont Health Access shall establish a premium schedule on a sliding scale based on modified adjusted gross income for the individuals and families described in subdivision (1) of this subsection. The Department shall reduce the premium contribution for these individuals and families by 1.5 percent below the premium amount established in 26 U.S.C. § 36B.

(3) Premium assistance shall be available for the same qualified health benefit plans for which federal premium tax credits are available.

(b)(1) An individual or family with income at or below 300 percent of the federal poverty guideline shall be eligible for cost-sharing assistance, including a reduction in the out-of-pocket maximums established under Section 1402 of the Affordable Care Act.

(2) The Department of Vermont Health Access shall establish cost-sharing assistance on a sliding scale based on modified adjusted gross income for the individuals and families described in subdivision (1) of this subsection. Cost-sharing assistance shall be established as follows:

(A) for households with income at or below 150 percent of the federal poverty level (FPL): 94 percent actuarial value;

(B) for households with income above 150 percent FPL and at or below 200 percent FPL: 87 percent actuarial value;

(C) for households with income above 200 percent FPL and at or below 250 percent FPL: 77 percent actuarial value;

(D) for households with income above 250 percent FPL and at or below 300 percent FPL: 73 percent actuarial value.

(3) Cost-sharing assistance shall be available for the same qualified health benefit plans for which federal cost-sharing assistance is available and administered using the same methods as set forth in Section 1402 of the Affordable Care Act.

(c) To the extent feasible, the Department shall use the same mechanisms provided in the Affordable Care Act to establish financial assistance under this section in order to minimize confusion and complication for individuals, families, and health insurers.

Sec. E.307.2 REDUCTION IN MEDICAID COST-SHIFT

(a) Beginning October 1, 2013, the Agency of Human Services shall increase Medicaid reimbursements to participating providers for services provided by an amount equal to three percent of fiscal year 2012 expenditures for those services.

(b) It is the intent of the General Assembly that the Agency of Human Services increase Medicaid reimbursement methodologies in fiscal year 2014 across all programs and services, except as follows:

(1) providers with an existing process for rate inflation, such as nursing homes and private nonmedical institutions (PNMI), should not receive an additional increase;

(2) managed care organization (MCO) investments will be reviewed individually by the appropriate Department within the Agency of Human Services; and

(3) the Department of Vermont Health Access will not implement increases to primary care case management payments until the Department creates a new attribution model that more accurately identifies which providers should receive these payments.

(c) The Department of Vermont Health Access shall establish a mechanism that connects increases to payments for inpatient and outpatient hospital services with achieving high-quality outcomes.

(d) The Agency of Human Services shall allocate inflation increases to Medicaid reimbursement rates for fiscal years after 2014 in a manner that is consistent with Vermont's payment reform strategic plan.

(e) The Department of Vermont Health Access shall implement a new attribution model for primary care case management payments to ensure that providers seeing Medicaid patients for primary care receive those payments.

Sec. E.307.3 ANALYSIS OF METHODS TO HELP HIGH OUT-OF-POCKET COST SUBSCRIBERS

(a) It is the intent of the General Assembly to ensure that low- and middle-income individuals purchasing health insurance through the Vermont Health Benefit Exchange (Exchange) have financial protection from large out-of-pocket costs. The State of Vermont should analyze the potential enhanced cost-sharing subsidies available in the Exchange if federal financial participation is available by funding the subsidies as a managed-care entity investment through the Global Commitment to Health Section 1115 Medicaid waiver. The Department shall specifically estimate the fiscal potential to modify the cost-sharing subsidy established in 33 V.S.A. § 1812(b) as follows:

(1) Cost-sharing assistance established in 18 V.S.A. § 1812(b)(2)(C) for households with income above 200 percent of the federal poverty level (FPL) and at or below 250 percent FPL shall be increased from 77 percent to 83 percent actuarial value.

(2) Cost-sharing assistance established in 18 V.S.A. § 1812(b)(2)(D) for households with income above 250 percent FPL and at or below 300 percent FPL shall be increased from 73 percent to 77 percent actuarial value.

(3) Cost-sharing assistance shall be established for households with income above 300 percent FPL and at or below 350 percent FPL at 73 percent actuarial value.

(b) The analysis above shall be compared to the cost analysis, financial, and administrative potential to establish a high-risk pool or acquisition of secondary insurance to address the financial hardship of high out-of-pocket subscribers.

(c) The Department shall also report on the financial impact of low- and middle-income individuals purchasing health insurance through the Exchange who transition to Medicare coverage and recommendations for how these impacts, if burdensome, might be addressed.

(d) The Department shall report to the Joint Fiscal Committee at its next scheduled meeting after notice from the Commissioner of Vermont Health Access of approval from the Centers For Medicare and Medicaid Services

(CMS) and the Commissioner's assessment of the State's financial capacity for new investments and comparative analysis. The Committee shall review the relevant information to determine whether the CMS approval to consolidate the waivers did create sufficient financial capacity to include the subsidy as an investment and shall review the comparative analysis for establishing a high-risk pool or secondary insurance.

Sec. E.307.4 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) ~~The state health care resources fund~~ State Health Care Resources Fund is established in the ~~treasury~~ Treasury as a special fund to be a source of financing health care coverage for beneficiaries of the state health care assistance programs under the Global Commitment to ~~health~~ Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act ~~and for the Catamount Health assistance program under subchapter 3A of chapter 19 of this title~~ and a source of financing for the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title.

* * *

(d) All monies received by or generated to the ~~fund~~ Fund shall be used only as allowed by appropriation of the ~~general assembly~~ General Assembly for the administration and delivery of health care covered through state health care assistance programs administered by the ~~agency~~ Agency under the Global Commitment for Health Medicaid Section 1115 waiver, ~~the Catamount Health assistance program under subchapter 3A of chapter 19 of this title,~~ employer sponsored insurance premium assistance under section 1974 of this title, the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. E.307.5 NOTIFICATIONS TO PHARMACY PROGRAM BENEFICIARIES

(a) The Department shall ensure that at least once a year a notification is included in a written correspondence to beneficiaries of pharmacy programs to inform the beneficiary that it may be advisable to consult with local community service organizations or state program eligibility officials to review the financial advisability of continuing enrollment in the program. The Department shall submit the notification for review to the Health Care Oversight Committee and the Joint Fiscal Committee not later than November 1, 2013.

Sec. E.308 Department of Vermont health access – Medicaid program - long term care

(a) Choices for Care is the program administered by the Department of Disabilities, Aging, and Independent Living through a long-term care Medicaid Section 1115 waiver that offers participants a choice of settings for long-term services and supports. The rules for operation of the program under this Section 1115 waiver include criteria and standards for eligibility, levels of assistance, assessments, reviews, and the appeal and fair hearing process.

(b) The state has applied for and anticipates combining the Choices for Care waiver into the Global Commitment or its successor broader Medicaid waiver. The state shall continue to operate and administer the program in a manner that is the same or similar as is federally allowed to current practice. Funding for the Choices for Care program shall continue to be appropriated distinctly from the broader Medicaid waiver and the Department shall continue to report monthly on actual expenditures of the program compared to budgeted expenditure expectations.

(c) Savings in the Choices for Care program means the difference between the annual amount of funds appropriated for the program and the sum of expended and obligated funds remaining at the conclusion of the fiscal year. Any funds appropriated for the program shall be used for long-term services and supports to recipients. In using these funds, the Department shall give priority to services to individuals assessed as having high and highest needs and meeting the terms and conditions of the waiver as approved by the Centers for Medicare and Medicaid Services. Any savings in the program at the close of a fiscal year may be used for other long-term services and supports and shall be allocated and spent in ways that are sustainable into the future and that do not create an unsustainable base budget or shall be spent as one-time reinvestments that do not require continued funding into the future. Excluding appropriations allocated for the provision of acute services, any unexpended and unobligated state General or Special Fund appropriation at the close of a fiscal year shall be carried over to the next fiscal year. The Department shall not obligate funds for the purpose of reducing the calculation of savings in any fiscal year or to reduce the base funding needed in a subsequent fiscal year.

(d) Caseload and utilization for Choices for Care shall be included in the analysis conducted under the provisions of 32 V.S.A. § 305a.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2014 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000, of which \$135,000 is state General Funds and \$340,000 is AIDS Medication Rebates Special Funds to the Vermont AIDS service and peer-support organizations for client-based

support services. It is the intent of the General Assembly that if the AIDS Medication Rebates Special Funds appropriated in this subsection are unavailable, the funding for Vermont AIDS service and peer-support organizations for client-based support services shall be maintained through the General Fund or other state-funding sources. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

(A) AIDS Project of Southern Vermont, \$120,281;

(B) HIV/HCV Resource Center, \$38,063;

(C) VT CARES, \$219,246;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by state General Funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2014, the Department of Health shall provide grants in the amount of \$100,000 in General Funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The

method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) Funding for the tobacco programs in fiscal year 2014 shall consist of the \$2,393,377 in Tobacco Funds and \$302,507 in Global Commitment Funds appropriated in Sec. B.312 of this act. The Tobacco Evaluation and Review Board shall determine how these funds are allocated to tobacco cessation, community-based, media, public education, surveillance, and evaluation activities. This allocation shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 33 V.S.A. § 2004 is amended to read:

§ 2004. MANUFACTURER FEE

* * *

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the ~~attorney general's office~~ Office of the Attorney General for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, ~~and the evidence-based~~ evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2, ~~and any opioid-antagonist education and training program operated by the Department of Health or its agents.~~ The fees shall be collected in the evidence-based education and advertising fund established in section 2004a of this title.

Sec. E.312.2 33 V.S.A. § 2004a is amended to read:

§ 2004a. EVIDENCE-BASED EDUCATION AND ADVERTISING FUND

(a) ~~The evidence-based education and advertising fund~~ Evidence-Based Education and Advertising Fund is established in the ~~treasury~~ State Treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, ~~for~~ for analysis of prescription drug data needed by the ~~attorney general's office~~ Office of the Attorney General for enforcement activities, ~~for~~ for the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, ~~and~~ and for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2, and for the support of any opioid-antagonist education and training program operated by the Department of Health or its agents. Monies deposited into the ~~fund~~ Fund shall be used for the purposes described in this section.

Sec. E.312.3 18 V.S.A. § 9708 is amended to read:

§ 9708. AUTHORITY AND OBLIGATIONS OF HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES, AND RESIDENTIAL CARE FACILITIES REGARDING DO-NOT-RESUSCITATE ORDERS AND CLINICIAN ORDERS FOR LIFE SUSTAINING TREATMENT

* * *

(f) The ~~department of health~~ Department of Health shall adopt by rule no later than ~~March 1, 2013~~ July 1, 2014, criteria for individuals who are not the patient, agent, or guardian, but who are giving informed consent for a DNR/COLST order. The rules shall include the following:

* * *

(h) A clinician who issues a DNR order shall authorize issuance of a DNR identification to the patient. Uniform minimum requirements for DNR identification shall be determined by rule by the ~~department of health~~ Department of Health no later than ~~March 1, 2012~~ July 1, 2014.

* * *

Sec. E.313 Health – alcohol and drug abuse programs

(a) For the purpose of meeting the need for outpatient substance abuse services when the preferred provider system has a waiting list of five days or more or there is a lack of qualified clinicians to provide services in a region of the State, a state-qualified alcohol and drug abuse counselor may apply to the Department of Health, Division of Alcohol and Drug Abuse Programs, for time-limited authorization to participate as a Medicaid provider to deliver clinical and case coordination services, as authorized.

(b)(1) In accordance with federal law, the Division of Alcohol and Drug Abuse Programs may use the following criteria to determine whether to enroll a state-supported Medicaid and uninsured population substance abuse program in the Division's network of designated providers, as described in the state plan:

(A) The program is able to provide the quality, quantity, and levels of care required under the Division's standards, licensure standards, and accreditation standards established by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Health Care Organizations, or the Commission on Accreditation for Family Services.

(B) Any program that is currently being funded in the existing network shall continue to be a designated program until further standards are

developed, provided the standards identified in this subdivision (b)(1) are satisfied.

(C) All programs shall continue to fulfill grant or contract agreements.

(2) The provisions of subdivision (1) of this subsection shall not preclude the Division's "request for bids" process.

(c) The Department of Health shall compile and maintain a waitlist containing the unduplicated number of individuals in the State who are in need of substance abuse treatment.

(d) Of the funds appropriated in Sec. B.313 of this act, \$100,000 in General Funds is intended for increasing the capacity across the continuum of substance abuse prevention and treatment services. The use of these funds shall be determined by the Secretary of Human Services subsequent to the report required in Sec. E.300.1 (Substance Abuse Continuum) of this act. The proposed use of these funds shall be included with the fiscal year 2014 budget adjustment proposal made by the Agency.

Sec. E.314 [DELETED]

Sec. E.314.1 [DELETED]

Sec. E.314.2 LEVEL 1 PSYCHIATRIC CARE EVALUATION

(a)(1) The Mental Health Oversight Committee and the Health Care Oversight Committee shall hold a joint meeting in November 2013 for the purpose of evaluating the capacity needed to treat patients in the care and custody of the Commissioner of Mental Health, specifically regarding the capacity needed within the Level 1 system of care as established in 2012 Acts and Resolves No. 79. The evaluation shall include:

(A) an assessment of the census trends for the Level 1 system of care during the last fiscal year;

(B) the status of the census capacity at Rutland Regional Medical Center and Brattleboro Retreat's Level 1 unit;

(C) the status of the construction at the state-owned and -operated psychiatric hospital in Berlin;

(D) the status of the census capacity at the intensive and secure residential recovery programs; and

(E) an assessment of whether the budget provides adequate capacity for Level 1 treatment through the end of the 2014 fiscal year and the estimated budget need for the duration of the 2015 fiscal year.

(2) The evaluation shall include a projection of the daily census need for Level 1 inpatient care in excess of the six beds projected to operate at the Rutland Regional Medical Center and the 14 beds projected to operate at the Brattleboro Retreat as of April 1, 2014. The Committees shall solicit input from those hospitals providing Level 1 care that will be discontinued once the state-owned and -operated hospital is opened. The Committees' evaluation shall be submitted to the House and Senate Committees on Appropriations on or before December 15, 2013.

(3) The evaluation shall assess the number and type of personnel necessary to staff the state-owned and -operated hospital in Berlin as of April 1, 2014. On or before December 15, 2013, the Mental Health Oversight Committee and the Health Care Oversight Committee shall make a recommendation to the Joint Fiscal Committee as to the number and type of personnel needed to operate the state-owned and -operated hospital on April 1, 2014.

(4) It is the intent of the General Assembly that the 2015 fiscal year budget provide adequate resources to fund fully the community programs as funded in fiscal year 2014 and inpatient capacity established in 2012 Acts and Resolves No. 79, including the 25 beds at the state-owned and -operated hospital in Berlin. If the Mental Health Oversight Committee and the Health Care Oversight Committee in their evaluation and recommendation to the Joint Fiscal Committee find that less need exists than anticipated, the Joint Fiscal Committee may recommend reconsideration by the General Assembly.

(b) Each month between June and December 2013, the Department of Mental Health shall provide the following information to the Mental Health Oversight Committee and the Health Care Oversight Committee:

(1) The number of Level 1 patients receiving acute inpatient care in a hospital setting other than the renovated unit at Rutland Regional Medical Center, the renovated unit at the Brattleboro Retreat, and the Green Mountain Psychiatric Center in Morrisville, including the number of individuals treated in each setting and the single combined one-day highest number each month;

(2) The number of individuals waiting for admission to a Level 1 psychiatric inpatient unit after the determination of need for admission to emergency departments, correctional facilities, or any other identified settings is made and the number of days individuals are waiting;

(3) The total census capacity and average daily census of new intensive recovery residence beds opened in accordance with 2012 Acts and Resolves No. 79, and the annual daily census of the secure residential recovery facility in Middlesex. The census capacity shall not include a duplicate count for beds that replace those currently in operation elsewhere.

Sec. E.314.3 SUICIDE PREVENTION

(a) The funds appropriated to the Department of Mental Health for suicide prevention shall be used in accordance with best practices to enhance coordination in youth and adult suicide prevention programs, including the creation of a unified grant process for a single entity with prior experience implementing statewide prevention initiatives.

Sec. E.314.4 STANDARDIZED LEVEL OF CARE

(a) Contracts with designated hospitals participating in the no refusal system, as defined in 18 V.S.A. § 7101, for the treatment of Level 1 patients shall include standards of care equivalent to those developed and provided at the state-owned and -operated hospital.

Sec. E.314.5 RATE INCREASE

(a) Revenue generated from the Medicaid rate increases in this act shall be used by Designated and Specialized Service Agencies to provide a commensurate increase in compensation for direct care workers. Each Designated Agency will report to the Agency of Human Services how they complied with this provision.

Sec. E.316 [DELETED]

Sec. E.317 [DELETED]

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For state fiscal year 2014, the Agency of Human Services may continue a housing assistance program within the General Assistance program to create flexibility to provide these General Assistance benefits. The purpose of the program is to mitigate poverty and serve applicants more effectively than they are currently being served with the same amount of General Assistance funds. The program shall operate in a consistent manner within existing statutes and rules and new policies to be effective on July 1, 2013 and may create programs and provide services consistent with these policies. Eligible activities shall include, among others, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The program may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish outcomes and procedures for evaluating the program overall, and for each district in which

the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of the General Assistance flexibility program.

Sec. E.321.1 GENERAL ASSISTANCE EMERGENCY HOUSING

(a) Not more than \$1,000,000 of the funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2014 may be used for emergency housing in catastrophic situations. Up to \$500,000 of the funds appropriated for General Assistance may, with supervisory approval, be used for emergency housing for vulnerable populations as defined in subsection (c) of this section.

(b) Except as described in subsections (c) and (d) of this section, the Agency may only provide General Assistance emergency housing benefits in catastrophic situations as defined in rules adopted pursuant to 3 V.S.A. chapter 25. All emergency and temporary housing policies and guidelines issued by the Agency in effect as of June 30, 2013 shall be rescinded, except that the cold weather exemption issued by the Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

(c) The Department shall adopt emergency rules pursuant to 3 V.S.A. § 844 to take effect July 1, 2013 regarding the provision of emergency housing, subject to available funds and supervisory review and approval, for vulnerable populations without a catastrophic need. Vulnerable populations are defined as:

- (1) households with a member who is 65 years of age or older,
- (2) living with a disability as determined by the Social Security Administration for Social Security or Supplemental Security Income;
- (3) a child under the age of 6 years,
- (4) persons in the third trimester of pregnancy.

(d) During fiscal year 2014, the Agency, in consultation with interested stakeholders, including both statewide organizations and local agencies, shall adopt rules pursuant to 3 V.S.A. chapter 25 to clarify eligibility for General Assistance housing, including rules defining when the Agency may provide emergency housing subject to available funds to vulnerable populations as defined in subsection (c) of this section without a catastrophic need.

Sec. E.321.2 EMERGENCY HOUSING; REPORTS

(a) The Agency of Human Services shall develop the following systems with respect to General Assistance emergency housing services:

(1) an intake system for individuals and families receiving emergency housing services, including collecting basic statistical information about the clients served;

(2) a system to track payments to motels; and

(3) a system for ensuring the safety and health of clients who are housed in motels.

(b) On or before January 15, 2014, the Agency of Human Services shall report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations regarding the development and implementation of the systems required by subsection (a) of this section.

(c) On or before January 15 and July 15 of each year beginning in 2014, the Agency of Human Services shall report statewide statistics related to the use of emergency housing vouchers during the preceding calendar quarter, including demographic information, deidentified client data, shelter and motel usage rates, clients' primary stated cause of homelessness, average lengths of stay in emergency housing by demographic group and by type of housing, and such other relevant data as the Secretary deems appropriate. When the General Assembly is in session, the Agency shall provide its report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations. When the General Assembly is not in session, the Agency shall provide its report to the Joint Fiscal Committee.

Sec. E.323 33 V.S.A. § 1107 is amended to read:

§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;
COORDINATED SERVICES

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

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

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

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

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

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

* * *

Sec. E.323.1 33 V.S.A. § 1108 is amended to read:

§ 1108. ~~OBLIGATION TO ASSIST ELIGIBLE FAMILIES WITH~~ ~~DEPENDENT CHILDREN~~ ~~LIMITS ON FAMILY FINANCIAL~~ ~~ASSISTANCE~~

~~Except as specifically authorized herein, the commissioner shall not adopt any rule that would result in the termination of financial assistance to a participating family, including a dependent child, on the basis of an adult family member's having received TANF-funded financial assistance, as an adult, for 60 or more months in his or her lifetime. This provision shall not prevent the commissioner from adopting rules that impose limitations on how many months that families, including a parent who has received an associate or bachelor's degree while receiving support from the postsecondary education program authorized by section 1121 of this chapter, may receive financial assistance authorized by this chapter in the five year period immediately following the receipt of such associate or bachelor's degree.~~

(a) Except for grants to children in the care of persons other than their parents, only participating families who have received fewer than 60 cumulative months of financial assistance, including those months in which

any type of cash assistance funded by a TANF block grant was received in other states or territories of the United States, shall be eligible for benefits under the Reach Up Program.

(b) Deferment granted for the following reasons shall not count toward the Reach Up Program's cumulative 60-month lifetime eligibility period:

(1) The participant is not able-to-work.

(2) The participant is a parent or caretaker who is caring for a child pursuant to subdivision 1114(b)(3) of this chapter.

(3) The participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter.

(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18.

(d) Notwithstanding subsection (a) of this section, the Commissioner may extend to a participating family that does not have a qualifying deferment under section 1114 of this title and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section:

(1) the opportunity to participate in community service employment for a wage equivalent to that of the participating family's cash benefit under the Reach Up Program; or

(2) supplemental benefits to the participating family's wages if the work requirement is otherwise being met.

Sec. E.323.2 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

* * *

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

* * *

(3) A primary caretaker parent in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, a single parent, or a caretaker who is caring for a child who has not attained ~~24 months~~ one year of age for no more than ~~24~~ 12 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than ~~24 months~~ one year shall cooperate in the development of and participate in a family development plan.

(4) An individual who has exhausted the ~~24~~ 12 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able-to-work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.

* * *

(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the ~~circumstances or~~ condition asserted as the basis for a deferral or modification of the work requirement. A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable-to-work shall be confirmed by the independent medical review of one or more physicians designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up Program.

* * *

Sec. E.323.3 INTERIM REACH UP CASE MANAGEMENT

(a) During the interim between passage of this act and the implementation of the cumulative 60-month lifetime eligibility period pursuant to section E.323 of this act on May 1, 2014, the Commissioner for Children and Families shall:

(1) ensure that each participating family has a designated case manager who is primarily accountable for the family's progress in the Reach Up Program; and

(2) conduct a case review of each participating family that has reached the cumulative 60-month lifetime eligibility period pursuant to section E.323 of this act, beginning with families under sanction, to understand better the profile of families receiving long-term assistance.

(b) On or before January 15, 2014, the Commissioner shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding:

(1) the Department's preparedness to implement the cumulative 60-month lifetime eligibility period pursuant to Sec. E.323 of this act;

(2) the aggregated profile of participating families receiving long-term assistance from the Reach Up Program pursuant to subdivision (a)(2) of this

section, including any common barriers that prevent participating families from moving to self-sufficiency;

(3) the anticipated impact on participating families reaching the cumulative 60-month lifetime eligibility period pursuant to section E.323 of this act; and

(4) the fiscal impact of changes made to the Reach Up Program in accordance with this act.

Sec. E.323.4 33 V.S.A. § 1116(e) is amended to read:

~~(e) Any family that has received 60 or more cumulative months of financial assistance that also has one or more adult participants who have been sanctioned for 12 or more cumulative months, and who are currently being sanctioned shall have their grant reduced by \$225.00 per month for each adult sanctioned under this subsection. [Repealed.]~~

Sec. E.323.5 REACH UP POLICY WORK GROUP

(a) It is the policy of the State of Vermont that:

(1) parents and guardians take primary responsibility for the care and financial support of their children;

(2) parents and guardians model self-sufficient behavior and personal responsibility for their children by availing themselves of employment and educational opportunities when possible; and

(3) the system of aid and services to needy families with children shall recognize clearly defined reciprocal responsibilities and obligations on the part of both parents and government.

(b) The Commissioner for Children and Families shall convene a work group to examine public policy options for restructuring the Reach Up Program in a manner that emphasizes participant responsibility for receipt of benefits. The Work Group shall:

(1) identify programmatic strengths or weaknesses in the Reach Up Program, including a review of and recommendations pertaining to the State's existing sanction policies, work requirements for two-parent families, and deferment standards to ensure statewide consistency in application;

(2) assess the efficacy of case management services provided to Reach Up participants;

(3) examine the Reach Up Program's alignment with the Agency of Human Services' Integrated Family Services initiative;

(4) survey successful models used by other states' Temporary Assistance for Needy Families (TANF) programs that emphasize participant responsibility;

(5) consider the feasibility and effectiveness of incorporating restorative justice principles into the Reach Up Program through the involvement of Vermont's community justice centers; and

(6) evaluate the coordination between the Reach Up Program and other state and community services that provide assistance pertaining to housing, employment, transportation, or mental health and substance abuse.

(c)(1) The Commissioner, who shall serve as Chair, shall select individuals with policy expertise related to TANF, child welfare, substance abuse, and workforce development issues from within the Department for Children and Families to serve on the Work Group, as well as a current or former participating parent of the Reach Up Program. The Commissioner may also select national consultants or experts to serve on or assist the Work Group. The Work Group shall seek input from Vermont advocates for children and families prior to finalizing its findings and recommendations.

(2) The Commissioner shall convene the first meeting of the Work Group on or before July 15, 2013.

(d) On or before November 1, 2013, the Work Group shall submit a written report to the General Assembly containing its findings and recommendations on each of the issues identified in subsection (b) of this section. The report shall also contain a proposal for restructuring the Reach Up Program in a manner that is cost-effective, consistent with federal law, and empowers participants to attain self-sustaining employment. Thereafter, the Work Group shall cease to exist.

(e) Members of the Work Group who are not state employees and who are not otherwise compensated by their employment or association for their participation shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010.

Sec. E.323.6 REACH UP; REALLOCATION OF RESOURCES

(a) Up to \$150,000 of funds currently budgeted within the Reach Up program for transfer to Vocation Rehabilitation and then subsequently to the Department of Labor may be reallocated by the Commissioner for Children and Families to address substance abuse treatment and prevention needs of Reach Up participants. The Department may seek further reallocation of these resources in the budget adjustment process if such reallocation comports with the recommendations required by Sec. E.300.1 (Substance Abuse Continuum) and Sec. E.323.5 (Reach Up Policy Work Group) of this act.

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2013, and for program administration, the Commissioner of Finance and Management shall transfer \$2,550,000 from the Home Weatherization Assistance Trust Fund to the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are not available. An equivalent amount shall be returned to the Home Weatherization Trust Fund from the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the Home Weatherization Assistance Trust Fund be necessary for the 2013–2014 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2013 and if LIHEAP funds awarded as of December 31, 2013 for fiscal year 2014 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2014. Notwithstanding any other provision of law, payments authorized by the Office of Home Heating Fuel Assistance shall not exceed funds available, except that for fuel assistance payments made through December 31, 2013, the Commissioner of Finance and Management may anticipate receipts into the Home Weatherization Assistance Trust Fund.

(b) In addition to funds transferred in subsection (a) of this section, unless precluded by a maintenance of effort agreement, and notwithstanding any other provisions of law, up to an additional \$1,000,000 of fiscal year 2014 weatherization funds shall be transferred to allow the fiscal year 2014 LIHEAP benefit to be substantially similar to the fiscal year 2013 level. The Commissioner of Finance and Management may anticipate receipts into the home weatherization assistance trust fund to enable this transfer to be made.

Sec. E.324.1 33 V.S.A. § 2502(d) is amended to read:

(d) ~~Amounts raised by the gross receipts tax on retail sales of fuel imposed~~ Subject to budgetary approval by the General Assembly, or approval by the Emergency Board, amounts in the Home Weatherization Assistance Trust Fund created by section ~~2503~~ 2501 of this title may be transferred to the Home Heating Fuel Assistance Trust Fund created by section 2603 of this title, and used for energy assistance to low income persons, provided that such transfer does not reduce the fiscal capacity of the ~~state office of economic opportunity~~ State Office of Economic Opportunity to meet the budgetary obligations of the weatherization program as set forth in this chapter, and that in the event of approval by the Emergency Board, the Emergency Board so certifies.

Sec. E.324.2 REPEAL

(a) 33 V.S.A. § 2502(e) (use of amounts raised by the gross receipts tax, for home heating fuel assistance) is repealed.

Sec. E.324.3 REDESIGNATION BY LEGISLATIVE COUNCIL

(a) The Legislative Council is directed to remove the word “trust” from the name “home weatherization assistance trust fund” and from the name “home heating fuel assistance trust fund” wherever it appears in the Vermont Statutes Annotated.

Sec. E.324.4 33 V.S.A. § 2602 is amended to read:

§ 2602. ADMINISTRATION

* * *

(d) The Secretary shall require that an applicant to the Home Heating Fuel Assistance Program submit the approximate number of square feet of the household’s dwelling unit. For those households that receive a Home Heating Fuel Assistance benefit, the Secretary shall provide the dwelling unit bedroom count and each household’s heating fuel consumption for the previous year to the Administrator of the Home Weatherization Assistance Program established under chapter 25 of this title.

Sec. E.324.5 33 V.S.A. § 2604 is amended to read:

§ 2604. ELIGIBLE BENEFICIARIES; REQUIREMENTS

* * *

(b) Fuel cost requirements. ~~The secretary of human services~~ Secretary of Human Services or designee shall by procedure establish a table that contains amounts that will function as a proxy for applicant households’ annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within such table shall closely approximate the actual home heating costs experienced by participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program. Data on actual heating costs collected pursuant to subsection 2602(d) of this title shall be used in lieu of the proxy table when available. Such table shall be revised no less frequently than every three years based on data supplied by certified fuel suppliers, the ~~department of public service~~ Department of Public Service, and other industry sources to the office of home heating fuel assistance. ~~The secretary~~ Secretary or designee shall provide a draft of the table to the ~~home energy assistance task force~~ Home Energy Assistance Task Force established pursuant to subsection 2501a(c) of this title and solicit input from the task force prior to finalizing the table.

* * *

Sec. E.324.6 33 V.S.A. § 2605 is amended to read:

§ 2605. BENEFIT AMOUNTS

(a) ~~The secretary of human services~~ Secretary of Human Services or designee shall by rule establish a table that specifies maximum percentages of applicant households' annual heating fuel costs, based on the proxy table established pursuant to subsection 2604(b) of this title and, when available, the data collected pursuant to subsection 2602(d) of this title, that can be authorized for payment as annual home heating fuel assistance benefits for the following year. The maximum percentages contained within this table shall vary by household size and annual household income. In no instance shall the percentage exceed 90 percent.

