

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 274. House concurrent resolution congratulating Devin Logan on winning the silver medal at the first Olympic slopestyle skiing women's competition.

H.C.R. 275. House concurrent resolution designating April 9, 2014 as the Battle of Cedar Creek Remembrance Day.

H.C.R. 276. House concurrent resolution congratulating the 2014 Williamstown High School Blue Devils Division III championship boys' basketball team.

H.C.R. 277. House concurrent resolution honoring the Vermont State Grange.

H.C.R. 278. House concurrent resolution honoring Joyce Pedone for her municipal public service in the town of Clarendon.

H.C.R. 279. House concurrent resolution recognizing Project VISION for its role in addressing opiate addiction in Rutland City.

H.C.R. 280. House concurrent resolution honoring cancer survivors and their caregivers.

H.C.R. 281. House concurrent resolution congratulating the 2014 and ninth consecutive Essex High School State championship gymnastics team.

H.C.R. 282. House concurrent resolution congratulating the 2014 Essex High School Division I championship girls' indoor track team.

H.C.R. 283. House concurrent resolution designating April 15, 2014 as MS Awareness Day in Vermont.

H.C.R. 284. House concurrent resolution congratulating Lida Croteau Surridge on her 100th birthday.

H.C.R. 285. House concurrent resolution congratulating Rochester High School 2014 valedictorian Pavin Parrish on his academic and basketball accomplishments.

In the adoption of which the concurrence of the Senate is requested.

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

S.C.R. 52. Senate concurrent resolution expressing appreciation and gratitude to the Agency of Transportation Maintenance Section's employees for their 2013–2014 winter highway work.

S.C.R. 53. Senate concurrent resolution honoring Air Pollution Control Division Director Richard Valentinetti.

And has adopted the same in concurrence.

Bills Referred to Committee on Appropriations

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

H. 589. An act relating to hunting, fishing, and trapping.

H. 650. An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

H. 872. An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

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. 53. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 4, 2014, it be to meet again no later than Tuesday, April 8, 2014.

Bills Referred

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

H. 555.

An act relating to the commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury.

To the Committee on Judiciary.

H. 590.

An act relating to the safety and regulation of dams.

To the Committee on Natural Resources and Energy.

H. 695.

An act relating to establishing a product stewardship program for primary batteries.

To the Committee on Natural Resources and Energy.

Bill Passed in Concurrence with Proposal of Amendment**H. 676.**

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

An act relating to regulation of land uses within flood hazard areas.

Proposals of Amendment; Third Reading Ordered**H. 543.**

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

An act relating to records and reports of the Auditor of Accounts.

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

First: By striking Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. REPEAL

2012 Acts and Resolves No. 155, Sec. 24 (auditor website; audit findings) is repealed.

Second: In Sec. 2, 32 V.S.A. § 163, by striking subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read as follows:

(3) ~~[Repealed.]~~ (A) Prominently post and retain on his or her official State website, and update at least annually on or before July 1, the following information:

(i) All reports with findings that result from audits conducted under subdivision (1) of this section.

(ii) A summary of significant recommendations contained in audit reports issued since January 1, 2012 arising from audits conducted under subdivision (1) of this section, and the dates on which corrective actions were taken related to those recommendations.

(iii) A summary of all embezzlement convictions, and false claim convictions as described in 13 V.S.A. § 3016, against any agency or

department of the State, since July 1, 2007. The summary shall include the names of all persons convicted of those offenses.

(B) Follow up on recommendations described in subdivision (A)(ii) of this subdivision (3) at least biennially and for at least four years from the date of the audit report.

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

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

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

DeMag, Allison Crowley of South Burlington - Member, State Police Advisory Commission - February 12, 2014, to June 30, 2016.

Gosselin, Lisa of Stowe - Commissioner, Economic Development, Department of - September 3, 2013, to February 28, 2015.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 2, 2014.

WEDNESDAY, APRIL 2, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ken White of Burlington.

Message from the House No. 40

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 882. An act relating to compensation for certain State employees.

H. 884. An act relating to miscellaneous tax changes.

H. 885. An act relating to making appropriations for the support of government.

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

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

J.R.S. 51. Joint resolution providing for a Joint Assembly for the election of a successor legislative Trustees of the University of Vermont and State Agricultural College to fill the vacancy created by the resignation of Representative Sarah E. Buxton of Tunbridge.

J.R.S. 52. Joint resolution establishing a procedure for the conduct of the election of a UVM trustee by plurality vote by the General Assembly in 2014.

And has adopted the same in concurrence.

Senate Resolution Referred

S.R. 9.

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution requesting that the President and Congress of the United States recognize the independent Nagorno Karabakh Republic.

By Senator White, Baruth, Campbell, Doyle, Hartwell, Lyons, and Snelling,

S.R. 9. Senate resolution relating to requesting that the President and Congress of the United States recognize the independent Nagorno Karabakh Republic.

Whereas, the people of Vermont, dating back to the era of the independent Commonwealth of Vermont, have recognized the universal principle of self-determination, as underscored in the Constitution of the State of Vermont, which states, "That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community," and

Whereas, the Constitution of the State of Vermont reaffirms that all power is originally inherent in and consequently derived from the people, and defends the "indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal," and

Whereas, the people of Nagorno Karabakh, during seven decades of Soviet dictatorship, sought for themselves and all those behind the Iron Curtain the same basic rights enjoyed by the people of Vermont and all the citizens of

United States, namely the freedom to live in peace and security in their homeland, under a democratic government of their own choosing, and

Whereas, the citizens of Nagorno Karabakh, many of whom identify ethnically as Armenian but were placed under Azerbaijani control by Joseph Stalin, followed in the footsteps of Vermont's founding fathers and, in the American spirit of democratic self-governance, on September 2, 1991, declared the independence of the Nagorno Karabakh Republic, and

Whereas, for more than two decades, the Nagorno Karabakh Republic has built a democratic, free-market-oriented society that has held Parliamentary and Presidential elections, and

Whereas, the Nagorno Karabakh Republic has been a responsible partner in international efforts toward a fair and lasting regional peace, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont requests that the President and Congress of the United States recognize the independent Nagorno Karabakh Republic and reaffirm U.S. support for the progress of its people and government in building a democratic, free-market-oriented society committed to freedom, security, and peace for its citizens and for all the peoples of the region, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to President Obama and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Government Operations.

Bills Referred

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

H. 882.

An act relating to compensation for certain State employees.

To the Committee on Rules.

H. 884.

An act relating to miscellaneous tax changes.

To the Committee on Finance.

H. 885.

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

To the Committee on Appropriations.

Rules Suspended; Bill Committed**S. 202.**

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate bill entitled:

An act relating to the energy efficiency charge.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Baruth moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Rules with the reports of the Committee on Natural Resources and Energy and Committee on Appropriations *intact*,

Which was agreed to.

Committee Relieved of Further Consideration; Bill Committed**H. 882.**

On motion of Senator Baruth, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to compensation for certain State employees,

and the bill was committed to the Committee on Government Operations.

Committee Relieved of Further Consideration**S. 23.**

On motion of Senator Baruth, the Committee on Rules was relieved of further consideration of Senate bill entitled:

An act relating to access to records in adult protective services investigations.

Thereupon, under the rule, the bill was ordered placed on the Calendar for notice the next legislative day.

Bill Passed in Concurrence with Proposals of Amendment**H. 543.**

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

An act relating to records and reports of the Auditor of Accounts.

Third Readings Ordered**H. 576.**

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

An act relating to applications for the Lifeline program.

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. 631.

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

An act relating to lottery commissions.

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.

Proposals of Amendment; Third Reading Ordered**H. 799.**

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

An act relating to the importation of firewood.

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

First: In Sec. 1, in 10 V.S.A. § 2681, by inserting a new subsection (c) to read as follows:

(c) Penalties. Any person who violates a provision of this subchapter or the rules adopted under this subchapter shall be subject to a civil citation under section 8019 of this title.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof 3 new sections to be numbered Secs. 2, 3, and 4 to read as follows:

Sec. 2. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

* * *

(17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of firewood.

* * *

Sec. 3. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(L) section 2625 (regulation of heavy cutting).

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 83, subchapter 8 (importation of firewood).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

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

Message from the House No. 41

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

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 53. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

H. 559. An act relating to membership on the Building Bright Futures Council.

And has severally concurred therein.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, April 3, 2014.

THURSDAY, APRIL 3, 2014

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 Finance**H. 227.**

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

An act relating to licensing and regulating property inspectors.

**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:

O'Connor, Martha of Brattleboro - Member of the Vermont State Lottery Commission, - from March 21, 2014, to February 28, 2017.

To the Committee on Economic Development, Housing and General Affairs.

O'Hagan, Karen of Winooski - Member of the Vermont Lottery Commission, - from March 21, 2014, to February 28, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Gallagher, Thomas of St. Albans - Member of the Vermont Economic Development Authority, - from March 21, 2014, to June 30, 2016.

To the Committee on Finance.

Brodsky, Mary of Essex - Member of the Human Rights Commission, - from March 21, 2014, to February 28, 2019.

To the Committee on Judiciary.

Hoar, Samuel, Jr. of South Burlington – as Superior Court Judge, - from March 26, 2014, to March 31, 2019.

To the Committee on Judiciary.

Fisher, Lori of Williston - Member of the VT Citizens' Advisory Committee on Lake Champlain's Future, - from March 21, 2014, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Hansen, Paul of South Alburgh - Member of the VT Citizens' Advisory Committee on Lake Champlain's Future, - from March 21, 2014, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Lauzon, Tom of Barre - Member of the Travel Information Council, - from March 21, 2014, to February 29, 2016.

To the Committee on Transportation.

Kennett, Elizabeth of Rochester - Member of the Travel Information Council, - from March 21, 2014, to February 29, 2016.

To the Committee on Transportation.

Bill Passed in Concurrence

H. 576.

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

An act relating to applications for the Lifeline program.

Bill Passed in Concurrence with Proposals of Amendment

H. 799.

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

An act relating to the importation of firewood.

Third Reading Ordered

H. 347.

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

An act relating to veterinary dentistry.

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.

Adjournment

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

FRIDAY, APRIL 4, 2014

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. 42

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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 the following House bill:

H. 441. An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares.

And has severally concurred therein.

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

H. 609. An act relating to terminating propane service.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Emily Aldrich of Monkton
Lucy Boyden of Cambridge
Henry Drake of Waterbury
Josie Ford of South Burlington
Elizabeth Goodell of Newbury
Robin Goodwin of Stockbridge
Isabel Jamieson of Waitsfield
Catherine Michael of South Burlington
Rachel Rackliff of Jericho
Aliyah Rosen of East Montpelier
James Tedesco of Woodbury

Bill Referred to Committee on Appropriations**H. 112.**

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 labeling of food produced with genetic engineering.

Bill Passed in Concurrence**H. 347.**

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

An act relating to veterinary dentistry.

Bill Amended; Third Reading Ordered**S. 23.**

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

An act relating to access to records in adult protective services investigations.

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

Sec. 1. 33 V.S.A. § 6915 is added to read:

§ 6915. ACCESS TO MEDICAL RECORDS

(a) A person having custody or control of the medical records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title may make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B)(i) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall

demonstrate to the person with custody or control of the records, in writing, that:

(I) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(II) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(ii) The person having custody or control of the medical records shall release the records of an alleged victim without capacity only if he or she believes, in the exercise of professional judgment, that making the records or a copy of the records available to the law enforcement officer or adult protective services worker is in the best interests of the alleged victim.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's medical records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's medical records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's medical records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 2. 33 V.S.A. § 6916 is amended to read:

§ 6916. ACCESS TO FINANCIAL RECORDS

(a) A person having custody or control of the financial records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title shall make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall submit to the person with custody or control of the records a written statement that declares:

(i) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(ii) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's financial records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's financial records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's financial records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

And that when so amended the bill ought to pass.

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

Proposal of Amendment; Third Reading Ordered**H. 584.**

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

An act relating to municipal regulation of parking lots and meters.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 24 V.S.A. § 2291, in subdivision (26), at the end of the second sentence, after the following: “land necessary for such projects” by inserting the following: subject to the restrictions set forth in section 2805 of this title and 18 V.S.A. § 5318

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.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Sears moved that the Senate propose to the House to strike out Sec. 3 in its entirety. Thereupon, pending the question, Shall the bill be amended as proposed by Senator Sears?, Senator Sears requested and was granted leave to withdraw the proposal of amendment.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 872.**

Senator Mazza, for the Committee on Transportation, to which was referred House bill entitled:

An act relating to the State’s Transportation Program and miscellaneous changes to the State’s transportation laws.

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:

* * * Transportation Program; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2015 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2015 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Secretary" means the Secretary of Transportation.

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As Amended" figure; and the term "change" or "changes" in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net "Change" in the applicable table heading.

(4) "TIB funds" or "TIB" refers to monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

* * * Program Development – Funding Sources * * *

Sec. 2. PROGRAM DEVELOPMENT – FUNDING

Spending authority in the Program Development program is modified in accordance with this section. Among projects selected in the Secretary's discretion, the Secretary shall:

(1) reduce project spending authority in the total amount of \$1,500,000.00 in TIB funds; and

(2) increase project spending authority in the total amount of \$1,500,000.00 in transportation funds.

* * * Paving Program * * *

Sec. 3. PROGRAM DEVELOPMENT—PAVING

Spending authority for the statewide–district leveling activity within the Program Development—Paving Program is amended to read:

<u>FY14</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
Construction	6,000,000	6,084,089	84,089
Total	6,000,000	6,084,089	84,089

Sources of funds

State	6,000,000	6,084,089	84,089
TIB	0	0	0
Federal	0	0	0
Total	6,000,000	6,084,089	84,089

Sec. 4. SUPPLEMENTAL PAVING SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2014 and 2015 Transportation Programs, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 roadway programs, to the Program Development (8100001100) – Paving appropriation, for the specific purpose of improving the condition of selected State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Supplemental Appropriation; Amendment * * *

Sec. 5. 2014 Acts and Resolves No. 95, Sec. 53 is amended to read:

Sec. 53. TRANSPORTATION – SUPPLEMENTAL APPROPRIATION

(a) The following is appropriated in fiscal year 2014 to the Agency of Transportation:

Transportation Fund	\$1,626,284
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(b) The funds appropriated in subsection (a) of this section are authorized for appropriation and expenditure at the discretion of the Secretary of Transportation as follows:

(1) To the Transportation – maintenance State system appropriation (8100002000) for the specific purpose of excessive winter maintenance costs caused by winter weather of 2013–2014.