* * *

Sec. E.324.7 33 V.S.A. § 2608 is amended to read:

§ 2608. WEATHERIZATION PROGRAM AGREEMENTS

~~The director~~ Director of the ~~home energy assistance program~~ Home Energy Assistance Program shall inform the ~~administrator~~ Administrator of the ~~home weatherization assistance program~~ Home Weatherization Assistance Program, established under chapter 25 of this title, of all participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program and of the information required by subsection 2602(d) of this chapter. ~~The agency of human services~~ Agency of Human Services shall provide all participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program with information regarding the efficiency utility established under 30 V.S.A. § 209. All participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program shall be deemed to comply with any income requirements of the ~~home weatherization program~~ Home Weatherization Program, but to receive weatherization services, recipients shall be required to meet any other eligibility requirements of the ~~weatherization program~~ Home Weatherization Program. As a condition of receipt of benefits under the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program, a recipient shall consent to receive services of the ~~home weatherization assistance program~~ Home Weatherization Assistance Program. The Home Weatherization Assistance Program shall use the information required by subsection 2602(d) of this chapter to determine the number of British thermal units (Btus) needed to heat a square foot of space for each participant in the Home Energy Assistance Program. ~~The home weatherization assistance program~~ The Home Weatherization Assistance Program shall give the highest priority to providing services to participants with high energy consumption

within the Home Heating Fuel Assistance Program and, among those participants, to those who require the most Btus to heat a square foot of space.

Sec. E.324.8 FUEL PURCHASING; HOME HEATING FUEL ASSISTANCE

(a) Under 33 V.S.A. chapter 26 (home heating fuel assistance), a system of fuel purchasing shall be developed that ensures that the recipients of such assistance are offered the lowest possible fuel prices.

(b) On or before August 1, 2013, the Secretary of Human Services shall adopt a revised system of fuel purchasing under 33 V.S.A. chapter 26 that meets the standard set forth in subsection (a) of this section.

Sec. E.324.9 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES; ELIGIBILITY AND ASSISTANCE

(a) Annually, the ~~secretary of human services~~ Secretary of Human Services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The ~~secretary~~ Secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the household. To the extent allowed by federal law, the ~~secretary~~ Secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the ~~secretary~~ Secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

(b) Crisis fuel grants shall be limited per winter heating season to one grant for households that are income-eligible and have received a seasonal fuel assistance grant and meet all eligibility requirements for crisis fuel assistance, or to two grants for households that are not income-eligible for seasonal fuel assistance and meet all eligibility requirements for crisis fuel assistance.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$792,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal

McKinney Emergency Shelter Funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.326.1 33 V.S.A. § 2502 is amended to read:

§ 2502. HOME WEATHERIZATION ASSISTANCE PROGRAM

(a) The ~~director~~ Director of the ~~state office of economic opportunity~~ State Office of Economic Opportunity shall administer a ~~home weatherization assistance program~~ Home Weatherization Assistance Program under such rules, regulations, funding, and funding requirements as may be imposed by federal law.

(b) In addition, the ~~director~~ Director shall supplement, or supplant, any federal program with a ~~state home weatherization assistance program~~ State Home Weatherization Assistance Program.

(1) The state program shall provide an enhanced weatherization assistance amount exceeding the federal per unit limit allowing amounts up to an average of ~~\$6,000.00~~ \$8,000.00 per unit allocated on a cost-effective basis. In units where costs exceed the allowable average by more than 25 percent, prior approval of the ~~director~~ Director of the ~~state economic opportunity office~~ State Economic Opportunity Office shall be required before work commences. This amount shall be adjusted annually by increasing the last year's amount by the percentage increase in the Consumer Price Index for the previous year.

(2) The state program shall provide amounts for ~~low-income~~ low-income customers utilizing any high operating cost fuel, to convert to another fuel source under rules adopted by the ~~director~~ Director based on the cost effectiveness of the converted facility over the life cycle of the equipment.

(3) The ~~director~~ Director, in collaboration with the weatherization service providers and other stakeholders, shall develop the state program so that it will include:

(A) Facilitating the development and implementation of a statewide common energy-audit tool or tools that work well on all Vermont housing, including multi-family buildings.

(B) With regard to multi-family buildings, requiring either of the following requirements to be met:

(i) at least 25 percent or more of the tenants in the building are eligible for the ~~weatherization program~~ Program; or

(ii) at least 50 percent of the units are weatherization affordable, and at least one tenant of the building has applied for the ~~weatherization program~~ Program and has been determined to be eligible. For purposes of this subdivision, "weatherization affordable" means a unit having a rent that is established at less than 30 percent of the income level established by computing ~~60~~ 80 percent of the area median income level or ~~60~~ 80 percent of the ~~state~~ State median income level, whichever is higher, for the relevant household size. Relevant household size means the number of bedrooms in the unit, plus one.

(C) Establishing ~~program~~ Program eligibility levels at ~~60~~ 80 percent of the area median income, or ~~60~~ 80 percent of the ~~state~~ State median income, whichever is higher. Subject to the priority under section 2608 of this title given to participants in the Home Heating Fuel Assistance Program, the state program shall, when weighing factors to assign priority to buildings or units eligible for weatherization assistance, assign the greatest weight to those buildings and units that require the most Btus to heat a square foot of space.

* * *

(G) With respect to multi-family buildings housing recipients of home heating fuel assistance under chapter 26 of this title, targeted outreach efforts to ensure the highest weatherization participation rates by owners of such buildings.

* * *

Sec. E.328 [DELETED]

Sec. E.329 VERMONT VETERANS' HOME; REGIONAL BED CAPACITY

(a) The Agency of Human Services shall not include the bed count at the Vermont Veterans' Home when recommending and implementing policies that are based on or intended to impact regional nursing home bed capacity in the State.

Sec. E.333 Disabilities, aging, and independent living - developmental services

(a) There is created a Developmental Services Task Force comprised of the following seven members:

(1) the Secretary of Human Services or designee, who shall be chair:

(2) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(3) The Director of Developmental Services, or designee

(4) two members appointed by the Vermont Council of Developmental and Mental Health Services;

(5) two members appointed the Developmental Disabilities Council who may be any combination of a parent of, a family member of, or a person living with a disability.

(b) The members of the Task Force shall be appointed as soon as is practicable following the effective date of this section.

(c) Members of the Task Force who are not employees of the State of Vermont and who are not otherwise compensated by their employer or association for their participation in the Work Group shall be reimbursed at the per diem rate set forth in 32 V.S.A. § 1010.

(d) The Task Force shall identify and review an appropriate random sample of identity protected individual developmental services case files from each of the designated service providers to assess whether the methods of case planning and oversight should be revised and whether alternate practices could be identified resulting in more cost effective utilization of the resources available for developmental services.

(e) The Task Force shall report to the General Assembly on its findings and recommendations following this review by September 30, 2013.

(f) It is the expectation of the General Assembly that the Department and developmental service providers will work to manage the service needs within the appropriated funds, this may include changes that result in more cost effective program administration, however no modifications to the system of care plan or rescissions can be applied before 60 days after September 30, 2013, or after the conclusion of the work of the Task Force if completed prior to September, 30, 2103.

(g) The Department, the Agency of Human Services, the Department of Finance and Management, and the Joint Fiscal Office shall review the methodology for forecasting both the caseload and utilization for the development disabilities programs and shall report any recommendations for changing this methodology to the Joint Fiscal Committee at its September 2013 meeting. This same group shall recommend a consensus estimate for the Developmental Disabilities fiscal year 2015 caseload, utilization and budget to the Joint Fiscal Committee at its November 2013 meeting.

Sec. E.335 JOINT CORRECTIONS OVERSIGHT COMMITTEE; HOME
DETENTION; HOME CONFINEMENT

(a) The Joint Committee on Corrections Oversight, in consultation with the Commissioner of Corrections and other stakeholders, shall develop a proposal to increase the use of home detention and home confinement in lieu of incarceration in a correctional facility. The Committee shall consider the following:

(1) establishment of a unit that provides 24-hour electronic monitoring of detainees and offenders, the costs associated with such a unit, including any costs to communities, and whether services could be contracted with another state or entity currently operating a similar program;

(2) revisions to the statutes concerning bail and conditions of release;
and

(3) alternatives to detention or incarceration for persons charged with nonviolent misdemeanors.

(b) The Committee shall report its recommendations to the Joint Fiscal Committee prior to its regularly scheduled November meeting for consideration for inclusion in the Budget Adjustment Act.

Sec. E.335.1 DEPARTMENT OF CORRECTIONS; FISCAL YEAR 2013
CARRYFORWARD APPROPRIATIONS REPORT

(a) The Department shall report to the Joint Committee on Corrections Oversight in September 2013 on the amount of General Fund appropriations that have been carried forward from fiscal year 2013 into fiscal year 2014. The Department shall identify the amount of these funds that are unobligated, and of that unobligated amount, the amount of funds that could be available for ongoing justice reinvestment initiatives and the amount of funds that could be available for one-time expenditures. If such funds are available for ongoing or one-time investment, the Committee shall include its recommendations for such expenditure in the fiscal year 2014 budget adjustment process and or in the fiscal year 2015 budget process.

Sec. E.338 Corrections – correctional services

(a) The Steering Committee of the Vermont Community Justice Network and the Association of Vermont Court Diversion Programs, in consultation with their funders, stakeholders, and other providers of community-based restorative justice, shall report to the Joint Committee on Corrections Oversight by October 15, 2013, on the work they are doing to strengthen the coordination of and access to the community-based restorative justice delivery system.

Sec. E.342 Vermont veterans' home – care and support services

(a) The Vermont Veterans' Home will use the Global Commitment Funds appropriated in this section for the purpose of increasing the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

Sec. E.345.1 COST SHIFT ACCOUNTABILITY

(a) As part of the fiscal year 2014 budget proposal, \$16,000,000, which will be annualized at \$20,000,000, is being appropriated in the Global Commitment and Choices for Care waivers to reduce the State cost shift to private insurers. The Administration shall develop consistent reportable measures to be accountable for the results of this and subsequent cost shift reduction investments. Specifically:

(1) The Green Mountain Care Board (GMCB) shall maintain and report as part of its "GMCB's Vermont Health Dashboard of Key Indicators":

(A) a comparison of the difference between Medicaid and Medicare provider reimbursement rates;

(B) Additional measures as determined to create standard transparent measurement of a reduced costs shift.

(2) The Green Mountain Care Board shall submit to the General Assembly on or before January 15, 2014 a report on how this investment in fiscal year 2014 is projected to influence current or future rate setting and how it will be incorporated into the rate review process.

(3) The Department of Vermont Health Access shall use its developing information system capacity with the "Blueprint" system and other initiatives to develop and prepare annual reports on the impacts of these and other investments on the cost shift. As part of the fiscal year 2015 budget submission, measurement methodologies and baseline information shall be in place and be part of that submission.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment Funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of

funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons, or both, in Vermont and to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education - education services

(a) Notwithstanding 16 V.S.A. § 4014(f), in fiscal year 2014, the Secretary may use up to \$100,000 of the early education grant appropriation for grants to increase the capacity of districts to start early education programs that do not currently have them.

Sec. E.501.1 16 V.S.A. § 1262a is amended to read:

§ 1262a. AWARD OF GRANTS

(a)(1) The ~~state board of education~~ State Board may, from funds appropriated for this subsection to the ~~department of education~~ Agency, award grants to:

(A) supervisory unions for the use of member school boards that establish and operate food programs;

(B) independent school boards that establish and operate food programs; and

(C) approved education programs, as defined in subdivision 11(a)(34) of this title and operating under private nonprofit ownership as defined in the National School Lunch Act, that establish and operate food programs for students engaged in a teen parent education program or students enrolled in a Vermont public school.

(2) The amount of any grant awarded under this subsection shall not be more than the amount necessary, in addition to ~~the charge made for the meal~~ and any reimbursement from federal funds, to pay the actual cost of the meal.

(b) The ~~state board~~ State Board may, from funds available to the ~~department of education~~ Agency for this subsection, award grants to supervisory unions consisting of one or more school districts that need to initiate or expand food programs in order to meet the requirements of section 1264 of this title and that seek assistance in meeting the cost of initiation or expansion. The amount of the grants shall be limited to 75 percent of the cost deemed necessary by the ~~commissioner~~ Secretary to construct, renovate, or acquire additional facilities and equipment to provide lunches to all ~~pupils~~ students, and shall be reduced by the amount of funds available from federal or other sources, including those funds available under section 3448 of this title. The ~~state board~~ State Board, upon recommendation of the ~~commissioner~~ Secretary, shall direct supervisory unions seeking grants under this section to

share facilities and equipment within the supervisory union and with other supervisory unions for the provision of lunches wherever more efficient and effective operation of food programs can be expected to result.

(c) On a quarterly basis, from state funds appropriated to the ~~department of education~~ Agency for this subsection, the ~~state board~~ State Board shall award to each supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts and lunches actually provided in the district during the previous quarter to students eligible for a ~~reduced-price~~ reduced-price breakfast under the federal school breakfast program and students eligible for a reduced-price lunch under the federal school lunch program.

Sec. E.501.2. 16 V.S.A. § 1264(c) is amended to read:

(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a ~~reduced-price~~ reduced-price breakfast under the federal school breakfast program and for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,447,584 shall be used by the Agency of Education in fiscal year 2014 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$176,840 may be used by the Agency of Education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

Sec. E.512 Education – Act 117 cost containment

(a) Notwithstanding any other provision of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the State's 60 percent of the statewide total special education expenditures of funds which are not derived from federal sources.

Sec. E.513 Appropriation and transfer to education fund

(a) Pursuant to Sec. B.513, there is appropriated in fiscal year 2014 from the General Fund for transfer to the Education Fund the amount of \$288,921,564.

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont State Teachers' Retirement System shall be \$73,102,825, of which \$68,352,825 shall be contributed in accordance with 16 V.S.A. § 1944(g)(2) and an additional \$4,750,000 in General Funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$11,259,501 is the "normal contribution," and \$57,093,324 is the "accrued liability contribution."

(c) A combination of \$71,783,200 in General Funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is used to achieve funding at \$4,750,000 above the actuarially recommended level of \$68,352,825.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other state funding sources.

(d) The University of Vermont will use the Global Commitment Funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this

program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.600.1 UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES – INCREASE TO BASE APPROPRIATIONS

(a) The General Fund increase from fiscal year 2013 to fiscal year 2014 to the base appropriations for University of Vermont and the Vermont State Colleges shall be used for Vermont students.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other state funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 250 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries and uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the trust fund established in 16 V.S.A. § 2845.

(b) Except as provided in subsection (a) of this section, not less than 93 percent of grants shall be used for direct student aid.

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

* * * NATURAL RESOURCES * * *

Sec. E.700 30 V.S.A. § 255 is amended to read:

§ 255. REGIONAL COORDINATION TO REDUCE GREENHOUSE GASES

* * *

(c) Allocation of tradable carbon credits.

(1) The ~~secretary of natural resources~~ Secretary of Natural Resources, by rule, shall establish a set of annual carbon budgets for emissions associated with the electric power sector in Vermont that are consistent with the 2005 RGGI MOU, including any amendments to that MOU and any reduced carbon cap resulting from a subsequent program review by RGGI, and that are on a reciprocal basis with the other states participating in the RGGI process.

* * *

Sec. E.704 Forests, parks and recreation - forestry

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.706 Forests, parks and recreation – lands administration

(a) This special fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.709 [DELETED]

Sec. E.711 [DELETED]

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 VERMONT TRAINING PROGRAM

(a) Notwithstanding 10 V.S.A. § 531, the Secretary may authorize up to ten percent of the funds allocated within the Vermont Training Program for employers that meet at least one but fewer than three of the criteria specified within 10 V.S.A. § 531(b) and (c)(3). The Secretary shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs by January 15, 2014 on the use or proposed use of funds under this provision.

Sec. E.801 [DELETED]

Sec. E.802 [DELETED]

Sec. E.802.1 32 V.S.A. § 1003(b)(1) is amended to read:

(1) Heads of the following departments and agencies:

Base Salary as of July 1, 2012

* * *

(J) ~~Economic housing, and community development~~ Economic Development 76,953

* * *

(Q) ~~[Repealed]~~ Housing and Community Development 76,953

* * *

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$6,688,735 is appropriated from the Transportation Equipment Replacement Account within the Central Garage Fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized, notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2013 budget adjustment, Secretary of State), C.100.1 (RGA settlement; Secretary of State), C.101 (fiscal year 2013 budget adjustment, Attorney General), C.102 (fiscal year 2013 budget adjustment, protection function total), C.103 (fiscal year 2013 budget adjustment, Transportation – program development), C.104 (fiscal year 2013 budget adjustment, Transportation Infrastructure Bonds Debt Service), C.105 (fiscal year 2013 budget adjustment, Debt service and Debt service function total), C.106 (limited service position, ACCD), C. 107 (carry forward reallocation), C.108 (crisis fuel transfer authority), D.102 (tobacco litigation settlement fund balance) , E.127(b) (Legislative fund transfer to Joint Fiscal), E.126.2 (Officers of General Assembly), E.233 (Public Service Department-Electric Generation Siting; Report), E.321.1(b)and (c) (General Assistance emergency housing), E.323 (interim Reach Up case management), E.323.5

(Reach Up Policy Work Group), and E.333 (DAIL-developmental services) of this act shall take effect upon passage.

(b) Sec. E.802.1 shall take effect upon passage and shall apply as of the effective date of Executive Order No. 01-13.

(c) Secs. E.307 (modified adjusted gross income) and E.307.1 (exchange financial assistance) of this act shall take effect on October 1, 2013 to allow for their application to insurance plans with coverage beginning on January 1, 2014.

(d) Sec. E.307.2 (reduction in Medicaid cost-shift) shall take effect on July 1, 2013, except that subsection (e) of that section shall take effect on passage.

(e) Sec. E.323.1 (Reach Up limits on family financial assistance) and E.323.3 (Reach Up sanctions) shall take effect on May 1, 2014.

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, Senator Campbell moved that the Senate recess until four o'clock and forty-five minutes.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 530.

Consideration was resumed on House bill entitled:

An act relating to making appropriations for the support of government.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Appropriations?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Rules Suspended; Bill Messaged

On motion of Senator Campbell, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

H. 528.

Rules Suspended; Bill Committed**H. 403.**

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

An act relating to community supports for persons with serious functional impairments.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Health and Welfare, Senator Fox moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Health and Welfare *intact*,

Which was agreed to.

S. 1.

An act relating to consideration of financial cost of criminal sentencing options.

Was taken up. Pursuant to the request of the Senate, the President announced the appointment of

Senator Ashe
Senator Sears
Senator Benning

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Message from the House No. 55

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 483. An act relating to adopting revisions to Article 9 of the Uniform Commercial Code.

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

Message from the House No. 56

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 30. An act relating to siting of electric generation plants.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has adopted joint resolution of the following title:

J.R.H. 9. Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House.

In the adoption of which the concurrence of the Senate is requested.

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

J.R.S. 29. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

H. 39. An act relating to the Public Service Board and the Department of Public Service.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Botzow of Pownal
Rep. Marcotte of Coventry
Rep. Klein of East Montpelier.

Adjournment

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

THURSDAY, MAY 2, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Committee of Conference Appointed**H. 39.**

An act relating to the Public Service Board and the Department of Public Service.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator MacDonald
Senator Lyons
Senator Snelling

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Bill Referred to Committee on Appropriations

House 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:

H. 200.

An act relating to civil penalties for possession of marijuana.

Joint Resolution Placed on Calendar**J.R.H. 9.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House

Whereas, the American Legion Department of Vermont sponsors annually the Green Mountain Boys' State program which provides an opportunity for boys in high school to study the workings of state government in Montpelier, and

Whereas, as part of their visit to the state's capital city, the boys conduct a mock legislative session in the State House, and

Whereas, this is an invaluable educational experience that provides firsthand knowledge about the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys' State program on Thursday, June 20, 2013, from 9:30 a.m. to 4:30 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont headquarters in Montpelier.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bill Referred

House bill of the following title was read the first time and referred:

H. 483.

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code.

To the Committee on Rules.

Bills Passed in Concurrence with Proposals of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

H. 50. An act relating to the sale, transfer, or importation of pets.

H. 101. An act relating to hunting, fishing, and trapping.

Bill Passed in Concurrence

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

H. 315. An act relating to group health coverage for same-sex spouses.

Proposal of Amendment; Third Reading Ordered

H. 136.

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

An act relating to cost-sharing for preventive services.

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. 8 V.S.A. § 4100a is amended to read:

§ 4100a. MAMMOGRAMS; COVERAGE REQUIRED

(a) Insurers shall provide coverage for screening by ~~low-dose~~ mammography for the presence of occult breast cancer, as provided by this subchapter. Benefits provided shall cover the full cost of the mammography service, subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00. Mammography services shall not be subject to deductible or coinsurance requirements.

(b) For females 40 years or older, coverage shall be provided for an annual screening. For females less than 40 years of age, coverage for screening shall be provided upon recommendation of a health care provider.

(c) After January 1, 1994, this section shall apply only to screening procedures conducted by test facilities accredited by the American College of Radiologists.

(d) For purposes of this subchapter:

(1) "Insurer" means any insurance company which provides health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical service corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(2) ~~"Low-dose mammography"~~ "Mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, screens, films and cassettes. ~~The average radiation dose to the breast shall be the lowest dose generally recognized by competent medical authority to be practicable for yielding acceptable radiographic images.~~

(3) "Screening" includes the ~~low-dose~~ mammography test procedure and a qualified physician's interpretation of the results of the procedure, including additional views and interpretation as needed.

Sec. 2. 8 V.S.A. § 4100g is amended to read:

§ 4100g. COLORECTAL CANCER SCREENING, COVERAGE REQUIRED

(a) For purposes of this section:

(1) “Colonoscopy” means a procedure that enables a physician to examine visually the inside of a patient’s entire colon and includes the concurrent removal of polyps, biopsy, or both.

(2) “Insurer” means insurance companies that provide health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical services corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(b) Insurers shall provide coverage for colorectal cancer screening, including:

(1) Providing an insured 50 years of age or older with the option of:

(A) Annual fecal occult blood testing plus one flexible sigmoidoscopy every five years; or

(B) One colonoscopy every 10 years.

(2) For an insured who is at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests as recommended by the treating physician.

(c) For the purposes of subdivision (b)(2) of this section, an individual is at high risk for colorectal cancer if the individual has:

(1) A family medical history of colorectal cancer or a genetic syndrome predisposing the individual to colorectal cancer;

(2) A prior occurrence of colorectal cancer or precursor polyps;

(3) A prior occurrence of a chronic digestive disease condition such as inflammatory bowel disease, Crohn’s disease, or ulcerative colitis; or

(4) Other predisposing factors as determined by the individual’s treating physician.

(d) Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured’s policy, provided that no co-payment shall exceed \$100.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also shall not be subject to deductible or coinsurance

requirements. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include one or more of the following:

- (1) removal of tissue or other matter;
- (2) laboratory services;
- (3) physician services;
- (4) facility use; and
- (5) anesthesia.

~~(e) If determined to be permitted by Centers for Medicare and Medicaid Services, for a patient covered under the Medicare program, the patient's out-of-pocket expenditure for a colorectal cancer screening shall not exceed \$100.00, with the hospital or other health care facility where the screening is performed absorbing the difference between the Medicare payment and the Medicare negotiated rate for the screening. [Deleted.]~~

Sec. 3. STATUTORY CONSTRUCTION; LEGISLATIVE INTENT

The express enumeration of the services associated with a procedure or test for colorectal cancer in 8 V.S.A. § 4100g(d) shall not be construed as indicating legislative intent with respect to the scope of covered services associated with any other procedure or test referenced in the Vermont Statutes Annotated.

Sec. 4. 8 V.S.A. § 4100a(a) is amended to read:

(a) Insurers shall provide coverage for screening by mammography for the presence of occult breast cancer, as provided by this subchapter. Benefits provided shall cover the full cost of the mammography service, ~~subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00. Mammography services and~~ shall not be subject to any co-payment, deductible, or coinsurance requirements, or other cost-sharing requirement or additional charge.

Sec. 5. 8 V.S.A. § 4100g(d) is amended to read:

~~(d) Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$100.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also~~ shall not be subject to any co-payment, deductible, or coinsurance requirements, or other cost-sharing requirement. In addition, an

insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include one or more of the following:

- (1) removal of tissue or other matter;
- (2) laboratory services;
- (3) physician services;
- (4) facility use; and
- (5) anesthesia.

Sec. 6. EFFECTIVE DATE

(a) Secs. 4 and 5 of this act shall take effect on October 1, 2013 and shall apply to all health benefit plans on and after October 1, 2013 on such date as a health insurer offers, issues, or renews the health benefit plan, but in no event later than October 1, 2014.

(b) The remaining sections of this act shall take effect upon passage.

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 proposal of amendment was agreed to, and third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered

H. 182.

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

An act relating to search and rescue.

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

First: In Sec. 1, in 20 V.S.A. § 1845 (search and rescue report; response), in subdivision (b)(1), by adding a second sentence to read as follows: The Department shall also ensure that notification is made to any municipal police and fire departments of the town in which the person is missing, any volunteer fire departments of that town, and any emergency medical service providers of that town which are in the search and rescue database.

Second: In Sec. 1, in 20 V.S.A. § 1847 (Search and Rescue Council), by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof the following:

(b)(1) Membership. The Council shall be composed of ten members who shall serve two-year terms commencing on July 1 of each odd-numbered year. Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the House of Representatives, appointed by the Speaker of the House;

(D) one member of the Senate, appointed by the Senate Committee on Committees;

(E) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(F) one member of the public with experience in search and rescue operations, appointed by the Governor;

(G) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor;

(H) one member of a professional or volunteer search and rescue organization, appointed by the Governor; and

(I) one volunteer firefighter and one career firefighter, appointed by the Governor.

Third: By striking out Sec. 4 (effective dates) in its entirety and inserting in lieu thereof the following two new sections to read as follows:

Sec. 4. PUBLICATION AND DISTRIBUTION OF SEARCH AND RESCUE PROTOCOL

(a) The Search and Rescue Coordinator set forth in Sec. 1 of this act shall publish a search and rescue protocol that describes the procedure set forth in Sec. 1, in 20 V.S.A. § 1845, that is required to be followed by any public safety agency or any nonpublic entity that specializes in protecting the safety of the public and which is included in the search and rescue database. The protocol shall be published as a resource for those agencies and entities to understand their responsibilities under Sec. 1, 20 V.S.A. § 1845, of this act.

(b) The Search and Rescue Coordinator shall ensure that the protocol is distributed to those public safety agencies and nonpublic entities within five business days of its publication.

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 1, 20 V.S.A. § 1846 (search and rescue database), shall take effect no later than 15 days after passage of this act. The search and rescue database shall be established, populated, and used as set forth in 20 V.S.A. § 1846 upon its effective date; and

(2) Sec. 4 (publication and distribution of search and rescue protocol) shall take effect 15 days after the passage of this act.

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

Senator Sears, 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 Government Operations with the following amendments thereto:

First: In Sec. 1, in § 1820 (definitions), by striking out subdivision (1) and inserting in lieu thereof the following:

(1) “Missing person” means an individual;

(A) whose whereabouts is unknown; and

(B)(i) ~~who is with either physically disabled, mentally disabled a~~ physical disability, a mental disability, or a developmental disability; or

(ii) who is an unemancipated minor.

Second: In Sec. 1, in § 1847 (Search and Rescue Council), by striking out subdivision (b)(1) (membership) in its entirety and inserting in lieu thereof the following:

(b)(1) Membership. The Council shall be composed of eight members who shall serve two-year terms commencing on July 1 of each odd-numbered year. Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(D) one member of the public with experience in search and rescue operations, appointed by the Governor;

(E) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor;

(F) one member of a professional or volunteer search and rescue organization, appointed by the Governor; and

(G) one volunteer firefighter and one career firefighter, appointed by the Governor.

Third: In Sec. 1, in § 1847 (Search and Rescue Council), in subsection (f) (reimbursement), by striking out the last sentence

Fourth: By adding a new section to be numbered Sec. 4a to read as follows:
Sec. 4a. REPEAL

20 V.S.A. § 1847 (Search and Rescue Council) is repealed.

Fifth: By striking out Sec. 5 (Effective Dates) in its entirety and inserting in lieu thereof the following:

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) In Sec. 1 of this act, 20 V.S.A. § 1846 (search and rescue database) shall take effect no later than 15 days after passage of this act. The search and rescue database shall be established, populated, and used as set forth in 20 V.S.A. § 1846 upon its effective date;

(2) Sec. 4 (publication and distribution of search and rescue protocol) of this act shall take effect 15 days after the passage of this act; and

(3) Sec. 4a (repeal of 20 V.S.A. § 1847 (Search and Rescue Council) of this act shall take effect on June 30, 2017.

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

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

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Government Operations, as amended?, Senators Mazza and White moved to amend the proposal of amendment of the Committee on Government Operations, as amended, in Sec. 1, in § 1847 (Search and Rescue Council), in subdivision (b)(1)(G), after “one volunteer firefighter and one career firefighter,” by inserting the following each of whom has obtained National Association of Search and Rescue “SARTECH 3” or equivalent training and either Incident

Command System (ICS) 200 or National Incident Management System (NIMS) 300 training.

Which was agreed to.

Thereupon, the proposals of amendment recommended by the Committee on Government Operations, as amended, were agreed to and third reading of the bill was ordered.

Proposal of Amendment; Consideration Interrupted by Recess

H. 522.

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

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

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:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) This act is intended to provide a comprehensive approach to combating opioid addiction and methamphetamine abuse in Vermont through strategies that address prevention, treatment, and recovery, and increase community safety by reducing drug-related crime.

(b) It is the intent of the General Assembly that the initiatives described in this act should be integrated to the extent possible with the Blueprint for Health and Vermont's health care system and health care reform initiatives.

* * * Preventing Abuse of Prescription Drugs * * *

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(26) "Prescription" means an order for a regulated drug made by a physician, physician assistant, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be in writing except as otherwise specified ~~herein~~ in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription

shall bear the full name ~~and~~, address, and date of birth of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such prescription shall also bear the full name, address, and registry number of the prescriber and, unless electronically prescribed, shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the ~~physician~~ prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form.

* * *

Sec. 2a. 18 V.S.A. § 4202(d) is amended to read:

(d) The regulations adopted by the ~~board of health~~ Board of Health under section 4201 of this title for the purpose of determining those drugs defined under that section may be adopted only after prior written notice to the ~~board of pharmacy~~ Board of Pharmacy and the ~~board of medical practice~~ Board of Medical Practice and after the ~~board of pharmacy~~ Board of Pharmacy and the ~~board of medical practice~~ Board of Medical Practice have had an opportunity to advise the ~~board of health~~ Board of Health with respect to the form and substance of those regulations or amendments and to recommend revisions thereof, except with respect to emergency rules adopted pursuant to 3 V.S.A. § 844, which may be adopted without notice by the Commissioner of Health.

Sec. 3. 18 V.S.A. § 4215b is added to read:

§ 4215b. IDENTIFICATION

Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or a bona fide representative of the patient or animal owner, as defined by the Board of Pharmacy by rule after consultation with the Commissioner of Health, may pick up a prescription for a Schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, a pharmacist shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual's identity, as appropriate.

Sec. 3a. BOARD OF PHARMACY; RULEMAKING

The Board of Pharmacy shall adopt rules pursuant to 3 V.S.A. chapter 25 to define which persons shall be considered bona fide representatives of a patient

or animal owner for the purposes of picking up a prescription for a Schedule II, III, or IV controlled substance pursuant to 18 V.S.A. § 4215b.

Sec. 4. 18 V.S.A. § 4218 is amended to read:

§ 4218. ENFORCEMENT

* * *

(d) Nothing in this section shall authorize the ~~department of public safety~~ Department of Public Safety and other authorities described in subsection (a) of this section to have access to VPMS ~~(Vermont prescription monitoring system)~~ (Vermont Prescription Monitoring System) created pursuant to chapter 84A of this title, except as provided in that chapter.

(e) The Department of Public Safety, in consultation with representatives of licensed Vermont pharmacies, shall adopt standard operating guidelines for accessing pharmacy records through the authority granted in this section. Any person authorized to access pharmacy records pursuant to subsection (a) of this section shall follow the Department of Public Safety's guidelines. These guidelines shall be a public record.

Sec. 5. DEPARTMENT OF PUBLIC SAFETY; REPORTING STANDARD OPERATING GUIDELINES

On or before December 15, 2013, the Commissioner of Public Safety shall submit to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare the Department's written standard operating guidelines used to access pharmacy records at individual pharmacies pursuant to 18 V.S.A. § 4218. Subsequently, if the guidelines are substantively amended by the Department, it shall submit the amended guidelines to the same committees as soon as practicable.

Sec. 6. 18 V.S.A. § 4282 is amended to read:

§ 4282. DEFINITIONS

As used in this chapter:

* * *

(3) ~~"Trained law enforcement officer" shall include any officer designated by the department of public safety who has completed a training program established by rule by the department of health, which is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from VPMS.~~

(4) ~~"VPMS" shall mean the Vermont prescription monitoring system established under this chapter.~~

(4) “Delegate” means an individual employed by a health care provider or pharmacy or in the Office of the Chief Medical Examiner and authorized by a health care provider or dispenser or by the Chief Medical Examiner to request information from the VPMS relating to a bona fide current patient of the health care provider or dispenser or to a bona fide investigation or inquiry into an individual’s death.

(5) “Department” means the Department of Health.

(6) “Drug diversion investigator” means an employee of the Department of Public Safety whose primary duties include investigations involving violations of laws regarding prescription drugs or the diversion of prescribed controlled substances, and who has completed a training program established by the Department of Health by rule that is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from the VPMS.

(7) “Evidence-based” means based on criteria and guidelines that reflect high-quality, cost-effective care. The methodology used to determine such guidelines shall meet recognized standards for systematic evaluation of all available research and shall be free from conflicts of interest. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board.

Sec. 7. 18 V.S.A. § 4283 is amended to read:

§ 4283. CREATION; IMPLEMENTATION

(a) ~~Contingent upon the receipt of funding, the department may establish~~ The Department shall maintain an electronic database and reporting system for monitoring Schedules II, III, and IV controlled substances, as defined in 21 C.F.R. Part 1308, as amended and as may be amended, that are dispensed within the state State of Vermont by a health care provider or dispenser or dispensed to an address within the state State by a pharmacy licensed by the Vermont board of pharmacy Board of Pharmacy.

* * *

(e) It is not the intention of the ~~department~~ Department that a health care provider or a dispenser shall have to pay a fee or tax or purchase hardware or proprietary software required by the ~~department~~ Department specifically for the use, establishment, maintenance, or transmission of the data. The ~~department~~ Department shall seek grant funds and take any other action within its financial capability to minimize any cost impact to health care providers and dispensers.

* * *

Sec. 8. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

(a) The data collected pursuant to this chapter and all related information and records shall be confidential, except as provided in this chapter, and shall not be subject to ~~public records law~~ the Public Records Act. The ~~department~~ Department shall maintain procedures to protect patient privacy, ensure the confidentiality of patient information collected, recorded, transmitted, and maintained, and ensure that information is not disclosed to any person except as provided in this section.

~~(b)(1) The department shall be authorized to provide data to~~ Department shall provide only the following persons with access to query the VPMS:

~~(1) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.~~

~~(2)(A) A health care provider or, dispenser, or delegate who requests information is registered with the VPMS and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient.~~

~~(B) Personnel or contractors, as necessary for establishing and maintaining the VPMS.~~

~~(C) The Medical Director of the Department of Vermont Health Access, for the purposes of Medicaid quality assurance, utilization, and federal monitoring requirements with respect to Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted.~~

~~(D) A medical examiner or delegate from the Office of the Chief Medical Examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death.~~

~~(E) A health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.~~

(2) The Department shall provide reports of data available to the Department through the VPMS only to the following persons:

(A) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.

~~(3)~~(B) A designated representative of a board responsible for the licensure, regulation, or discipline of health care providers or dispensers pursuant to a bona fide specific investigation.

~~(4)~~(C) A patient for whom a prescription is written, insofar as the information relates to that patient.

~~(5)~~(D) The relevant occupational licensing or certification authority if the ~~commissioner~~ Commissioner reasonably suspects fraudulent or illegal activity by a health care provider. The licensing or certification authority may report the data that are the evidence for the suspected fraudulent or illegal activity to a ~~trained law enforcement officer~~ drug diversion investigator.

~~(6)~~(E)(i) The ~~commissioner of public safety~~ Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, if the ~~commissioner of health~~ Commissioner of Health, personally, or a Deputy Commissioner of Health, personally, makes the disclosure, and has consulted with at least one of the patient's health care providers, ~~and believes that when~~ the disclosure is necessary to avert a serious and imminent threat to a person or the public.

(ii) The Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, when he or she requests data from the Commissioner of Health, and the Commissioner of Health believes, after consultation with at least one of the patient's health care providers, that disclosure is necessary to avert a serious and imminent threat to a person or the public.

(iii) The Commissioner or Deputy Commissioner of Public Safety may disclose such data received pursuant to this subdivision (E) as is necessary, in his or her discretion, to avert the serious and imminent threat.

~~(7) — Personnel or contractors, as necessary for establishing and maintaining the VPMS.~~

(F) A prescription monitoring system or similar entity in another state pursuant to a reciprocal agreement to share prescription monitoring information with the Vermont Department of Health as described in section 4288 of this title.

(c) A person who receives data or a report from VPMS or from the ~~department~~ Department shall not share that data or report with any other person or entity not eligible to receive that data pursuant to subsection (b) of this section, except as necessary and consistent with the purpose of the disclosure and in the normal course of business. Nothing shall restrict the right of a patient to share his or her own data.

(d) The ~~commissioner~~ Commissioner shall offer health care providers and dispensers training in the proper use of information they may receive from VPMS. Training may be provided in collaboration with professional associations representing health care providers and dispensers.

(e) A ~~trained law enforcement officer~~ drug diversion investigator who may receive information pursuant to this section shall not have access to VPMS except for information provided to the officer by the licensing or certification authority.

(f) The ~~department~~ Department is authorized to use information from VPMS for research, trend analysis, and other public health promotion purposes provided that data are aggregated or otherwise de-identified. The Department shall post the results of trend analyses on its website for use by health care providers, dispensers, and the general public. When appropriate, the Department shall send alerts relating to identified trends to health care providers and dispensers by electronic mail.

(g) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the Department shall develop a policy that will enable it to use information from VPMS to determine if individual prescribers and dispensers are using VPMS appropriately.

(h) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the Department shall develop a policy that will enable it to evaluate the prescription of regulated drugs by prescribers.

(i) Knowing disclosure of transmitted data to a person not authorized by subsection (b) of this section, or obtaining information under this section not relating to a bona fide specific investigation, shall be punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both, in addition to any penalties under federal law.

(j) All information and correspondence relating to the disclosure of information by the Commissioner to a patient's health care provider pursuant to subdivision (b)(2)(A) of this section shall be confidential and privileged, exempt from public inspection and copying under the Public Records Act, immune from subpoena or other disclosure, and not subject to discovery or introduction into evidence.

(k) Each request for disclosure of data pursuant to subdivision (b)(2)(B) of this section shall document a bona fide specific investigation and shall specify the case number of the investigation.

Sec. 9. 18 V.S.A. § 4287 is amended to read:

§ 4287. RULEMAKING

The ~~department~~ Department shall adopt rules for the implementation of VPMS as defined in this chapter consistent with 45 C.F.R. Part 164, as amended and as may be amended, that limit the disclosure to the minimum information necessary for purposes of this act ~~and shall keep the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services advised of the substance and progress of initial rulemaking pursuant to this section.~~

Sec. 10. 18 V.S.A. § 4288 is added to read:

§ 4288. RECIPROCAL AGREEMENTS

The Department of Health may enter into reciprocal agreements with other states that have prescription monitoring programs so long as access under such agreement is consistent with the privacy, security, and disclosure protections in this chapter.

Sec. 11. 18 V.S.A. § 4289 is added to read:

§ 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE PROVIDERS AND DISPENSERS

(a) Each professional licensing authority for health care providers shall develop evidence-based standards to guide health care providers in the appropriate prescription of Schedules II, III, and IV controlled substances for treatment of chronic pain and for other medical conditions to be determined by the licensing authority. The standards developed by the licensing authorities shall be consistent with rules adopted by the Department of Health.

(b)(1) Each health care provider who prescribes any Schedule II, III, or IV controlled substances shall register with the VPMS by November 15, 2013.

(2) If the VPMS shows that a patient has filled a prescription for a controlled substance written by a health care provider who is not a registered user of VPMS, the Commissioner of Health shall notify the applicable licensing authority and the provider by mail of the provider's registration requirement pursuant to subdivision (1) of this subsection.

(3) The Commissioner of Health shall develop additional procedures to ensure that all health care providers who prescribe controlled substances are registered in compliance with subdivision (1) of this subsection.

(c) Each dispenser who dispenses any Schedule II, III, or IV controlled substances shall register with the VPMS.

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative, long-term pain therapy of 90 days or more; and

(3) prior to writing a replacement prescription for a Schedule II, III, or IV controlled substance pursuant to section 4290 of this title.

(e) The Commissioner of Health shall, after consultation with the Unified Pain Management System Advisory Council, adopt rules necessary to effect the purposes of this section. The Commissioner and the Council shall consider additional circumstances under which health care providers should be required to query the VPMS, including whether health care providers should be required to query the VPMS:

(1) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; and

(2) when a patient requests renewal of a prescription for an opioid Schedule II, III, or IV controlled substance written to treat acute pain.

(f) Each professional licensing authority for dispensers shall adopt standards, consistent with rules adopted by the Department of Health under this section, regarding the frequency and circumstances under which its respective licensees shall:

(1) query the VPMS; and

(2) report to the VPMS, which shall be no less than once every seven days.

(g) Each professional licensing authority for health care providers and dispensers shall consider the statutory requirements, rules, and standards adopted pursuant to this section in disciplinary proceedings when determining whether a licensee has complied with the applicable standard of care.

Sec. 11a. REPORTING OF DISPENSER STANDARDS

No later than March 31, 2014, each professional licensing authority for dispensers shall submit the standards required by 18 V.S.A. § 4289(e) to the VPMS Advisory Committee established in 18 V.S.A. § 4286.

Sec. 12. 18 V.S.A. § 4290 is added to read:

§ 4290. REPLACEMENT PRESCRIPTIONS AND MEDICATIONS

(a) As used in this section, “replacement prescription” means an unscheduled prescription request in the event that the document on which a patient’s prescription was written or the patient’s prescribed medication is reported to the prescriber as having been lost or stolen.

(b) When a patient or a patient’s parent or guardian requests a replacement prescription for a Schedule II, III, or IV controlled substance, the patient’s health care provider shall query the VPMS prior to writing the replacement prescription to determine whether the patient may be receiving more than a therapeutic dosage of the controlled substance.

(c) When a health care provider writes a replacement prescription pursuant to this section, the provider shall clearly indicate as much by writing the word “REPLACEMENT” on the face of the prescription. The health care provider shall document the writing of the replacement prescription in the patient’s medical record.

Sec. 13. VPMS ADVISORY COMMITTEE

(a)(1) The Commissioner shall maintain an advisory committee to assist in the implementation and periodic evaluation of the Vermont Prescription Monitoring System (VPMS).

(2) The Committee shall make recommendations regarding ways to improve the utility of the VPMS and its data.

(3) The Committee shall have access to aggregated, deidentified data from the VPMS.

(b) The VPMS Advisory Committee shall be chaired by the Commissioner of Health or designee and shall include the following members:

(1) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(2) a representative from the Vermont Medical Society;

(3) a representative from the American College of Emergency Physicians - Vermont Chapter;

(4) a representative from the Vermont State Nurses Association;

(5) a representative from the Vermont Board of Medical Practice;

(6) a representative from the Vermont Board of Pharmacy;

(7) a representative from the Vermont Pharmacists Association;

- (8) a representative from the Vermont State Dental Society;
 - (9) the Commissioner of Public Safety;
 - (10) a representative of the Vermont Attorney General;
 - (11) a representative of the Vermont Substance Abuse Treatment Providers Association;
 - (12) a mental health provider or a certified alcohol and drug abuse counselor;
 - (13) a consumer in recovery from prescription drug abuse;
 - (14) a consumer receiving medical treatment for chronic pain; and
 - (15) any other member invited by the Commissioner.
- (c) The Committee shall meet at least once annually but may be convened at any time by the Commissioner or the Commissioner's designee.
- (d) On or before January 15, 2014, the Committee shall provide recommendations to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding ways to maximize the effectiveness and appropriate use of the VPMS database, including adding new reporting capabilities, in order to improve patient outcomes and avoid prescription drug diversion. The Committee shall also report on the feasibility of obtaining real-time information from the VPMS and on its evaluation of whether increasing the frequency of dispenser reporting to the VPMS from at least once every seven days to at least once every 24 hours, or more frequently, would yield substantial benefits.
- (e) The Committee shall cease to exist on July 1, 2014.

Sec. 13a. REPORT ON INTEGRATION OF ELECTRONIC MEDICAL RECORDS AND THE VERMONT PRESCRIPTION MONITORING SYSTEM

On or before December 1, 2014, the Department of Health shall provide to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary a report evaluating the potential for the integration of electronic medical records with the VPMS. The report shall include an assessment of the feasibility of the integration, identification of potential barriers to the integration, and an estimate of the costs associated with the integration.

Sec. 13b. REPORT ON PREVENTION ACTIVITIES

(a) The Agency of Education and the Department of Health shall use the School Health Profile to survey public and approved independent middle and

high schools in Vermont to determine the quality and effectiveness of substance abuse prevention education in Vermont's schools.

(b) On or before January 15, 2015, the Secretary of Education and the Commissioner of Health shall report their evaluation of the quality and effectiveness of substance abuse prevention education in Vermont based on the results of the survey required by this section, as well as their recommendations for evidence-based and data-driven practices to be incorporated into school quality standards in the health education domain, to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Education and on Judiciary.

* * * Improving Access to Treatment and Recovery * * *

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

(a) There is hereby created a Unified Pain Management System Advisory Council for the purpose of advising the Commissioner of Health on matters relating to the appropriate use of controlled substances in treating chronic pain and addiction and in preventing prescription drug abuse.

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

(1) the Commissioner of Health or designee, who shall serve as chair;

(2) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs or designee;

(3) the Commissioner of Mental Health or designee;

(4) the Director of the Blueprint for Health or designee;

(5) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

(6) a representative of the Vermont State Dental Society, who shall be a dentist;

(7) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

(8) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

(9) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

(10) a representative of the Vermont Medical Society, who shall be a primary care clinician;

(11) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

(12) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

(13) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

(14) a representative of the Vermont Ethics Network;

(15) a representative of the Hospice and Palliative Care Council of Vermont;

(16) a representative of the Office of the Health Care Ombudsman;

(17) the Medical Director for the Department of Vermont Health Access;

(18) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

(19) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;

(20) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

(21) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;

(22) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(23) a retail pharmacist, to be selected by the Vermont Pharmacists Association;

(24) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and

(25) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain.

(c) Advisory Council members who are not employed by the State or whose participation is not supported through their employment or association shall be entitled to a per diem and expenses as provided by 32 V.S.A. § 1010.

(d)(1) The Advisory Council shall provide advice to the Commissioner concerning rules for the appropriate use of controlled substances in treating chronic noncancer pain and addiction and in preventing prescription drug abuse.

(2) The Advisory Council shall evaluate the use of nonpharmacological approaches to treatment for chronic pain, including the appropriateness, efficacy, and cost-effectiveness of using complementary and alternative therapies such as chiropractic, acupuncture, and massage.

(e) The Commissioner of Health may adopt rules pursuant to 3 V.S.A. chapter 25 regarding the appropriate use of controlled substances after seeking the advice of the Council.

Sec. 14a. COMPLEMENTARY AND ALTERNATIVE TREATMENT REPORT

On or before January 15, 2014, the Commissioner of Health shall provide to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare the findings and recommendations of the Unified Pain Management System Advisory Council's initial evaluation of the use of nonpharmacological approaches to treatment for chronic pain, including the use of complementary and alternative therapies. The Commissioner shall provide the Committees with additional recommendations as appropriate as the Advisory Council continues to consider nonpharmacological approaches to treating chronic pain.

Sec. 14b. DEPARTMENT OF HEALTH; ACCESS TO OPIOID TREATMENT

(a) The prevalence of opioid addiction and the lack of sufficient access to opioid treatment in Vermont pose an imminent peril to the public health, welfare, and safety to our citizens.

(b) The Vermont Department of Health shall study how Vermont can increase access to opioid treatment, including methadone and suboxone, by establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people.

(c) The Commissioner of Health shall consult with the following people:

(1) The Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

- (2) a representative from the Vermont Medical Society;
- (3) a representative from the Vermont State Nurses Association;
- (4) a representative from the Vermont Board of Medical Practice;
- (5) a representative from the Vermont Board of Pharmacy;
- (6) a representative from the Vermont Pharmacists Association;
- (7) the Commissioner of Public Safety;
- (8) a representative of the Vermont Attorney General;
- (9) a representative of the Vermont Substance Abuse Treatment Providers Association;
- (10) a mental health provider or a certified alcohol and drug abuse counselor;
- (11) a consumer in recovery from prescription drug abuse;
- (12) a representative from a clinical laboratory providing drug testing and clinical support services to addiction treatment programs;
- (13) the Commissioner of Corrections;
- (14) The Defender General; and
- (15) any other member designated by the Commissioner of Health.

(d)(1) The Department of Health shall adopt rules establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people. Such rules may be adopted as emergency rules in accordance with 3 V.S.A. chapter 25. The Department may adopt and enforce such reasonable rules and procedures as are deemed necessary to carry out the administration of the provisions of this section.

(2) The Commissioner of Health shall report its findings, including any recommendations or proposed legislation to the House Committees on Health Care and on Human Services and Senate Committees on Judiciary and on Health and Welfare on or before January 15, 2014.

Sec. 14c. 33 V.S.A. § 703 is amended to read:

§ 703. ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS; PER DIEM

(a) ~~The alcohol and drug abuse council~~ Alcohol and Drug Abuse Council is established within the ~~agency of human services~~ Agency of Human Services to

promote the reduction of problems arising from alcohol and drug abuse by advising the Secretary on policy areas that can inform agency programs.

(b) The ~~council~~ Council shall consist of ~~eleven~~ 11 members:

(1) ~~the secretary of the agency of human services, commissioner of public safety, commissioner of education, commissioner of liquor control, and commissioner of motor vehicles~~ Secretary of Human Services, Commissioner of Public Safety, Secretary of Education, Commissioner of Liquor Control, and Commissioner of Motor Vehicles or their designees;

(2) one member shall be a member of a mental health or substance abuse agency who shall be appointed by the ~~governor~~ Governor; and

(3) five members shall be appointed by the ~~governor~~ Governor of which every consideration shall be given, if possible, to equal geographic apportionment. ~~One of these~~ Consideration will be given for one of these members ~~shall to~~ be a certified practicing teacher and one of these members ~~shall to~~ be a school administrator.

(c) The term of office of members appointed pursuant to subdivisions (b)(2) and (b)(3) of this section shall be three years.

(d) The ~~secretary of the agency of human services~~ council membership shall annually elect a member to serve as chairperson.

(e) All members shall be voting members.

(f) At the expiration of the term of an appointed member, or in the event of a vacancy during an unexpired term, the new member shall be appointed in the same manner as his or her predecessor. Members of the ~~council~~ Council may be reappointed.

(g) Each member of the ~~council~~ Council not otherwise receiving compensation from the ~~state~~ State of Vermont or any political subdivision thereof shall be entitled to receive per diem compensation ~~of \$30.00 for each day as provided in 32 V.S.A. § 1010(b).~~ Each member shall be entitled to his or her actual and necessary expenses.

Sec. 15. OPIOID ADDICTION TREATMENT IN HOSPITALS

Pursuant to 18 V.S.A. § 4240(b)(5), the Department of Health, in collaboration with the Vermont Association of Hospitals and Health Systems, the Vermont Association for Mental Health and Addiction Recovery, and the Vermont Council of Developmental and Mental Health Services, shall, subject to available resources, develop evidence-based guidelines and training for hospitals regarding:

(1) screening for addiction;

- (2) performing addiction interventions;
- (3) making referrals to addiction treatment and recovery services for victims admitted to or treated in a hospital emergency department; and
- (4) informing hospitals about the specific addiction treatment and recovery services available in the hospital's service area.

Sec. 15a. REPORT ON OPIOID ADDICTION TREATMENT PROGRAMS

(a) On or before December 15, 2013, the Commissioners of Health and of Vermont Health Access shall provide a written report to the House Committees on Health Care and on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding opioid addiction treatment and recovery services being provided in Vermont.

(b) The report shall include:

- (1) each program's capacity, including the number of persons currently served and the program's maximum capacity;
- (2) the number of persons on the waiting list for each program, if applicable, and the average length of time a person spends on the program's waiting list before services become available;
- (3) specific information regarding the number of persons served by each program that uses buprenorphine, buprenorphine/naloxone, or methadone for the treatment of opioid addiction and the number of persons on the waiting list for that program, if any;
- (4) specific information about the implementation of the Hub and Spoke Opioid Integrated Treatment Initiative, including a description of specialty addiction treatment programs and general medical practices currently providing medication-assisted treatment (MAT) and the number of persons currently being served in specialty addiction treatment programs and in Blueprint primary care practices toward a goal of reducing current waiting lists statewide by 90 percent by January 15, 2015;
- (5) how opioid addiction treatment services are integrated with existing recovery and counseling programs in Vermont; and
- (6) the Department of Health's plans for addressing the need for additional opioid addiction treatment programs, including a description of the resources that the Department would need to meet the statewide demand for specialty services, of continued barriers to treatment, and of particular workforce needs.

* * * Safe Disposal of Prescription Medication * * *

Sec. 16. UNUSED DRUG DISPOSAL PROGRAM PROPOSAL

(a) On or before January 15, 2014, the Commissioners of Health and of Public Safety shall provide recommendations to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare regarding the design and implementation of a voluntary statewide drug disposal program for unused over-the-counter and prescription drugs at no charge to the consumer. In preparing their recommendations, the Commissioners shall consider successful unused drug disposal programs in Vermont, including the Bennington County Sheriff's Department's program, and programs in other states.

(b) On or before July 1, 2014, the Commissioners of Health and of Public Safety shall implement the voluntary unused drug disposal program developed pursuant to subsection (a) of this section and shall take steps to publicize the program and to make all Vermont residents aware of opportunities to avail themselves of it.

* * * Preventing Deaths from Opioid Overdose * * *

Sec. 17. 18 V.S.A. § 4240 is added to read:

§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED OVERDOSES

(a) As used in this section:

(1) "Health care professional" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician's assistant certified to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, or an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28.

(2) "Opioid antagonist" means a drug that, when administered, negates or neutralizes in whole or part the pharmacological effects of an opioid in the body.

(3) "Victim" means the person who has overdosed on an opioid drug or who is believed to have overdosed on an opiate drug.

(b) For the purpose of addressing prescription and nonprescription opioid overdoses in Vermont, the Department shall develop and implement a prevention, intervention, and response strategy, depending on available resources, that shall:

(1) provide educational materials on opioid overdose prevention to the public free of charge, including to substance abuse treatment providers, health care providers, opioid users, and family members of opioid users;

(2) increase community-based prevention programs aimed at reducing risk factors that lead to opioid overdoses;

(3) increase timely access to treatment services for opioid users, including medication-assisted treatment;

(4)(A) educate substance abuse treatment providers on methods to prevent opioid overdoses;

(B) provide education and training on overdose prevention, intervention, and response to individuals living with addiction and participating in opioid treatment programs, syringe exchange programs, residential drug treatment programs, or correctional services;

(5) facilitate overdose prevention, drug treatment, and addiction recovery services by implementing and expanding hospital referral services for individuals treated for an opioid overdose; and

(6) develop a statewide opioid antagonist pilot program that emphasizes access to opioid antagonists to and for the benefit of individuals with a history of opioid use.

(c)(1) A health care professional acting in good faith may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A health care professional who prescribes, dispenses, or distributes an opioid antagonist in accordance with subdivision (1) of this subsection shall be immune from civil or criminal liability with regard to the subsequent use of the opioid antagonist, unless the health professional's actions with regard to prescribing, dispensing, or distributing the opioid antagonist constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(d)(1) A person may administer an opioid antagonist to a victim if he or she believes, in good faith, that the victim is experiencing an opioid-related overdose.

(2) After a person has administered an opioid antagonist pursuant to subdivision (1) of this subsection (d), he or she shall immediately call for emergency medical services if medical assistance has not yet been sought or is not yet present.

(3) A person shall be immune from civil or criminal liability for administering an opioid antagonist to a victim pursuant to subdivision (1) of this subsection unless the person's actions constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(e) A person acting on behalf of a community-based overdose prevention program shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring, distributing, or possessing an opioid antagonist unless the person's actions constituted recklessness, gross negligence, or intentional misconduct.

(f) Any health care professional who treats a victim and who has knowledge that the victim has been administered an opioid antagonist within the preceding 30 days shall refer the victim to professional substance abuse treatment services.

Sec. 18. STATEWIDE OPIOID ANTAGONIST PILOT PROGRAM

(a) The Department of Health shall develop and administer a statewide pilot program for the purpose of distributing opioid antagonists to:

(1) individuals at risk of an opioid overdose;

(2) the family and friends of an individual at risk of experiencing an opioid overdose; and

(3) others who may be in a position to assist individuals experiencing an opioid overdose.

(b) In developing and implementing the pilot program, the Department shall collaborate with community-based substance abuse organizations that have experience delivering opioid-related prevention and treatment services as determined by the Commissioner.

(c) The pilot program shall be in effect from July 1, 2013 through June 30, 2016. During the term of the pilot program, the Department shall purchase,

provide for the distribution of, and monitor the use of opioid antagonists distributed in accordance with this section.

(d) On or before January 15, 2016, the Department of Health shall submit a report to the House Committees on Human Services, on Health Care, and on Judiciary and to the Senate Committees on Health and Welfare and on Judiciary evaluating the statewide opioid antagonist pilot program. The report shall include findings that pertain to the cost and effectiveness of the program and recommendations as to whether the program should be continued after June 30, 2016.

Sec. 18a. 18 V.S.A. § 5208 is amended to read:

§ 5208. HEALTH DEPARTMENT; REPORT ON STATISTICS

(a) ~~Beginning~~ Notwithstanding the provisions of 2 V.S.A. § 20(d), beginning October 1, 2011 and every two years thereafter, the Vermont ~~department of health~~ Department of Health shall report to the ~~house committee on human services and the senate committee on health and welfare~~ House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding the number of persons who died during the preceding two calendar years in hospital emergency rooms, other hospital settings, in their own homes, in a nursing home, in a hospice facility, and in any other setting for which information is available, as well as whether each decedent received hospice care within the last 30 days of his or her life. Beginning with the 2013 report, the ~~department~~ Department shall include information on the number of persons who died in hospital intensive care units, assisted living facilities, or residential care homes during the preceding two calendar years.

(b) In addition to the report required by subsection (a) of this section and notwithstanding the provisions of 2 V.S.A. § 20(d), beginning March 1, 2014 and annually thereafter, the Department shall report to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding the number of persons who died during the preceding calendar year from an overdose of a Schedule II, III, or IV controlled substance. The report shall list separately the number of deaths specifically related to opioids, including for each death whether an opioid antagonist was administered and whether it was administered by persons other than emergency medical personnel, firefighters, or law enforcement officers. Beginning in 2015, the report shall include similar data from prior years to allow for comparison.

* * * Protecting Communities from Methamphetamine Abuse * * *

Sec. 19. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(b) Sale.

(1) A drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.

(2)(A) A retail establishment shall not knowingly ~~sell~~ complete a sale to a person ~~within a calendar day~~ any if the drug product or combination of drug products ~~containing~~ purchased would surpass a total of more than 3.6 grams within a 24-hour period or nine grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers.

(B) This subdivision shall not apply to drug products dispensed pursuant to a valid prescription.

(3) A person or business which violates this subdivision shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second and subsequent violation be assessed a civil penalty of not more than \$500.00.

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer which that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

~~(d)~~(e) As used in this section:

(1) “Distributor” means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) “Knowingly” means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 19a. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

~~(c) Electronic registry system.~~

~~(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to a co-worker if the transaction is not completed. The system shall create a record of each use of the override mechanism.~~

~~(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.~~

~~(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.~~

~~(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.~~

~~(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government issued identification document. The retail establishment shall record in the electronic registry system:~~

~~(i) the name and address of the purchaser;~~

~~(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;~~

~~(iii) the date and time of purchase;~~

~~(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and~~

~~(v) the name of the person selling or furnishing the drug product.~~

~~(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until the retail establishment is able to comply fully with this subsection (c).~~

~~(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).~~

~~(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.~~

~~(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:~~

~~(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and~~

~~(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).~~

~~(4) Except as provided in subdivision (5) of this subsection (e), a person or retail establishment that violates this subsection shall:~~

~~(A) for a first violation be assessed a civil penalty of not more than \$100.00; and~~

~~(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00. [Repealed]~~

(d) This section shall not apply to a manufacturer that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(e) As used in this section:

(1) “Distributor” means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) “Knowingly” means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 20. THE EFFECT OF METHAMPHETAMINE PRODUCTION ON HOUSING

(a) The Commissioner of Health shall recommend guidance for reoccupancy of a structure that was used in the production of methamphetamine.