(2) To the Transportation – program development appropriation (8100001100) paving program for the specific purpose of improving the condition of State highways and Class 1 town highways that have incurred damage caused by winter weather of 2013–2014.

(c) The Secretary shall report in July 2014 to the Joint Transportation Oversight Committee on the appropriation and expenditure authorized in subsection (b) of this section.

* * * Supplemental Winter Maintenance Spending * * *

Sec. 6. SUPPLEMENTAL WINTER MAINTENANCE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2014 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway Programs, to the Transportation – maintenance state system appropriation (8100002000) for the specific purpose of paying for excessive winter maintenance costs caused by winter weather of 2013–2014.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2014.

* * * Transportation Buildings * * *

Sec. 7. TRANSPORTATION BUILDINGS; INTERSTATE MAINTENANCE DEPOTS

The following project is added to the Transportation Buildings Program within the fiscal year 2015 Transportation Program: Statewide Interstate

Maintenance Depots (study of feasibility of conversion of closed rest areas to statewide interstate maintenance depots).

* * * Program Development – Safety and Traffic Operations * * *

Sec. 8. PROGRAM DEVELOPMENT – SAFETY AND TRAFFIC OPERATIONS

The following project is added to the candidate list of the Program Development – Safety and Traffic Operations Program within the fiscal year 2015 Transportation Program: Woodford—Searsburg—VT9 Truck Chain Up Areas (areas for trucks to pull off the traveled way in order to install chains).

* * * Rail * * *

Sec. 9. RAIL

(a) The following project is added to the Rail Program: Leicester–New Haven (upgrade track to continuously welded rail on the Vermont Railway Northern Subdivision from Leicester mile post 76.99 to New Haven mile post 93.48).

(b) The Agency is encouraged to apply for a federal discretionary grant to cover, in whole or in part, the cost of the Leicester–New Haven project. In the event the State is awarded a grant for this project, authority to spend the federal grant funds is added to the fiscal year 2015 Transportation Program—Rail Program and the amount of federal funds awarded is appropriated to the fiscal year 2015 Transportation Program—Rail Program.

Sec. 10. RAILROAD BRIDGE LOAD RATINGS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2015 Transportation Program, the Secretary, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000.00 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway Programs, to the Transportation – rail appropriation (8100002300) for the specific purpose of paying for improvements to State-owned railroad bridges to address insufficient load ratings if necessary to maintain rail service at current levels.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project, the Secretary shall submit the proposed transfer for approval by the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, by the Joint Transportation Oversight Committee. In all other cases, the Secretary may execute the

transfer, giving prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(c) This section shall expire on June 30, 2015.

* * * Authorization of Positions * * *

Sec. 11. AUTHORIZATION OF POSITIONS

(a) Sixteen limited service positions at the Agency shall be converted to permanent classified positions on July 1, 2015.

(b) The Agency is authorized to establish three new permanent classified positions to carry out the Local Technical Assistance Program created pursuant to Sec. 12 of this act.

* * * Local Technical Assistance Program * * *

Sec. 12. TOWN HIGHWAY VERMONT LOCAL ROADS; LOCAL TECHNICAL ASSISTANCE PROGRAM

(a) On or before June 30, 2015, the Agency shall complete a transition of the Vermont Local Roads Program from a grant program operated by grantee Saint Michael's College to a program operated by the Agency's Vermont Transportation Training Center. The Agency shall continue to offer the Vermont Local Roads Program a grant agreement until at least April 15, 2015.

(b) In making the transition, the Agency shall create a Local Technical Assistance Program (LTAP or Program) within the Agency's Vermont Transportation Training Center. Consistent with the history of services provided by the Vermont Local Roads Program, the purpose of the LTAP will be to provide transportation-related technical assistance and training for municipalities, including workshops, technology demonstrations, computer training, distance learning, seminars, and field and classroom instruction. If it is legally permissible for the LTAP to use the name Vermont Local Roads, the Agency may continue to use that name.

(c)(1) Upon completion of the transition described in this section, the Town Highway Vermont Local Roads Program within the Agency's proposed fiscal year 2015 Transportation Program shall be renamed the Local Technical Assistance Program.

(2) Funding for the Vermont Local Roads Program approved and appropriated by the General Assembly for fiscal year 2015 that is unexpended by the Vermont Local Roads Program shall be used for operating expenses of the LTAP.

(d) In carrying out the Local Technical Assistance Program, the Agency shall:

(1) offer the same or substantially similar courses as were offered by the Vermont Local Roads Program, as long as demand from municipalities justifies continuing such course offerings;

(2) offer courses in multiple locations throughout the State, to a similar or greater extent than the Vermont Local Roads Program offered courses throughout the State; and

(3) continue providing municipalities the support functions that the Vermont Local Roads Program provided, including facilitating list serves, issuing informational newsletters, providing technical assistance consultation, maintaining a website, and supporting cooperation and communication among municipal transportation officials and employees.

(e)(1) On or before January 15, 2015, the Agency shall provide the House and Senate Committees on Transportation an LTAP work plan for fiscal year 2016 detailing how the Program will accomplish the requirements set forth in subsection (d) of this section.

(2) Prior to submitting the work plan required under subdivision (1) of this subsection to the Committees, the Agency shall:

(A) in consultation with the Vermont League of Cities and Towns and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities recommendations on:

(i) how the LTAP can provide effective municipal transportation-related technical assistance and training; and

(ii) new training, technical assistance, or support functions that could be provided through the LTAP.

(B) consider the input and recommendations received from municipalities in developing the LTAP work plan.

Sec. 13. 19 V.S.A. § 318 is added to read:

§ 318. LOCAL TECHNICAL ASSISTANCE PROGRAM; INPUT FROM MUNICIPALITIES

(a) Prior to submitting a fiscal year Local Technical Assistance Program (LTAP) work plan to the Federal Highway Administration for approval, the Agency shall, in consultation with the Vermont League of Cities and Towns and any other person the Agency deems appropriate, solicit from all Vermont towns, villages, and cities:

(1) input on whether the Agency is providing effective municipal transportation-related technical assistance and training through the LTAP;

(2) recommendations on how to improve the Agency's operation of the LTAP; and

(3) recommendations for new training, technical assistance, or support functions to be provided through the LTAP.

(b) The Agency shall consider the input and recommendations received from municipalities in developing its annual LTAP work plan.

(c) Upon request, the Agency shall provide the Vermont League of Cities and Towns administrative support in soliciting and collecting municipal input and recommendations.

* * * Central Garage * * *

Sec. 14. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2015, the amount of \$1,120,000.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Cancellation of Projects * * *

Sec. 15. CANCELLATION OF PROJECTS

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following projects:

(1) Program Development – State Highway Bridges:

(A) Chester ER 016-1(31) (rehabilitation of VT 11 BR 43);

(B) Colchester BF 028-1(29) (development and evaluation);

(C) Enosburg BF 027-1(24) (replacement of VT 108 BR 49);

(D) Richford STP 034-2()S (replacement of culvert on VT 105 BR 37);

(2) Program Development – Town Highway Bridges:

(A) Bethel BO 1444() (TH 19 BR 35);

(B) Brownington BRO 1449(32) (TH 39 BR 18);

(C) Jamaica BRO 1442(37) (TH 33 BR 31);

(D) Reading BO 1444() (TH 54 BR 28);

(E) Stockbridge BO 1444() (TH 51 BR 30);

(F) Wheelock TH3 9644 (TH 17 BR 20);

(3) Rail – Development and Evaluation: Rutland WCRS(21) (Railyard Relocation).

(4) Rest Areas: Derby IM 091-3(8) (expansion of Derby I-91 rest area).

* * * Discretionary Federal Grants * * *

Sec. 16. 19 V.S.A. § 7(k) is amended to read:

(k) Upon being apprised of the enactment of a federal law which makes provision for a federal earmark or the award of a discretionary federal grant for a transportation project within the State of Vermont, the Agency shall promptly notify the members of the House and Senate Committees on Transportation and the Joint Fiscal Office. Such notification shall include all available summary information regarding the terms and conditions of the federal earmark or grant. ~~For purposes of~~ As used in this section, federal earmark means a congressional designation of federal aid funds for a specific transportation project or program. When the General Assembly is not in session, upon obtaining the approval of the Joint Transportation Oversight Committee, the Agency is authorized to add new projects to the transportation program in order to secure the benefits of federal earmarks or discretionary grants.

* * * Acceptance of Grants * * *

Sec. 17. 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) No original of any grant, gift, loan, or any sum of money or thing of value may be accepted by any agency, department, commission, board, or other part of State government except as follows:

(1) All such items must be submitted to the Governor who shall send a copy of the approval or rejection to the Joint Fiscal Committee through the Joint Fiscal Office together with the following information with respect to said items:

- (A) the source of the grant, gift, or loan;
- (B) the legal and referenced titles of the grant;
- (C) the costs, direct and indirect, for the present and future years related to such a grant;
- (D) the department and/or program which will utilize the grant;
- (E) a brief statement of purpose;

(F) impact on existing programs if grant is not accepted.

(2) The Governor's approval shall be final unless within 30 days of receipt of such information a member of the Joint Fiscal Committee requests such grant be placed on the agenda of the Joint Fiscal Committee, or, when the General Assembly is in session, be held for legislative approval. In the event of such request, the grant shall not be accepted until approved by the Joint Fiscal Committee or the Legislature. The 30-day period may be reduced where expedited consideration is warranted in accordance with adopted Joint Fiscal Committee policies. During the legislative session, the Joint Fiscal Committee shall file a notice with the House and Senate clerks for publication in the respective calendars of any grant approval requests that are submitted by the administration.

(3) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less, or to the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities. The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly.

(4) With respect to acceptance of the original of a federal transportation earmark or of a discretionary federal grant for a transportation project, the provisions of subdivisions (a)(1) and (a)(2) shall apply, except that in addition:

(A) notification of the Governor's approval or rejection shall also be made to the Chairs of the House and Senate Committees on Transportation; and

(B) such grant or earmark shall be placed on the agenda, and shall be subject to the approval, of a committee comprising the Joint Fiscal Committee and the Chairs of the House and Senate Committees on Transportation, if one of the Chairs or a member of the Joint Fiscal Committee so requests.

* * *

* * * State Highways; Detours * * *

Sec. 18. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

The ~~agency~~ Agency shall, except where otherwise specifically provided by law:

* * *

(3) Exercise general supervision of all transportation functions, have the right to direct traffic on all ~~state~~ State highways which are under construction and maintenance, and may close all or any part of a ~~state~~ State highway which is under construction or repair. ~~The agency shall properly mark sections of highway which are closed to traffic, and shall~~ Agency shall maintain detours comprising State or town highways, or both, around closed sections planned closures of State highways in excess of 72 hours. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

Sec. 19. 23 V.S.A. § 1006a is amended to read:

§ 1006a. HIGHWAYS; EMERGENCY CLOSURE

(a) ~~The traffic committee~~ Traffic Committee may close any part or all of any ~~state~~ State highway to public travel to protect the health, safety, or welfare of the public. In such event, ~~the agency of transportation shall properly mark and~~ Agency may maintain a detour comprising State or town highways, or both, around the closed section. If the Agency maintains a detour on a town highway, it shall be responsible for repairing any damage to the town highway caused by the detoured traffic.

* * *

* * * Surplus Property * * *

Sec. 20. 19 V.S.A. § 26 is amended to read:

§ 26. PURCHASE AND SALE OF PROPERTY

(a)(1) Subject to subsection (b) of this section:

(A) The Agency may purchase or lease any land, taking conveyance in the name of the ~~state~~ State, when land is needed in connection with the layout, construction, repair, and maintenance of any State highway, or the reconstruction of the highway.

(B) The Agency may acquire or construct buildings necessary for use in connection with this work.

(C) When any of the land or the buildings acquired or the buildings constructed become no longer necessary for these purposes, the Agency may sell or lease the property.

(2) The proceeds from any sale or lease shall be deposited in the Transportation Fund ~~and~~, unless otherwise required by federal law or

~~regulation, shall be credited to transportation buildings to be used for transportation building projects previously authorized by the General Assembly.~~

* * *

* * * Consolidated Transportation Report * * *

Sec. 21. FINDINGS

The General Assembly finds:

(1) Timely access to accurate and comprehensive information about the State's transportation system and the Agency's activities is necessary for the House and Senate Committees on Transportation to carry out their oversight functions and to develop transportation policy.

(2) Under current law, the Committees receive such information in several different reports.

(3) Requiring the Agency to submit one consolidated transportation system and activities report will facilitate the oversight and policy-setting work of the Committees and better enable the public to evaluate the State's transportation system and the Agency's activities.

Sec. 22. 19 V.S.A. § 42 is amended to read:

§ 42. REPORTS PRESERVED; CONSOLIDATED TRANSPORTATION REPORT

(a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of this section and sections 7(k), 10b(d), 10e(k), 10e(l), 10e(e), 10g, 11f(i), 12a, and 12b(d) of this title shall be preserved absent specific action by the General Assembly repealing the reports or reporting requirements.

(b) Annually, on or before January 15, the Agency shall submit a consolidated transportation system and activities report to the House and Senate Committees on Transportation. The report shall consist of:

(1) Financial and performance data of all public transit systems, as defined in 24 V.S.A. § 5088(6), that receive operating subsidies in any form from the State or federal government, including subsidies related to the Elders and Persons with Disabilities Transportation Program for service and capital equipment. This component of the report shall:

(A) be developed in cooperation with the Public Transit Advisory Council;

(B) be modeled on the Federal Transit Administration's National Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current State policy plan;

(C) show as a separate category financial and performance data on the Elders and Persons with Disabilities Transportation Program;

(D) describe any action the Agency has taken pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards.

(2) Data on pavement conditions of the State highway system that, at a minimum, shall include a pavement condition index that rates the State highway system and the current and historic percentage of State highway pavement mileage that is rated in poor or very poor condition.

(3) A description of the conditions of bridges, culverts, and other structures on the State highway system and on town highways and of the status of the accelerated bridge program.