(b) The Commissioner shall examine:

(1) Approaches for identifying housing that is or has been used for methamphetamine production and methods for making such housing safe, including:

(A) standards for reoccupancy;

(B) whether purchasers or tenants of housing that has been affected by methamphetamine production should be provided with notification of such, and if so, how; and

(C) methods taken by other states in identifying, quarantining, and cleaning such housing as well as methods used by other states to notify affected parties.

(2) The public health effects of long-term exposure to housing that is or has been contaminated by by-products resulting from production of methamphetamine.

(c) The Commissioner shall report his or her findings, including any recommendations or proposed legislation to the House Committees on General, Housing and Military Affairs, on Judiciary, on Health Care, and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs, on Judiciary, and on Health and Welfare on or before June 15, 2014.

* * * Community Safety * * *

Sec. 21. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:

~~(1)(A) Actual~~ actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent; ~~or~~

~~(2)(B) Signs~~ signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) Real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected.

(B) A railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters a building other than a residence, whose ~~normal~~ access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this ~~state~~ State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

(d) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

Sec. 22. [DELETED.]

Sec. 22a. 9 V.S.A. chapter 97 is amended to read:

CHAPTER 97. PAWNBROKERS

* * *

§ 3865. RECORDS OF A PAWNBROKER OR SECONDHAND DEALER

(a) In each year a pawnbroker or secondhand dealer resells over ~~\$500.00~~ \$2,500.00 of items pawned, pledged, or sold to the pawnbroker or secondhand dealer, he or she shall maintain the following records for each transaction in that year:

(1) a legible statement written at the time of the transaction stating the amount of money lent or paid for the items pawned, pledged, or sold, the time of the transaction, and the rate of interest to be paid on the loan, as applicable;

(2) a legible statement of the name, current address, telephone number, and vehicle license number of the person pawning, pledging, or selling the items;

(3) a legible written description and photograph, or alternatively a video, of the items pawned, pledged, or sold;

(4) a photocopy of a government-issued identification card issued to the person pawning, pledging, or selling the items, if available.

(b) At all reasonable times, the records required under subsection (a) of this section shall be open to the inspection of law enforcement. A law enforcement agency shall make a reasonable effort to notify a dealer before conducting an inspection pursuant to this section unless providing notice would interfere with a criminal investigation or any other legitimate law enforcement purpose.

(c) In this section:

(1) "Precious metal" means gold, silver, platinum, or palladium.

(2) "Secondhand dealer" means a person engaged in the business of purchasing used or estate precious metal, coins, ~~antiques, furniture,~~ jewelry, or similar items for the purpose of resale.

* * *

§ 3871. PENALTIES

(a) A licensee who violates a provision of sections ~~3863-3870~~ 3863-3864 or 3866-3870 of this title, shall be fined not more than \$100.00 nor less than \$10.00 for each offense.

(b) A pawnbroker or precious metal dealer who violates a provision of section 3865 or 3872 of this chapter:

(1) may be assessed a civil penalty not to exceed \$1,000.00 for a first violation; and

(2) shall be fined not more than \$25,000.00 for a second or subsequent violation.

* * *

Sec. 22b. PUBLIC OUTREACH TO VERMONT PRECIOUS METAL DEALERS

The Department of Public Safety shall design and implement a public outreach campaign to inform and educate pawnbrokers, precious metal dealers, and others affected by 9 V.S.A. chapter 97 of the current statutory provisions governing the purchase and sale of precious metals, including:

(1) the items that should be regulated as "precious metal" or other secondhand goods;

(2) the type of transactions governed by the chapter;

(3) the recordkeeping requirements of the chapter;

(4) the 10-day holding period requirement;

(5) methods for increasing communication with the Department of Public Safety regarding possible suspicious activity within their business transactions; and

(6) other information supporting the purpose of the campaign.

Sec. 22c. INTERIM STUDY COMMITTEE ON THE REGULATION OF PRECIOUS METAL DEALERS

(a) Creation of committee. There is created an Interim Study Committee on the Regulation of Precious Metal Dealers, the purpose of which shall be to examine the current practices in the trade of precious metals in Vermont, the nexus of that trade to drug-related and other illegal activity, and to provide recommendations to the General Assembly on the most effective means of regulating the trade to decrease the amount of related illegal activity and promote the recovery of stolen property.

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

(1) a Vermont-based representative from the New England Jewelers Association;

(2) a representative from the Vermont Antique Dealers Association;

(3) a Vermont-based coin dealer appointed by the Governor;

(4) a representative of local law enforcement from the Vermont Police Association;

(5) a Vermont-based auctioneer appointed by the Governor;

(6) a private citizen who has been affected by the theft of precious metals appointed by the Governor;

(7) a representative from a Vermont-based business that uses precious metal for manufacturing or industrial purposes appointed by the Governor;

(8) a representative from the jewelry manufacturing industry appointed by the Governor;

(9) a representative from the Vermont State's Attorneys and Sheriffs' Association;

(10) the Commissioner of Public Safety or designee, who shall serve as Chair of the Committee;

(11) the Vermont Attorney General or designee;

(12) a member of the House of Representatives, appointed by the Speaker of the House; and

(13) a member of the Senate, appointed by the Senate Committee on Committees.

(c) Powers and duties.

(1) The Committee shall study methods for increasing cooperation between law enforcement and precious metal dealers in an effort to prevent the theft of these items and retrieve stolen goods, including the following:

(A) the advisability, cost, and effectiveness of creating and maintaining a stolen property database and website for the purpose of posting pictures and information about stolen items;

(B) the creation of a licensing system for precious metal dealers, including what information would be required of applicants, who would be eligible for a license, and how the licensing program would be implemented;

(C) refinement of the recordkeeping requirements for precious metal dealers, including the possibility of requiring sales of a certain amount to be recorded electronically; and

(D) any other issues related to precious metal as the Committee deems appropriate.

(2) For purposes of its study of these issues, the Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Report. On or before January 1, 2014, the Committee shall report to the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary, and the House Committees on Commerce and Economic Development and on Judiciary its findings and any recommendations for legislative action.

(e) Meetings.

(1) Seven members of the Committee shall be physically present at the same location to constitute a quorum.

(2) Action shall be taken only if there is both a quorum and an affirmative vote of the members physically present and voting.

(3) The Committee may meet no more than five times, and shall cease to exist on January 2, 2014.

(4) Legislative members of the Committee shall be entitled to the same per diem compensation and reimbursement as provided to members of standing committees under 2 V.S.A. § 406. Nonlegislative members of the Committee who are not state employees and who are not otherwise compensated for their participation by their employer or association shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010.

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES; SUNSET

(a) This section and Secs. 2a (emergency rules), 3a (board of pharmacy; rulemaking), 11(e) (Health Department rules), 11(f) (licensing authority standards), 13 (VPMS Advisory Committee), 13b (prevention report), 20 (study committee on the effects of the production of methamphetamine and other illegal drugs on housing), 22a (9 V.S.A. chapter 97A; secondhand dealers), 22b (public outreach; precious metal dealers), and 22c (interim study; precious metal dealers) of this act shall take effect on passage.

(b) Secs. 10 (18 V.S.A. § 4288; reciprocal agreements), 12 (18 V.S.A. § 4290; replacement prescriptions), and 19 (18 V.S.A. § 4234b; ephedrine and pseudoephedrine), and Sec. 8(b)(2)(G) (18 V.S.A. § 4284(b)(2)(G); interstate data sharing) of this act shall take effect on October 1, 2013.

(c) Sec. 11(d) (VPMS query requirements) of this act shall take effect on November 15, 2013.

(d) Sec. 19a (18 V.S.A. § 4234b; ephedrine and pseudoephedrine) of this act shall take effect on September 30, 2016.

(e) The remaining sections of this act shall take effect on July 1, 2013.

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

Senator Nitka, 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 Health and Welfare with the following amendments thereto:

First: In Sec. 22c, in subsection (b), by inserting and at the end of subdivision (10), by striking the semicolon at the end of subdivision (11) and inserting in lieu thereof a period, and by striking out subdivisions (12) and (13) in their entirety

Second: In Sec. 22c, in subsection (e), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) Members of the Committee who are not state employees and who are not otherwise compensated for their participation by their employer or association shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010(b).

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

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

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare, as amended?, Senator Sears moved to amend the proposal of amendment of the Committee on Health and Welfare, as amended, by striking out Secs. 4 and 5 in their entirety.

Thereupon, pending the question, Shall the proposal of amendment of the Committee on Health and Welfare, as amended, be amended as proposed by Senator Sears?, Senator Campbell moved that the Senate recess until one o'clock.

Which was agreed to.

Called to Order

The Senate was called to order by the President.

Message from the House No. 57

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

H. 528. An act relating to revenue changes for fiscal year 2014 and fiscal year 2015.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

And the Speaker appointed as members of such Committee on the part of the House:

Rep. Ancel of Calais
Rep. Condon of Colchester
Rep. Wilson of Manchester

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 522.

Consideration was resumed on Senate bill entitled:

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

Thereupon, the pending question, Shall the proposal of amendment of the Committee on Health and Welfare, as amended, be amended as proposed by Senator Sears?, was disagreed to.

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

Thereupon, pending the question, Shall the bill be read a third time?, Senator Sears moved that the Senate proposal of amendment be amended in Sec. 5 by striking out the last sentence in its entirety.

Which was disagreed to on a division of the Senate, Yeas 10, Nays 17.

Thereupon, third reading of the bill was ordered.

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

H. 530.

House bill entitled:

An act relating to making appropriations for the support of government.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel, on behalf of the Committee on Appropriations moved that the Senate proposal of amendment be amended as follows:

First: By striking out Sec. B.113 in its entirety and inserting in lieu thereof a new Sec. B.113 to read as follows:

Sec. B.113 Buildings and general services - engineering

Personal services	2,327,747
Operating expenses	<u>474,850</u>
Total	2,802,597
Source of funds	
Interdepartmental transfers	<u>2,802,597</u>
Total	2,802,597

Second: By striking out Sec. B.204 in its entirety and inserting in lieu thereof a new Sec. B.204 to read as follows:

Sec. B.204 Judiciary

Personal services	32,218,222
Operating expenses	8,707,574
Grants	<u>70,000</u>
Total	40,995,796
Source of funds	
General fund	35,067,633
Special funds	3,235,319
Tobacco fund	39,871
Federal funds	714,176
Interdepartmental transfers	<u>1,938,797</u>
Total	40,995,796

Third: In Sec. E.113(a), by striking out the figure “\$2,802,647” and inserting in lieu thereof the figure \$2,802,597

Fourth: In Sec. E.222, by striking out the header “Sec. E.222 Agriculture, food and markets – administration” and inserting in lieu thereof a new header to read as follows:

Sec. E.225 Agriculture, food and markets – laboratories, agricultural resource management and environmental stewardship

Fifth: By striking out Sec. E.300.1 in its entirety and inserting in lieu thereof a new Sec. E.300.1 to read as follows:

Sec. E.300.1 AGENCY OF HUMAN SERVICES PROGRAMS AND SUBSTANCE ABUSE CONTINUUM OF SERVICES; REVIEW AND RECOMMENDATION

(a) To ensure Agency programs serve persons with substance abuse and persons with co-occurring substance abuse, medical, and mental health conditions, the Secretary of Human Services shall report on the capacity of the system, including outpatient, inpatient, residential treatment, and recovery substance abuse, medical, and mental health services to address these needs. In addition to the resources of the Agency, the Secretary may seek the advice and consultation of independent persons with clinical case management and public policy expertise to assess current policies and resources available within the Agency and make recommendations to change current policies, change the allocations of resources, restructure payment systems, and prioritize future additional resources. The Secretary of Education, the Commissioner of Labor, the Administrative Judge in the Judiciary, and leaders in the State’s law enforcement agencies are expected to be available as needed for consultation in

this effort as well as the report on opioid addiction required in H.522 of the 2013 legislative session. The Secretary of Human Services shall report to the General Assembly with this assessment and recommendations by January 15, 2014.

Sixth: In Sec. E.333(e), by striking out the words “General Assembly” and inserting in lieu thereof the words Joint Fiscal Committee

Which was agreed to.

Senator Kitchel, on behalf of the Committee on Appropriations, moved that the Senate proposal of amendment be amended as follows:

In Sec. E.323.1 by striking subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment under section 1114 of this title and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive:

(1) a wage equivalent to that of the participating family’s cash benefit under the Reach Up Program for participation in community service employment; or

(2) supplemental benefits to the wages of the adult member of the participating family if the work requirement is otherwise being met.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as proposed by Senator Kitchell, on behalf of the Committee on Appropriations?, Senator Lyons moved to amend the proposal of amendment as follows:

In Sec. E.323.1 in subsection (d) (1) by striking out the following: “; or” and in (d)(2) at the end of the subsection by inserting the following: ; or and by adding a new subsection (3) to read as follows:

(3) financial assistance to the participating family if it is meeting its obligations under the family development plan.

Thereupon, pending the question, Shall the proposal of amendment of Senator Kitchel, on behalf of the Committee on Appropriations be amended as recommended by Senator Lyons?, Senator Lyons, requested and was granted leave to withdraw the proposal of amendment.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Kitchel, on behalf of the Committee on Appropriations?, was agreed to.

Senator Sears moved that the Senate proposal of amendment be amended by adding a new section to be numbered Sec. E.207.1 to read as follows:

Sec. E.207.1 BENNINGTON COUNTY TRANSPORT

(a) Notwithstanding any other provision of law to the contrary, the transport contract for Bennington County shall be returned to the Office of the Bennington County Sheriff.

Which was agreed to on a division of the Senate, Yeas 17, Nays 12.

Senator Pollina moved that the Senate proposal of amendment be amended as follows:

First: By striking out Secs. E.323 through E.323.6 and inserting in lieu thereof the following:

Sec. E.323 REPORT ON LONG-TERM REACH UP PARTICIPANTS

On or before January 15, 2014, the Commissioner for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding:

(1) the aggregated profile of participating families receiving long-term assistance from the Reach Up Program in excess of 60 months, including any common barriers that prevent participating families from moving to self-sufficiency;

(2) the anticipated impact that time limits related to eligibility for financial assistance would have on participating families; and

(3) the fiscal impact of time limits related to eligibility for financial assistance and any other changes to the Reach Up Program under consideration by the Department for Children and Families.

Sec. E.323.1 REACH UP POLICY WORK GROUP

(a)(1) The Commissioner for Children and Families or designee shall convene and chair a work group to examine public policy options for restructuring the Reach Up Program in a manner that encourages participating families to graduate from the Program.

(2) The Commissioner or designee shall convene the first meeting of the Work Group on or before July 15, 2013.

(b) The Work Group shall be composed of:

(1) individuals with expertise in administering the Reach Up Program;

(2) individuals with expertise in assisting Reach Up participants;

(3) one or more Reach Up participants;

(4) representatives of community service providers or other agencies outside State government; and

(5) Vermont advocates for children and families.

(c) On or before November 1, 2013, the Work Group shall submit a written report containing its findings and recommendations for restructuring the Reach Up Program to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare. Thereafter, the Work Group shall cease to exist.

(d) Members of the Work Group who are not state employees and who are not otherwise compensated by their employment or association for their participation shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010.

Second: In Sec. F.100, by striking out subsection (a) and inserting in lieu thereof the following:

(a) This section and Secs. C.100 (fiscal year 2013 budget adjustment, Secretary of State), C.101 (fiscal year 2013 budget adjustment, Attorney General), C.102 (fiscal year 2013 budget adjustment, protection function total), C.103 (fiscal year 2013 budget adjustment, Transportation – program development), C.104 (fiscal year 2013 budget adjustment, Transportation Infrastructure Bonds Debt Service), C.105 (fiscal year 2013 budget adjustment, Debt service and Debt service function total), D.102 (tobacco litigation settlement fund balance), E.323 (Report on Long-Term Reach Up Participants), and E.323.1 (Reach Up Policy Work Group) of this act shall take effect on passage.

And by striking out subsections (g) and (h) in their entirety.

Which was disagreed to.

Senator Galbraith moved that the Senate proposal of amendment be amended by striking out Sec. B.605 in its entirety and inserting in lieu thereof a new Sec. B.605 to read as follows:

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,914,515</u>
Total	19,914,515
Source of funds	
General fund	<u>19,914,515</u>
Total	19,914,515

Which was disagreed to on a roll call, Yeas 4, Nays 25.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Collins, Galbraith, Pollina.

Those Senators who voted in the negative were: Ayer, Baruth, Benning, Campbell, Cummings, Doyle, Flory, Fox, French, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

The Senator absent and not voting was: Bray.

Senator Galbraith moved that the Senate proposal of amendment be amended by adding a new section to be numbed Sec. E.605.1 to read as follows:

Sec. E.605.1 CONDITION OF VERMONT STUDENT ASSISTANCE CORPORATION STATE FUNDING

(a) The funds appropriated in Sec. B.605 of this act shall only be granted if the total compensation of the Chief Executive Officer of the Vermont Student Assistance Corporation is at or below the level of the Governor for the fiscal year.

Which was disagreed to on a roll call, Yeas 5, Nays 24.

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

Roll Call

Those Senators who voted in the affirmative were: Galbraith, Hartwell, McAllister, Mullin, Pollina.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

The Senator absent and not voting was: Bray.

Senator Ashe moved that the Senate proposal of amendment be amended as follows:

First: By adding a sentence at the end of C.100.1(b) to read as follows:

No funds shall be expended until approved by the Joint Fiscal Committee.

Second: By striking out Sec. E.101.1 in its entirety and inserting in lieu thereof a new Sec. E.101.1 to read as follows:

Sec. E.101.1 REPEAL

(a) 29 V.S.A. § 1402 (preference to vermont companies, agents) is repealed.

Third: In Sec. E.141, by adding a new subsection (d) to read as follows:

(d) The Executive Director of the Lottery Commission and the Secretary of Human Services shall submit recommendations to the House and Senate Committees on Appropriations on or before January 15, 2014 on the advisability of transferring the Problem Gambling Program from a grant program to a program performed by state employees.

Fourth: By striking out Sec. E.800(a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Notwithstanding any provision of law to the contrary, the Secretary is authorized to renew or continue in fiscal year 2014 any grants made under the provisions of the 2012 Acts and Resolves No. 162, Sec.E.800.5(a), but shall not issue any new grants or awards under this provision.

Which was agreed to.

Senator Zuckerman moved that the Senate proposal of amendment be amended in Sec. E.323.1 by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Deferment granted for the following reasons shall not count toward the Reach Up Program's cumulative 60-month lifetime eligibility period:

(1) The participant is not able-to-work.

(2) The participant has a modification or deferment pursuant to subdivision 1114 of this chapter.

Which was disagreed to.

Senator Pollina moved that the Senate proposal of amendment be amended in Sec. E.333 as follows:

First: By striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) There is established a Developmental Services Task Force composed of the following nine members:

(1) the Secretary of Human Services or designee, who shall serve as chair;

(2) a member of the House of Representatives, appointed by the Speaker of the House;

(3) a member of the Senate, appointed by the Committee on Committees;

(4) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(5) the Director of Developmental Services or designee;

(6) two members appointed by the Vermont Council of Developmental and Mental Health Services;

(7) two members appointed by the Developmental Disabilities Council who may be any combination of a parent of, a family member of, or a person with a disability.

Second: By striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The Task Force shall:

(1) identify and review an appropriate random sample of identity-protected individual developmental services case files from each of the designated service providers to assess whether the methods of case planning and oversight should be revised and whether alternative practices could be identified to achieve \$2.5 million in savings during fiscal year 2014 through more cost-effective use of the resources available for developmental services that benefit individuals with developmental disabilities and their families; and

(2) make recommendations regarding a strategic planning process for developmental services based on the values in 1996 Acts and Resolves No. 174, including the active involvement of individuals with intellectual disabilities and their families.

Third: In subsection (e), by striking out the following: “General Assembly” and inserting in lieu thereof the following: Joint Fiscal Committee

Fourth: By striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f) It is the expectation of the General Assembly that the Department and developmental service providers will work to manage the service needs within the funds appropriated, which may include changes that result in more cost-effective program administration. However, no modifications to the system of care plan or rescissions shall be applied before the Joint Fiscal Committee has considered the report of the Task Force and has had an opportunity to take action.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as proposed by Senator Pollina?, Senator Galbraith moved that the question be divided. Thereupon, the *first* proposal of amendment was disagreed to. Thereupon, the *second*, *third* and *fourth* proposals of amendment were disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 24, Nays 4.

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, Baruth, Campbell, Collins, Cummings, Doyle, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Rodgers, Sears, Snelling, Starr, Westman, White.

Those Senators who voted in the negative were: Benning, *Flory, McAllister, Pollina.

Those Senators absent and not voting were: Bray, Zuckerman.

*Senator Flory explained her vote as follows:

“This bill reflects a lot of hard work and very thoughtful consideration of difficult issues. I agree with much of it. Unfortunately, the one issue that the committee has little ability to control is the area that consumes an ever increasing part of the budget, the ever increasing Education costs to the State that put us in this budget problem.”

Thereupon, on motion of Senator Campbell, the rules were suspended, and the bill was ordered messaged to the House forthwith.

Committee of Conference Appointed

H. 528.

An act relating to revenue changes for fiscal year 2014 and fiscal year 2015.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Ashe
Senator MacDonald
Senator Mullin

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Adjournment

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

FRIDAY, MAY 3, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 58

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 270. An act relating to providing access to publicly funded prekindergarten education.

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

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

S. 31. An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding.

S. 77. An act relating to patient choice and control at end of life.

S. 88. An act relating to telemedicine services delivered outside a health care facility.

S. 150. An act relating to miscellaneous amendments to laws related to motor vehicles.

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

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

J.R.S. 14. Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposals of amendment to the following House bills:

H. 2. An act relating to the Governor's Snowmobile Council.

H. 513. An act relating to the Department of Financial Regulation.

And has severally concurred therein.

Message from the House No. 59

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House bill entitled:

H. 530. An act relating to making appropriations for the support of government.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Heath of Westford
Rep. Johnson of South Hero
Rep. O'Brien of Richmond.

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

H. 95. An act relating to unclaimed life insurance benefits.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Bill Referred

House bill of the following title was read the first time and referred:

H. 270.

An act relating to providing access to publicly funded prekindergarten education.

To the Committee on Rules.

Bills Passed in Concurrence with Proposals of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

H. 136. An act relating to cost-sharing for preventive services.

H. 182. An act relating to search and rescue.

Bill Ordered to Lie**H. 522.**

Senate bill entitled:

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

Was taken up.

Thereupon, pending the question Shall the bill pass in concurrence?, on motion of Senator Sears, the bill was ordered to lie.

Proposals of Amendment; Third Reading Ordered**H. 26.**

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

An act relating to technical corrections.

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

First: By inserting a new section to be numbered Sec. 6 to read as follows:

Sec. 6. 10 V.S.A. § 1106(a) is amended to read:

(a) There is hereby established a special fund to be known as the Vermont ~~unsafe dam revolving loan fund~~ Unsafe Dam Revolving Loan Fund which shall be used to provide grants and loans to municipalities, nonprofit entities, and private individuals, pursuant to rules ~~proposed~~ adopted by the ~~agency of natural resources and enacted by the general assembly~~ Agency of Natural

Resources, for the reconstruction, repair, removal, breaching, draining, or other action necessary to reduce the threat of a dam or portion of a dam determined to be unsafe pursuant to section 1095 of this chapter.

* * *

Second: In Sec. 24 by striking out the introductory language “2012 Acts and Resolves No. 40, Sec. 12(b)” and inserting in lieu thereof of the following: 2011 Acts and Resolves No. 40, Sec. 12(b), as amended by 2012 Acts and Resolves No. 104, Sec. 8

Third: By inserting a new section to be numbered Sec. 30 to read as follows:

Sec. 30. LEGISLATIVE COUNCIL; STATUTORY REVISION; PHYSICIAN ASSISTANTS

The Office of Legislative Council, in its statutory revision capacity, is directed to make amendments to the Vermont Statutes Annotated as are necessary to change the term “physician’s assistant” to “physician assistant” and the term “physician’s assistants” to “physician assistants” and to correct any reference to physician assistant certification to refer instead to physician assistant licensure in order to conform with the change in the terminology of the title of physician assistants and their type of regulation as set forth in 2011 Acts and Resolves No. 61, Sec. 4. Such changes may also be made when new legislation is proposed or in preparing an individual act for codification in the Vermont Statutes Annotated or for publication in the Acts and Resolves.

And by renumbering all sections of the bill 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, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence

J.R.H. 9.

Joint House resolution entitled:

Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Ide, Robert of Peacham - Commissioner, Department of Motor Vehicles – March 1, 2013, to February 28, 2015.

Searles, Brian of Burlington - Secretary, Agency of Transportation – March 1, 2013, to February 28, 2015.

Flynn, Keith of Derby Line - Commissioner, Public Safety Department – March 1, 2013, to February 28, 2019.

Noonan, Annie of Montpelier - Commissioner, Department of Labor – March 1, 2013, to February 28, 2015.

Appointment Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointment was confirmed by the Senate, without report given by the Committee to which it was referred and without debate:

Richardson, Cory of East Montpelier - Member, Vermont State Housing Authority – March 1, 2013, to February 28, 2018.

House Proposal of Amendment; Consideration Postponed

S. 14.

House proposal of amendment to Senate bill entitled:

An act relating to payment of fair-share fees.

Was taken up.

* * * State Employees * * *

Sec. 1. 3 V.S.A. § 902 is amended to read:

§ 902. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(19) “Collective bargaining service fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization which is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount

payable as dues by members of the employee organization, and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization, and shall be used to defray the costs ~~incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the state~~ of chargeable activities.

Sec. 2. 3 V.S.A. § 903 is amended to read:

§ 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

(a) Employees shall have the right to self-organization; to form, join, or assist employee organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except as provided in ~~subsection (b)~~ subsections (b) and (c) of this section, and to appeal grievances as provided in this chapter.

(b) ~~No~~ A state employee may not strike or recognize a picket line of an employee or labor organization while in the performance of his or her official duties.

(c) An employee who exercises the right not to join the employee organization representing the employee's collective bargaining unit shall pay the collective bargaining service fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The employee organization shall indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the collective bargaining service fee. Nothing in this section shall require an employer to discharge an employee who does not pay the collective bargaining service fee.

(d) All employers, their officers, agents, and employees or representatives shall exert every reasonable effort to make and maintain agreements concerning matters allowable under section 904 of this title and to settle all disputes, whether arising out of the application of those agreements, or growing out of any dispute between the employer and the employees thereof.

Sec. 3. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include ~~but are not limited to:~~

* * *

(9) ~~Rules~~ rules and regulations for personnel administration, except the following: rules and regulations relating to persons exempt from the classified service under section 311 of this title and rules and regulations relating to applicants for employment in state service and employees in an initial probationary status, including any extension or extensions thereof provided such rules and regulations are not discriminatory by reason of an applicant's race, color, creed, sex, or national origin; and

(10) ~~A collective bargaining service fee~~ the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

* * *

Sec. 4. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

* * *

(k) Nothing in this chapter requires an individual to seek the assistance of his or her collective bargaining unit or its representative(s) in any grievance proceeding. He or she may represent himself or herself or be represented by counsel of his or her own choice or may avail himself or herself of the unit representative in grievance proceedings. ~~Employees who are eligible for membership in a collective bargaining unit who exercise their right not to join such unit may upon agreement with the unit representative avail themselves of the services of the unit representative(s) in grievance proceedings upon payment to the unit of a fee established by the unit representative, provided that in the event a collective bargaining service fee is negotiated, the unit representative shall represent nonmember employees in grievance proceedings without charge.~~

Sec. 5. 3 V.S.A. § 962 is amended to read:

§ 962. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

* * *

(10) To charge a collective bargaining fee ~~negotiated pursuant to section 904 of this title~~ unless such employee organization has established and maintained a procedure to provide nonmembers with:

(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the agency fee sought, any amount reasonably in dispute to be placed in escrow;

(C) prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee.

Sec. 5a. 3 V.S.A. § 1008 is added to read:

§ 1008. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

* * * Judiciary Employees * * *

Sec. 6. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(4) “Collective bargaining service fee,” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, and that fee is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization; shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization; and shall be used to defray the costs ~~incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the employer~~ of chargeable activities.

* * *

Sec. 7. 3 V.S.A. § 1012 is amended to read:

§ 1012. EMPLOYEES’ RIGHTS AND DUTIES; PROHIBITED ACTS

(a) Employees shall have the right to self-organization; to form, join, or assist employee organizations; to bargain collectively through their chosen representatives; to engage in concerted activities of collective bargaining or other mutual aid or protection; to refrain from any or all those activities, except

as provided in ~~subsection (b)~~ subsections (b) and (c) of this section; and to appeal grievances as provided in this chapter.

(b) ~~No~~ An employee may not strike or recognize a picket line of an employee organization while performing the employee's official duties.

(c) An employee who exercises the right not to join the employee organization representing the employee's certified unit pursuant to section 1021 of this title shall pay a collective bargaining service fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The employee organization shall indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the collective bargaining service fee. Nothing in this section shall require an employer to discharge an employee who does not pay the collective bargaining service fee.

~~(e)~~(d) The employer and employees and the employee's representative shall exert every reasonable effort to make and maintain agreements concerning matters allowable under section 1013 of this title and to settle all disputes, whether arising out of the application of those agreements or growing out of any dispute between the employer and the employees.

Sec. 8. 3 V.S.A. § 1013 is amended to read:

§ 1013. SUBJECTS FOR BARGAINING

All matters relating to the relationship between the employer and employees are subject to collective bargaining, to the extent those matters are not prescribed or controlled by law, including:

* * *

(10) A collective bargaining service fee the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

Sec. 9. 3 V.S.A. § 1027 is amended to read:

§ 1027. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

* * *

(10) To charge a ~~negotiated~~ collective bargaining fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) An audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses.

(B) An opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute.

(C) Prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee.

Sec. 9a. 3 V.S.A. § 1044 is added to read:

§ 1044. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

* * * Teachers * * *

Sec. 10. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(7) ~~“Agency fee” means a fee for representation in collective bargaining, not exceeding teachers’ or administrators’ organization dues, payable to the organization which is the exclusive bargaining agent for teachers or administrators in a bargaining unit, from individuals who are not members of the organization~~ means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

* * *

Sec. 11. 16 V.S.A. § 1982 is amended to read:

§ 1982. RIGHTS

(a) Teachers shall have the right to or not to join, assist, or participate in any teachers' organization of their choosing. However, teachers ~~may be required to pay an agency fee~~ who choose not to join the teachers' organization, recognized as the exclusive representative pursuant to an agreement negotiated under section 1992 of this chapter, shall pay the agency fee in the same manner as teachers who choose to join the teachers' organization pay membership fees. The teachers' organization shall indemnify and hold the school board harmless from any and all claims stemming from the implementation or administration of the agency fee.

(b) Principals, assistant principals, and administrators other than superintendent and assistant superintendent shall have the right to or not to join, assist, or participate in any administrators' organization or as a separate unit of any teachers' organization of their choosing. However, subject to the provisions of subsection (d) of this section, administrators other than the superintendent and assistant superintendent ~~may be required to pay an agency fee~~ who choose not to join the administrators' organization, recognized as the exclusive representative pursuant to an agreement negotiated under section 1992 of this chapter, shall pay the agency fee in the same manner as administrators who choose to join the administrators' organization pay membership fees. The administrators' organization agrees to indemnify and hold the school harmless from any and all claims stemming from the implementation or administration of the agency fee.

(c) ~~Neither the~~ The school board ~~nor~~ or any employee of the school board serving in any capacity, ~~nor~~ or any other person or organization shall not interfere with, restrain, coerce, or discriminate in any way against or for any teacher or administrator engaged in activities protected by this legislation.

(d) A teachers' or administrators' organization shall not charge the agency fee unless it has established and maintained a procedure to provide nonmembers with:

(1) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(2) an opportunity to object to the amount of the agency fee sought, and to place in escrow any amount reasonably in dispute;

(3) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the teachers' or administrators' organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the

amount of the agency fee. The costs of arbitration shall be paid by the teachers' or administrators' organization.

(e) Nothing in this section shall require an employer to discharge an employee who does not pay the agency fee.

Sec. 12. 16 V.S.A. § 2004 is amended to read:

§ 2004. AGENDA

The school board, through its negotiations council, shall, upon request, negotiate with representatives of the teachers' or administrators' organization negotiations council on matters of salary, related economic conditions of employment, ~~an the manner in which it will enforce an employee's obligation to pay the~~ agency service fee, procedures for processing complaints and grievances relating to employment, and any mutually agreed upon matters not in conflict with the statutes and laws of the ~~state~~ State of Vermont.

* * * Certain Private Sector Employees * * *

Sec. 13. 21 V.S.A. § 1502 is amended to read:

§ 1502. DEFINITIONS

~~In As used in this chapter the following words shall have the following meaning:~~

* * *

(14) "Agency fee" means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

Sec. 13a. 16 V.S.A. § 2028 is added to read:

§ 2028. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

Sec. 14. 21 V.S.A. § 1503 is amended to read:

§ 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

(a) Employees shall have the right to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in ~~section~~ subsection 1621(a) of this title. An employee who exercises the right not to join the labor organization representing the employee's certified unit pursuant to section 1581 of this title shall, subject to subsection (b) of this section, pay the agency fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The labor organization agrees to indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the agency fee.

(b) A labor organization shall not charge the agency fee unless it has established and maintained a procedure to provide nonmembers with:

(1) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(2) an opportunity to object to the amount of the agency fee sought, and to place in escrow any amount reasonably in dispute;

(3) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the teachers' or administrators' organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency fee. The costs of arbitration shall be paid by the labor organization.

Sec. 15. 21 V.S.A. § 1621 is amended to read:

§ 1621. UNFAIR LABOR PRACTICES

(a) It shall be an unfair labor practice for an employer:

* * *

(6) Nothing in this chapter or any other statute of this state shall preclude an employer from making an agreement with a labor organization (not established, maintained or assisted by any action defined in this subsection (a) as an unfair labor practice) to require as a condition of employment membership in such labor organization on or after the 30th day

following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 1583 of this chapter, in the appropriate collective bargaining unit covered by such agreement when made; and (ii) unless following an election held as provided in section 1584 of this chapter within one year preceding the effective date of such agreement, the ~~board~~ Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement. Nothing in this section shall require an employer to discharge an employee in the absence of such an agreement. ~~No~~ An employer shall not justify any discrimination against an employee for nonmembership in a labor organization:

(A) ~~If~~ if the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) ~~If~~ if the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

* * *

(b) It shall be an unfair labor practice for a labor organization or its agents:

* * *

(5) To require employees covered by a ~~the agency fee requirement or other~~ union security agreement authorized under subsection (a) of this section to pay, as a condition precedent to becoming a member of such organization, a fee in an amount which the ~~board~~ Board finds excessive or discriminatory under all the circumstances. In making such a finding, the ~~board~~ Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected.

* * *

Sec. 15a. 21 V.S.A. § 1624 is added to read:

§ 1624. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow

employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

* * * Municipal Employees * * *

Sec. 16. 21 V.S.A. § 1722 is amended to read;

§ 1722. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

(1) “Agency service fee” means a fee ~~for representation in collective bargaining not exceeding employee organization dues, payable to an employee organization which is the exclusive bargaining agent for employees in a bargaining unit from individuals who are not members of the employee organization~~ a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

* * *

Sec. 17. 21 V.S.A. § 1726 is amended to read:

§ 1726. UNFAIR LABOR PRACTICES

(a) It shall be an unfair labor practice for an employer:

* * *

(8) ~~Nothing in this chapter or any other statute of this state shall preclude a municipal employer from making an agreement with the exclusive bargaining agent to require an agency service~~ A municipal employer and the exclusive bargaining agent may agree to require the agency service fee to be paid as a condition of employment, or to require as a condition of employment membership in such employee organization on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later. Nothing in this section shall require an employer to discharge an employee in the absence of such an agreement. No ~~A~~ A municipal employer shall not discharge or discriminate against any employee for nonpayment of ~~an~~ the agency service fee or for nonmembership in an employee organization:

(A) ~~If~~ if the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) ~~If~~ if the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

(b) It shall be an unfair labor practice for an employee organization or its agents:

* * *

(6) ~~To~~ to require employees covered by ~~an~~ the agency service fee ~~agreement~~ requirement or other union security agreement authorized under subsection (a) of this section to pay an initiation fee which the ~~board~~ Board finds excessive or discriminatory under all the circumstances, including the practices and customs of employee organizations representing municipal employees; and the wages paid to the employees affected.

* * *

(12) to charge the agency service fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute; and

(C) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the employee organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency service fee. The costs of arbitration shall be paid by the employee organization.

Sec. 18. 21 V.S.A. § 1734 is amended to read:

§ 1734. MISCELLANEOUS

(a) Municipal employees and exclusive bargaining agents are authorized to negotiate provisions in a collective bargaining agreement calling for:

(1) ~~Payroll~~ payroll deduction of employee organization dues and initiation fees; ~~or an agency service fee;~~

(2) ~~Binding~~ binding arbitration of grievances involving the interpretation or application of a written collective bargaining agreement. The cost of arbitration shall be shared equally by the parties.

* * *

(d) In the absence of an agreement requiring an employee to be a member of the employee organization, an employee choosing not to be a member of the employee organization shall pay the agency service fee in the same manner as employees who choose to join the employee organization pay dues. The employee organization shall indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the agency service fee.

Sec. 18a. 21 V.S.A. § 1736 is added to read:

§ 1736. CONTRACT RATIFICATION; ANNUAL VOTE

Annually, the employees of the bargaining unit shall meet and discuss whether employees who have chosen not to join the employee organization shall be allowed to vote on the ratification of any collective bargaining agreement entered into pursuant to this chapter. After discussion, employees that are members of the employee organization shall vote on whether to allow employees who have chosen not to join the employee organization to vote on the ratification of any collective bargaining agreement.

* * * Moderation of Union Dues * * *

Sec. 19. MODERATION OF UNION DUES

An employee organization shall use any increased revenue resulting from the implementation of this act solely for the purpose of moderating its existing membership dues.

Sec. 19a. SCHOOL EMPLOYEES; MERIT PAY; ANALYSIS

(a) The Secretary of Education shall analyze whether and in what ways public education in Vermont would benefit from including merit pay provisions in school employee contracts under 16 V.S.A. chapter 57 and 21 V.S.A. chapter 22. Among other considerations, the Secretary shall examine whether merit pay would improve the quality of education and increase opportunities available to Vermont students.

(b) The Secretary shall consult with members of the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Education, with stakeholders, and with other interested parties.

(c) On or before January 15, 2014, the Secretary shall submit a report to the committees identified in subsection (b) of this section regarding the analysis, including the factors considered, the results of the analysis, whether merit pay provisions would benefit Vermont students, and recommendations, if any.

* * * Effective Dates * * *

Sec. 20. EFFECTIVE DATES

This act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on the date following the expiration date stated in the collective bargaining agreement, if any, then in effect, but in no event shall an employee be required to pay an agency fee under this act for any period prior to July 1, 2013 unless an existing collective bargaining agreement requires payment of the fee. In the event that no collective bargaining agreement is in effect on June 30, 2013, this act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on July 1, 2013.

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

An act relating to payment of agency fees and collective bargaining service fees.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?,

Senator Baruth moved that the Senate concur in the House proposal of amendment with an amendment as follows:

First: In Sec. 10, 16 V.S.A. § 1981, in subdivision (7) in the second sentence by striking out the following: “collective bargaining service fee” and inserting in lieu thereof the following: agency fee

Second: In Sec. 13, 21 V.S.A. § 1502, in subdivision (14) in the second sentence by striking out the following: “A collective bargaining service fee” and inserting in lieu thereof the following: An agency fee

Third: In Sec. 16, 21 V.S.A. § 1722, in subdivision (1) in the second sentence by striking out the following: “A collective bargaining service fee” and inserting in lieu thereof the following: An agency service fee

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment with further amendment as recommended by Senator Baruth?, on motion of Senator Campbell consideration of the bill was postponed until later in the day.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 136, H. 182.**Election of Senate Members to Judicial Nominating Board**

The President announced that the next order of business was the election of three members of the Senate to serve on the Judicial Nominating Board pursuant to 4 V.S.A. §601.

Senator Campbell, on behalf of the Committee on Committees, placed in nomination the names of the following Senators to serve on the Board:

JOHN S. RODGERS

of Essex-Orleans District, as the majority party member of the Board.

KEVIN J. MULLIN

of Rutland District, as the minority party member of the Board.

JOHN F. CAMPBELL

of Windsor District, as the third member of the Board.

There being no further nominations, on motion of Senator Mazza, the nominations were closed, and the Secretary was instructed to cast one ballot for

JOHN S. RODGERS

of Essex-Orleans District, as the majority party member of the Board, for a term of two years or until his successor is elected and has qualified.

KEVIN J. MULLIN

of Rutland District, as the minority party member of the Board, for a term of two years or until his successor is elected and has qualified.

JOHN F. CAMPBELL

of Windsor District, as the third member of the Board, for a term of two years or until his successor is elected and has qualified.

Committee of Conference Appointed**H. 530.**

An act relating to making appropriations for the support of government.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel
Senator Sears
Senator Snelling

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon.

Afternoon

The Senate was called to order by the President.

Message from the House No. 60

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

H. 533. An act relating to capital construction and state bonding.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Message from the House No. 61

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 535. An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford.

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

The House has considered a bill originating in the Senate of the following title:

S. 59. An act relating to independent direct support providers.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has adopted joint resolutions of the following titles:

J.R.H. 10. Joint resolution opposing the recalculation of Social Security benefits.

J.R.H. 11. Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle.

In the adoption of which the concurrence of the Senate is requested.

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

H. 105. An act relating to adult protective services reporting requirements.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 123. House concurrent resolution designating April 25, 2013 as Victims' Awareness Day.

H.C.R. 124. House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain.

H.C.R. 125. House concurrent resolution commemorating the sestercentennial anniversary of the Town of Sudbury.

H.C.R. 126. House concurrent resolution honoring *Burlington Free Press* reporter Candace Page for her outstanding journalism career.

H.C.R. 127. House concurrent resolution designating April 27 as Vermont Youth Appreciation Day.

H.C.R. 128. House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont.

H.C.R. 129. House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners.

H.C.R. 130. House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails.

H.C.R. 131. House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls.

H.C.R. 132. House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions.

H.C.R. 133. House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield.

H.C.R. 134. House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners.

H.C.R. 135. House concurrent resolution honoring West Rutland municipal official Jayne Pratt.

H.C.R. 136. House concurrent resolution commemorating the centennial anniversary of the Lothrop School.

H.C.R. 137. House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury.

H.C.R. 138. House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest.

H.C.R. 139. House concurrent resolution designating May as Older Americans Month in Vermont.

H.C.R. 140. House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont.

In the adoption of which the concurrence of the Senate is requested.

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

S.C.R. 24. Senate concurrent resolution designating September 2013 as River Green Up Month.

And has adopted the same in concurrence.

Consideration Resumed; House Proposal of Amendment Concurred In

S. 14.

Consideration was resumed on Senate bill entitled:

An act relating to payment of fair-share fees.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment with further amendment as recommended by Senator Baruth?, Senator Baruth requested and was granted leave to withdraw the proposal.

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

House Proposal of Amendment Concurred In**S. 30.**

House proposal of amendment to Senate bill entitled:

An act relating to siting of electric generation plants.

Was taken up.

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

Sec. 1. LEGISLATIVE REVIEW; SITING POLICY COMMISSION REPORT

During adjournment between the 2013 and 2014 sessions of the General Assembly:

(1) The House and Senate Committees on Natural Resources and Energy (the Committees) jointly shall review the report and recommendations of the Governor's Energy Siting Policy Commission created by Executive Order No. 10-12 dated October 2, 2012; may consider any issue related to electric generation plants, including their development, siting, and operation; and may recommend legislation to the General Assembly concerning electric generation plants.

(2) The Committees shall meet jointly for the purposes of this section no more than six times at the call of the chairs. For attendance at these meetings, members of the Committees shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Rules Suspended; Joint Resolutions Referred

J.R.H. 10.

On motion of Senator Campbell, the rules were suspended and Joint House Resolution entitled:

Joint resolution opposing the recalculation of Social Security benefits.

Was taken up for immediate consideration and referred.

Whereas, on August 14, 1935, President Franklin D. Roosevelt signed the Social Security Act, Pub.L. No. 74-271, into law, and

Whereas, one of the stated goals of the Social Security Act was “to provide for the general welfare by establishing a system of Federal old-age benefits,” and

Whereas, Social Security has a special tie to Vermont as the first ever recipient of Social Security benefits was Ida May Fuller from Ludlow who received her first monthly check of \$22.54 in 1940, and

Whereas, since that date not a single benefit payment has been missed, and

Whereas, according to the Social Security Administration, as of February 2013, there are approximately 53,880,000 Social Security recipients, of whom approximately 38,662,000 are 65 years of age or older, and

Whereas, a Social Security recipient’s monthly benefit amount is adjusted annually by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (C.P.I.) from the third quarter of the previous year to the third quarter of the current year, and

Whereas, on April 10, 2013, President Obama presented to Congress his proposed FY 2014 federal budget, and

Whereas, with respect to Social Security, the President proposed that beginning in 2015, the current broad-based C.P.I. be replaced with a chained C.P.I. with a mathematical formulation that would slow the increase in benefits, and

Whereas, according to an editorial published on March 30, 2013 in *The New York Times*, fewer than one-half of Americans between the ages of 55 and 64 have any retirement savings, and of those persons who have established retirement savings, one-half have less than \$120,000.00 saved for this purpose, and

Whereas, the majority of retirees with an annual income of up to \$32,600.00 rely on Social Security for two-thirds or more of their income, and

Whereas, the current financial challenges associated with the federal debt have no connection to Social Security, and

Whereas, without any changes, Social Security will meet 100 percent of its obligations for the next 20 years, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that President Obama and Congress seek an alternative to the proposed adjustment to the Social Security C.P.I. formula as a way to address the long-term financial problems of the Social Security System, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Obama and the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Health and Welfare.

J.R.H. 11.

On motion of Senator Campbell, the rules were suspended and Joint House Resolution entitled:

Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle.

Was taken up for immediate consideration and referred.

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands, with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation:

First: If a 78-acre parcel, which is currently a private inholding in the Arthur Davis Wildlife Management Area in the town of Plymouth (the inholding parcel), is available for Markowski Excavation to purchase and to exchange, to enter into an exchange with Markowski Excavation in which the Department of Forests, Parks and Recreation (Department) shall convey a 38-acre portion of Coolidge State Forest (Coolidge parcel), also in the town of Plymouth, to Markowski Excavation in exchange for Markowski Excavation's conveying the inholding parcel to the State of Vermont. If this exchange of land is entered into, the inholding parcel shall be added to the Arthur Davis Wildlife Management Area.

Any exchange of state forestland with Markowski Excavation shall be contingent on the following: (1) the Coolidge parcel conveyed to Markowski Excavation shall not include any land that, in the opinion of the Agency of Natural Resources, includes important wildlife habitat, ecological or other significant natural resources, or outdoor recreation values; (2) the Department shall hold a public meeting in the town of Plymouth on this proposal and gain the support of the Plymouth Selectboard for the exchange; (3) an independent appraiser shall determine the value of the exchange parcels; (4) the Department

and Markowski Excavation shall enter into an agreement for the Department to obtain 10,000 cubic yards of crushed stone from Markowski Excavation at no cost for an agreed-upon period of time, 5,000 cubic yards of which shall be made available to the Department immediately upon the conveyance of the Coolidge parcel to Markowski Excavation, with the remaining 5,000 cubic yards of material to become available to the Department upon Markowski Excavation's receipt of all necessary permits for development of the Coolidge parcel; (5) upon the Department's conveyance of the Coolidge parcel, Markowski Excavation shall convey to the Department a permanent access easement providing access from Route 100, across lands of Markowski Excavation, to adjacent state forestland located in the Calvin Coolidge State Forest; (6) the conveyance of the Coolidge parcel to Markowski Excavation shall be subject to restrictions that ensure that a 100-foot undeveloped buffer is retained around the perimeter of the parcel that abuts state forestland; (7) Markowski Excavation shall be responsible for all associated costs, including appraising, surveying, permitting, and legal; (8) Markowski Excavation shall be responsible for securing all permits and approvals necessary for any subsequent development of the Coolidge parcel; and (9) authorization to enter into this exchange shall not be interpreted as state approval of any development proposal for the Coolidge parcel.

Second: If the inholding parcel is not available, to sell the Coolidge parcel to Markowski Excavation for the sum of \$150,000.00, contingent on conditions (1), (2), (4), (5), (6), (7), (8), and (9) as set forth in the first section of this Resolved clause, and the following additional conditions:

(1) notwithstanding the provisions of 29 V.S.A. § 166(b), the Department of Buildings and General Services may sell the Coolidge parcel to Markowski Excavation; (2) the Department of Buildings and General Services shall be reimbursed for all costs incurred; and (3) pursuant to 29 V.S.A § 166(d), the General Assembly authorizes the Department of Forests, Parks and Recreation to use the net proceeds of this transaction to cover all of its expenses associated with the sale of this property with the balance to be deposited in the Department of Forests, Parks and Recreation's Land Acquisition Account.

Third: To convey for public outdoor recreational purposes to the town of Grand Isle a parcel of up to 23.4 acres of Grand Isle State Park, currently licensed to the town of Grand Isle. Any conveyance of this parcel to the town shall be contingent on the following: (1) the town of Grand Isle shall not further subdivide or convey the parcel to another party, or develop or use the parcel for any purposes other than public outdoor recreational purposes; (2) the State shall retain a reversionary interest in the parcel, and the parcel shall revert to state ownership should the parcel not be used for public outdoor recreational purposes; (3) the conveyance to the town of Grand Isle shall

include any covenants or deed restrictions the Vermont Division for Historic Preservation deems necessary to protect potential historic or archeological resources on the transferred parcel; (4) the National Park Service shall approve this conveyance; (5) the transfer to the town of Grand Isle shall include all responsibilities for this parcel that are associated with the federal Land and Water Conservation Fund program; and (6) the town of Grand Isle shall be responsible for all associated costs of the exchange, including surveying, permitting, and legal.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Institutions.

Rules Suspended; Action Messaged

On motion of Senator Campbell, the rules were suspended, and the actions on the following bills were ordered messaged to the House forthwith:

S. 14, S. 30.

Appointment Confirmed

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

Berry, Patrick of Middlebury - Commissioner, Fish and Wildlife, Department of – March 1, 2013, to February 28, 2015.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was adopted on the part of the Senate:

S.C.R. 24.

Senate concurrent resolution designating September 2013 as River Green Up Month.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Fay and others,

H.C.R. 123.

House concurrent resolution designating April 25, 2013 as Victims' Awareness Day.

By Representative Ancel,

By Senator Campbell,

H.C.R. 124.

House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain.

By Representatives Shaw and Carr,

By Senators Flory, French and Mullin,

H.C.R. 125.

House concurrent resolution commemorating the sescentennial anniversary of the Town of Sudbury.

By All Members of the House,

By All Members of the Senate,

H.C.R. 126.

House concurrent resolution honoring *Burlington Free Press* reporter Candace Page for her outstanding journalism career.

By Representative Campion and others,

H.C.R. 127.

House concurrent resolution designating April 27 as Vermont Youth Appreciation Day.

By Representative Nuovo,

H.C.R. 128.

House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont.

By Representative Pugh and others,

H.C.R. 129.

House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners.

By Representatives Bartholomew and Sweaney,

By Senators Campbell, McCormack and Nitka,

H.C.R. 130.

House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails.

By Representatives Partridge and Trieber,

H.C.R. 131.

House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls.

By Representative Myers and others,

H.C.R. 132.

House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions.

By Representative Martin and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 133.

House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield.

By Representative Rachelson and others,

H.C.R. 134.

House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners.

By Representatives Burditt and Potter,

By Senators Flory, French and Mullin,

H.C.R. 135.

House concurrent resolution honoring West Rutland municipal official Jayne Pratt.

By Representatives Shaw and Carr,

By Senators Flory, French and Mullin,

H.C.R. 136.

House concurrent resolution commemorating the centennial anniversary of the Lothrop School.

By Representatives Nuovo and Ralston,

By Senators Ayer and Bray,

H.C.R. 137.

House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury.

By Representative Gallivan and others,

H.C.R. 138.

House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest.

By Representative Poirier,

H.C.R. 139.

House concurrent resolution designating May as Older Americans Month in Vermont .

By Representative Stuart and others,

By Senators Pollina and White,

H.C.R. 140.

House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Monday, May 6, 2013, at eleven o'clock in the forenoon pursuant to J.R.S. 29.

MONDAY, MAY 6, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Referred to Committee on Appropriations

H. 536.

House 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 Adjutant and Inspector General and the Vermont National Guard.

Adjournment

On motion of Senator Campbell, the Senate adjourned until two o'clock in the afternoon on Tuesday, May 7, 2013.

TUESDAY, MAY 7, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

Message from the House No. 62

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 85. An act relating to workers' compensation for firefighters and rescue or ambulance workers.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 131. An act relating to harvesting guidelines and procurement standards.

And has adopted the same on its part.

Pursuant to the request of the Senate for a Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 1. An act relating to consideration of financial cost of criminal sentencing options.

The Speaker has appointed as members of such committee on the part of the House:

Rep. Lippert of Hinesburg
Rep. Grad of Moretown
Rep. Koch of Barre Town.

The House has considered Senate proposals of amendment to the following House bills:

H. 205. An act relating to professions and occupations regulated by the Office of Professional Regulation.

H. 474. An act relating to amending the membership and charge of the Government Accountability Committee.

And has severally concurred therein.

Message from the Governor

A message was received from His Excellency, the Governor, by Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the sixth day of May, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 47. An act relating to protection orders and second degree domestic assault.

S. 161. An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract.

Bill Called Up

H. 522.

Senate bill of the following title was called up by Senator Sears, and, under the rule, placed on the Calendar for action the next legislative day:

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

Joint Senate Resolution Adopted on the Part of the Senate

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

By Senators Baruth and Benning,

J.R.S. 30. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 10, 2013, it be to meet again no later than Tuesday, May 14, 2013.

Committee Relieved of Further Consideration; Bill Committed**H. 226.**

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the regulation of underground storage tanks,
and the bill was committed to the Committee on Natural Resources and Energy.

Committee Relieved of Further Consideration; Bill Committed**H. 535.**

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford,
and the bill was committed to the Committee on Government Operations.

Bill Passed in Concurrence with Proposal of Amendment**H. 26.**

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

An act relating to technical corrections.

Third Readings Ordered**H. 54.**

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

An act relating to Public Records Act exemptions.

Reported that the bill ought to pass in concurrence.

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

H. 403.

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

An act relating to community supports for persons with serious functional impairments.

Reported that the bill ought to pass in concurrence.

Senator Fox, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence.

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

H. 512.

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

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

Reported that the bill ought to pass in concurrence.

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

H. 517.

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

An act relating to approval of the adoption and the codification of the charter of the Town of St. Albans.

Reported that the bill ought to pass in concurrence.

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

Proposal of Amendment; Third Reading Ordered**H. 200.**

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

An act relating to civil penalties for possession of marijuana.

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:

* * * Criminal Penalties and Civil Penalties for Marijuana Possession * * *

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) ~~A No person shall knowingly and unlawfully possessing possess more than one ounce of marijuana or more than five grams of hashish or cultivate marijuana. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.~~

(B) ~~A person convicted of a second or subsequent offense under this subdivision of knowingly and unlawfully possessing more than one ounce of marijuana or more than five grams of hashish or cultivating marijuana shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.~~

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(2) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of two ounces or more containing any~~ of marijuana or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing any of~~ marijuana or knowingly and unlawfully cultivating more than 10 plants of marijuana shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(4) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or~~

~~substances of an aggregate weight of 10 pounds or more of marijuana or knowingly and unlawfully cultivating more than 25 plants of marijuana shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.~~

(5) Prior to accepting a plea of guilty or a plea of nolo contendere from a defendant charged with a violation of this subsection, the court shall address the defendant personally in open court, informing the defendant and determining that the defendant understands that admitting to facts sufficient to warrant a finding of guilt or pleading guilty or nolo contendere to the charge may have collateral consequences such as loss of education financial aid, suspension or revocation of professional licenses, and restricted access to public benefits such as housing. If the court fails to provide the defendant with notice of collateral consequences in accordance with this subdivision and the defendant later at any time shows that the plea and conviction may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

* * *

(d) Only the portion of a marijuana-infused product that is attributable to marijuana shall count toward the possession limits of this section. The weight of marijuana that is attributable to marijuana-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).

Sec. 2. 18 V.S.A. § 4230a–d are added to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON OVER 21 YEARS OF AGE; CIVIL VIOLATION

(a) A person 21 years of age or older who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:

- (1) Not more than \$200.00 for a first offense.
- (2) Not more than \$300.00 for a second offense.
- (3) Not more than \$500.00 for a third or subsequent offense.

(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use shall not be

penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under state law.

(2) A violation of this section shall not result in the creation of a criminal history record of any kind.

(c)(1) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana.

(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).

(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.

(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at state expense.

(e)(1) Upon request by a law enforcement officer who reasonably suspects that a person has committed or is committing a violation of this section, the person shall give his or her name and address to the law enforcement officer and shall produce a motor vehicle operator's license, an identification card, a passport, or another suitable form of identification.

(2) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(3) The person may be detained only until the person identifies himself or herself satisfactorily to the officer. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately

and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

(f) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be retained by the State for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be retained by the State. The remaining 50 percent shall be paid to the Court Diversion Program for funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

(a) Offense. Except as otherwise provided in section 4230c of this title, a person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person under 21 years of age who violates this section with a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(c) Summons and Complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to Report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the

Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense which the Diversion Program has imposed, the Diversion Program shall:

(A) void the summons and complaint with no penalty due; and

(B) send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information which identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this section by the time ordered, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.

(h) Record of Adjudications. Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this section.

§ 4230c. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; THIRD OR SUBSEQUENT OFFENSE; CRIME

No person shall knowingly and unlawfully possess marijuana. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a crime if the person has been adjudicated at least twice previously in violation of section 4230b of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both.

§ 4230d. MARIJUANA POSSESSION BY A PERSON UNDER 16 YEARS OF AGE; DELINQUENCY

No person shall knowingly and unlawfully possess marijuana. A person under the age of 16 years who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.

Sec. 3. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The ~~judicial bureau~~ Judicial Bureau shall have jurisdiction of the following matters:

* * *

(24) Violations of 18 V.S.A. §§ 4230a and 4230b, relating to possession of marijuana.

* * *

Sec. 4. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA

(a) A person shall not consume alcoholic beverages or marijuana while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

* * *

(d) A person who violates subsection (a) of this section shall be ~~fin~~essed a civil penalty of not more than \$500.00. A person who violates subsection (b) of this section shall be ~~fin~~essed a civil penalty of not more than \$25.00. A person ~~convicted and fined~~ adjudicated and assessed a civil penalty for an offense under subsection (a) of this section shall not be subject to ~~prosecution~~ a civil violation for the same actions under subsection (b) of this section.

Sec. 5. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL ~~OR MARIJUANA~~

(a) A person shall not consume alcoholic beverages ~~or marijuana~~ while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

* * *

* * * Enhanced Penalties for Tax Offenses Based on Income Derived
from Illegal Activity * * *

Sec. 6. 32 V.S.A. § 3202 is amended to read:

§ 3202. INTEREST AND PENALTIES

(a) Failure to pay; interest. When a taxpayer fails to pay a tax liability imposed by this title (except the motor vehicle purchase and use tax) on the date prescribed therefor, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay; a sum of interest computed at the rate per annum established by the ~~commissioner~~ Commissioner pursuant to section 3108 of this title on the unpaid amount of that tax liability for the period from the prescribed date to the date of full payment of the liability.

(b) Penalties.

(1) Failure to file. When a taxpayer fails to file a tax return required by this title (other than a return required by subchapter 5 of chapter 151 of this title for estimation of nonwithheld income tax), on the date prescribed therefor or the date as extended pursuant to section 5868 of this title, unless the taxpayer affirmatively shows that such failure is due to reasonable cause and not due to willful neglect, then in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay; a penalty which shall be equal to five percent of the outstanding tax liability for each month, or portion thereof, that the tax return is not filed; provided, however, that in no event shall the amount of any penalty imposed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment. If the return is not filed within 60 days after the date prescribed therefor, there shall be assessed a minimum penalty of \$50.00 regardless of whether there is a tax liability.

(2) Failure to pay estimated tax. When a taxpayer fails to make payments as required by subchapter 5 of chapter 151 of this title (estimations of nonwithheld income tax), the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to one percent of the outstanding tax liability for each month, or portion thereof, that the tax liability is not paid in full; provided, however, that in no event shall the amount of any penalty assessed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment.