(4) Department of Motor Vehicle data, including the number of vehicle registrations and licenses issued, revenues by category, transactions by category, commercial motor vehicle statistics, and any other information the Commissioner deems relevant.

(5) A summary of updates to the Agency's strategic plans and performance measurements used in its strategic plans.

(6) A summary of the statuses of aviation, rail, and public transit projects programmed for construction during the previous calendar year.

(7) Data and statistics regarding highway safety, including trends in vehicle crashes and fatalities, traffic counts, and trends in vehicle miles traveled.

(8) An overview of operations and maintenance activities, including winter maintenance statistics, snow and ice control plans, and equipment performance measures.

(9) Data on the miles of State highway paving completed during the previous construction season.

(10) A list of projects for which the construction phase was completed during the most recent construction season.

(11) Such other information that the Secretary determines the Committees on Transportation need to perform their oversight role.

Sec. 23. 19 V.S.A. § 10c is amended to read:

§ 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

* * *

~~(k)(1) The agency shall by January 15 of each year submit a report on the pavement conditions of the state highway system to the house and senate committees on transportation which, at a minimum, shall contain the information, updated to the latest date consistent with the publication date, which is included in the agency's publication entitled "Pavement Management Annual Report 2006." The report in addition shall include information describing the actual historic percentage of state system pavement which is rated as being in poor or very poor condition.~~

~~(2) The agency shall report to the house and senate committees on transportation regarding alternate formats and measurements for this report. [Repealed.]~~

~~(l) The agency shall by January 15 of each year submit a report on the condition of bridges, culverts, and other structures on the state system and town highways to the house and senate committees on transportation. The agency shall report to the house and senate committees on transportation on alternate formats and measurements for this report. [Repealed.]~~

* * *

Sec. 24. 19 V.S.A. § 10e(c) is amended to read:

~~(c) The agency of transportation shall, by January 15 of each year, submit a rail report to the members of the house and senate committees on transportation. The report shall include the status of projects programmed for delivery during the previous calendar year and a summary of any changes to the agency's organizational structure which may affect project delivery. [Repealed.]~~

Sec. 25. 24 V.S.A. § 5092 is amended to read:

§ 5092. REPORTS

~~The Agency of Transportation, in cooperation with the Public Transit Advisory Council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the State or federal government, including subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's National~~

~~Transit Database Program with such modifications as appropriate for the various services and guidance found in the most current state policy plan. The report shall describe any action taken by the Agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. The Agency shall deliver the report to the General Assembly by January 15 of each year. Notwithstanding 2 V.S.A. § 20(d), this annual report shall be produced indefinitely absent specific action by the General Assembly repealing the report. [Repealed.]~~

* * * Vermont Design Standards * * *

Sec. 26. RECOMMENDATIONS TO UPDATE VERMONT STATE DESIGN STANDARDS

(a) Prior to updating the “Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation of Freeways, Roads and Streets” (Vermont State Standards), the Secretary shall establish a multi-disciplinary Stakeholders Group consisting of representatives of public and private sector entities from the various modes of transportation affected by the Vermont State Standards to provide the Agency with critical input in revising the Standards.

(b) Purpose and charge. The Stakeholders Group shall:

(1) Review the current Vermont State Standards and identify areas of the Standards that require modification to be current with state-of-practice transportation facility design, and modifications to be consistent with supplemental design guidance and policies prepared by the Agency since 1997. In fulfilling this primary duty, the Group shall also identify other related Agency standards and guidance that would need to be addressed to align with the revised Vermont State Standards.

(2) Identify barriers, gaps, and opportunities that exist in current Agency design practices, standards, and guidance to address the needs of all transportation modes in a variety of contexts.

(3) Document the opportunities that exist to modify the existing Vermont State Standards to meet current state-of-the-industry practices.

(4) Prepare an implementation plan and associated schedule for addressing the various components of the Vermont State Standards that require modification.

(c) On or before March 15, 2015, the Agency shall submit a written report of the Stakeholder Group findings and recommendations to the House and Senate Committees on Transportation.

* * * Scrap Dealers; Railroad Scrap * * *

Sec. 27. 9 V.S.A. § 3021(8) is added to read:

(8) “Railroad scrap” means any scrap metal consisting primarily of the steel components used in railroad tracks, including rails, joint bars, tie plates, anchors, turnouts, frogs, and spikes. “Railroad scrap” also includes railroad signals and signal components.

Sec. 28. 9 V.S.A. § 3022 is amended to read:

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, AND PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) [Repealed.]

(b) A scrap metal processor may purchase nonferrous scrap, metal articles, ~~and~~ proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) Requires the seller to provide a current government-issued photographic identification that indicates the seller’s full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller’s vehicle, and a description of the items received from the seller.

(B) Requests and, if available, collects documentation from the seller of the items offered for sale, such as a bill of sale, receipt, letter of authorization, or similar evidence that establishes that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who fails to provide documentation pursuant to subdivision (1)(B) of this subsection, the processor:

(A) Submits to the Department of Public Safety no later than the close of the following business day a report that describes the item and the seller’s identifying information required in subdivision (1)(A) of this subsection.

(B) Holds the item for at least 10 days following purchase.

(c) The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor’s normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official

credentials at the scrap metal processor's business location during regular business hours.

* * * Site Plan Review; Access to State Highways * * *

Sec. 29. 24 V.S.A. § 4416 is amended to read:

§ 4416. SITE PLAN REVIEW

(a) As prerequisite to the approval of any use other than one- and two-family dwellings, the approval of site plans by the appropriate municipal panel may be required, under procedures set forth in subchapter 10 of this chapter. In reviewing site plans, the appropriate municipal panel may impose, in accordance with the bylaws, appropriate conditions and safeguards with respect to: the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and other matters specified in the bylaws. The bylaws shall specify the maps, data, and other information to be presented with applications for site plan approval and a review process pursuant to section 4464 of this title.

(b) Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

* * * Survey Plats * * *

Sec. 30. 27 V.S.A. § 1404(a) is amended to read:

(a) Survey plats prepared and filed by municipal and ~~state~~ State government agencies shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5) of this title. Each plat sheet filed under this exemption shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, the scale expressed in engineering units, and the date of compilation. Highway plats or plans filed under this exemption shall also include right-of-way detail sheets and a title sheet.

* * * Proposed Communications Facilities; Notification to Secretary of Transportation * * *

Sec. 31. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

* * *

(e) Notice. No less than 45 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. Upon motion or otherwise, the Public Service Board shall direct that further public or personal notice be provided if the Board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

* * *

* * * Effective Dates * * *

Sec. 32. EFFECTIVE DATES

(a) This section and Secs. 4 (supplemental paving spending), 5 (supplemental appropriation), and 6 (supplemental winter maintenance spending), shall take effect on passage.

(b) All other sections shall take effect on July 1, 2014.

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

Senator Westman, 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 Transportation.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation?, Senator Flory moved to amend the proposal of amendment of the Committee on Transportation, in Sec. 27, 9 V.S.A. § 3021(8), in the first sentence, before the words "railroad tracks" by inserting the following: rolling stock and

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 Transportation, as amended?, Senators Pollina, Cummings and Doyle moved to amend the

proposal of amendment of the Committee on Transportation, by striking out Sec. 3 and the reader assistance thereto in its entirety and inserting in lieu thereof the following:

* * * Bike & Pedestrian Facilities Program * * *

Sec. 3. PROGRAM DEVELOPMENT – BIKE & PEDESTRIAN FACILITIES PROGRAM

If the Cross Vermont Trail Association raises funds sufficient to furnish \$240,911.00 of the \$325,000.00 local match required to construct the Cross Vermont Trail Bridge project (Montpelier – Berlin STP CVRT(2)), the Fiscal Year 2015 Program Development – Bike & Pedestrian Facilities Program shall be amended to authorize spending of \$84,089.00 in transportation funds for construction of the project.

* * * Paving Program * * *

Which was disagreed to.

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

Thereupon, third reading of the bill was ordered.

Message from the House No. 43

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 286. House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington.

H.C.R. 287. House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team.

H.C.R. 288. House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team.

H.C.R. 289. House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center.

H.C.R. 290. House concurrent resolution designating April 2014 as Autism Awareness Month.

H.C.R. 291. House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team.

H.C.R. 292. House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader.

In the adoption of which the concurrence of the Senate is requested.

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 Pugh and others,

H.C.R. 286.

House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington.

By Representative Myers and others,

H.C.R. 287.

House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team.

By Representative Myers and others,

H.C.R. 288.

House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team.

By Representative Campion and others,

By Senators Hartwell and Sears,

H.C.R. 289.

House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center.

By Representative Mook and others,

H.C.R. 290.

House concurrent resolution designating April 2014 as Autism Awareness Month.

By Representative Donaghy,

H.C.R. 291.

House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team.

By Representative Martin and others,

H.C.R. 292.

House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 8, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 53.

TUESDAY, APRIL 8, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

Pledge of Allegiance

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

Rules Suspended; Bill Committed

H. 809.

Appearing on the Calendar for notice, on motion of Senator Hartwell, the rules were suspended and House bill entitled:

An act relating to designation of new town centers and growth centers.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Hartwell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Natural Resources and Energy with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

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. 239.

An act relating to information regarding the rights of landlords and tenants.

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. 54. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 11, 2014, it be to meet again no later than Tuesday, April 15, 2014.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**H. 631.**

House bill entitled:

An act relating to lottery commissions.

Was taken up.

Thereupon, pending third reading of the bill, Senator Collins moved 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. LOTTERY COMMISSION BONUS

(a) Under the State Lottery Commission Lottery Rules and Regulations, the Lottery Commission shall pay a one percent bonus payment to licensed lottery agents who sell any draw game ticket that wins at least \$10,000.00. The one percent bonus payment shall not exceed \$30,000.00, and payment shall be made to lottery agents once the draw game results become official, regardless of whether the ticket is claimed or unclaimed.

(b) On or before July 1, 2015, the Executive Director of the Lottery Commission shall amend the State Lottery Commission Lottery Rules and Regulations to be consistent with the requirements of subsection (a) of this section.

Sec. 2. REPEAL

Sec. 1(a) of this act shall be repealed 45 days after such time as the Lottery Commission has issued a rule updating the State Lottery Commission Lottery Rules and Regulations.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bill Passed**S. 23.**

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

An act relating to access to records in adult protective services investigations.

Bill Passed in Concurrence with Proposal of Amendment**H. 584.**

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

An act relating to municipal regulation of parking lots and meters.

Bill Passed in Concurrence with Proposal of Amendment**H. 872.**

House bill of the following title:

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 27, Nays 0.

Senator Mazza 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, Collins, Doyle, Flory, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Campbell, Cummings, Snelling.

Proposal of Amendment; Consideration Postponed

H. 356.

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

An act relating to prohibiting littering in or on the waters of the State.

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. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing outside a solid waste management facility certified by the Agency of Natural Resources in or on lands or waters of the State.

(2) It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)~~(3) No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil ~~penalty of not more than \$500.00~~ citation under section 8019 of this title. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer

employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile, vessel, or motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, or depositing was done by the ~~driver~~ operator of such snowmobile, vessel, or motor vehicle. Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property.

(d) Revocation of motor vehicle operator's license. The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. If the person that fails to pay the penalty set forth in subsection (b) violated this section while operating a vessel, the Commissioner of Motor Vehicles shall suspend that person's certificate of boating education that is required by 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment.

(e) Revocation of hunting, fishing, or trapping license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting ~~or, fishing, or trapping license, or both,~~ for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~{Deleted.}~~ [Repealed.]

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~{Deleted.}~~ [Repealed.]

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) “Motor vehicle” shall have the same meaning as in 23 V.S.A. § 4(21).

(2) “Snowmobile” shall have the same meaning as in 23 V.S.A. § 3801.

(3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) “Waters” shall have the same meaning as in 10 V.S.A. § 1251(13).

Sec. 2. 1 V.S.A. § 377 is added to read:

§ 377. GREEN UP DAY; RIVER GREEN UP MONTH

(a) The first Saturday in the month of May is designated as Green Up Day.

(b) September of each year is designated as River Green Up Month.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 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, pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy?, on motion of Senator Campbell, consideration of the bill was postponed until the next legislative day.

Proposals of Amendment; Third Reading Ordered

H. 589.

Senator Galbraith, 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. 8, 10 V.S.A. § 4705, in subsection (c), by striking the last sentence in its entirety and inserting in lieu thereof the following:

A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a Class IV road from a sport shooting range, as that term is defined in section 5227 of this title, established before January 1, 2014.

And in subsection (f), after “means roads” and before “shown on” by inserting , including Class IV roads,

Second: By striking out Sec. 15 in its entirety and inserting in lieu thereof two new sections to be numbered Secs. 15 and 16 to read as follows:

* * * Training Hunting Dogs; Raccoon Season * * *

Sec. 15. 10 V.S.A. § 5001 is amended to read:

§ 5001. HUNTING DOGS; FIELD TRAINING

(a) While accompanying the dog, a person may train a hunting dog to hunt and pursue:

(1) ~~Bear~~ bear during the period from June 1 to September 15 and then only from sunrise to sunset;

(2) ~~Rabbits~~ rabbits and game birds during the period from June 1 to the last Saturday in September and then only from sunrise to sunset;

(3) ~~Raccoon~~ raccoon during the period from June 1 ~~to the last Saturday in September at any time of the day or night~~ through any time of day or night on the day before the opening day of raccoon hunting season; and

(4) ~~Bobcat~~ bobcat and fox during the period June 1 to March 15, except during regular deer season as prescribed in section 4741 of this title.

* * *

Sec. 16. EFFECTIVE DATE

(a) This section and Secs. 1–2 (landowner exception; captive hunt; definitions), 3 (license for disabled veteran), 3a (Joint Fiscal Office report on fiscal impact of issuing hunting licenses to disabled veterans), 8 (shooting from or across highway), and 15 (training hunting dogs; raccoon season) shall take effect on passage.

(b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation registration plates report), 11–13(cultural and ceremonial use of bird feathers), and 14 (State Fly-Fishing Fly) shall take effect on July 1, 2014.

(c) Secs. 5–7 (deer season rules) and 9 (conservation plates; proceeds) shall take effect on January 1, 2015.