(3) Failure to pay. When a taxpayer fails to pay a tax liability imposed by this title (other than a return required by subchapter 5 of chapter 151 of this title for estimation of nonwithheld income tax); on the date prescribed therefor, then in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to for income tax under subchapters 2 and 3 of chapter 151 of this title, one percent, and for all other taxes five percent, of the outstanding tax liability for each month, or portion thereof, that the tax liability is not paid in full; provided, however, that in no event shall the amount of any penalty assessed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment.

(4) Negligent failure to pay. When a taxpayer fails to pay a tax liability imposed by this title and the failure is due to negligence or constitutes a substantial understatement of tax, in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to 25 percent of that portion of the underpayment. For purposes of this subdivision,

“negligence” means any failure to make a reasonable attempt to comply with the provisions of the tax code and “substantial understatement” means an understatement of 20 percent or more of the tax.

(5) Fraudulent failure to pay. When a taxpayer fraudulently or with willful intent to defeat or evade a tax liability imposed by this title, either fails to pay a tax liability on the date prescribed therefor or requests and receives a refund of a tax liability, in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay; a penalty equal to the amount of the tax liability unpaid on the prescribed date of payment or received as a refund subsequent to that date.

(6) Violation based on income from illegal activity. The penalties provided in subdivisions (1)–(5) of this subsection shall be doubled if the violation is based on income derived from illegal activity. The penalty provided in this subdivision (6) shall be in addition to any other civil or criminal penalties provided by law.

(7) A failure to pay shall not be subject to more than one of the penalties set forth in subdivisions (3), (4), and (5) of this subsection.

Sec. 7. 32 V.S.A. § 5894 is amended to read:

§ 5894. LIABILITY FOR FAILURE OR DELINQUENCY

(a) Failure to supply information. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership; who, with intent to evade any requirement of this chapter or any lawful requirement of the ~~commissioner~~ Commissioner hereunder, fails to supply any information required by or under this chapter shall be fined not more than \$1,000.00 or be imprisoned not more than one year, or both.

(b) Failure to file. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership who knowingly fails to file a tax return when due shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) Failure to pay. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership, who with intent to evade a tax liability fails to pay a tax when due shall, if the amount of tax evaded is \$500.00 or less in a single calendar year, be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(d) Failure to file or failure to pay; in excess of \$500.00. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership, who with intent to evade a tax liability fails to file a tax return

when required to do so or fails to pay a tax when due shall, if the amount of tax evaded is in excess of \$500.00 in a single calendar year, be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(e) False or fraudulent return. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership who knowingly makes, signs, verifies or files with the ~~commissioner~~ Commissioner a false or fraudulent tax return shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership, who with intent to evade a tax liability makes, signs, verifies or files with the ~~commissioner~~ Commissioner a false or fraudulent tax return shall, if the amount of tax evaded is more than \$500.00, be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(f) An individual, fiduciary, officer, or employee of any corporation or a partner or employee of any partnership who violates subsections (a)–(e) of this section based on income derived from illegal activity shall be imprisoned not more than three years or fined not more than \$10,000.00, or both. The penalty provided in this subsection shall be in addition to any other civil or criminal penalties provided by law.

* * * Expungement of a Misdemeanor Possession of Marijuana
Criminal Record * * *

Sec. 8. 13 V.S.A. § 7601(3) is amended to read:

(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of marijuana.

* * * Alcoholic Beverage Offenses by a Person Under 21 Years of Age * * *

Sec. 9. 7 V.S.A. § 656 and 657 are amended to read:

§ 656. ~~MINORS~~ PERSON UNDER 21 YEARS OF AGE
MISREPRESENTING AGE, PROCURING, POSSESSING, OR
CONSUMING ~~LIQUORS~~ ALCOHOLIC BEVERAGES; FIRST OR
SECOND OFFENSE; CIVIL VIOLATION

(a)(1) Prohibited conduct. A ~~minor~~ person under 21 years of age ~~or older~~ shall not:

~~(1)(A)~~ falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages or spirituous liquor from any licensee, state liquor agency, or other person or persons;

(2)(B) possess malt or vinous beverages or spirituous liquor for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor; or

~~(3)(C)~~ consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors; or in a jurisdiction where the indicators of consumption are observed.

(2) Offense. Except as otherwise provided in section 657 of this title, a person under 21 years of age who knowingly and unlawfully violates subdivision (1) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

~~(b)(1) A law enforcement officer shall issue a notice of violation, in a form approved by the court administrator, to a person who violates this section if the person has not previously been adjudicated in violation of this section or convicted of violating section 657 of this title. The notice of violation shall require the person to provide his or her name and address, and shall explain procedure under this section, including that:~~

~~(A) the person must contact the diversion board in the county where the offense occurred within 15 days;~~

~~(B) failure to contact the diversion board within 15 days will result in the case being referred to the judicial bureau, where the person, if found liable for the violation, will be subject to a penalty of \$300.00 and a 90 day suspension of the person's operator's license, and may face substantially increased insurance rates;~~

~~(C) no money should be submitted to pay any penalty until after adjudication; and~~

~~(D) the person shall notify the diversion board if the person's address changes.~~

~~(2) When a person is issued a notice of violation under subdivision (1) of this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the diversion board in the county where the offense occurred. The summons and complaint shall not be filed with the judicial bureau at that time.~~

~~(3) Within 15 days after receiving a notice of violation issued under subdivision (1) of this subsection, the person shall contact the diversion board in the county where the offense occurred and register for the teen alcohol safety program. If the person fails to do so, the diversion board shall file the summons and complaint with the judicial bureau for adjudication under chapter 29 of Title 4. The diversion board shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation, and shall provide two copies to the person charged with the violation.~~

~~(e) A person who violates this section commits a civil violation and shall be subject to a civil penalty of \$300.00, and the person's operator's license and privilege to operate a motor vehicle shall be suspended for a period of 90 days. The state may obtain a violation under this section or a conviction under section 657 of this title, but not both.~~

~~(d) If a person fails to pay a penalty imposed under this section by the time ordered, the judicial bureau shall notify the commissioner of motor vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.~~

~~(e) Upon adjudicating a person in violation of this section, the judicial bureau shall notify the commissioner of motor vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the department for motor vehicle driving records. The identities of persons in the registry shall only be revealed to a law enforcement officer determining whether the person has previously violated this section.~~

~~(f)(1) Upon receipt from a law enforcement officer of a summons and complaint completed under subdivision (b)(2) of this section, the diversion board shall send the person a notice to report to the diversion board. The notice to report shall provide that:~~

~~(A) The person is required to complete all conditions related to the offense imposed by the diversion board, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.~~

~~(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other conditions related to the offense imposed by the diversion board, the case will be referred to the judicial bureau, where the person, if found liable for the violation, shall be assessed a penalty of \$300.00; the person's driver's license will be suspended for 90 days, and the person's automobile insurance rates may increase substantially.~~

~~(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other conditions related to the offense imposed by the diversion board, no penalty shall be imposed and the person's operator's license will not be suspended.~~

~~(2)(A) Upon being contacted by a person who has been issued a notice of violation under subdivision (b)(1) of this section, the diversion board shall register the person in the teen alcohol safety program. Pursuant to the teen alcohol safety program, the diversion board shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense, and in every case shall include a condition requiring satisfactory completion of substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.~~

~~(B) Substance abuse screening required under this subsection shall be completed within 60 days after the diversion board receives a summons and complaint completed under subdivision (b)(2) of this section. The person shall complete all conditions at his or her own expense.~~

~~(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other conditions related to the offense which the diversion board has imposed, the diversion board shall:~~

~~(A) void the summons and complaint with no penalty due; and~~

~~(B) send copies of the voided summons and complaint to the judicial bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the judicial bureau under this subdivision, the diversion board shall redact all language containing the person's name, address, social security number or any other information which identifies the person.~~

~~(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other conditions related to the offense imposed by the diversion board, or if the person fails to pay the diversion board any required program fees, the diversion board shall file the summons and complaint with the judicial bureau for adjudication under chapter 29 of Title 4. The diversion board shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation, and shall provide two copies to the person charged with the violation.~~

~~(5) A person aggrieved by a decision of the diversion board or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.~~

~~(g) The state's attorney may dismiss without prejudice a violation brought under this section.~~

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person under 21 years of age who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(c) Summons and Complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth

Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to Report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense which the diversion program has imposed, the diversion program shall:

(A) void the summons and complaint with no penalty due; and

(B) send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information which identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this section by the time ordered, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.

(h) Record of Adjudications. Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this section.

§ 657. MINORS PERSON UNDER 21 YEARS OF AGE MISREPRESENTING AGE, OR PROCURING OR POSSESSING LIQUORS ALCOHOL AND DRIVING EDUCATION; OR CONSUMING ALCOHOLIC BEVERAGES; THIRD OR SUBSEQUENT OFFENSE; CRIME

(a) A minor shall not:

(1) ~~falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages or spirituous liquor from any licensee, state liquor agency, or other person or persons; or~~

(2) ~~possess malt or vinous beverages or spirituous liquor for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor; or~~

(3) ~~consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors, or in a jurisdiction where the indicators of consumption are observed.~~

(b) ~~A law enforcement officer shall issue a citation for a violation of this section if a person has been previously adjudicated in violation of this section or section 656 of this title.~~

(c) ~~After the issuing officer issues a summons and complaint to the judicial bureau for a first offense pursuant to section 656 of this title, the state's attorney may withdraw the complaint filed with the judicial bureau and file an information charging a violation of this section in the criminal division of the superior court. The state may obtain a conviction under either this section or section 656 of this title, but not both.~~

(d) ~~A person who violates this section:~~

(1) ~~shall be fined not more than \$600.00 or imprisoned not more than 30 days, or both; and~~

(2) ~~if the person has previously been convicted of violating this section or adjudicated in violation of section 656 of this title, the person's operating license, nonresident operating privilege or the privilege of an unlicensed person to operate a motor vehicle shall be suspended for 120 days.~~

(e) ~~The state's attorney shall require as a condition of diversion that:~~

(1) ~~a person who is charged with a violation of this section who holds a license to operate a motor vehicle, and who has previously been convicted of~~

~~violating this section or adjudicated in violation of section 656 of this title, relinquish the license for a period of 60 days; and~~

~~(2) attend an alcohol and driving program at the person's own expense.~~

~~(f) A person who is convicted of violating this section who holds a license to operate a motor vehicle shall, as a condition of probation, be required to complete an alcohol and driving program at the person's own expense.~~

~~(g) The alcohol and driving program shall be administered by the office of alcohol and drug abuse programs and shall take into consideration the needs of minors.~~

~~(h) The state's attorney may dismiss without prejudice an action brought under this section, and may file a civil violation in the judicial bureau. A person under 21 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a crime if the person has been adjudicated at least twice previously in violation of subdivision 656(a)(1) of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both.~~

Sec. 10. 7 V.S.A. § 657a is added to read:

§ 657a. PERSON UNDER 16 YEARS OF AGE MISREPRESENTING AGE OR PROCURING OR POSSESSING ALCOHOLIC BEVERAGES; DELINQUENCY

A person under 16 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.

* * * Task Force * * *

Sec. 11. TASK FORCE

(a) Creation of task force. There is created a Task Force for the purpose of developing recommendations to the General Assembly to address drugged driving in Vermont and to address appropriate penalties for possession of alcohol and possession of an ounce or less of marijuana by a person under 21 years of age as provided in this act.

(b) Membership. The Task Force shall be composed of four members as follows:

(1) the Commissioner of Public Safety or designee;

(2) the Commissioner of Health or designee;

(3) the Executive Director of State's Attorneys and Sheriffs or designee;

(4) the Defender General or designee;

(5) the Commissioner of Motor Vehicles or designee;

(6) the Court Diversion Director or designee; and

(7) a student assistance professional appointed by the Governor.

(c) Report. On or before November 1, 2013, the Task Force shall report to the House and Senate Committees on Judiciary its findings and any recommendations for legislative action.

* * * Application and Effective Dates * * *

Sec. 12. APPLICATION

(a) Secs. 1-4, 10, and 11 shall apply prospectively to conduct that occurs on or after July 1, 2013. A person who is cited or arrested for possession of one ounce or less of marijuana or five grams or less of hashish or for an underage alcohol offense under 7 V.S.A. § 656 or 657 prior to July 1, 2013 shall be subject to the penalties provided by law at the time the conduct occurred.

(b) An offense in which the prohibited conduct occurred prior to July 1, 2013 shall not be deemed a prior offense for the purpose of determining increased penalties for second and subsequent offenses as provided in this act.

Sec. 13. EFFECTIVE DATES

(a) This section and Secs. 12 and 13 of this act shall take effect on passage.

(b) Sec. 6 of this act shall take effect on July 1, 2014.

(c) The remaining sections of this act shall take effect on July 1, 2013.

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

Senator Sears, 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 Judiciary.

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, in Sec. 11, subsection (b), by striking out the following: "four" and inserting in lieu thereof the following: seven

Which was agreed to.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Judiciary, as amended?, Senator Benning moved to amend the proposal of amendment of the Committee on Judiciary, as amended, in Sec. 12 (application), by striking out subsection (a) in its entirety and, in subsection (b), by striking out the subsection designation

Which was agreed to on a roll call, Yeas 16, Nays 14.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Baruth, Benning, Bray, Cummings, Doyle, French, Galbraith, MacDonald, McCormack, Pollina, Rodgers, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Campbell, Collins, Flory, Fox, Hartwell, Kitchel, Lyons, Mazza, McAllister, Mullin, Nitka, Sears, Snelling.

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

Thereupon, third reading of the bill was ordered on a roll call, Yeas 24, Nays 6.

Senator McAllister 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, Baruth, Benning, Bray, Cummings, Doyle, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, McCormack, Mullin, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Campbell, Collins, Flory, Mazza, McAllister, Nitka.

Proposals of Amendment; Third Reading Ordered

H. 299.

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

An act relating to enhancing consumer protection provisions for propane refunds, unsolicited demands for payment, and failure to comply with civil investigations.

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

First: In Sec. 4, in 9 V.S.A. § 4402(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) "Solicitation" does not include an offer to renew an existing agreement for the purchase of goods or services, provided that the offer specifies the date on which the existing agreement expires.

Second: By striking out Secs. 6–10 in their entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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

An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, and failure to comply with civil investigations.

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

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

Thereupon, pending the question, Shall the bill be read third time?, Senator Mullin moved to amend the Senate proposal of amendment by inserting a new Sec. 6 to read as follows:

Sec. 6. 9 V.S.A. chapter 120 is added to read:

CHAPTER 120. BAD FAITH ASSERTIONS OF PATENT
INFRINGEMENT

§ 4195. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE

(a) The General Assembly finds that:

(1) Vermont is striving to build an entrepreneurial and knowledge based economy. Attracting and nurturing small and medium sized internet technology ("IT") and other knowledge based companies is an important part of this effort and will be beneficial to Vermont's future.

(2) Patents are essential to encouraging innovation, especially in the IT and knowledge based fields. The protections afforded by the federal patent system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are infringed, and patent enforcement litigation is necessary to protect intellectual property.

(3) The General Assembly does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The General Assembly also recognizes that Vermont is preempted from passing any law that conflicts with federal patent law.

(4) Patent litigation can be technical, complex, and expensive. The expense of patent litigation, which may cost hundreds of thousands of dollars or more, can be a significant burden on small and medium sized companies. Vermont wishes to help its businesses avoid these costs by encouraging the most efficient resolution of patent infringement claims without conflicting with federal law.

(5) In order for Vermont companies to be able to respond promptly and efficiently to patent infringement assertions against them, it is necessary that they receive specific information regarding how their product, service, or technology may have infringed the patent at issue. Receiving such information at an early stage will facilitate the resolution of claims and lessen the burden of potential litigation on Vermont companies.

(6) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Vermont companies. A business that receives a letter asserting such claims faces the threat of expensive and protracted litigation and may feel that it has no choice but to settle and to pay a licensing fee, even if the claim is meritless. This is especially so for small and medium sized companies and nonprofits that lack the resources to investigate and defend themselves against infringement claims.

(7) Not only do bad faith patent infringement claims impose a significant burden on individual Vermont businesses, they also undermine Vermont's efforts to attract and nurture small and medium sized IT and other knowledge based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand, or hire new workers, thereby harming Vermont's economy.

(b) Through this narrowly focused act, the General Assembly seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Vermont businesses from abusive and bad faith assertions of patent infringement, and build Vermont's economy, while at the same time respecting

federal law and being careful to not interfere with legitimate patent enforcement actions.

§ 4196. DEFINITIONS

In this chapter:

(1) “Demand letter” means a letter, e-mail, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) “Target” means a Vermont person:

(A) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(B) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(C) whose customers have received a demand letter asserting that the person’s product, service, or technology has infringed a patent.

§ 4197. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

(a) A person shall not make a bad faith assertion of patent infringement.

(b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) The demand letter does not contain the following information:

(A) the patent number;

(B) the name and address of the patent owner or owners and assignee or assignees, if any; and

(C) factual allegations concerning the specific areas in which the target’s products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target’s products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(3) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time.

(4) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(A) those threats or lawsuits lacked the information described in subdivision (1) of this subsection; or

(B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (b)(1) of this section.

(2) Where the demand letter lacks the information described in subdivision (b)(1) of this section and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

(6) The person has:

(A) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(B) successfully enforced the patent, or a substantially similar patent, through litigation.

(7) Any other factor the court finds relevant.

§ 4198. BOND

Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under § 4199(b) of this chapter, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this section shall not exceed \$250,000.00. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

§ 4199. ENFORCEMENT; REMEDIES; DAMAGES

(a) The Attorney General shall have the same authority under this chapter to make rules, conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under chapter 63 of this title. In an action brought by the Attorney General under this chapter the court may award or impose any relief available under chapter 63 of this title.

(b) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter, may bring an action in superior court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(1) equitable relief;

(2) damages;

(3) costs and fees, including reasonable attorney's fees; and

(4) exemplary damages in an amount equal to \$50,000.00 or three times the total of damages, costs, and fees, whichever is greater.

(c) This chapter shall not be construed to limit rights and remedies available to the State of Vermont or to any person under any other law and shall not alter or restrict the Attorney General's authority under chapter 63 of this title with regard to conduct involving assertions of patent infringement.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered**H. 395.**

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

An act relating to the establishment of the Vermont Clean Energy Loan Fund.

Reported that the bill ought to pass in concurrence.

Senator Galbraith, for the Committee on Natural Resources and Energy, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, in 10 V.S.A. § 280dd(c)(1), by striking “traditional”

Second: In Sec. 6, in 10 V.S.A. § 213(b), in the first sentence, after the phrase “each of whom shall serve as” by striking “a voting” and inserting in lieu thereof an

And that when so amended the bill ought to pass in concurrence with proposals of amendment.

Senator Lyons, for the Committee on Finance, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by inserting a new section to be numbered Sec. 8a to read as follows:

Sec. 8a. VERMONT STATE TREASURER; CREDIT FACILITY FOR RESIDENTIAL ENERGY EFFICIENCY LOANS

(a) Notwithstanding any other provision of law to the contrary, the Vermont State Treasurer, working in collaboration with the Vermont Housing Finance Agency, the entities appointed to deliver energy efficiency under 30 V.S.A. § 209(d)(2), NeighborWorks of Western Vermont, and other appropriate parties, shall have the authority to establish a credit facility of up to \$6,500,000.00, on terms acceptable to the Treasurer.

(b) The credit facility described in subsection (a) of this section shall be used for the purpose of financing energy efficiency improvements throughout Vermont for dwellings the owners of which demonstrate that they are credit-worthy and have a need for access to financing to make energy efficiency improvements in their dwellings. For the purpose of this section, “dwelling” means a residential structure that contains one or more housing units or that part of a structure that contains one or more residential housing units.

(c) The Treasurer shall take all reasonable steps to minimize the administrative costs of the financing programs supported by the facility

described in subsection (a) of this section. On or before December 15, 2013, the Treasurer shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committees on Economic Development, Housing and General Affairs and on Finance detailing the steps taken to implement this subsection.

And that when so amended the bill ought to pass in concurrence with proposal of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

Thereupon, the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Natural Resources and Energy?, was agreed to.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Finance?, Senators Ashe and Lyons moved to amend the proposal of amendment of the Committee on Finance, as follows:

First: In Sec. 1, in 10 V.S.A. § 280dd, by adding subsection (d) as follows:

(d) For all sustainable energy loans, the Authority shall maintain records on the projected reductions in greenhouse gas emissions and, for energy efficiency loans, the projected energy savings from the financed improvements and shall provide data on the projected greenhouse gas emissions reductions and projected energy savings to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data that shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of section 578 of this title and the building efficiency goals of section 581 of this title.

Second: In Sec. 8a, by adding subsection (d) as follows:

(d) Entities providing financing supported by the credit facility described in subsection (a) of this section shall:

(1) With respect to each dwelling that seeks financing supported by the facility:

(A) evaluate energy efficiency improvements on a whole-building basis and provide the list of potential improvements resulting from this evaluation to the owner; and

(B) provide information to the owner on other incentives or financial support available for the improvements; and

(2) With respect to each dwelling that receives financing supported by the facility, maintain records on the projected energy savings and projected reductions in greenhouse gas emissions from the financed energy efficiency improvements and provide data on the number of dwellings served, projected energy saved, and projected greenhouse gas emission reductions to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of 10 V.S.A. § 578 and the building efficiency goals of 10 V.S.A. § 581.

Third: After Sec. 8a, by adding Sec. 8b as follows:

Sec. 8b. VERMONT CLEAN ENERGY JOBS INITIATIVE

The following shall be known collectively as the Vermont Clean Energy Jobs Initiative: the Vermont Sustainable Energy Loan Fund in Sec. 1 of this act; the Energy Efficiency Loan Guarantee Program under Sec. 2 of this act; the residential energy efficiency loans under Sec. 8a of this act; property-assessed clean energy districts under 24 V.S.A. chapter 87, subchapter 2; the delivery of energy efficiency services by entities appointed under 30 V.S.A. § 209(d)(2); the Clean Energy Development Fund under 30 V.S.A. § 8015; and the Home Weatherization Assistance Program under 33 V.S.A. chapter 25.

Which was agreed to.

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

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

Proposal of Amendment; Third Reading Ordered

H. 405.

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

An act relating to manure management and anaerobic digesters.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 30 V.S.A. § 248, in subdivision (q)(1), by striking out the last sentence and inserting in lieu thereof the following:

The certificate shall not be required for the methane digester, the digester influents and non-gas effluents, the buildings and equipment used to handle such influents and non-gas effluents, or the on-farm use of heat and exhaust produced by the generation of electricity, and these components shall not be subject to jurisdiction under this section.

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 proposal of amendment was agreed to, and third reading of the bill was ordered.

House Proposal of Amendment Concurred In with Amendment

S. 31.

House proposal of amendment to Senate bill entitled:

An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding.

Was taken up.

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

Sec. 1. 15 V.S.A. § 751 is amended to read:

§ 751. PROPERTY SETTLEMENT

(a) Upon motion of either party to a proceeding under this chapter, the court shall settle the rights of the parties to their property, by including in its judgment provisions which equitably divide and assign the property. All property owned by either or both of the parties, however and whenever acquired, shall be subject to the jurisdiction of the court. Title to the property, whether in the names of the husband, the wife, both parties, or a nominee, shall be immaterial, except where equitable distribution can be made without disturbing separate property.

(b) In making a property settlement the court may consider all relevant factors, including ~~but not limited to:~~

- (1) the length of the civil marriage;
- (2) the age and health of the parties;
- (3) the occupation, source, and amount of income of each of the parties;
- (4) vocational skills and employability;

(5) the contribution by one spouse to the education, training, or increased earning power of the other;

(6) the value of all property interests, liabilities, and needs of each party;

(7) whether the property settlement is in lieu of or in addition to maintenance;

(8) the opportunity of each for future acquisition of capital assets and income; For purposes of this subdivision:

(A) The court may consider the parties' lifestyle and decisions made during the marriage and any other competent evidence as related to their expectations of gifts or an inheritance. The court shall not speculate as to the value of an inheritance or make a finding as to its value unless there is competent evidence of such value.

(B) A party's interest in an inheritance that has not yet vested and is capable of modification or divestment shall not be included in the marital estate.

(C) The court shall honor the provisions of any spendthrift clause as it applies to a party's interest in an irrevocable trust or inheritance.

(D) A party's interest in a trust with a valid spendthrift provision shall not be included in the marital estate.

(E) Notwithstanding any other provision of this subdivision (8), a person who is not a party to the divorce shall not be subject to any subpoena to provide documentation or to give testimony about:

(i) his or her assets, income, or net worth, unless it relates to a party's interest in an instrument that is vested and not capable of modification or divestment; or

(ii) his or her revocable estate planning instruments, including interests that pass at death by operation of law or by contract, unless a party's interest in an instrument is vested and not capable of modification or divestment.

(F) This subdivision (8) shall not be construed to limit the testimony given by the parties themselves or what can be obtained through discovery of the parties;

(9) the desirability of awarding the family home or the right to live there for reasonable periods to the spouse having custody of the children;

(10) the party through whom the property was acquired;

(11) the contribution of each spouse in the acquisition, preservation, and depreciation or appreciation in value of the respective estates, including the nonmonetary contribution of a spouse as a homemaker; and

(12) the respective merits of the parties.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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

An act relating to consideration of interests in revocable estate planning instruments when making a property settlement in a divorce proceeding.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Sears, on behalf of the Committee on Judiciary moved that the Senate concur in the House proposal of amendment with an amendment as follows:

In Sec. 1, in 15 V.S.A. § 751, subdivision (b)(8), by striking out subdivisions (C) and (D) in their entirety and by relettering the existing subdivision (E) to be (C) and the existing (F) to be (D)

Which was agreed to.

House Proposal of Amendment Concurred In

S. 59.

House proposal of amendment to Senate bill entitled:

An act relating to independent direct support providers.

Was taken up.

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

Sec. 1. 21 V.S.A. chapter 20 is added to read:

CHAPTER 20. INDEPENDENT DIRECT SUPPORT

PROVIDERS

§ 1631. DEFINITIONS

As used in this chapter:

(1) “Board” means the State Labor Relations Board established by 3 V.S.A. § 921.

(2) “Collective bargaining” or “bargaining collectively” means the process by which the State and the exclusive representative of the independent

direct support providers negotiate mandatory subjects of bargaining identified in subsection 1634(b) of this chapter, or any other mutually agreed subjects of bargaining not in conflict with state or federal law, with the intent to arrive at an agreement which, when reached, shall be legally binding on all parties.

(3) “Collective bargaining service fee” means a fee deducted by the State from the compensation of an independent direct support provider who is not a member of the exclusive representative of independent direct support providers, which is paid to the exclusive representative. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the exclusive representative, and shall be deducted in the same manner as dues are deducted from the compensation of members of the exclusive representative, and shall be used to defray the costs incurred by the labor organization in fulfilling its duty to represent independent direct support providers in their relations with the State.

(4) “Exclusive representative” means the labor organization that has been certified under this chapter and has the right to represent independent direct support providers for the purpose of collective bargaining.

(5) “Grievance” means the exclusive representative’s formal written complaint regarding the improper application of one or more terms of the collective bargaining agreement, the failure to abide by any agreement reached, or the discriminatory application of a rule or regulation, which has not been resolved to a satisfactory result through informal discussion with the State.

(6) “Independent direct support provider” means any individual who provides home- and community based services to a service recipient and is employed by the service recipient, shared living provider, or surrogate.

(7) “Labor organization” means an organization of any kind in which independent direct support providers participate and which exists, in whole or in part, for the purpose of representing independent direct support providers.

(8) “Service recipient” means a person who receives home- and community-based services under the Choices for Care Medicaid waiver, the Attendant Services Program (ASP), the Children’s Personal Care Service Program, the Developmental Disabilities Services Program, or any successor program or similar program subsequently established.

(9) “Shared living provider” means a person who operates under a contract with an authorized agency and provides individualized home support for one or two people who live in his or her home. An authorized agency includes a designated agency for developmental services.

(10) “Surrogate” means a service recipient’s authorized family member, legal guardian, or a person identified in a written agreement as having responsibility for the care of a service recipient.

§ 1632. RIGHTS OF INDEPENDENT DIRECT SUPPORT PROVIDERS

Independent direct support providers shall have the right to:

(1) organize, form, join, or assist a labor organization for the purposes of collective bargaining without interference, restraint, or coercion;

(2) bargain collectively through their chosen representatives;

(3) engage in concerted activities for the purpose of supporting or engaging in collective bargaining or other mutual aid or protection;

(4) pursue grievances through the exclusive representative as provided in this chapter; and

(5) refrain from any or all such activities, subject to the requirements of subdivision 1634(b)(3) of this chapter.

§ 1633. RIGHTS OF THE STATE

Subject to the rights guaranteed by this chapter and subject to all other applicable laws, rules, and regulations, nothing in this chapter shall be construed to interfere with the right of the State to:

(1) carry out the statutory mandate and goals of the Agency of Human Services and to utilize personnel, methods, and means in the most appropriate manner possible;

(2) with the approval of the Governor, take whatever action may be necessary to carry out the mission of the Agency of Human Services in an emergency situation;

(3) comply with federal and state laws and regulations;

(4) enforce regulations and regulatory processes;

(5) develop regulations and regulatory processes that do not impair existing contracts, subject to the duty to bargain over mandatory subjects of bargaining and to the rulemaking authority of the General Assembly and the Human Services Board; and

(6) solicit and accept for use any grant of money, services, or property from the federal government, the State, or any political subdivision or agency of the State, including federal matching funds, and to cooperate with the federal government or any political subdivision or agency of the State in making an application for any grant.

§ 1634. ESTABLISHMENT OF LIMITED COLLECTIVE BARGAINING;
SCOPE OF BARGAINING

(a) Independent direct support providers, through their exclusive representative, shall have the right to bargain collectively with the State, through the Governor's designee, under this chapter.

(b) Mandatory subjects of bargaining under this section shall be limited to:

(1) compensation rates, workforce benefits, and payment methods and procedures, except that independent direct support providers shall not be eligible to participate in the State's retirement system or the Vermont state employee health plan solely by virtue of bargaining under this chapter;

(2) professional development and training, except that the issue of whether the State may choose directly to create and administer a professional development or training program shall be a permissive subject of bargaining;

(3) the collection and disbursement of dues or fees to the exclusive representative, provided that a collective bargaining service fee may not be required of nonmembers unless the exclusive representative has established and maintained a procedure to provide nonmembers with:

(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses; and

(B) an opportunity to object to the amount of the agency fee sought, any amount reasonably in dispute to be placed in escrow, subject to prompt review and determination by the board to resolve any objection over the amount of the collective bargaining fee, as provided for in subsection (d) of this section.