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

Senator Nitka, for the Committee on Appropriations, 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 pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Natural Resources and Energy?, Senators Mullin and French moved to amend the proposal of amendment of the Committee on Natural Resources and Energy as follows:

First: In the *first* proposal of amendment in Sec. 8, 10 V.S.A. § 4705, in subsection (c), by striking out the last sentence in its entirety and inserting in lieu thereof the following: A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a crossbow ~~over while on or within the traveled portion of a public highway~~ or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a Class IV road from a sport shooting range, as that term is defined in section 5227 of this title, established before January 1, 2014.

Second: And that the Senate further propose to the House to amend the bill in Sec. 5, 10 V.S.A. § 4084(a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) establish open seasons; however, rules regarding taking of deer adopted under this subdivision shall, unless there is a scientific reason not to do so, make provision for: a regular rifle hunting season ~~pursuant to section 4741 of this title and for~~ of no fewer than 16 consecutive days; an archery season; and a muzzle loader season ~~unless there is a scientific reason not to do so~~;

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources and Energy, as amended?, was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Nitka, Campbell and McCormack moved to amend the Senate proposal of amendment as follows:

First: By adding a new section to be numbered Sec. 15a to read as follows:

Sec. 15a. 1 V.S.A. § 509 is amended to read:

§ 509. ~~STATE FOSSIL~~ FOSSILS

(a) The state ~~marine~~ fossil shall be the white whale fossilized skeleton at the University of Vermont's Perkins Geology Museum.

(b) The state ~~terrestrial~~ fossil shall be the Mount Holly mammoth tooth and tusk at the Mount Holly Community Historical Museum.

Second: In Sec. 16, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation registration plates report), 11–13 (cultural and ceremonial use of bird feathers), 14 (State Fly-Fishing Fly), and 15a (State Fossils) shall take effect on July 1, 2014.

Which were collectively agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 27, 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, Bray, Campbell, Collins, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Cummings, Flory, Snelling.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 9, 2014.

WEDNESDAY, APRIL 9, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Brad Keller of South Royalton.

Message from the House No. 44

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 881. An act relating to approval of the adoption and the codification of the charter of the Town of Westford.

H. 889. An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws.

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. 296. An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities.

And has passed the same in concurrence.

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

S. 86. An act relating to miscellaneous changes to election laws.

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 Senate proposals of amendment to the following House bills:

H. 583. An act relating to the charge of the Vermont Child Poverty Council.

H. 676. An act relating to regulation of land uses within flood hazard areas.

And has severally concurred therein.

Message from the House No. 45

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 740. An act relating to transportation impact fees.

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

Rules Suspended; Bill Committed**H. 329.**

Pending entry on the Calendar for notice, on motion of Senator Starr, the rules were suspended and House bill entitled:

An act relating to use value appraisals.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Agriculture, Senator Starr moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Natural Resources and Energy with the report of the Committee on Agriculture *intact*,

Which was agreed to.

Bills Referred

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

H. 740.

An act relating to transportation impact fees.

To the Committee on Rules.

H. 881.

An act relating to approval of the adoption and the codification of the charter of the Town of Westford.

To the Committee on Rules.

H. 889.

An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws.

To the Committee on Rules.

Committee Relieved of Further Consideration; Bills Committed

On motion of Senator Baruth, the Committee on Rules was relieved of further consideration of House bills entitled:

H. 740.

An act relating to transportation impact fees,
and the bill was committed to the Committee on Transportation.

H. 790.

An act relating to Reach Up eligibility,
and the bill was committed to the Committee on Health and Welfare.

H. 876.

An act relating to making miscellaneous amendments and technical corrections to education laws,
and the bill was committed to the Committee on Education.

Committee Relieved of Further Consideration**S. 202.**

On motion of Senator Baruth, the Committee on Rules was relieved of further consideration of Senate bill entitled:

An act relating to the energy efficiency charge,

Thereupon, under the rule, the bill was ordered placed on the Calendar for notice the next legislative day.

**House Proposals of Amendment to Senate Proposals of Amendment
Concurred In****H. 609.**

House proposals of amendment to Senate proposals of amendment to House bill entitled:

An act relating to terminating propane service.

Were taken up.

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

In Sec. 1, 9 V.S.A. § 2461b as follows:

First: By striking out subdivision (a)(1)(A) and inserting in lieu thereof a new subdivision (a)(1)(A) to read:

(A) “Consumer” means any person who, for consumption and not for resale, purchases propane ~~for consumption and not for resale~~ through a meter or has propane delivered to one or more storage tanks of 2,000 gallons or less.

Second: In subdivision (a)(1)(C)(i), after “locks off” and before “propane tank” by striking “its” and inserting in lieu thereof that seller’s.

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

Message from the House No. 46

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 757. An act relating to exemptions to the Public Records Act.

H. 888. An act relating to approval of amendments to the charter of the Town of Milton.

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

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

J.R.S. 47. Joint resolution relating to the approval of State land transactions.

J.R.S. 54. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Baruth, the Senate adjourned until ten o’clock and twenty-five minutes in the morning.

THURSDAY, APRIL 10, 2014

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. 871.**

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 miscellaneous pension changes.

Bills Referred

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

H. 757.

An act relating to exemptions to the Public Records Act.

To the Committee on Rules.

H. 888.

An act relating to approval of amendments to the charter of the Town of Milton.

To the Committee on Rules.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 51. Joint resolution providing for a Joint Assembly for the election of a successor legislative Trustees of the University of Vermont and State Agricultural College to fill the vacancy created by the resignation of Representative Sarah E. Buxton of Tunbridge.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and forty-five minutes in the morning, the President assumed the Chair.

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.

Proposals of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 589.

House bill entitled:

An act relating to hunting, fishing, and trapping.

Was taken up.

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

First: By striking out the *second* proposal of amendment in its entirety and inserting in lieu thereof the following new proposal of amendment:

Second: In Sec. 8, 10 V.S.A. § 4705, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:

(1) the sport shooting range was established before January 1, 2014; and

(2) the operators of the sport shooting range post signage warning users of the public highway of the potential danger from the sport shooting range.

and in subsection (f), after “means roads” and before “shown on” by inserting , including Class 4 roads,

Second: By striking out the *fifth* proposal of amendment in its entirety and inserting in lieu thereof three new proposals of amendment to read as follows:

Fifth: By striking out Sec. 3a (JFO report on hunting licenses for disabled veterans) in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Sixth: By striking out Sec. 10 (conservation registration plates) in its entirety and inserting in lieu thereof the following:

Sec. 10. [Deleted.]

Seventh: By adding a new section to be numbered Sec. 16 to read as follows:

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 1–2 (landowner exception; captive hunt; definitions), 3 (license for disabled veteran), 8 (shooting from or across highway), and 15 (training hunting dogs; raccoon season shall take effect on passage).

(b) Secs. 4 (migrating game bird harvest numbers), 11–13 (cultural and ceremonial use of bird feathers), 14 (State Fly-Fishing Fly), and 15a (State Fossils) shall take effect on July 1, 2014.

(c) Secs. 5–7 (deer season rules) shall take effect on January 1, 2015.

(d) Sec. 9 (conservation plates; proceeds) shall take effect 90 days after the Commissioner of Motor Vehicles issues three new conservation registration plates under 23 V.S.A. § 304b for use by the public.

Which was agreed to.

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

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

Sec. 15b. 1 V.S.A. § 518 is added to read:

§ 518. STATE REPTILE

The State Reptile shall be the Painted Turtle.

Second: In Sec. 16 (Effective Dates), by striking out subsection (b) and inserting in lieu thereof a new subsection (b) to read:

(b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation registration plates report), 11–13 (cultural and ceremonial use of bird feathers), 14 (State Fly-Fishing Fly), 15a (State Fossils) and 15b (State Reptile) shall take effect on July 1, 2014.

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Consideration Resumed; Proposal of Amendment; Third Reading Ordered

H. 356.

Consideration was resumed on Senate bill entitled:

An act relating to prohibiting littering in or on the waters of the State.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by the Committee on Natural Resources?, Senator Rodgers moved that the proposal of the Committee on Natural Resources and Energy be amended in Sec. 1, 24 V.S.A. § 2201, by striking out subdivision (a)(1) and inserting in lieu thereof a new subdivision (a)(1) to read as follows:

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources.

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed by the Committee on Natural Resources, as amended?, was agreed to and third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered

H. 123.

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

An act relating to Lyme disease and other tick-borne illnesses.

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

First: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. POLICY STATEMENT

A policy statement clearly communicating the following shall be issued by the Vermont State Board of Medical Practice to physicians licensed pursuant

to 26 V.S.A. chapter 23 and to physician assistants licensed pursuant to 26 V.S.A. chapter 31; the Vermont Board of Osteopathic Physicians to physicians licensed pursuant to 26 V.S.A. chapter 33; the Office of Professional Regulation to naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81; and the Vermont Board of Nursing to advanced practice registered nurses licensed pursuant to 26 V.S.A. chapter 28:

(1) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall document the basis for diagnosis of and treatment for Lyme disease, other tick-borne illness, or coinfection in a patient's medical record;

(2) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent regarding the potential inaccuracy of a diagnostic Lyme disease test prior to its administration;

(3) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent in writing prior to administering any proposed long-term treatment for Lyme disease, other tick-borne illness, or coinfection; and

(4) the Board or Office of Professional Regulation shall not pursue disciplinary action against a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, solely for the use of medical care recognized by the guidelines of the Centers for Disease Control and Prevention, Infectious Diseases Society of America, or International Lyme and Associated Diseases Society for the treatment of a patient's symptoms when the patient is clinically diagnosed with Lyme disease or other tick-borne illness; however, this does not preclude discipline for errors, omissions, or other unprofessional conduct when practicing within such guidelines.

Second: By adding a new section to be numbered Sec. 4 to read as follows:

Sec. 4. REPORT

On or before January 15, 2016, the Commissioner of Health shall report to the House Committee on Health Care and to the Senate Committee on Health and Welfare on the following:

(1) the trends in the spread of Lyme disease and other tick-borne illnesses throughout Vermont, including a description of the surveillance criteria used in evaluating the spread of these diseases; and

(2) the Department of Health's public education initiatives to date regarding the prevention and treatment of Lyme disease and other tick-borne illnesses, including an assessment of each initiative's effectiveness.

And by renumbering the remaining section 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, the proposals of amendment were collectively agreed to, and third reading of the bill was ordered on a roll call, Yeas 27, Nays 0.

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: Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Flory, French, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Doyle, Galbraith, Mullin.

Proposals of Amendment; Third Reading Ordered

H. 373.

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

An act relating to updating and reorganizing Title 33.

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

First: In Sec. 112, 15 V.S.A. § 1140(b), in subdivisions (10) and (13), by striking out “Network Against Domestic Violence and Sexual Assault” and inserting in lieu thereof Network Against Domestic and Sexual Violence

Second: In Sec. 135, effective dates, after the following: “§ 4809)” by inserting the word shall

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

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

**House Proposal of Amendment Not Concurred In; Committee of
Conference Requested**

S. 86.

House proposal of amendment to Senate bill entitled:

An act relating to miscellaneous changes to election laws.

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:

* * * Offenses Against the Purity of Elections * * *

Sec. 1. 17 V.S.A. chapter 35 is amended to read:

Subchapter 1. Penalties Upon Officers

§ 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

A presiding officer in a ~~town, village, or school district meeting or in a~~ local, primary, or general election who knowingly receives and counts a vote from a person not a qualified voter or knowingly receives from a voter, at any one balloting for the same office, more than one vote; shall be fined not more than \$100.00 if the offense is committed in a ~~town, village, or school district meeting;~~ local election and not more than \$500.00 if in a primary or general election.

§ 1932. COUNTING AND TURNING BALLOT BOXES BEFORE PROPER TIME

A presiding officer at a primary or general election; who allows the ballots for representative to the ~~general assembly~~ General Assembly, state senator, or state, county, or congressional officers to be counted or the ballot box containing the same to be turned before the hour set by the ~~legislative branch~~ Legislative Branch for closing the polls shall be fined not more than ~~\$100.00~~ \$200.00 nor less than \$20.00.

§ 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

~~A~~ Except as otherwise provided by this title, a public officer upon whom a duty is imposed by the provisions of this title; who ~~wilfully~~ willfully neglects to perform such duty or who ~~wilfully~~ willfully performs it in such a way as to hinder the object of the provisions of this title; shall be fined not more than \$500.00; ~~but the provisions of this section shall not apply to a public officer upon whom a duty is imposed by the provisions of chapter 9, section 571 of chapter 11, and chapter 13 of this title, the nonperformance of which is an offense under either of such chapters.~~

Subchapter 2. Penalties Upon Voters

§ 1971. CASTING MORE THAN ONE BALLOT

A legal voter who knowingly casts more than one ballot at any one time of balloting for the same office shall be fined not more than \$1,000.00; if the offense is committed at a primary or general election; and not more than \$100.00; if committed ~~in town meeting~~ at a local election.

§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

(a) A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote or makes a false statement to the presiding officer at an election as to his or her inability to mark his or her ballot or places a distinguishing mark on his or her ballot; or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$1,000.00.

(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.

§ 1973. VOTING IN MORE THAN ONE PLACE

A person who, on the same day, votes in more than one town, district, or ward for the same office shall be fined not more than \$1,000.00.

§ 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER ~~TOWN~~ POLITICAL SUBDIVISION

A person who is a resident and entitled to vote in a ~~town~~ political subdivision in which a checklist of voters has been made previous to an election, whose name, through his or her neglect, is not entered thereon, who votes in another ~~town~~ political subdivision at such election; shall be fined not more than \$200.00.

Subchapter 3. Miscellaneous

§ 2011. PERJURY BEFORE BOARD MAKING CHECKLIST

A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority or town clerk in revising the checklist as provided in this title shall be guilty of perjury and imprisoned not more than 15 years ~~and~~ or fined not more than \$1,000.00, or both.