(4) procedures for resolving grievances against the State, provided that the final step of any negotiated grievance procedure, if required, shall be a hearing and final determination by the board in accordance with board rules and regulations; and

(5) access to job referral opportunities within covered programs, except that the issue of whether the State may choose directly to create and administer a referral registry shall be a permissive subject of bargaining.

(c) For the purpose of this chapter, the obligation to bargain collectively is the performance of the mutual obligation of the State and the exclusive representative of the independent direct support providers to meet at reasonable times and confer in good faith with respect to all matters bargainable under the provisions of this chapter; but the failure or refusal of either party to agree to a proposal, or to change or withdraw a lawful proposal,

or to make a concession shall not constitute, or be evidence of direct or indirect, a breach of this obligation. Nothing in this chapter shall be construed to require either party during collective bargaining to accede to any proposal or proposals of the other party.

(d) Any dispute raised by a nonmember concerning the amount of a collective bargaining service fee, as provided for under subdivision (b)(3) of this section, may be grieved to the State Labor Relations Board which shall review and determine such matter promptly, in accordance with the Board's rules.

§ 1635. ELECTION; BARGAINING UNIT

(a) Petitions and elections shall be conducted pursuant to the procedures provided in 3 V.S.A. §§ 941 and 942, except that only one bargaining unit shall exist for independent direct support providers, and the exclusive representative shall be the exclusive representative for the purpose of grievances.

(b) A representation election for independent direct support providers conducted by the Board shall be by mail ballot.

(c) The bargaining unit for purposes of collective bargaining pursuant to this chapter shall be one statewide unit of independent direct support providers. Eligible independent direct support providers shall have the right to participate in a representation election but shall not have the right to vote on or otherwise determine the collective bargaining unit. Eligible independent direct support providers shall all be independent direct support providers who have been paid for providing home- and community-based services within the previous 180 days.

(d) At least quarterly the State shall compile and maintain a list of names and addresses of all independent direct support providers who have been paid for providing home- and community-based services to service recipients within the previous 180 days. The list shall not include the names of any recipient, or indicate that an independent direct support provider is a relative of a recipient or has the same address as a recipient. The State shall, upon request, provide within seven days the most recent list of independent direct support providers in its possession to any organization which has as one of its primary purposes the collective bargaining representation of independent direct support providers in their relations with state or other public entities. This obligation shall include providing the most recent list, upon request, to any labor organization certified as the exclusive representative under this chapter.

§ 1636. MEDIATION; FACT-FINDING; LAST BEST OFFER

(a) If, after a reasonable period of negotiation, the representative of the collective bargaining unit and the State reach an impasse, the Board, upon petition of either party, may authorize the parties to submit their differences to mediation. Within five days after receipt of the petition, the Board shall appoint a mediator who shall communicate with the parties and attempt to mediate an amicable settlement. A mediator shall be of high standing and not actively connected with labor or management.

(b) If, after a reasonable period of time, no fewer than 15 days after the appointment of a mediator, the impasse is not resolved, the mediator shall certify to the Board that the impasse continues.

(c) The Board shall appoint a fact finder who has been mutually agreed upon by the parties. If the parties fail to agree on a fact finder within five days, the Board shall appoint a neutral third party to act as a fact finder pursuant to rules adopted by the Board. A member of the Board or any individual who has actively participated in mediation proceedings for which fact-finding has been called shall not be eligible to serve as a fact finder under this section, unless agreed upon by the parties.

(d) The fact finder shall conduct hearings pursuant to rules of the Board. Upon request of either party or of the fact finder, the Board may issue subpoenas of persons and documents for the hearings and the fact finder may require that testimony be given under oath and may administer oaths.

(e) Nothing in this section shall prohibit the fact finder from endeavoring to mediate the dispute at any time prior to issuing recommendations.

(f) The fact finder shall consider the following factors in making a recommendation:

(1) the needs and welfare of consumers, including their interest in greater access to quality services;

(2) the nature and needs of the personal care assistance program;

(3) the interest and welfare of independent direct support providers;

(4) the history of negotiation between the parties, including those leading to the proceedings;

(5) changes in the cost of living; and

(6) generally accepted labor-management relations practices in Vermont.

(g) Upon completion of the hearings provided in subsection (d) of this section, the fact finder shall file written findings and recommendations with both parties.

(h) The costs of witnesses and other expenses incurred by either party in fact-finding proceedings shall be paid directly by the parties incurring them, and the costs and expenses of the fact finder shall be divided equally by the parties. The fact finder shall be paid a rate mutually agreed upon by the parties for each day or any part of a day while performing fact-finding duties and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of his or her duties. A statement of fact-finding per diem and expenses shall be certified by the fact finder and submitted to the Board for approval. The Board shall provide a copy of approved fact-finding costs to each party with its order apportioning half of the total to each party for payment. Each party shall pay its half of the total within 15 days after receipt of the order. Approval by the Board of fact-finding and the fact finder's costs and expenses and its order for payment shall be final as to the parties.

(i) If the dispute remains unresolved 20 days after transmittal of findings and recommendations, each party shall submit to the Board its last best offer on all disputed issues as a single package. Each party's last best offer shall be certified to the Board by the fact finder. The board may hold hearings and consider the recommendations of the fact finder. Within 30 days of the certifications, the Board shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost. The Board shall not issue an order under this subsection that: (1) is in conflict with any statute; (2) is in conflict with any rule unless the rule relates to a mandatory subject of bargaining; or (3) determines an issue that is not a mandatory subject of bargaining. The Board shall determine the cost of the agreement selected and recommend to the General Assembly its choice with a request for appropriation. If the General Assembly appropriates sufficient funds, the agreement shall become effective and legally binding at the beginning of the next fiscal year. If the General Assembly appropriates a different amount of funds, the terms of the agreement affected by that appropriation shall be renegotiated based on the amount of funds actually appropriated by the General Assembly, and the agreement with the negotiated changes shall become effective and binding at the beginning of the next fiscal year. No portion of any agreement shall become effective separately without the mutual consent of the parties.

§ 1637. GENERAL DUTIES AND PROHIBITED CONDUCT

(a) The State and the independent direct support providers and their representatives shall make every reasonable effort to make and maintain

agreements concerning matters allowed under this chapter and to settle all disputes, whether arising out of the application of those agreements or disputes concerning the agreements. All disputes shall, upon request of either party, be considered within 15 days of the request or at such times as may be mutually agreed to and if possible settled with all expedition in conference between representatives designated and authorized to confer by the State or the independent direct support providers. This obligation does not compel either party to make any agreements or concessions.

(b) It shall be an unfair labor practice for the State to:

(1) Interfere with, restrain, or coerce independent direct support providers in the exercise of their rights under this chapter or by any law, rule, or regulation.

(2) Dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

(3) Discriminate in regard to referral practices or eligibility for work opportunities within covered programs for an independent direct support provider, or to encourage or discourage membership in any labor organization.

(4) Take negative action against an independent direct support provider because the provider has taken actions demonstrating his or her support for a labor organization, including signing a petition, grievance, or affidavit or giving testimony under this chapter.

(5) Refuse to bargain collectively in good faith with the exclusive representative.

(6) Discriminate against an independent direct support provider based on race, color, creed, religion, age, gender, sexual orientation, gender identity, or national origin, or because the provider is a qualified individual with a disability.

(c) It shall be an unfair labor practice for a labor organization to:

(1) Restrain or coerce independent direct support providers in the exercise of the rights guaranteed them by law, rule, or regulation. However, a labor organization may prescribe its own rules with respect to the acquisition or retention of membership, provided such rules are not discriminatory.

(2) Refuse to bargain collectively in good faith with the State.

(3) Cause, or attempt to cause, the State to discriminate against an independent direct support provider in violation of subsection (b) of this section.

(4) Threaten to or cause a provider to strike or curtail the provider's services in recognition of a picket line of any employee or labor organization.

(d) An independent direct support provider shall not strike or curtail his or her services in recognition of a picket line of any employee or labor organization.

§ 1638. PREVENTION OF UNFAIR PRACTICES

(a) The Board may prevent the State or a labor organization from engaging in any unfair labor practice listed in section 1637 of this title. Whenever a charge is made that the State or a labor organization has engaged in or is engaging in any unfair labor practice, the Board may issue and cause to be served upon that party a complaint stating the charges in that respect and containing a notice of hearing before the Board at a place and time therein fixed at least seven days after the complaint is served. The Board may amend the complaint at any time before it issues an order based thereon. No complaint shall issue based on any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the party against whom such charge is made, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the U.S. Armed Forces, in which event the six-month period shall be computed from the day of his or her discharge.

(b) The party complained of shall have the right to file an answer to the original or amended complaint and appear in person or otherwise and present evidence in connection therewith at the time and place fixed in the complaint. In the discretion of the Board, any other person may be permitted to intervene and present evidence in the matter. Any proceeding under this section shall, so far as practicable, be conducted in accordance with rules of evidence used in the courts. The Board shall provide for the making of a transcript of the testimony presented at the hearing.

(c) The Board shall have power to administer oaths and take testimony under oath relative to the matter of inquiry. At any hearing ordered by the Board, the Board shall have the power to subpoena witnesses and to demand the production of books, papers, records, and documents for its examination. Officers who serve subpoenas issued by the Board and witnesses attending hearings conducted by the Board shall receive fees and compensation at the same rates as officers and witnesses in causes before a Criminal Division of the Superior Court, to be paid on vouchers of the Board.

(d) If upon the preponderance of the evidence, the Board finds that any party named in the complaint has engaged in or is engaging in any such unfair labor practice, it shall state its finding of fact in writing and shall issue and cause to be served on that party an order requiring him or her to cease and

desist from the unfair labor practice, and to take such affirmative action as will carry out the policies of this chapter. If upon the preponderance of the evidence, the Board does not find that the party named in the complaint has engaged in or is engaging in any unfair labor practice, it shall state its findings of fact in writing and dismiss the complaint.

(e) In determining whether a complaint shall issue alleging a violation of subdivision 1637(1) or (2) of this title, and in deciding those cases, the same regulations and rules of decision shall apply irrespective of whether or not a labor organization affected is affiliated with a labor organization national or international in scope.

§ 1639. NEGOTIATED AGREEMENT; FUNDING

(a) If the State and the exclusive representative reach an agreement, the Governor shall request from the General Assembly an appropriation sufficient to fund the agreement in the next operating budget. If the General Assembly appropriates sufficient funds, the negotiated agreement shall become effective and binding at the beginning of the next fiscal year. If the General Assembly appropriates a different amount of funds, the terms of the agreement affected by that appropriation shall be renegotiated based on the amount of funds actually appropriated by the General Assembly and shall become effective and legally binding in the next fiscal year.

(b) Collective bargaining agreements shall be for a maximum term of two years and shall not be subject to cancellation or renegotiation during the term except with the mutual consent in writing of both parties, which consent shall be filed with the Board. Upon the filing of such consent, an agreement may be supplemented, cancelled, or renegotiated.

(c) The agreement shall terminate at the expiration of its specified term. Negotiations for a new agreement to take effect upon the expiration of the preceding agreement shall be commenced at any time within one year next preceding the expiration date upon the request of either party and may be commenced at any time previous thereto with the consent of both parties.

(d) In the event the State of Vermont and the collective bargaining unit are unable to arrive at an agreement and there is not an existing agreement in effect, the existing contract shall remain in force until a new contract is ratified by the parties. However, nothing in this subsection shall prohibit the parties from agreeing to a modification of certain provisions of the existing contract which, as amended, shall remain in effect until a new contract is finalized and funded by the General Assembly.

(e) The Board is authorized to enforce compliance with all provisions of a collective bargaining agreement upon complaint of either party. In the event a

complaint is made by either party to an agreement, the Board shall proceed in the manner prescribed in section 1638 of this title relating to the prevention of unfair labor practices.

§ 1640. RIGHTS UNALTERED

(a) A collective bargaining agreement shall not infringe upon any rights of service recipients or their surrogates to hire, direct, supervise, or discontinue the employment of any particular independent direct support provider.

(b) Nothing in this section shall alter the rights and obligations of private sector employers and employees under the National Labor Relations Act, 29 U.S.C. § 151 et seq.

(c) Independent direct support providers shall not be considered state employees for purposes other than collective bargaining, including for purposes of joint or vicarious liability in tort or the limitation on liability in subsection (e) of this section. Independent direct support providers shall not be eligible for participation in the State Employee Retirement System or health care plan solely by virtue of bargaining under this chapter. Nothing in this chapter shall require the State to alter its current practice with respect to independent direct support providers of making payments regarding Social Security and Medicare taxes, federal or state unemployment contributions, or workers' compensation insurance.

(d) Nothing in this chapter shall infringe upon the right of the Judiciary and the General Assembly to make programmatic modifications to the delivery of state services through subsidy or other programs.

(e) The State and its employees shall not be vicariously liable for any act or omission by an independent direct support provider or any claim arising out of the employment relationship between a service recipient and an independent direct service provider, nor shall the State be liable as a joint employer.

§ 1641. RULES AND REGULATIONS

The Board shall make and may amend and rescind and adopt such rules and regulations consistent with this chapter as may be necessary to carry out the provisions of this chapter.

§ 1642. APPEAL

(a) Any person aggrieved by an order or decision of the Board issued under the authority of this chapter may appeal on questions of law to the Supreme Court.

(b) An order of the Board shall not automatically be stayed pending appeal. A stay must first be requested from the Board. The Board may stay the order

or any part of it. If the Board denies a stay, then a stay may be requested from the Supreme Court. The Supreme Court or a single justice may stay the order or any part of it and may order additional interim relief.

§ 1643. ENFORCEMENT

(a) Orders of the Board issued under this chapter may be enforced by any party or by the Board by filing a petition with the Civil Division of the Superior Court of Washington County or in the Civil Division of the Superior Court in the county in which the action before the Board originated. The petition shall be served on the adverse party as provided for service of process under the Vermont Rules of Civil Procedure. If, after hearing, the court determines that the Board had jurisdiction over the matter and that a timely appeal was not filed or that an appeal was timely filed and a stay of the Board order or any part of it was not granted or that a Board order was affirmed on appeal in pertinent part by the Supreme Court, the court shall incorporate the order of the Board as a judgment of the court. There is no appeal from that judgment except that a judgment reversing a Board decision on jurisdiction may be appealed to the Supreme Court.

(b) Upon filing of a petition by a party or the Board, the court may grant such temporary relief, including a restraining order, as it deems proper pending formal hearing.

(c) Orders and decisions of the Board shall apply only to the particular case under appeal, but any number of appeals presenting similar issues may be consolidated for hearing with the consent of the Board. The Board shall not modify, add to, or detract from a collective bargaining agreement by any order or decision.

§ 1644. ANTITRUST EXEMPTION

The activities of independent direct support providers and their exclusive representative that are necessary for the exercise of their rights under this chapter shall be afforded state action immunity under applicable federal and state antitrust laws. The State intends that the “state action” exemption to federal antitrust laws be available only to the State, to independent direct support providers, and to their exclusive representative in connection with these necessary activities. Exempt activities shall be actively supervised by the State.

Sec. 2. SELF-DETERMINATION ALLIANCE

(a) There is established a Self-Determination Alliance to advise the State on issues related to stabilizing the independent direct provider workforce and improving the quality of services provided to people with disabilities and elders who manage their services. The alliance shall consist of:

(1) The Commissioner of Disabilities, Aging, and Independent Living or designee;

(2) The Commissioner of Health or designee;

(3) Two service recipients who manage their services under Developmental Disabilities Services, two service recipients who manage their services under Choices for Care Medicaid Waiver, and two recipients who manage their services under Attendant Services Program (ASP), and one service recipient who manages his or her services under the Traumatic Brain Injury Program.

(4) One family member of a service recipient under Children's Personal Care Program and one family member of a service recipient under Developmental Disabilities Services.

(b) All initial appointments to the Alliance shall be made on or before August 1, 2013. The chair shall convene the first meeting on or before September 1, 2013. The chair shall be appointed by the Governor from among its members. Members shall serve coterminously and at the pleasure of their appointing authority. A majority of members of the Self-Determination Alliance shall constitute a quorum for the transaction of any business. The Alliance shall be within the Agency of Human Services for administrative purposes only.

(c) The Self-Determination Alliance shall advise the State regarding issues relating to attracting and retaining a high-quality independent direct support provider workforce to be available to all service recipients, including making recommendations to improve the quality, stability, and availability of the independent direct support provider workforce.

(d) The Secretary of Human Services shall review the recommendations of the Self-Determination Alliance within 30 days of submission, and shall include the recommendations with his or her input to the Governor's collective bargaining designee.

Sec. 3. SUNSET

Sec. 2 of this act shall be repealed on June 30, 2018. Prior to this date, the members of the Self-Determination Alliance shall review the purpose and membership of the Alliance and report its recommendations on the future role of the Alliance to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

House Proposal of Amendment Concurred In with Amendment

S. 77.

House proposal of amendment to Senate bill entitled:

An act relating to patient choice and control at end of life.

Was taken up.

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

Sec. 1. 18 V.S.A. chapter 113 is added to read:

**CHAPTER 113. RIGHTS OF QUALIFIED PATIENTS SUFFERING A
TERMINAL CONDITION**

§ 5281. DEFINITIONS

As used in this chapter:

(1) “Capable” means that in the opinion of a court or in the opinion of the patient’s prescribing physician, consulting physician, psychiatrist, psychologist, or clinical social worker, a patient has the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the patient’s manner of communicating if those persons are available.

(2) “Consulting physician” means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient’s illness and who is willing to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

(3) “Dispense” means to prepare and deliver pursuant to a lawful order of a physician a prescription drug in a suitable container appropriately labeled for subsequent use by a patient entitled to receive the prescription drug. The term shall not include the actual administration of a prescription drug to the patient.

(4) “Evaluation” means a consultation between a psychiatrist, psychologist, or clinical social worker licensed in Vermont and a patient for the purpose of confirming that the patient:

(A) is capable; and

(B) does not have impaired judgment.

(5) “Good faith” means objective good faith.

(6) “Health care facility” shall have the same meaning as in section 9432 of this title.

(7) “Health care provider” means a person, partnership, corporation, facility, or institution, licensed or certified or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

(8) “Hospice care” means a program of care and support provided by a Medicare-certified hospice provider to help an individual with a terminal condition to live comfortably by providing palliative care, including effective pain and symptom management. Hospice care may include services provided by an interdisciplinary team that are intended to address the physical, emotional, psychosocial, and spiritual needs of the individual and his or her family.

(9) “Impaired judgment” means that a person does not sufficiently appreciate the relevant facts necessary to make an informed decision.

(10) “Informed decision” means a decision by a patient to request and obtain a prescription for medication to be self-administered to hasten his or her death based on the patient’s understanding and appreciation of the relevant facts that was made after the patient was fully informed by the prescribing physician of all the following:

(A) the patient’s medical diagnosis;

(B) the patient’s prognosis, including an acknowledgement that the physician’s prediction of the patient’s life expectancy is an estimate based on the physician’s best medical judgment and is not a guarantee of the actual time remaining in the patient’s life, and that the patient may live longer than the time predicted;

(C) the range of treatment options appropriate for the patient and the patient’s diagnosis;

(D) if the patient is not enrolled in hospice care, all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;

(E) the range of possible results, including potential risks associated with taking the medication to be prescribed; and

(F) the probable result of taking the medication to be prescribed.

(11) “Palliative care” shall have the same meaning as in section 2 of this title.

(12) "Patient" means a person who is 18 years of age or older, a resident of Vermont, and under the care of a physician.

(13) "Physician" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33.

(14) "Prescribing physician" means the physician whom the patient has designated to have responsibility for the care of the patient pursuant to this chapter and who is willing to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

(15)(A) "Qualified patient" means a patient who:

(i) is capable;

(ii) is physically able to self-administer medication;

(iii) has executed an advance directive in accordance with chapter 231 of this title;

(iv) is enrolled in hospice care or has been informed of all feasible end-of-life services pursuant to subdivision 5283(3)(D) of this title; and

(v) has satisfied the requirements of this chapter in order to obtain a prescription for medication to hasten his or her death.

(B) An individual shall not qualify under the provisions of this chapter solely because of age or disability.

(16) "Terminal condition" means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

§ 5282. REQUESTS FOR MEDICATION

(a) In order to qualify under this chapter:

(1) A patient who is capable, who has been determined by the prescribing physician and consulting physician to be suffering from a terminal condition, and who has voluntarily expressed a wish to hasten the dying process may request medication to be self-administered for the purpose of hastening his or her death in accordance with this chapter.

(2) A patient shall have made an oral request and a written request and shall have reaffirmed the oral request to his or her prescribing physician not less than 15 days after the initial oral request. At the time the patient makes the second oral request, the prescribing physician shall offer the patient an opportunity to rescind the request.

(b) Oral requests for medication by the patient under this chapter shall be made in the physical presence of the prescribing physician.

(c) A written request for medication shall be signed and dated by the patient and witnessed by at least two persons, at least 18 years of age, who, in the presence of the patient, sign and affirm that the patient appears to understand the nature of the document and to be free from duress or undue influence at the time the request was signed. Neither witness shall be any of the following persons:

(1) the patient's prescribing physician, consulting physician, or any person who has conducted an evaluation of the patient pursuant to section 5285 of this title;

(2) a person who knows that he or she is a relative of the patient by blood, civil marriage, civil union, or adoption;

(3) a person who at the time the request is signed knows that he or she would be entitled upon the patient's death to any portion of the estate or assets of the patient under any will or trust, by operation of law, or by contract; or

(4) an owner, operator, or employee of a health care facility, nursing home, or residential care facility where the patient is receiving medical treatment or is a resident.

(d) A person who knowingly fails to comply with the requirements in subsection (c) of this section is subject to prosecution under 13 V.S.A. § 2004.

(e) The written request shall be completed only after the patient has been examined by a consulting physician as required under section 5284 of this title.

(f)(1) Under no circumstances shall a guardian or conservator be permitted to act on behalf of a ward for purposes of this chapter.

(2) Under no circumstances shall an agent under an advance directive be permitted to act on behalf of a principal for purposes of this chapter.

§ 5283. PRESCRIBING PHYSICIAN; DUTIES

The prescribing physician shall perform all the following:

(1) determine whether a patient:

(A) is suffering a terminal condition, based on the prescribing physician's physical examination of the patient and review of the patient's relevant medical records;

(B) is capable;

(C) has executed an advance directive in accordance with chapter 231 of this title;

(D) is enrolled in hospice care;

-
- (E) is making an informed decision; and
 - (F) has made a voluntary request for medication to hasten his or her death;
 - (2) require proof of Vermont residency, which may be shown by:
 - (A) a Vermont driver's license or photo identification card;
 - (B) proof of Vermont voter's registration; or
 - (C) a Vermont resident personal income tax return for the most recent tax year;
 - (3) inform the patient in person, both verbally and in writing, of all the following:
 - (A) the patient's medical diagnosis;
 - (B) the patient's prognosis, including an acknowledgement that the physician's prediction of the patient's life expectancy is an estimate based on the physician's best medical judgment and is not a guarantee of the actual time remaining in the patient's life, and that the patient may live longer than the time predicted;
 - (C) the range of treatment options appropriate for the patient and the patient's diagnosis;
 - (D) if the patient is not enrolled in hospice care, all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;
 - (E) the range of possible results, including potential risks associated with taking the medication to be prescribed; and
 - (F) the probable result of taking the medication to be prescribed;
 - (4) refer the patient to a consulting physician for medical confirmation of the diagnosis, prognosis, and a determination that the patient is capable and is acting voluntarily;
 - (5) verify that the patient does not have impaired judgment or refer the patient for an evaluation under section 5285 of this chapter;
 - (6) with the patient's consent, consult with the patient's primary care physician, if the patient has one;
 - (7) recommend that the patient notify the next of kin or someone with whom the patient has a significant relationship;
 - (8) counsel the patient about the importance of ensuring that another individual is present when the patient takes the medication prescribed pursuant

to this chapter and the importance of not taking the medication in a public place;

(9)(A) inform the patient that the patient has an opportunity to rescind the request at any time and in any manner; and

(B) offer the patient an opportunity to rescind after the patient's second oral request;

(10) verify, immediately prior to writing the prescription for medication under this chapter, that the patient is making an informed decision;

(11) fulfill the medical record documentation requirements of section 5290 of this title;

(12) ensure that all required steps are carried out in accordance with this chapter prior to writing a prescription for medication to hasten death; and

(13)(A) dispense medication directly, including ancillary medication intended to facilitate the desired effect while minimizing the patient's discomfort, provided the prescribing physician is licensed to dispense medication in Vermont, has a current Drug Enforcement Administration certificate, and complies with any applicable administrative rules; or

(B) with the patient's written consent:

(i) contact a pharmacist and inform the pharmacist of the prescription; and

(ii) deliver the written prescription personally or by mail or facsimile to the pharmacist, who will dispense the medication to the patient, the prescribing physician, or an expressly identified agent of the patient.

§ 5284. MEDICAL CONSULTATION REQUIRED

Before a patient is qualified in accordance with this chapter, a consulting physician shall physically examine the patient, review the patient's relevant medical records, and confirm in writing the prescribing physician's diagnosis that the patient is suffering from a terminal condition and verify that the patient is capable, is acting voluntarily, and has made an informed decision. The consulting physician shall either verify that the patient does not have impaired judgment or refer the patient for an evaluation under section 5285 of this chapter.

§ 5285. REFERRAL FOR EVALUATION

If, in the opinion of the prescribing physician or the consulting physician, a patient may have impaired judgment, either physician shall refer the patient for an evaluation. A medication to end the patient's life shall not be prescribed

until the person conducting the evaluation determines that the patient is capable and does not have impaired judgment.

§ 5286. INFORMED DECISION

A person shall not receive a prescription for medication to hasten his or her death unless the patient has made an informed decision. Immediately prior to writing a prescription for medication in accordance with this chapter, the prescribing physician shall verify that the patient is making an informed decision.

§ 5287. RECOMMENDED NOTIFICATION

The prescribing physician shall recommend that the patient notify the patient's next of kin or someone with whom the patient has a significant relationship of the patient's request for medication in accordance with this chapter. A patient who declines or is unable to notify the next of kin or the person with whom the patient has a significant relationship shall not be refused medication in accordance with this chapter.

§ 5288. RIGHT TO RESCIND

A patient may rescind the request for medication in accordance with this chapter at any time and in any manner regardless of the patient's mental state. A prescription for medication under this chapter shall not be written without the prescribing physician's offering the patient an opportunity to rescind the request.

§ 5289. WAITING PERIOD

The prescribing physician shall write a prescription no less than 48 hours after the last to occur of the following events:

- (1) the patient's written request for medication to hasten his or her death;
- (2) the patient's second oral request; or
- (3) the prescribing physician's offering the patient an opportunity to rescind the request.

§ 5290. MEDICAL RECORD DOCUMENTATION

The following shall be documented and filed in the patient's medical record:

- (1) the date, time, and wording of all oral requests of the patient for medication to hasten his or her death;
- (2) all written requests by a patient for medication to hasten his or her death;

(3) the prescribing physician's diagnosis, prognosis, and basis for the determination that the patient is capable, is acting voluntarily, and has made an informed decision;

(4) the consulting physician's diagnosis, prognosis, and verification, pursuant to section 5284 of this title, that the patient is capable, is acting voluntarily, and has made an informed decision;

(5) a copy of the patient's advance directive;

(6) the prescribing physician's attestation that the patient was enrolled in hospice care at the time of the patient's oral and written requests for medication to hasten his or her death or that the prescribing physician informed the patient of all feasible end-of-life services;

(7) the prescribing physician's and consulting physician's verifications that the patient either does not have impaired judgment or that the prescribing or consulting physician, or both, referred the patient for an evaluation pursuant to section 5285 of this title and the person conducting the evaluation has determined that the patient does not have impaired judgment;

(8) a report of the outcome and determinations made during any evaluation which the patient may have received;

(9) the date, time, and wording of the prescribing physician's offer to the patient to rescind the request for medication at the time of the patient's second oral request; and

(10) a note by the prescribing physician indicating that all requirements under this chapter have been satisfied and describing all of the steps taken to carry out the request, including a notation of the medication prescribed.

§ 5291. REPORTING REQUIREMENT

(a) The Department of Health shall require:

(1) that any physician who writes a prescription pursuant to this chapter promptly file a report with the Department covering all the prerequisites for writing a prescription under this chapter; and

(2) physicians to report on an annual basis the number of written requests for medication received pursuant to this chapter, regardless of whether a prescription was actually written in each instance.

(b) The Department shall review annually the medical records of qualified patients who hastened their deaths in accordance with this chapter during the previous year.

(c) The Department shall adopt rules pursuant to 3 V.S.A. chapter 25 to facilitate the collection of information regarding compliance with this chapter

and to enable the Department to report information as required by subsection (d) of this section. Individually identifiable health information collected under this chapter, as well as reports filed pursuant to subdivision (a)(1) of this section, are confidential and are exempt from public inspection and copying under the Public Records Act.

(d) The Department shall generate, and make available to the public to the extent that doing so would not reasonably be expected to violate the privacy of any person, an annual statistical report of information collected under subsections (a) and (b) of this section, including:

(1) demographic information regarding qualified patients who hastened their deaths in accordance with this chapter, including the underlying illness and the type of health insurance or other health coverage, if any;

(2) any reasons given by qualified patients for their use of medication to hasten their deaths in accordance with this chapter;

(3) information regarding physicians prescribing medication in accordance with this chapter, including physicians' compliance with the requirements of this chapter;

(4) the number of qualified patients who did not take the medication prescribed pursuant to this chapter and died of other causes; and

(5) the number of instances in which medication was taken by a qualified patient to hasten death but failed to have the intended effect.

§ 5292. SAFE DISPOSAL OF UNUSED MEDICATIONS

The Department of Health shall adopt rules providing for the safe disposal of unused medications prescribed under this chapter.

(1) The Department initially shall adopt rules under this section as emergency rules pursuant to 3 V.S.A. § 844. The General Assembly determines that adoption of emergency rules pursuant to this subdivision is necessary to address an imminent peril to public health and safety.

(2) Contemporaneously with the initial adoption of emergency rules under subdivision (1) of this section, the Department shall propose permanent rules under this section for adoption pursuant to 3 V.S.A. §§ 836–843. The Department subsequently may revise these rules in accordance with the Vermont Administrative Procedure Act.

§ 5293. PROHIBITIONS; INSURANCE POLICIES

(a) The sale, procurement, or issue of any life, health, or accident insurance or annuity policy or the rate charged for any policy shall not be conditioned upon or affected by the making or rescinding of a request by a person for

medication to hasten his or her death in accordance with this chapter or the act by a qualified patient to hasten his or her death pursuant to this chapter. Neither shall a qualified patient's act of ingesting medication to hasten his or her death have an effect on a life, health, or accident insurance or annuity policy.