§ 2012. PROCURING CHANGE IN LIST WRONGFULLY

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters,

knowing such person not to be a voter in the ~~town~~ political subdivision for which such list is made or, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be erased from such list, knowing him or her to be a legal voter in such ~~town~~ political subdivision, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2013. FALSE ANSWER AS TO RIGHT TO VOTE

A person who knowingly gives a false answer or information to the presiding officer at a local, primary, or general election or to the authority present to decide upon the qualifications of voters, touching a person's right to vote at such election, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2014. UNQUALIFIED PERSON VOTING

A person, knowing that he or she is not a qualified voter, who votes at a ~~town, village, or school district meeting or a~~ local, primary, or general election for an officer to be elected at ~~such meeting or that~~ election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2015. FRAUDULENT VOTING

A person who personates another, living or dead, and gives or offers to give a vote in the name of ~~such~~ that other person or gives or offers to give a vote under a fictitious name at a ~~town, village, or school district meeting or a~~ local, primary, or general election; for an officer to be elected at ~~such meeting or that~~ election; shall be imprisoned not more than one year or fined not more than ~~\$100.00~~ \$200.00, or both.

§ 2016. AIDING UNQUALIFIED VOTER TO VOTE

A person who ~~willfully~~ willfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a local, primary, or general election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2017. UNDUE INFLUENCE

A person who attempts by bribery, threats, or any undue influence to dictate, control, or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election shall be fined not more than \$200.00.

§ 2018. USING INTOXICATING LIQUOR TO INFLUENCE VOTES

A person who, directly or indirectly, gives intoxicating liquor to a freeman or freewoman with intent to influence his or her vote at ~~an~~ a local, primary, or general election ~~specified in section 2017 of this title~~ or as a reward for voting as previously directed; shall be fined not more than \$200.00.

§ 2019. DESTROYING LISTS; HINDERING VOTING

A person who, prior to ~~an~~ a local, primary, or general election, willfully defaces or destroys any list of candidates posted in accordance with law or, during ~~an~~ that election, willfully defaces, tears down, removes, or destroys any card posted for the instruction of voters or, during ~~an~~ that election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his or her ballot or willfully hinders the voting of others; shall be fined ~~\$50.00~~ \$200.00.

§ 2020. ~~OFFENSES APPLYING TO PRIMARY ELECTIONS~~

~~The provisions of sections 1972-1974 and 2011-2019 of this title shall apply to primary elections held under the provisions of chapter 9 of this title and the word "officer" or "officers," when used in any of such sections to designate a person or persons to be voted for at an election, shall include a candidate or candidates for nomination by primary election. [Repealed.]~~

§ 2021. ~~DESTROYING CERTIFICATES OF NOMINATION PRIMARY ELECTION DOCUMENTS; ALTERATION OR DELAY OF BALLOTS~~

A person who falsely makes or willfully defaces or destroys a primary petition, certificate of nomination, or nomination paper or any part thereof, or any letter of assent or of withdrawal, or who files a primary petition, a certificate of nomination, nomination paper, letter of assent, or letter of withdrawal; knowing the same or any part thereof to be falsely made, or who suppresses a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal or any part thereof; which has been filed, or forges or falsely makes the official ~~indorsement~~ endorsement upon a ballot to be used at a primary or at an election or willfully destroys or defaces such a ballot or willfully delays the delivery of such ballots; shall be fined ~~\$100.00~~ \$200.00.

* * * Definitions * * *

Sec. 2. 17 V.S.A. § 2103 is amended to read:

§ 2103. DEFINITIONS

As used in this title, unless the context or a specific definition requires a different reading:

* * *

(4) "Australian ballot system" means the technique of having the polls open for voting on specified and warned matters during a warned, extended period which may be during or after a municipal meeting, or both. An "Australian ballot" means a uniformly printed ballot, typically confined to the

secret vote election of specified offices as previously warned to be voted upon by the Australian ballot system. The term “Australian ballot” includes any ~~voting machines~~ ballots counted by a vote tabulator approved for use in any election so conducted in the ~~state~~ State.

* * *

(24) “Political subdivision” means any county, municipality (including cities, towns, and villages), representative district, senatorial district, school district, fire district, water, sewer or utility district, ward, and any consolidation of the foregoing entities authorized under the laws of this ~~state~~ State.

* * *

(35) “Town clerk” means a town officer elected pursuant to ~~24 V.S.A. § 712(2)~~ section 2646 of this title or otherwise elected or appointed by law and performing those duties prescribed by 24 V.S.A. chapter 35.

* * *

(41) “Voter registration agency” or “agency” means all state offices that provide public assistance, all state offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, any federal and nongovernmental offices that have agreed to be designated by the ~~secretary~~ Secretary as a voter registration agency, and any state or local agency designated by the ~~secretary~~ Secretary as a voter registration agency. State and local agencies designated by the ~~secretary~~ Secretary may include: the ~~departments of taxes and unemployment compensation~~, Departments of Taxes and of Labor and offices that provide services to persons with disabilities other than those that provide state-funded programs primarily engaged in providing services to persons with disabilities.

* * *

(43) “Vote tabulator” means a machine that registers and counts paper ballots and includes optical scan tabulators.

* * * Revisions of Checklists and Voter Registration * * *

Sec. 3. 17 V.S.A. chapter 43, subchapter 2 is amended to read:

Subchapter 2. Registration of Voters

§ 2141. POSTING OF CHECKLIST

(a) At least 30 days before any local, primary, or general election the town clerk shall cause copies of the most recent checklist of the persons qualified to vote to be posted in two or more public places in the ~~town~~ political subdivision in addition to being posted at the town clerk’s office; however, in a town having a population of less than 5,000 qualified voters, only one checklist in addition to the one posted in the town clerk’s office need be posted.

(b) Upon the checklist shall be stated against the name of each voter, if possible, the street and number of each voter's residence; and otherwise the mailing address of each voter's residence. ~~The town clerk shall make available a copy of the list, together with lists of corrections and additions when made, to the chair of each political party in the town, upon request, free of charge.~~ Additions or amendments to the checklist may be attached to the checklist by means of a separate list. ~~Copies of the list shall be made available to other persons at cost, and~~

(c) The town clerk shall make available a copy of the list, together with lists of corrections and additions when made:

(1) to the chair of each political party in the political subdivision, upon request, free of charge;

(2) to officers with whom primary petitions are filed under section 2357 of this title, free of charge; and

(3) to any other person, upon request, at cost.

§ 2142. REVISION OF CHECKLIST

(a) The town clerk shall call such meetings of the board of civil authority as may be necessary before an election or at other times for revision of the checklist. At least one meeting shall take place after the deadline for filing applications and before the day of an election, unless no applications have been filed which could take effect before that election.

(b) Notice of a meeting, along with a copy of the most recent checklist and a separate list of names which have been challenged and may be removed, shall be posted in two or more public places within each voting district and ~~lodged~~ in the town clerk's office.

(c) A quorum of the board of civil authority shall be as provided in subdivision 2103(5) of this title, and written notice shall be provided to each member as established in 24 V.S.A. § 801.

§ 2143. POLITICAL REPRESENTATION ON BOARD OF CIVIL AUTHORITY

(a) If the board of civil authority of any political subdivision does not contain at least three members of each major political party; and the party committee or at least three voters request increased representation for an underrepresented major political party; by filing a written request with the clerk of the political subdivision, the legislative body shall appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party's membership on the board to three. A person's name shall not be submitted unless he or she consents to serve if appointed.

(b) The persons so appointed shall have the same duties and authority with respect to elections as have other members of the board; ~~they, but those persons~~ shall have no authority with respect to functions of the board of civil authority which are not related to elections.

* * *

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK

(a) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter ~~and section 2103 of this title~~. Once approved, application information shall be added to the statewide voter checklist on an expedited basis. If an applicant has failed upon the date of the election to provide any information required upon the application form pursuant to section 2145 of this title, the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.

* * *

§ 2145. APPLICATION FORMS

* * *

(c) A board of civil authority or town clerk may not require a person to complete any form other than that approved under subsection (a) of this section or section 2145a of this title; nor may the board of civil authority or the town clerk require all applicants or any particular class or group of applicants to appear personally before a meeting of the board or routinely or as a matter of policy require applicants to submit additional information to verify or otherwise support the information contained in the application form.

(d) When the board of civil authority acts on an application to add a name to the checklist, it or, upon request of the board, the town clerk shall notify the applicant by returning one copy of the completed application to the applicant and shall send one copy of the completed application to the town in which the applicant was last registered to vote, whether within or without the ~~state~~ State of Vermont, before adding the applicant's name and mailing address to the checklist. The original application shall be filed in the office of the town clerk.

* * *

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

* * *

(d) The ~~department of motor vehicles~~ Department of Motor Vehicles shall transmit voter registration applications received under this section to the

* * *

Cause for rejection:

- (a) AGE:
- (b) CITIZENSHIP:
- (c) VOTER'S OATH:
- (d) RESIDENCE:

The Board of Civil Authority will meet on the day of, 20, at o'clock at the following location: to reconsider your application and give you an opportunity to appear before the Board. You may present any information or witnesses you wish at that time, or you may appeal directly to any superior or district judge in this county or district.

.....
Town Clerk or Chairman of Board
of Civil Authority

(c) If the notice required under subsection (b) of this section is returned undelivered, the board of civil authority shall proceed to remove the person's name from the checklist in the manner set forth in section 2150 of this title.

§ 2147. ALTERATION OF CHECKLIST

(a) Pursuant to section 2150 of this title, the board of civil authority or, upon request of the board, the town clerk shall add to the checklist posted in the town clerk's office the names of the voters added and the names omitted by mistake; and shall strike the names of persons not entitled to vote. The list so corrected shall not be altered except by:

(1) adding the names of persons as directed by any superior or district judge on appeal;

(2) adding the names of persons who are legal voters at the election but whose names are further discovered to be omitted from the completed checklist solely through inadvertence or error;

(3) adding the names of persons who present a copy of a valid application for addition to the checklist of that town that was submitted before the deadline for applications and who otherwise are qualified to be added to the checklist;

(4) adding, at the polling place, the names of persons who sign a sworn affidavit prepared by the ~~secretary of state~~ Secretary of State that they completed and submitted a valid application for addition to the checklist of that town before the deadline for applications and who otherwise are qualified to be added to the checklist;

(5) subdividing the checklist as provided in section 2501 of this title, including the transfer of names of voters who have moved within a town in which they are already registered from one voting district within that town to another; or

(6) adding the names of persons who submitted an incomplete application before the deadline for application; and who provide that information on or before election day.

(b) Any correction or transfer may be accomplished at any time until the closing of the polls on election day. Each voter has primary responsibility to ascertain that his or her name is properly added to and retained on the checklist.

* * *

§ 2150. REMOVING NAMES FROM CHECKLIST

(a) When a voter from one ~~town~~ political subdivision becomes a resident of another ~~town~~ political subdivision and is placed on the checklist there, the town clerk shall send one copy of the voter registration application form or other official notice to the clerk of the ~~town~~ political subdivision where the voter was formerly a resident, and that clerk shall strike the voter's name from the checklist of that ~~town~~ political subdivision. Likewise, when a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the ~~department of motor vehicles~~ Department of Motor Vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist. A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom the board believes may be deceased, may have moved from the municipality, or may be registered in another place and may remove names of persons no longer qualified to vote. However, the board shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section, and any systematic program for removing names from the checklist shall be completed at least 90 days before an election.

(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority or the town clerk is unable to determine under subdivisions (d)(1) and (2) of this

section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is. The board of civil authority may consider and rely upon official and unofficial public records and documents, including ~~but not limited to,~~ telephone directories, city directories, newspapers, death certificates, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years. The board of civil authority may also designate one or more persons to attempt to contact the voter personally. Any voter whom the board of civil authority finds through such inquiry to be eligible to remain on the checklist shall be retained without further action being taken. The name of any voter proven to be deceased shall be removed from the checklist.

(3) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with the required United States Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the

change was within the area covered by the checklist, the voter should return the form to the town clerk's office on or before the date upon which the checklist is closed under section 2144 of this title. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(B) Information concerning how the voter can register to vote in another state or another municipality within this ~~state~~ State.

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

* * *

* * * Party Organization * * *

Sec. 4. 17 V.S.A. § 2321 is amended to read:

§ 2321. REPRESENTATIVE DISTRICT COMMITTEE

The "representative district committee" of a party shall consist of those members of the town committee residing in a representative district, ~~as finally established by the legislative apportionment board~~. A representative district committee may encompass less than an entire town or may extend across town lines. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least five days written notice to all other members; thereafter, the committee shall meet at the call of the chair.

* * * Nominations * * *

Sec. 5. 17 V.S.A. § 2351 is amended to read:

§ 2351. PRIMARY ELECTION

A primary election shall be held on the ~~fourth~~ first Tuesday in August in each even-numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for ~~president~~ President and ~~vice-president~~ Vice President of the United States, their electors, and justices of the peace.

Sec. 6. 17 V.S.A. § 2356 is amended to read:

§ 2356. TIME FOR FILING PETITIONS AND STATEMENTS OF NOMINATION

(a) Primary petitions for major party candidates and statements of nomination ~~from for~~ for minor party candidates and independent candidates shall be filed no sooner than the ~~second Monday in May~~ fourth Monday in April and not later than 5:00 p.m. on the ~~second Thursday after the first Monday in June~~ third Thursday after the first Monday in May preceding the primary election prescribed by section 2351 of this title; and not later than 5:00 p.m. of the 62nd day prior to the day of a special primary election.

(b) Statements of nomination for independent candidates shall be filed no sooner than the fourth Monday in April and not later than three days after the date of the primary election as set forth in section 2351 of this chapter.

(c) A petition or statement of nomination shall apply only to the election cycle in which the petition or statement of nomination is filed.

Sec. 7. 17 V.S.A. § 2358 is amended to read:

§ 2358. EXAMINING PETITIONS, SUPPLEMENTARY PETITIONS

(a) The officer with whom primary petitions are filed shall examine them and ascertain whether they contain a sufficient number of legible signatures. The officer shall not attempt to ascertain whether there are a sufficient number of signatures of actual voters, however, unless the officer has reason to believe that the petitions are defective in this respect.

(b) If found not to conform, he or she shall state in writing on a particular petition why it cannot be accepted, and within 72 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than ~~40~~ five days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the required number were not received by the filing deadline.

(c) A signature shall not count for the purpose of meeting the requirements of section 2355 of this title if the officer with whom primary petitions are filed:

(1) cannot identify the name of the person who signed; or

(2) if necessary, determines that the person is not on the checklist of the town which the person indicates as his or her town of residence.

(d) An officer with whom primary petitions may be filed may obtain from the appropriate town clerks certified copies of current checklists as needed to verify the adequacy of primary petitions; ~~town.~~ Town clerks who are asked by

a filing officer to furnish certified copies of checklists for this purpose shall furnish the copies promptly and without charge.

Sec. 8. 17 V.S.A. § 2368 is amended to read:

§ 2368. CANVASSING COMMITTEE MEETINGS

After the primary election is conducted;

(1) the canvassing committee for state and national offices and statewide public questions shall meet at 10 a.m. ~~one week on the second Tuesday~~ after the day of the election. ~~The;~~

(2) the canvassing committee for county offices and countywide public questions and state senator shall meet at 10 a.m. on the third day following the election. ~~The; and~~

(3) the canvassing committees for local offices and local public questions, including state representative, shall meet at 10 a.m on the day after the election, except that in the case of canvassing committees for state representative in multi-town representative districts, the committees shall meet at 10 a.m. on the third day after the election.

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

A write-in candidate shall not qualify as a primary winner unless he or she receives at least one-half the number of votes as the number of signatures required for his or her office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, he or she may qualify as a primary winner. The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this title before he or she becomes the party's candidate in the general election.

Sec. 10. 17 V.S.A. § 2413 is amended to read:

§ 2413. NOMINATION OF JUSTICES OF THE PEACE

(a)(1) The party members in each town, on or before ~~the first Tuesday of August in each even-numbered year~~ each primary election, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace.

(2) The committee shall give notice of the caucus ~~as provided in subsection (d) of this section and the chairman~~ by posting notice at the office of the town clerk and two other public places in the town at least five days prior to the caucus. In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus in a

newspaper of general circulation within the town and on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) The chair and secretary of the committee shall file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.

(b) If it does not hold a caucus as provided in subsection (a) of this section, the town committee shall meet and nominate candidates for justices of the peace as provided in sections 2381 through 2385 of this title. At least three days prior to this meeting, the town committee shall provide notice of the meeting by e-mailing or mailing committee members and by posting notice of the meeting in the office of the town clerk and in two other public places in the town.

(c) In any town in which a political party has not formally organized, any three members of the party who are voters in the town may call a caucus to nominate candidates for justice of the peace by giving notice as required in subsection ~~(d)~~ (b) of this section. Upon meeting, the caucus shall first elect a ~~chairman~~ chair and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace, and cause its ~~chairman~~ chair and secretary to file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.

~~(d) When a caucus is held to nominate candidates for justice of the peace, the town committee or other persons calling the caucus shall post the notice of caucus in at least three public places in the town, not less than seven days before the date of the caucus; in towns having a population of more than 1,000, they shall also publish the notice of caucus in a newspaper having general circulation in the town, not less than three days before the date of the caucus. [Repealed.]~~

* * * Standardized Ballots and Vote Tabulators * * *

Sec. 11. 17 V.S.A. § 2362 is amended to read:

§ 2362. PRIMARY BALLOTS

(a) The ballots shall be prepared and furnished to the towns by the ~~secretary of state~~ Secretary of State and shall contain the names of all candidates for nomination at the primary. Ballots shall be printed on index stock and configured to be readable by vote tabulators. A separate ballot for each major political party ~~in the same format as is used for optical scan tabulator ballots~~ shall be printed in substantially the following form:

OFFICIAL VERMONT PRIMARY ELECTION BALLOT
VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT BOX
OR VOTE TABULATOR
ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED
BALLOT BOX

[MAJOR POLITICAL PARTY NAME]

Instructions to voters: To vote for a candidate whose name is printed on the ballot, mark a cross (X) or fill in the oval at the right of that person's name ~~and party designation~~. To vote for a candidate whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block. When there are two or more persons to be elected to one office, you may vote for any number of candidates up to and including the maximum number.

(b) Following the names of candidates printed on the ballot after the name of each office to be filled, shall be as many blank lines for write-in candidates as there are persons to be elected to that office. If no primary petition is filed for an office or for a candidate belonging to a party, the ballot shall contain the name of the office and blank lines for write-in candidates.

Sec. 12. 17 V.S.A. § 2363 is amended to read:

§ 2363. SEPARATE PARTY BALLOTS

(a) The names of all candidates of a party shall be printed upon one ballot. Each section shall bear in print larger than any other print on the ballot the words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID in a prominent place on the ballot. The voter shall vote for the candidates of one party only. A person voting at the primary shall not be required to indicate his party choice to any election official.

(b) ~~All voting machines used in primary elections shall be so equipped that the voter can cast his or her vote for candidates within one party only, and without disclosing the party for whose candidates he or she is casting his or her vote.~~ [Repealed.]

Sec. 13. 17 V.S.A. § 2471 is amended to read:

§ 2471. GENERAL ELECTION BALLOT

(a)(1) A consolidated ballot shall be used at a general election, which shall list the several candidates for the offices to be voted upon. ~~The offices of president and vice president of the United States, United States senator, United~~

~~States representative, governor, lieutenant governor, state treasurer, secretary of state, auditor of accounts, attorney general, state senator, representative to the general assembly, judge of probate, assistant judge, state's attorney, sheriff, and high bailiff shall be listed in that order.~~ The offices of President and Vice President of the United States, U.S. Senator, U.S. Representative, Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, Attorney General, State Senator, Representative to the General Assembly, Judge of Probate, Assistant Judge, State's Attorney, Sheriff, and High Bailiff shall be listed in that order. Any statewide public question shall also be listed on the ballot, before the listing of all offices to be filled.

(2) The ballot shall be prepared at state expense under the direction of the ~~secretary of state~~ Secretary of State. The color of the ballot shall be determined by the ~~secretary of state~~ Secretary of State. The printing shall be black. Ballots shall be printed on index stock and configured to be readable by vote tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space.

* * *

Sec. 14. 17 V.S.A. § 2472 is amended to read:

§ 2472. CONTENTS

* * *

(b)(1) Each office to be voted upon shall be separately indicated and preceded by the word "For", as: "For United States Senator." Beneath the office to be voted upon shall appear the instructions: "Vote for not more than (the number of candidates to be elected)."

(2) The names of the candidates for each office shall be listed in alphabetical order by surname followed by the candidate's town of residence, and the party or parties by which the candidate has been nominated, or in the case of independent candidates who have not chosen some other name or identification, by the word "Independent."

(3) To the right of the party designation shall be an oval in which the voter may indicate his or her choice by making a cross (X) or filling in the oval if tabulators are being used.

(4) ~~No~~ A candidate's name shall not appear on the ballot more than once for any one office.

* * *

(d) ~~The ballot shall be printed in the same format as required for optical scan tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space. [Repealed.]~~

(e) When an article is to be voted on and the legislative body determines that the article is too long or unwieldy to show in full on the ballot, it shall be sufficient for the ballot to show the article by the number and title for that article as they were listed in the warning for the election. However, the complete article shall be posted in a conspicuous place within each voting booth.

Sec. 15. 17 V.S.A. § 2474 is amended to read:

§ 2474. CHOICE OF PARTY

(a)(1) A person nominated by any means for the same office by more than one political party may elect, not later than the ~~second~~ first Friday following the primary election ~~may elect~~, the party or parties in which the nominee will be a candidate. The nominee shall notify in writing the ~~secretary of state~~ Secretary of State or town clerk, as the case may be, of such choice, and only the party or parties which the nominee so elects shall be printed next to the nominee's name on the ballot.

(2) If the nominee does not notify the Secretary of State or the town clerk of his or her choice of party, the Secretary of State shall print on the ballot those parties next to the nominee's name by listing major parties first in a manner to be determined by the Secretary of State.

(b) A candidate for state or congressional office who is the nominee of two or more political parties shall file with the ~~secretary of state~~ Secretary of State, not later than the ~~second~~ first Friday following the primary election, a statement designating for which party the votes cast for him or her shall be counted for the purposes of determining whether his or her designated party shall be a major political party. The party so designated shall be the first party to be printed immediately after the candidate's name on the ballot. If a candidate does not file the statement before the second Friday following the primary, the ~~secretary of state~~ Secretary of State shall designate by lot the party to be printed immediately after the candidate's name.

Sec. 16. 17 V.S.A. § 2478 is amended to read:

§ 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND FURNISHED

* * *

(e) ~~No voting shall occur in any general election which does not use printed ballots. [Repealed.]~~

Sec. 17. 17 V.S.A. § 2481 is added to read:

§ 2481. PRINTED BALLOTS REQUIRED

Except in the case of voice votes from the floor or voting at a floor meeting by paper ballot at a local election, no voting shall occur in any local, primary, or general election which does not use printed ballots.

Sec. 18. 17 V.S.A. chapter 51, subchapter 3 is amended to read:

Subchapter 3. ~~Voting Machines~~ Vote Tabulators

§ 2491. POLITICAL SUBDIVISION MAY USE VOTING MACHINES SUBDIVISIONS; VOTE TABULATORS

(a) A town may vote at any annual or special meeting to employ ~~electronic devices (“voting machines”)~~ vote tabulators for the registering and counting of votes in subsequent elections. ~~Voting machines may be used in combination with the paper ballots described in the preceding subchapter, so that each voter may choose whether to use a paper ballot or a voting machine to cast his or her vote, if the town so votes.~~

(b)(1) The Office of the Secretary of State shall pay the following costs associated with this section by using federal Help America Vote Act funds, as available:

(A) full purchase and warranty cost of vote tabulators, ballot boxes, and two memory cards for each town;

(B) annual maintenance costs of vote tabulators for each town; and

(C) the first \$500.00 of the first pair of a vote tabulator’s memory cards’ configuration costs for each primary and general election.

(2) A town shall pay the remainder of any cost not covered by subdivision (1) of this subsection.

* * *

§ 2493. RULES FOR USE OF ~~VOTING MACHINES~~ VOTE TABULATORS

(a) ~~The secretary of state~~ Secretary of State shall adopt rules governing the use and the selection of any ~~voting machine~~ vote tabulator in the ~~state~~ State. These rules shall include requirements that:

(1) All municipalities that have voted to use a ~~voting-machine~~ vote tabulator shall use a uniform voting machine approved by the ~~secretary of state~~ Secretary of State.

(2)(A) The ~~secretary of state~~ Secretary of State shall provide for the security of ~~voting-machines~~ vote tabulators at all times. ~~Voting-machines~~ Vote tabulators, not including the ballot box portion, shall be locked in a vault or a secure location at all times when not in use. The ~~secretary of state may~~ Secretary of State shall conduct a random postelection audit of any polling place election results for a primary or general election within 30 days of the election.

(B) If the ~~secretary~~ Secretary determines that a random audit shall be conducted of the election results in a town or city, the town clerk shall direct two members of the board of civil authority to transport the ballot bags to the office of the ~~secretary of state~~ Secretary not later than 10:00 a.m. on the morning when the ~~secretary~~ Secretary has scheduled the audit. The ~~secretary~~ Secretary shall open the ballot bags and conduct the audit in the same manner as ballots are counted under sections 2581 through 2588 of this ~~title~~ chapter. The ~~secretary of state~~ Secretary shall publicly announce the results of the audit as well as the results from the original return of the vote. If the ~~secretary~~ Secretary finds that the audit indicates that there was possible fraud in the count or return of votes, ~~the secretary~~ he or she shall refer the results to the ~~attorney general~~ Attorney General for possible prosecution.

(3) All ~~voting-machines~~ vote tabulators shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to correct the overvote, have the ballot declared spoiled, and obtain another ballot. If an early voter absentee ballot contains an overvote, the elections official shall override the ~~voting-machine~~ vote tabulator and count all races except any race that contains an overvote.

(4) All ~~voting-machines~~ vote tabulators shall be set not to reject undervotes.

(5) Establish a process for municipalities using ~~voting-machines~~ vote tabulators, whereby markings on ballots that are unreadable by a machine may be transferred by a pair of election officials, who are not members of the same political party, to ballots that are readable by the machine.

(b) Each ~~voting-machine~~ vote tabulator shall be tested using official ballots that are marked clearly as “test ballots” at least 10 days prior to an election.

(c) The same vote tabulator used in any local, primary, or general election shall not be used in a recount of that election.

(d) A vote tabulator shall be a stand-alone device that shall not be connected to any other device or connections such as wireless connections, cable connections, cellular telephones, or telephone lines.

(e) A municipality only may use a vote tabulator as provided in this title which registers and counts votes cast on paper ballots and which otherwise meets the requirements of this title. A municipality shall not use any type of voting machine on which a voter casts his or her vote.

§ 2494. CONSTRUCTION WITH OTHER LAWS

(a) Except as this subchapter affects the method of registering votes and ascertaining the result, the laws of this ~~state~~ State pertaining to elections shall be applicable. The laws pertaining to early or absentee voters shall in no way be affected by this subchapter, and votes cast by early or absentee voters shall be counted with votes ~~registered~~ counted on voting machines vote tabulators.

(b) In towns using ~~voting machines~~ vote tabulators, the board of civil authority may vote to open polling places at 5:00 a.m., provided that at least three elections officials are present, two of whom are from different parties. If all early voter absentee ballots have not been deposited into the ~~voting machines~~ vote tabulators before the closing of the polls at 7:00 p.m., the elections officials shall continue to deposit ballots using the same procedure as provided in subsection 2561(b) of this title, treating each ballot as a voter waiting to cast his or her ballot at the close of the polls

§ 2495. FORM OF BALLOT

~~(a) In any town which uses voting machines at its elections, it shall be unnecessary for a question submitted to the voters to be shown in full upon the voting machine or the ballot. It shall be sufficient if the article in the warning for the meeting or election at which the question is submitted is referred to by number and title. However, the complete warning shall be posted in a conspicuous place within the voting booth.~~

~~(b) Notwithstanding section 2472 of this title, ballots to be counted by means of electronic or electromechanical devices may be of such size or composition as is suitable for the type of device used. [Repealed.]~~

§ 2499. MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES TRANSFER OF PAPER BALLOTS FROM VOTE TABULATORS

The presiding officer, with the assistance of at least two election officials, may transfer voted ballots from the box attached to the ~~voting machine~~ vote tabulator to another secure ballot box or secured ballot bag whenever necessary during election day in order to allow the ~~machine~~ vote tabulator to continue to function properly.

Sec. 19. SECRETARY OF STATE; REPORT ON PROCESSES FOR USING VOTE TABULATORS IN RECOUNTS AND FOR CONDUCTING AUDITS

(a) The Secretary of State by January 15, 2014 shall report to the Senate and House Committees on Government Operations on:

(1) his or her proposed process for using vote tabulators in recounts and for the certification of vote tabulators. The Secretary shall consider whether and under what circumstances a town may be permitted to conduct a recount by counting ballots by hand in lieu of using vote tabulators; and

(2) his or her proposed process for conducting audits of elections. The Secretary shall specifically consider the use of risk-limiting audits.

(b) In considering the processes set forth in subdivisions (a)(1) and (2) of this section, the Secretary shall consult with stakeholders interested in those processes.

Sec. 20. 17 V.S.A. § 2535 is amended to read:

§ 2535. FORM OF EARLY VOTER ABSENTEE BALLOTS AND ENVELOPES; FEDERAL OR MILITARY REQUIREMENTS

* * *

~~(b) If necessary, special ballots may be prepared of such different weight of paper, or overall size and shape as shall be prescribed by the secretary of state, to conform with minimum postal, military, naval, air force or other federal or military regulations and orders covering the transportation of such ballots, provided that the text is identical in substance, except as to type size, with that appearing on the official ballots.~~

Sec. 21. 17 V.S.A. § 2567 is amended to read:

§ 2567. ~~REGISTERING VOTES ON VOTING MACHINES~~ VOTING SYSTEMS FOR VOTERS WITH DISABILITIES

~~(a) If a voter is to register his or her vote upon a voting machine, he or she shall proceed, immediately upon being admitted within the guardrail, to a voting machine not occupied by another voter. The voter shall then register his or her vote according to the instructions provided to voters with the machine. Upon leaving the voting machine, he or she shall proceed directly to the exit of the guardrail. [Repealed.]~~

~~(b) All polling places, regardless of whether the municipality has voted to use a voting machine pursuant to section 2492 of this title, shall possess at least one voting system approved by the secretary of state~~ Secretary of State ~~equipped for individuals with disabilities, including accessibility for the blind and visually impaired, to vote independently and privately.~~

Sec. 22. 17 V.S.A. § 2573 is amended to read:

§ 2573. NO COUNTING BEFORE POLLS CLOSE

In towns ~~using paper ballots~~ that do not use vote tabulators, the ballot boxes shall not be opened nor the ballots counted before the closing of the polls. In towns using ~~voting machines~~ vote tabulators, the machine counts shall not be viewed or printed before the closing of the polls.

Sec. 23. 17 V.S.A. § 2583 is amended to read:

§ 2583. OFFICIAL CHECKLIST TO BE TALLIED

* * *

~~(b) If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, read-out sheets and other machine materials which are used to provide equivalent security shall be sealed and stored with the ballots and tally sheets. [Repealed.]~~

Sec. 24. 17 V.S.A. § 2701 is amended to read:

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The ~~secretary of state~~ Secretary of State shall prepare and distribute for use at the primary an official ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

* * * Polling Places * * *

Sec. 25. 17 V.S.A. § 2502 is amended to read:

§ 2502. LOCATION OF POLLING PLACES

(a) Each polling place shall be located in a public place within the town.

(b) The board of civil authority shall take such measures as are necessary to assure that elderly and handicapped voters may conveniently and secretly cast their votes. Measures which may be taken shall include, ~~but are not limited to:~~ location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to a handicapped or elderly person in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full

jurisdiction on the day of an election over the premises at which a polling place is located.

(c)(1) Thirty days prior to a local, primary, or general election, the town clerk shall submit to the Secretary of State a list of polling places within the municipality that will be used in that election. The list shall include the name of the polling location, its physical address, and the time the polling place will open.

(2) A municipality may only change the location of a polling place less than 30 days prior to an election in cases of emergency. If a municipality changes the location of a polling place less than 30 days prior to the election, the town clerk shall notify the Secretary of State within 24 hours of the change and provide the new polling place information. The Secretary of State shall inform the state chairs of Vermont's major political parties of any changes made to polling places that he or she is aware of made less than 30 days prior to an election.

(3) The Secretary of State shall provide on his or her official website a list of polling places that will be used in any primary or general election within the State.

* * * Early or Absentee Voters * * *

Sec. 26. 17 V.S.A. § 2532 is amended to read:

§ 2532. APPLICATIONS; FORM

(a)(1) An early or absentee voter, or an authorized family member or health care provider acting in the voter's behalf, may apply for an early voter absentee ballot by telephone, in person, or in writing. "Family member" here means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents. Any other authorized person may apply in writing or in person.

(2) The application shall be in substantially the following form:

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

Name of early or absentee voter: _____

Current address: _____

Residence (if different): _____

Date: _____

If applicant is other than early or absentee voter:

Name of applicant: _____

Address of applicant: _____

Relationship to early or absentee voter: _____

Organization, if applicable: _____

Date: _____ Signature of applicant: _____

(2)(3) If the application is made by telephone or in writing, the information supplied must be in substantial conformance with the information requested on this form.

* * *

(g)(1) Any person who applies for an early voter absentee ballot without authorization from the early or absentee voter shall be fined not more than \$100.00 per violation for the first three violations; not more than \$500.00 per violation for the fourth through ninth violations; and not more than \$1,000.00 per violation for the tenth and subsequent violations.

(2) The Attorney General or a state's attorney, whenever he or she has reason to believe any person to be or to have been in violation of this provision, may conduct a civil investigation in accordance with the procedures set forth in section 2806 of this title.

Sec. 27. 17 V.S.A. § 2534 is amended to read:

§ 2534. LIST OF EARLY OR ABSENTEE VOTERS

(a) The Secretary of State shall maintain on his or her official state website a statewide list of early or absentee voters for each primary election, presidential primary election, and general election. The list shall contain the state voter identification, name, registration address, address the ballot was mailed to, and legislative district of each voter.

(b) Upon receipt of the valid applications the town clerk shall ~~make a list of the early or absentee voters.~~ The list shall include each voter's name and address. A copy of the list shall be available upon request at the town clerk's office and, on election day, in each polling place in the town update the Secretary of State's statewide list of early or absentee voters by a method approved by the Secretary of State.

Sec. 28. 17 V.S.A. § 2546 is amended to read:

§ 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN BALLOT BOX

(a)(1)(A) No sooner than 30 days before the opening of polls on election day, the town clerk of a municipality with at least 300 registered voters on its

checklist may direct two election officials working together to open the outside envelope in order to sort early voter absentee ballots by ward and district, may data enter the return of the ballots by the voter, may determine that the certificate has been signed, and may place the inside envelopes in various secure containers to be transported to the polling places on election day.

(B) No sooner than 48 hours before the opening of polls on election day, a town clerk in all other municipalities may direct two election officials working together to open the outside envelope and remove the certificate envelope in order to determine that an early voter absentee ballot certificate has been properly signed by the early voter, and that the name of the early voter appears on the checklist.

(2) The election officials shall check the name of the early voter off the entrance checklist and place the sealed envelope into a secure container marked “checked in early voter absentee ballots” to be transported to the polling place on election day.

(3) Upon opening of the polls on election day, ballots from this container shall be opened by election officials, who are not members of the same political party, and deposited either into the ballot box or into the ~~voting machine~~ vote tabulator.

(b) The town clerk or presiding officer shall deliver the unopened early voter absentee ballots to the election officials at the place where the entrance checklist is located.

(1) If the ballots are in a container marked “checked in early voter absentee ballots,” two election officials from different political parties shall open the envelopes and deposit the ballots into the ballot box or into the ~~voting machine~~ vote tabulator.

(2) If the ballots have not been previously checked off the entrance checklist and if an election official determines that the certificate on the envelope is signed by the early voter, the name of the early voter appears on the checklist, and the early voter is not a first-time voter in the municipality who registered by mail, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator.

(3) If the early voter is a first-time voter who registered by mail, the election official shall determine whether the identification required under subdivision 2563(1) of this title has been submitted by the voter. Upon ascertaining that the proper identification has been submitted by the voter, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator. If the proper

identification has not been submitted, the ballot shall be treated as a provisional ballot, as provided in subchapter 6A of this chapter.

(c) All early voter absentee ballots shall be commingled with the ballots of voters who have voted in person.

* * * Count and Return of Votes * * *

Sec. 29. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

(a) In towns that count all ballots by hand, as the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown on the tally sheets upon the summary sheets, add and enter the sum of the figures, and sign the summary sheets. As each summary sheet is completed, the presiding officer shall publicly announce the results.

(b) In towns that use vote ~~tabulating machines~~ tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the ~~machine~~ vote tabulator, the presiding officer shall insert the ender card and the tabulator will print a tape of unofficial results. The presiding officer shall print at least two additional copies of the tabulator tape. The unofficial results from the tape may be publicly announced, and one copy of the printed tape may be posted in the polling place upon a placard that clearly states: "Unofficial incomplete results."

(c)(1) The town clerk shall immediately report the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State by electronically submitting the vote counts on the Secretary's online elections reporting system or, if unable to submit electronically, by submitting those vote counts to the Secretary of State by telephone, facsimile, or email.

(2) The Secretary shall ensure that any vote counts submitted by telephone, facsimile, or email are entered into his or her online elections reporting system as soon as practicable after he or she receives them.

(3) The Secretary's online elections reporting system shall cause the unofficial vote counts to be posted immediately on the Secretary's official website as soon as those vote counts are submitted.

(d) The presiding officer and one other election official then shall proceed either to complete the return at once, or to store the summary sheets in a safe and secure place until their retrieval for completion of the return. In any event, no later than 24 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return. The town clerk

shall store the summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk's consent. The original of the return shall be delivered to the town clerk. In a manner prescribed by the ~~secretary of state~~ Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver to the ~~secretary of state~~ Secretary of State, the senatorial district clerk, the county clerk, and the representative district clerk one certified copy each of the return. The town clerk shall also make a copy available to the public upon request.

Sec. 30. 17 V.S.A. § 2593 is amended to read:

§ 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE CHECKLIST BY TOWN CLERK

Not later than 60 days after ~~the~~ a primary election, presidential primary, or general election, the town clerk shall indicate on the town or municipal checklist of the statewide checklist each voter's participation, participation method, and political party of ballot taken, if applicable, in the primary election, presidential primary, or general election by a method approved by the ~~secretary of state~~ Secretary of State.

* * * Recounts * * *

Sec. 31. 17 V.S.A. chapter 51, subchapter 9 is amended to read:

Subchapter 9. Recounts and Contest of Elections

§ 2601. RECOUNTS

(a) In an election for statewide office, county office, or state senator, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is less than two percent of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(b) In an election for all other offices, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is less than five percent of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

§ 2602. PROCEDURE FOR RECOUNTS

* * *

(c) The superior court shall set an early date for the recount, notifying all candidates at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted ~~to appoint two election~~

~~officials who are not members of the same political party who shall or their designees to~~ transport them to the county clerks of their respective counties before the day set for the recount. County clerks shall store all ballots, still in their sealed containers, in their vaults until the day of the recount. The court shall appoint a sufficient number of impartial voters as a committee to recount the votes.

* * *

(i) The ~~secretary of state~~ Secretary of State shall bear the costs of recounts covered under this chapter.

* * *

§ 2602b. ASSIGNMENT OF DUTIES

(a) The county clerk shall supervise the recount and may appoint a sufficient number of impartial assistants to perform appropriate tasks which have not been assigned to recount committee members. The county clerk shall recruit town clerks to serve as impartial assistants to the county clerk for operating the vote tabulators. The county clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.

* * *

§ 2602c. PREPARATION FOR RECOUNT

(a) Before the recount begins, the county clerk shall explain the recount procedures which are to be followed and shall answer questions relating to such procedures. The county clerk shall use volunteer town clerks to operate and instruct on the use of vote tabulators.

(b) ~~The~~ Each recount ~~teams established team~~ shall recount the contents of one container before ~~another container is opened~~ opening another container at its table, shall recount the contents of all the containers relating to one polling place before moving to those of another polling place, and shall complete the recount for one town before moving to material relating to another town.

* * *

§ 2602f. ~~FIRST TALLY~~ RECOUNT BY VOTE TABULATOR

(a) ~~The caller shall call the name of the person voted for and/or blank ballots, and/or spoiled ballots. The tally person and the double-check person or persons each shall make a suitable mark for that candidate and/or blank ballots, and/or spoiled ballots~~ Machine-readable ballots from each pile shall be fed through a vote tabulator by one team until all machine-readable ballots from the container have been entered. For ballots unable to be read by a vote tabulator, such as damaged or plain paper ballots, a second team shall collect

these ballots from the pile and transfer the voter's choices on those ballots to blank ballots provided by the Secretary of State. After all of the machine-readable ballots have been fed through the machine, the first team shall feed through the machine any transfer ballots created by the second team. The recount teams shall switch roles for each subsequent container of ballots of a polling place that are to be fed through the vote tabulator, if there is more than one container per polling place. This process shall be used until all ballots from a polling place have been tabulated by a vote tabulator.

(b) After all ballots from a polling place have been tabulated by a vote tabulator, a recount team shall print the tabulator tape containing the unofficial results and document those results on a tally sheet. Another recount team shall then open the tabulator's ballot box and remove all ballots. The ballots shall then be divided among the recount teams to be examined to find write-in names and markings of voter intent that were not machine readable as outlined in the Secretary of State's vote tabulator guide and most recent elections procedures manual. A caller, tally person, and double-check person shall be used to examine the ballots removed from the ballot box. If the caller and the observer or observers do not agree on how a ballot should be counted, the entire team shall review the ballot and if all members agree, it shall be counted that way.

(c) If one person does not agree, that ballot shall be set aside as a questioned ballot and a copy shall be made, which copy shall be clearly marked on its face identifying it as a copy. ~~Such~~ Any copies shall be placed on the top of the other ballots and shall remain together with the other ballots. Each original ballot deemed questionable shall be attached to a note which identifies it by town, county, polling place, and bag seal number. The originals of these questionable ballots shall be clipped to the summary sheet for that polling place and returned to the court for a final decision.

(d) After the court has rendered a final decision on a given questionable ballot, it shall be returned to the county clerk who shall keep it in a sealed container for a period of two years.

(e) Write-in votes for preprinted candidates shall be counted as votes for that candidate.

(f) If the tally persons do not agree on the number of votes for a candidate on ballots not able to be read by the vote tabulator, the ballots shall be retallied until they do agree. Then the team shall notify the clerk that it has completed ~~the first~~ its recount.

* * *

§ 2602k. AFTER THE RECOUNT

* * *

(b) After the recount, the county clerk shall seal the ballots and other materials back in the containers and store them in the county clerk's vault until returned to the towns. The county clerk shall return all ballots to the respective town clerks after issuance of the court's judgment, together with a copy of the judgment. The ~~state police~~ respective town clerks or their designees shall transport the ballots to the towns from which they came.

* * *

Sec. 32. REPEAL

17 V.S.A. §§ 2492 (legislative branch to obtain voting machines); 2602g (second tally); and 26021 (recounts using voting machines) are repealed.

* * * Local Elections * * *

Sec. 33. 17 V.S.A. § 2640 is amended to read:

§ 2640. ANNUAL MEETINGS

(a) A meeting of the legal voters of each town shall be held annually on the first Tuesday of March for the election of officers and the transaction of other business, and it may be adjourned to another date. When a ~~town~~ municipality fails to hold an annual meeting, a warning for a subsequent meeting shall be issued immediately, and at that meeting all the officers required by law may be elected and its business transacted.

* * *

Sec. 34 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its ~~legally-qualified~~ registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

* * *

Sec. 35. 17 V.S.A. § 2660 is amended to read:

§ 2660. CONDUCT OF ELECTION

(a) When voting is at a floor meeting by paper ballot, the polls shall be kept open a reasonable time and reasonable notice shall be given before they close.

(b) When election is by ballot, a majority of all votes cast for any office shall be required for an election, unless otherwise provided by law; provided that when there is but one nominee for an office, unless objection is made, the

legal voters may vote to instruct the town clerk to cast one ballot for such nominee and upon such ballot being cast he or she shall be declared elected.

* * *

Sec. 36. 17 V.S.A. § 2661 is amended to read:

§ 2661. RECONSIDERATION OR RESCISSION OF VOTE

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article. If the voters have begun consideration of another article, the original article may only be submitted to the voters at a subsequent annual or special meeting duly warned for the purpose and called by the legislative body on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section. A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

* * *

(f) A municipality shall not reconsider a vote to elect a local officer.

Sec. 37. 17 V.S.A. § 2681 is amended to read:

§ 2681. NOMINATIONS; PETITIONS; CONSENTS

(a)(1) Nominations of the municipal officers shall be by petition. The petition shall be filed with the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, no later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.

(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot, no later than 5:00 p.m. on the Wednesday after the filing deadline.

(3) A petition shall contain the name of only one candidate, and the candidate's name shall appear on the petition as it does on the voter checklist. A voter shall not sign more than one petition for the same office, unless more than one nomination is to be made, in which case the voter may sign as many petitions as there are nominations to be made for the same office.

(b) A petition shall contain at least 30 valid signatures of voters of the municipality or one percent of the legal voters of the municipality, whichever is less. The candidate, prior to circulating his or her petitions, shall print on them his or her name as it appears on the voter checklist and shall indicate clearly on them which office he or she is seeking. If there are different lengths

of term available for an office the candidate must indicate clearly the length of term as well.

* * *

Sec. 38. 17 V.S.A. § 2681a is amended to read:

§ 2681a. LOCAL ELECTION BALLOTS

* * *

(b)(1) On the local election ballot, the candidate's name shall appear as provided in his or her consent form.

(2) The board of civil authority may vote to list a street address for each candidate, or the town of residence of each candidate, or no residence at all for each candidate.

* * *

Sec. 39. 17 V.S.A. § 2682 is amended to read:

§ 2682. PROCESS OF VOTING; APPOINTMENTS

(a) Election expenses shall be assumed by the municipality.

(b) Returns shall be filed with the town clerk.

(c) In a municipal election controlled by this subchapter, the person receiving the greatest number of votes for an office shall be declared elected to that office; and a certificate of election need not be issued. ~~However, in order to be elected a write-in candidate must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.~~

(d) In the event no person files a petition for an office which is to be filled at the annual or special meeting of a municipality, and if no person is otherwise elected to fill the office, a majority of the legislative body of the municipality may appoint a voter of the municipality to fill the office until the next annual meeting.

~~(e) If there is a tie vote for any office, the legislative body, or in its stead, the municipal clerk, shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election. [Repealed.]~~

(f) When the same number of persons are nominated for any town office as there are positions to be filled, the presiding officer may declare the whole

slate of candidates elected without making individual tallies, provided each person on the slate has more votes than the largest number of write-in votes for any one write-in candidate.

Sec. 40. 17 V.S.A. § 2682a is added to read:

§ 2682a. WRITE-IN CANDIDATES

Notwithstanding the provisions of section 2682 of this subchapter, in order to be elected, a write-in candidate must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

Sec. 41. 17 V.S.A. § 2682b is added to read:

§ 2682b. TIE VOTES FOR LOCAL OFFICE

If there is a tie vote for any office, the legislative body or, in its stead, the municipal clerk shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election.

Sec. 42. 17 V.S.A. § 2685 is amended to read:

§ 2685. INSPECTION OF BALLOTS

At the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container, and recount the votes, unless the candidate who petitions for a recount requests that the recount be conducted by ~~optical scanner~~ vote tabulator. The petitioner, the opposing candidates, and their designated representatives may inspect the ballots and observe the recount under the guidance of the board. The board shall certify the result to the clerk, who shall declare the result. After the recount the board shall seal the ballots and other materials back in the containers and the town clerk shall safely store them as provided in section 2590 of this title.

Sec. 43. 17 V.S.A. § 2688 is amended to read:

§ 2688. RECOUNT ON QUESTION SUBMITTED

(a) A registered voter or, in the case of a union school district, at least one registered voter from each member of the union district may demand a recount of ballots on any question submitted to the vote of a town the municipality using the Australian ballot system, if the margin by which the question passed or failed is less than five percent of the total votes cast on the question.

(b) The request shall be filed with the municipal clerk within 10 days after the vote. The procedure shall be the same as in the case of recount of the votes cast for a candidate at an election.

(c) The petitioner and his or her designated representative and a voter representing the other side of the question voted upon and his or her designated representative may inspect the vote and observe the recount under the guidance of the board of civil authority.

* * * Presidential Elections * * *

Sec. 44. 17 V.S.A. § 2716 is amended to read:

§ 2716. NOTIFICATION TO SECRETARY OF STATE

Not later than 5:00 p.m. on the ~~47th~~ 60th day before the day of the general election, the ~~chairman~~ chair of the state committee of each major political party shall certify in writing to the ~~secretary of state~~ Secretary of State the names of the presidential and vice presidential nominees selected at the party's national convention.

* * * Warning Requirements in Newspapers * * *

Sec. 45. 17 V.S.A. § 1840 is amended to read:

§ 1840. INTERIM PUBLICATION

Within 90 days following adjournment without day of any session of the ~~general assembly~~ General Assembly in which articles of amendment to the ~~constitution~~ Constitution have been proposed by the ~~senate~~ Senate and concurred in by the ~~house~~ House, the ~~secretary of state~~ Secretary of State shall prepare copies of the proposal or proposals of amendment and forward them, with a summary of proposed changes, for publication to the principal daily newspapers published in the ~~state~~ State, as determined by the ~~secretary of state~~ Secretary of State; ~~and the~~ and the Secretary of State. The proposal or proposals shall be so published once each week for three successive weeks in each of the papers at the expense of the state State and on the websites of the General Assembly and the Office of the Secretary of State.

Sec. 46. 17 V.S.A. § 1844 is amended to read:

§ 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;
BALLOTS

(a) The ~~secretary of state~~ Secretary of State shall between September 25 and October 1 in any year in which a vote on ratification of an article of amendment is taken, prepare copies of the proposal of amendment and forward them, with a summary of proposed changes, for publication to the principal daily newspapers published in the ~~state~~ State, as determined by the ~~secretary of~~

~~state; and the~~ Secretary of State. The proposal shall be so published once each week for three successive weeks in each of the papers at the expense of the ~~state~~ State and on the websites of the General Assembly and the Office of the Secretary of State. ~~He or she~~

(b) The Secretary of State shall cause ballots to be prepared for a vote by the freemen and freewomen upon the proposal of amendment.

Sec. 47. 17 V.S.A. § 2302 is amended to read:

§ 2302. STATE ~~CHAIRMAN~~ CHAIR TO CALL CAUCUS

The ~~chairman~~ chair of the state committee of a party shall set a date for members of the party to meet in caucus in their respective towns, which date shall be between September 10 and September 30, inclusive, in each odd numbered year. At least 14 days before the date set for the caucuses, the state ~~chairman~~ chair shall mail a notice of the date and purpose of the caucuses to each town clerk and to each town ~~chairman~~ chair of the party, and shall cause the notice to be published in at least two newspapers having general circulation within the ~~state~~ State and in at least one electronic news media website that specializes in news of the State.

Sec. 48. 17 V.S.A. § 2303 is amended to read:

§ 2303. TOWN ~~CHAIRMAN~~ CHAIR TO GIVE NOTICE

(a) The town ~~chairman~~ chair or, if unavailable, or if the records of the ~~secretary of state~~ Secretary of State show there is no ~~chairman~~ chair, any three voters of the town; shall arrange to hold a caucus on the day designated by the state ~~chairman~~ chair, in some public place within the town, and shall set the hour of the caucus.

(b) At least five days before the day of the caucus, the ~~chairman~~ town chair shall post a notice of the date, purpose, time, and place of the caucus in the town clerk's office and in at least one other public place in town. In towns of 1,000 or more population, he or she shall also publish the notice in a newspaper having general circulation in the town.

(c) If three voters arrange to call the caucus, the voters shall designate one of their number to perform the duties prescribed above for the town ~~chairman~~ chair.

Sec. 49. 17 V.S.A. § 2309 is amended to read:

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a) The ~~chairman~~ chair of the state committee shall set a date, not more than 30 days after the date of the party's caucuses, for the first meeting of each county committee. The state ~~chairman~~ chair shall notify the ~~chairmen~~ chairs of

the county committees of the date of the meeting and shall publish notice in at least two newspapers with general circulation within the ~~state~~ State and in at least one electronic news media website that specializes in news of the State. The ~~chairman~~ chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail not less than 10 days prior to the meeting.

(b) At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization for the ensuing two years. All officers and other members of the county committee and all delegates to the state committee shall be voters of the county.

Sec. 50. 17 V.S.A. § 2641 is amended to read:

§ 2641. WARNING AND NOTICE REQUIRED; PUBLICATION OF WARNINGS

(a) The legislative body of a municipality shall warn a meeting by posting a warning and notice in at least two public places in the town, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a town has more than one polling place and the polling places are not all in the same building, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(b) In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report, or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting. The legislative body annually shall designate the paper in which such a warning may be published. The warning shall also be posted on the municipality's website, if the municipality actively updates its website on a regular basis.

(c) No such warning shall be required for municipal informational meetings at which no voting is to take place.

* * * Lobbyists * * *

Sec. 51. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS; EMPLOYERS; LOBBYISTS

* * *

(b) An employer shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the employer in each of the following categories:

(A) advertising, including television, radio, print, and electronic media;

(B) expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity; and

~~(C) contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D)~~ the total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to lobbyists or lobbying firms for lobbying. The employer shall report the name and address of each lobbyist or lobbying firm to which the employer pays compensation. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist or lobbying firm whose activities under this chapter are incidental to regular employment or other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the employer to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the employer shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

(c) A lobbyist shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the lobbyist in each of the following categories:

(A) advertising, including television, radio, print, and electronic media;

(B) expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity; and

~~(C) contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D)~~ the total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbyist, who is not employed by, subcontracted by, or affiliated with a lobbying firm, for lobbying, including the name and address of each registered employer who engaged the services of the lobbyist reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist whose activities under this chapter are incidental to other responsibilities to the employer. A lobbyist who is employed by, subcontracted by, or affiliated with a lobbying firm shall not report individual compensation. The total compensation paid to the lobbying firm shall be reported pursuant to section 264b of this title.

(3) An itemized list of every gift, the value of which is greater than \$15.00, made by or on behalf of a lobbyist to or at the request of one or more legislators or administrative officials or a member of the legislator's or administrative official's immediate family. With respect to each gift, the lobbyist shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

* * *

Sec. 52. 2 V.S.A. § 264b is amended to read:

§ 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS; LOBBYING FIRMS

* * *

(b) Every lobbying firm shall file a disclosure report on the same day as lobbyist disclosure reports are due under subsection 264(a) of this title which shall include:

(1) A total of all lobbying expenditures made by the lobbying firm in each of the following categories:

(A) advertising, including television, radio, print, and electronic media;

(B) expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity; and

~~(C) contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D)~~ the total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbying firm for lobbying with the name and address of each registered employer who engaged the services of the lobbying firm reporting. It shall be sufficient to include a

prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbying firm whose activities under this chapter are incidental to other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the lobbying firm to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the lobbying firm shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse or civil union partner; or

(C) a legislator's or administrator's dependent household member.

* * * Correction of Cross-References and Other Technical Corrections * * *

Sec. 53. 17 V.S.A. § 1881a is amended to read:

§ 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

* * *

(c) Petitions for nominating candidates for ~~senator~~ Senator in the ~~general assembly~~ General Assembly by primary ~~under chapter 9 of this title~~ or by certificates of nomination of candidates for that office by convention, caucus, committee, or voters under chapter ~~44~~ 49 of this title may be filed in the office of any county clerk in a senatorial district. On the day after the last day for filing those petitions or certificates for that office, the other county clerk shall notify the senatorial district clerk of the facts concerning those petitions or certificates. The senatorial district clerk shall be responsible for determining the names of candidates and other facts required by law to appear on the ballot for the office of senator, and for obtaining and distributing the ballots to the other clerks in the district. In senatorial districts, the ballots for senator in the ~~general assembly~~ General Assembly shall be separate from those for other county officers.

* * *

Sec. 54. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

(a) ~~Persons~~ A person who ~~receive~~ receives a plurality of all the votes cast by a party in a primary shall be ~~candidates~~ a candidate of that party for the office designated on the ballot.

(b) If two or more candidates of the