(b) The sale, procurement, or issue of any medical malpractice insurance policy or the rate charged for the policy shall not be conditioned upon or affected by whether the physician is willing or unwilling to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

§ 5294. LIMITATIONS ON ACTIONS

(a) A person shall not be subject to civil or criminal liability or professional disciplinary action for actions taken in good faith reliance on the provisions of this chapter.

(b) A person shall not be subject to civil or criminal liability or professional disciplinary action solely for being present when a qualified patient takes prescribed medication to hasten his or her death in accordance with this chapter.

(c) A health care facility or health care provider shall not subject a physician, nurse, or other person to discipline, suspension, loss of license, loss of privileges, or other penalty for actions taken in good faith reliance on the provisions of this chapter or refusals to act under this chapter.

(d) The provision by a prescribing physician of medication in good faith reliance on the provisions of this chapter shall not constitute patient neglect for any purpose of law.

(e) A request by a patient for medication under this chapter shall not provide the sole basis for the appointment of a guardian or conservator.

(f)(1) A health care provider shall not be under any duty, whether by contract, by statute, or by any other legal requirement, to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

(2) If a health care provider is unable or unwilling to carry out a patient's request in accordance with this chapter and the patient transfers his or her care to a new health care provider, the previous health care provider, upon request, shall transfer a copy of the patient's relevant medical records to the new health care provider.

(3) A decision by a health care provider not to participate in the provision of medication to a qualified patient shall not constitute the abandonment of the patient or unprofessional conduct under 26 V.S.A. § 1354.

(g) This section shall not be construed to limit civil or criminal liability for gross negligence, recklessness, or intentional misconduct.

§ 5295. HEALTH CARE FACILITY EXCEPTION

Notwithstanding any other provision of law to the contrary, a health care facility may prohibit a prescribing physician from writing a prescription for medication under this chapter for a patient who is a resident in its facility and intends to use the medication on the facility's premises, provided the facility has notified the prescribing physician in writing of its policy with regard to the prescriptions. Notwithstanding subsection 5294(c) of this title, any health care provider who violates a policy established by a health care facility under this section may be subject to sanctions otherwise allowable under law or contract.

§ 5296. LIABILITIES AND PENALTIES

(a) With the exception of the limitations on actions established by section 5294 of this title and with the exception of the provisions of section 5298 of this title, nothing in this chapter shall be construed to limit liability for civil damages resulting from negligent conduct or intentional misconduct by any person.

(b) With the exception of the limitations on actions established by section 5294 of this title and with the exception of the provisions of section 5298 of this title, nothing in this chapter shall be construed to limit criminal prosecution under any other provision of law.

(c) A health care provider is subject to review and disciplinary action by the appropriate licensing entity for failing to act in accordance with this chapter, provided such failure is not in good faith.

§ 5297. FORM OF THE WRITTEN REQUEST

A written request for medication as authorized by this chapter shall be substantially in the following form:

REQUEST FOR MEDICATION TO HASTEN MY DEATH

I, _____, am an adult of sound mind.

I am suffering from _____, which my prescribing physician has determined is a terminal disease and which has been confirmed by a consulting physician.

I have been fully informed of my diagnosis, prognosis, the nature of medication to be prescribed and potential associated risks, and the expected

result. I have completed an advance directive. I have been informed of all feasible end-of-life services or am enrolled in hospice care.

I request that my prescribing physician prescribe medication that will hasten my death.

INITIAL ONE:

I have informed my family or others with whom I have a significant relationship of my decision and taken their opinions into consideration.

I have decided not to inform my family or others with whom I have a significant relationship of my decision.

I have no family or others with whom I have a significant relationship to inform of my decision.

I understand that I have the right to change my mind at any time.

I understand the full import of this request, and I expect to die when I take the medication to be prescribed. I further understand that although most deaths occur within three hours, my death may take longer, and my physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed: _____ Dated: _____

AFFIRMATION OF WITNESSES

We affirm that, to the best of our knowledge and belief:

(1) the person signing this request:

(A) is personally known to us or has provided proof of identity;

(B) signed this request in our presence;

(C) appears to understand the nature of the document and to be free from duress or undue influence at the time the request was signed; and

(2) that neither of us:

(A) is under 18 years of age;

(B) is a relative (by blood, civil marriage, civil union, or adoption) of the person signing this request;

(C) is the patient's prescribing physician, consulting physician, or a person who has conducted an evaluation of the patient pursuant to 18 V.S.A. § 5285;

(D) is entitled to any portion of the person's assets or estate upon death; or

(E) owns, operates, or is employed at a health care facility where the person is a patient or resident.

Witness 1/Date _____

Witness 2/Date _____

NOTE: A knowingly false affirmation by a witness may result in criminal penalties.

§ 5298. STATUTORY CONSTRUCTION

Nothing in this chapter shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Action taken in accordance with this chapter shall not be construed for any purpose to constitute suicide, assisted suicide, mercy killing, or homicide under the law. This section shall not be construed to conflict with section 1553 of the Patient Protection and Affordable Health Care Act, Pub.L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub.L. No. 111-152.

§ 5299. NO EFFECT ON PALLIATIVE SEDATION

This chapter shall not limit or otherwise affect the provision, administration, or receipt of palliative sedation consistent with accepted medical standards.

Sec. 2. 13 V.S.A. § 2004 is added to read:

§ 2004. FALSE WITNESSING

A person who knowingly violates the requirements of 18 V.S.A. § 5282(c) shall be imprisoned for not more than 10 years or fined not more than \$2,000.00, or both.

Sec. 3. EFFECTIVE DATES

This act shall take effect on September 1, 2013, except that 18 V.S.A. § 5292 (rules for safe disposal of unused medications) in Sec. 1 of this act shall take effect on passage. The Department of Health shall ensure that emergency rules adopted under Sec. 1 of this act, 18 V.S.A. § 5292, are in effect on or before September 1, 2013.

Senator Sears, moved that the Senate refuse to concur in the House proposal of amendment and that a committee of conference be appointed. Thereupon, pending the question, Shall the Senate refuse to concur in the House proposal of amendment and that a committee of conference be appointed?, Senator Sears requested and was granted leave to withdraw the motion.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Zuckerman moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. PATIENT CHOICE AT END OF LIFE

§ 5281. DEFINITIONS

(a) As used in this chapter:

(1) “Bona fide physician –patient relationship” means a treating or consulting relationship in the course of which a physician has completed a full assessment of the patient’s medical history and current medical condition, including a personal physical examination.

(2) “Capable” means that a patient has the ability to make and communicate health care decisions to a physician, including communication through persons familiar with the patient’s manner of communicating if those persons are available.

(3) “Health care facility” shall have the same meaning as in section 9432 of this title.

(4) “Health care provider” means a person, partnership, corporation, facility, or institution, licensed or certified or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

(5) “Impaired judgment” means that a person does not sufficiently understand or appreciate the relevant facts necessary to make an informed decision.

(6) “Palliative care” shall have the same definition as in section 2 of this title.

(7) “Physician” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

(8) “Terminal condition” means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

§ 5282. RIGHT TO INFORMATION

A patient’s right under 12 V.S.A. § 1909(d) to receive answers to any specific question about the foreseeable risks and benefits of medication

without the physician withholding any requested information exists regardless of the purpose of the inquiry. A physician who engages in discussions with a patient related to such risks and benefits in the circumstances described in this chapter shall not be construed to be assisting in or contributing to a patient's independent decision to self-administer a lethal dose of medication, and such discussions shall not be used to establish civil or criminal liability or professional disciplinary action.

§ 5283. PROTECTION OF PATIENT CHOICE AT END OF LIFE

(a) A physician with a bona fide physician-patient relationship with a patient with a terminal condition who is, within reasonable medical judgment, within the final three months of life shall not be considered to have engaged in unprofessional conduct under 26 V.S.A. § 1354 if:

(1) the physician determines that the patient is capable and does not have impaired judgment;

(2) the physician informs the patient of all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;

(3) the physician prescribes a dose of medication that may be lethal to the patient;

(4) the physician advises the patient of all foreseeable risks related to the prescription; and

(5) the patient makes an independent decision to self-administer a lethal dose of the medication.

(b) A patient who self-administers a lethal dose of medication prescribed for that patient pursuant to this chapter shall not be considered to be a person exposed to grave physical harm under 12 V.S.A. § 519, and no person shall be subject to civil or criminal liability solely for being present when a patient self-administers a lethal dose of medication prescribed pursuant to this chapter or for not acting to prevent the patient from self-administering a lethal dose of medication prescribed pursuant to this chapter.

§ 5284. LIMITATIONS ON ACTIONS

(a) A physician shall be immune from any civil or criminal liability or professional disciplinary action for actions performed in good faith compliance with the provisions of this chapter.

(b) A physician, nurse, pharmacist, or other person shall not be under any duty, by law or contract, to participate in the provision of a lethal dose of medication to a patient in accordance with this chapter.

(c) A health care facility or health care provider shall not subject a physician, nurse, pharmacist, or other person to discipline, suspension, loss of license, loss of privileges, or other penalty for actions taken in good faith reliance on the provisions of this chapter or refusals to act under this chapter.

§ 5285. HEALTH CARE FACILITY EXCEPTION

Notwithstanding any other provision of law to the contrary, a health care facility may prohibit a physician from writing a prescription for medication under this chapter for a patient who is a resident in its facility and intends to use the medication on the facility's premises, provided the facility has notified the physician in writing of its policy with regard to the prescriptions. Notwithstanding subsection 5284(c) of this title, any physician who violates a policy established by a health care facility under this section may be subject to sanctions otherwise allowable under law or contract.

§ 5286. NO DENIAL OF BENEFITS UNDER LIFE INSURANCE POLICY

A person and his or her beneficiaries shall not be denied benefits under a life insurance policy, as defined in 8 V.S.A. § 3301, for actions taken in accordance with this chapter.

Sec. 2. EFFECTIVE DATE

This act shall take effect on September 1, 2013.

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

An act relating to protection of patient choice at end of life.

Which was disagreed to on a roll call, Yeas 1, Nays 29.

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

Roll Call

Those Senators who voted in the affirmative were: Hartwell.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Galbraith, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Ayer moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. RIGHTS OF QUALIFIED PATIENTS SUFFERING A
TERMINAL CONDITION

§ 5281. DEFINITIONS

As used in this chapter:

(1) “Capacity” shall have the same meaning as in subdivision 9701(4)(B) of this title.

(2) “End stages of a terminal condition” means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

(3) “Good faith” means objective good faith.

(4) “Health care facility” shall have the same meaning as in section 9432 of this title.

(5) “Health care provider” means a person, partnership, corporation, facility, or institution, licensed or certified or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

(6) “Informed consent” shall have the same meaning as in subdivision 9701(17) of this title.

(7) “Patient” means a person who is 18 years of age or older, a resident of Vermont, and under the care of a physician.

(8) “Physician” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33.

(9) “Prescribing physician” means the physician whom the patient has designated to have responsibility for the care of the patient pursuant to this chapter and who is willing to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

(10) “Qualified patient” means a patient who has met the requirements of section 5283 of this chapter. A patient shall not qualify under the provisions of this chapter solely because of age or disability.

§ 5282. PRESCRIBING PHYSICIAN’S DETERMINATIONS

A prescribing physician shall determine whether:

(1) a patient is in the end stages of a terminal condition, based on the prescribing physician’s full assessment of the patient’s medical history and current medical condition, including a physical examination of the patient;

(2) a patient has capacity; and

(3) the provisions of the Patient's Bill of Rights for Palliative Care and Pain Management set forth in section 1871 of this title have been satisfied.

§ 5283. REQUESTS FOR MEDICATION

(a) In order to qualify under this chapter:

(1) A patient with capacity who has been determined by the prescribing physician to be in the end stages of a terminal condition and who has voluntarily expressed a wish to hasten the dying process may request medication to be self-administered for the purpose of hastening his or her death in accordance with this chapter.

(2) A patient who has been determined to be in the end stages of a terminal condition pursuant to subdivision (1) of this subsection and who has voluntarily expressed a wish to hasten the dying process shall have personally made a written request for medication to hasten his or her death that the patient signed and dated in the presence of two or more witnesses who are at least 18 years of age and who, in the presence of the patient, signed and affirmed that the patient appeared to understand the nature of the document and to be free from duress or undue influence at the time the request was signed. Neither witness shall be any of the following persons:

(A) the patient's prescribing physician;

(B) a person who knows that he or she is a relative of the patient by blood, civil marriage, civil union, or adoption;

(C) a person who at the time the request is signed knows that he or she would be entitled upon the patient's death to any portion of the estate or assets of the patient under any will or trust, by operation of law, or by contract; or

(D) an owner, operator, or employee of a health care facility, nursing home, or residential care facility where the patient is receiving medical treatment or is a resident.

(b) A person who knowingly fails to comply with the requirements of subdivision (a)(2) of this section is subject to prosecution under 13 V.S.A. § 2004.

§ 5284. PRESCRIBING PHYSICIAN; DUTIES FOLLOWING WRITTEN REQUEST FOR MEDICATION

After receiving a written request for medication to hasten death pursuant to section 5283 of this chapter, the prescribing physician shall perform all of the following:

(1) determine that the patient has provided informed consent for medication to be self-administered to hasten his or her patient's death;

(2) recommend that the patient notify the next of kin or someone with whom the patient has a significant relationship of the request for medication;

(3) counsel the patient about the importance of ensuring that another individual is present when the patient takes the medication prescribed pursuant to this chapter and the importance of not taking the medication in a public place;

(4) fulfill the medical record documentation requirements of section 5286 of this title; and

(5) ensure that all required steps are carried out in accordance with this chapter prior to writing a prescription for medication to hasten death.

§ 5285. REQUEST TO DISPENSE

A qualified patient may request that the prescribing physician dispense medication pursuant to this chapter no sooner than 10 days following delivery of the written request for medication to the prescribing physician. The prescribing physician shall either:

(1) dispense the medication directly, including ancillary medication intended to facilitate the desired effect while minimizing the patient's discomfort, provided the prescribing physician is licensed to dispense medication in Vermont, has a current Drug Enforcement Administration certificate, and complies with any applicable administrative rules; or

(2) with the patient's written consent:

(A) contact a pharmacist and inform the pharmacist of the prescription; and

(B) deliver the written prescription personally or by mail or facsimile to the pharmacist, who will dispense the medication to the patient, the prescribing physician, or an expressly identified agent of the patient.

§ 5286. MEDICAL RECORD DOCUMENTATION

The following shall be documented and filed in the patient's medical record:

(1) the patient's written request for medication to hasten his or her death in accordance with this chapter;

(2) the prescribing physician's diagnosis, prognosis, and basis for the determination that the patient has capacity, is acting voluntarily, and has provided informed consent;

(3) the prescribing physician's attestation that the provisions of the Patient's Bill of Rights for Palliative Care and Pain Management set forth in section 1871 of this title have been satisfied; and

(4) a note by the prescribing physician indicating that all requirements under this chapter have been satisfied and describing all of the steps taken to carry out the request, including a notation of the medication prescribed.

§ 5287. REPORTING REQUIREMENT

The Department of Health shall require:

(1) that any physician who writes a prescription pursuant to this chapter promptly file a report with the Department covering all the prerequisites for writing a prescription under this chapter; and

(2) that physicians report on an annual basis the number of written requests for medication received pursuant to this chapter, regardless of whether a prescription was actually written in each instance.

§ 5288. SAFE DISPOSAL OF UNUSED MEDICATIONS

The Department of Health shall adopt rules providing for the safe disposal of unused medications prescribed pursuant to this chapter.

§ 5289. PROHIBITIONS; INSURANCE POLICIES

(a) The sale, procurement, or issue of any life, health, or accident insurance or annuity policy or the rate charged for any policy shall not be conditioned upon or affected by the making or rescinding of a request by a person for medication to hasten his or her death in accordance with this chapter or the act by a qualified patient to hasten his or her death pursuant to this chapter. Neither shall a qualified patient's act of ingesting medication to hasten his or her death have an effect on a life, health, or accident insurance or annuity policy.

(b) The sale, procurement, or issue of any medical malpractice insurance policy or the rate charged for the policy shall not be conditioned upon or affected by whether the physician is willing or unwilling to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

§ 5290. LIMITATIONS ON ACTIONS

(a) A person shall not be subject to civil or criminal liability or professional disciplinary action for actions taken in good faith reliance on the provisions of this chapter.

(b) A person shall not be subject to civil or criminal liability or professional disciplinary action solely for being present when a qualified patient takes

prescribed medication to hasten his or her death in accordance with this chapter.

(c) A health care facility or health care provider shall not subject a physician, nurse, or other person to discipline, suspension, loss of license, loss of privileges, or other penalty for actions taken in good faith reliance on the provisions of this chapter or refusals to act under this chapter.

(d) The provision by a prescribing physician of medication in good faith reliance on the provisions of this chapter shall not constitute patient neglect for any purpose of law.

(e) A request by a patient for medication under this chapter shall not provide the sole basis for the appointment of a guardian or conservator.

(f)(1) A health care provider shall not be under any duty, whether by contract, by statute, or by any other legal requirement, to participate in the provision to a qualified patient of medication to hasten his or her death in accordance with this chapter.

(2) If a health care provider is unable or unwilling to carry out a patient's request in accordance with this chapter and the patient transfers his or her care to a new health care provider, the previous health care provider, upon request, shall transfer a copy of the patient's relevant medical records to the new health care provider.

(3) A decision by a health care provider not to participate in the provision of medication to a qualified patient shall not constitute the abandonment of the patient or unprofessional conduct under 26 V.S.A. § 1354.

(g) This section shall not be construed to limit civil or criminal liability for gross negligence, recklessness, or intentional misconduct.

§ 5291. HEALTH CARE FACILITY EXCEPTION

Notwithstanding any other provision of law to the contrary, a health care facility may prohibit a prescribing physician from writing a prescription for medication under this chapter for a patient who is a resident in its facility and intends to use the medication on the facility's premises, provided the facility has notified the prescribing physician in writing of its policy with regard to the prescriptions. Notwithstanding subsection 5288(c) of this title, any health care provider who violates a policy established by a health care facility under this section may be subject to sanctions otherwise allowable under law or contract.

§ 5292. LIABILITIES AND PENALTIES

(a) With the exception of the limitations on actions established by section 5290 of this title, nothing in this chapter shall be construed to limit liability for

civil damages resulting from negligent conduct or intentional misconduct by any person.

(b) With the exception of the limitations on actions established by section 5290 of this title, nothing in this chapter shall be construed to limit criminal prosecution under any other provision of law.

(c) A health care provider is subject to review and disciplinary action by the appropriate licensing entity for failing to act in accordance with this chapter, provided such failure is not in good faith.

§ 5293. STATUTORY CONSTRUCTION

Nothing in this chapter shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Action taken in accordance with this chapter shall not be construed for any purpose to constitute suicide, assisted suicide, mercy killing, or homicide under the law. This section shall not be construed to conflict with section 1553 of the Patient Protection and Affordable Health Care Act, Pub.L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub.L. No. 111-152.

§ 5294. NO EFFECT ON PALLIATIVE SEDATION

This chapter shall not limit or otherwise affect the provision, administration, or receipt of palliative sedation consistent with accepted medical standards.

Sec. 2. 13 V.S.A. § 2004 is added to read:

§ 2004. FALSE WITNESSING

A person who knowingly violates the requirements of 18 V.S.A. § 5283(a)(2) shall be imprisoned for not more than 10 years or fined not more than \$2,000.00, or both.

Sec. 3. EFFECTIVE DATES

This act shall take effect on September 1, 2013, except that 18 V.S.A. § 5288 (rules for safe disposal of unused medications) in Sec. 1 of this act and this section shall take effect on passage.

Which was disagreed to on a roll call Yeas 15, Nays 16.

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, Baruth, Bray, Collins, Fox, French, Lyons, MacDonald, McCormack, Pollina, Rodgers, Snelling, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Campbell, Cummings, Doyle, Flory, Galbraith, Hartwell, Kitchel, Mazza, McAllister, Mullin, Nitka, Sears, Starr, Westman.

There being a tie, the Secretary took the casting vote of the President, who voted "Nay".

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Ayer moved that action be postponed until tomorrow, which was agreed to on a roll call, Yeas 16, Nays 14.

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, Baruth, Bray, Collins, Fox, French, Galbraith, Hartwell, Lyons, MacDonald, McCormack, Pollina, Snelling, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Campbell, Cummings, Doyle, Flory, Kitchel, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Starr, Westman.

House Proposal of Amendment Concurred In

S. 88.

House proposal of amendment to Senate bill entitled:

An act relating to telemedicine services delivered outside a health care facility.

Was taken up.

The House proposes to the Senate to amend the bill in Sec. 1, in the second sentence, after the following: "service delivery," by inserting the following: the possibility of equipping home health agency nurses with the tools needed to provide telemedicine services during home health visits.

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

House Proposals of Amendment to Senate Proposal of Amendment Concurred In

H. 95.

House proposals of amendment to Senate proposal of amendment to House bill entitled:

An act relating to unclaimed life insurance benefits.

Were taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: By striking out Sec. 2 (group life policyholder information) in its entirety and by inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. EFFECTIVE DATE; APPLICATION

This act shall take effect on July 1, 2013 and, notwithstanding 1 V.S.A. § 214(b), shall apply to all life insurance policies, annuity contracts, and retained asset accounts in force on or after the effective date.

Second: By striking out Sec. 3 in its entirety

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

**House Proposals of Amendment to Senate Proposal of Amendment
Concurred In**

H. 533.

House proposals of amendment to Senate proposal of amendment to House bill entitled:

An act relating to capital construction and state bonding.

Were taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: In Sec. 1, Legislative Intent, in subsection (a), by striking out “\$90,148,531.00” and inserting in lieu thereof \$90,373,066.00

Second: In Sec. 2, State Buildings, in subsection (b), by striking out subdivision (5) and inserting in lieu thereof:

(5) Statewide, BGS engineering and architectural project costs:

\$2,982,132.00

Third: In Sec. 2, State Buildings, in subsection (c), by striking out subdivisions (4) and (5) and inserting in lieu thereof:

(4) Statewide, major maintenance:

\$8,334,994.00

(5) Statewide, BGS engineering and architectural project costs:

\$2,982,132.00

Fourth: In Sec. 2, in subsection (d), by inserting after the last sentence:

It is also the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$360,000.00 of the funds appropriated in subdivisions (b)(5) and (c)(5) of this section for the purpose of funding four limited service positions in the Department of Buildings and General Services created for engineering-related work pursuant to the 2013 Acts and Resolves No. [], Sec. E.100(b)(1) (FY 2014 Appropriations Act).

Fifth: In Sec. 2, in subsection (e), by striking out “\$52,281,597.00”, “\$45,966,661.00”, and “\$98,248,258.00” and inserting in lieu thereof \$52,461,132.00, \$45,742,126.00, and \$98,203,258.00

Sixth: By striking out Sec. 4, Human Services, in its entirety and inserting in lieu thereof:

Sec. 4. HUMAN SERVICES

(a) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of Department of Health laboratory with the UVM Colchester research facility: \$5,000,000.00

(2) Corrections, security upgrades: \$100,000.00

(3) Corrections, facilities conditions analysis: \$100,000.00

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of the Department of Health laboratory with the UVM Colchester research facility: \$6,000,000.00

(2) Corrections, security upgrades: \$100,000.00

(c) It is the intent of the General Assembly that the funds appropriated in subdivision (b)(1) of this section are committed funds not subject to budget adjustment.

(d) On or before January 15, 2014, the Department of Corrections and the Department of Buildings and General Services shall report to the General Assembly on capital needs at state correctional facilities. The report shall evaluate five-year capital needs and shall include:

(1) a facilities conditions analysis;

(2) an assessment of space and capacity at Vermont state correctional facilities required for programming use; and

(3) proposed unit configurations for the housing of aging and other special needs populations.

(e) The Commissioner of Buildings and General Services shall use the funds appropriated to the Department of Buildings and General Services for the Agency of Human Services in subdivision (a)(3) of this section for the purpose described in subdivision (d)(1) of this section.

Appropriation – FY 2014 \$5,200,000.00

Appropriation – FY 2015 \$6,100,000.00

Total Appropriation – Section 4 \$11,300,000.00

Seventh: In Sec. 6, Commerce and Community Development, by striking out subsection (c) in its entirety and inserting in lieu thereof:

(c) The following sum is appropriated in FY 2014 to the Department of Buildings and General Services for the Battle of Cedar Creek and Winchester Memorials, relocation and placement of roadside marker: \$25,000.00

Eighth: In Sec. 6, in subsection (e), by striking out “\$495,000.00” and “\$745,000.00” and inserting in lieu thereof \$440,000.00 and \$690,000.00, respectively

Ninth: In Sec. 8, Education, in subsection (b), by striking out the second sentence and inserting in lieu thereof:

It is the intent of the General Assembly that the funds appropriated in this subsection are committed funds not subject to budget adjustment.

Tenth: In Sec. 11, Natural Resources, in subsection (a), by striking out subdivision (4)(B) and inserting in lieu thereof:

(B) Fish and Wildlife Enforcement Division, for equipment: \$75,950.00

Eleventh: In Sec. 18a, Enhanced 911 Program, by striking out the section in its entirety and inserting in lieu thereof:

Sec. 18a. ENHANCED 911 PROGRAM

(a) The sum of \$10,000.00 is appropriated in FY 2014 to the Enhanced 911 Board for one-time fees and equipment associated with the planning and implementation of the Enhanced 911 program in schools pursuant to 30 V.S.A. § 7057.

(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

(c) It is the intent of the General Assembly that the appropriations to the Enhanced 911 Board for the Enhanced 911 program in subsections (a) and (b) of this section are one-time appropriations. Any future appropriations shall be funded through the Universal Service Fund established pursuant to 30 V.S.A. chapter 88.

Total Appropriation – Section 18a

\$20,000.00

Twelfth: In Sec. 24, Newport Waterfront, by striking out the section in its entirety and inserting in lieu thereof:

Sec. 24. 2009 Acts and Resolves No. 43, Sec. 25(a) is amended to read:

(a) Notwithstanding 29 V.S.A. § 166(b), the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to ~~negotiate the sale of~~ sell, lease, gift, or otherwise convey all or a portion of the ~~state's~~ State's property that adjoins the Hebard ~~state office building~~ State Office Building in Newport City for the purposes of transferring ownership and operation of the bike path, walking path, and boardwalk. ~~Upon approval of the chairs and vice chairs of the senate committee on institutions and the house committee on corrections and institutions, the commissioner may sell the property for the negotiated price. The commissioner shall strive to sell the property at fair market value. However, due to the unique nature of the transaction, the commissioner may use the following factors to justify selling the property at less than fair market value:~~

~~(1) Ongoing maintenance and operation costs associated with the property.~~

~~(2) Risk potential to the state.~~

~~(3) The local economic situation.~~

The Commissioner is further authorized to accept federal or state grants for improvements, maintenance, and operating costs associated with this property.

Thirteenth: In Sec. 25, Battle of Cedar Creek and Winchester Memorials, by inserting the word “capital” before each instance of the word “expenses”, either lower or upper cased, and the words “of the Memorial” after the word “transportation”

Fourteenth: In Sec. 28, Windsor County Courthouse, by striking out “\$40,000.00” and inserting in lieu thereof \$45,000.00

Fifteenth: By adding a Sec. 29a, after Sec. 29, to read as follows:

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

(a) State buildings.

(1) “Asa Bloomer State Office Building” shall be the name of the building now known as the “Hulett” office building in the city of Rutland.

* * *

(9) “Vermont Psychiatric Care Hospital” shall be the name of the state hospital in Berlin.

(10) “Vermont State Health Laboratory” shall be the name of the state health laboratory in Colchester.

Sixteenth: In Sec. 30, Regional Economic Development Grant Program, by designating the existing language as (a) and by replacing the word “consider” with the word “evaluate” and by inserting a subsection (b) to read as follows:

(b) On or before September 15, 2013, the Commissioner of Buildings and General Services shall report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs with the results of the evaluation described in subsection (a) of this section.

Seventeenth: In Sec. 43, Additional Funding for Capital Projects, by inserting in subdivision (d)(1) “A total of” before “\$200,000.00”, by adding “for the Agency of Natural Resources” after “funds”, and by adding subsections (e) and (f) to read as follows:

(e) On or before January 15, 2014, the Secretary of Natural Resources shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the amount of unexpended funds reallocated pursuant to subsection (c) of this section and a description of the projects that received the funds.

(f) It is the intent of the General Assembly to evaluate in FY 2014 whether to grant the Agency of Natural Resources additional authority to reallocate unexpended funds.

Eighteenth: In Sec. 47, Enhanced 911 Program; Implementation in School Districts, by striking out the second sentence and inserting in lieu thereof:

The Board is authorized to use funds appropriated in Sec. 18a of this act for one-time fees and equipment associated with planning and implementing compliance with this program.

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

House Proposal of Amendment Concurred In

J.R.S. 14.

House proposal of amendment to joint resolution entitled:

Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont.

Was taken up.

The House proposes to the Senate to amend the joint resolution as follows:

First: By striking the final *Whereas* clause and inserting in lieu thereof the following:

Whereas, the 1,000-member Vermont Maple Sugar Makers' Association, the Maple Industry Committee of the Vermont Maple Sugar Makers' Association, the Franklin County Sugar Makers' Association, the Vermont Agriculture and Forest Products Development Board, and the Vermont Farm Bureau are each supportive of the Agency's adoption of the international maple grading standard, *now therefore be it*

Second: By striking the second ***Resolved*** clause and inserting in lieu thereof the following:

Resolved: That the Secretary of State be directed to send a copy of this resolution to Chuck Ross, Secretary of Agriculture, Food and Markets, to the Vermont Maple Sugar Makers' Association, to the Maple Industry Committee of the Vermont Maple Sugar Makers' Association, to the Franklin County Maple Sugar Makers' Association, to the Vermont Agricultural and Forest Products Development Board, and to the Vermont Farm Bureau.

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

Rules Suspended; Bill Passed

H. 522.

Pending entry on the Calendar for action tomorrow, on motion of Senator Sears, the rules were suspended and Senate bill entitled:

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

Was placed on all remaining stages of its passage forthwith.

Thereupon, the bill was read the third time and passed.

Committee Relieved of Further Consideration; Bill Committed

H. 270.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to providing access to publicly funded prekindergarten education,

and the bill was committed to the Committee on Education.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 31, H. 26, H. 522.

Bill Committed

H. 517.

On motion of Senator Ashe, the rules were suspended and House bill entitled:

An act relating to approval of the adoption and the codification of the charter of the Town of St. Albans.

Was committed to the Committee on Finance.

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock in the morning.

WEDNESDAY, MAY 8, 2013

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 63

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows: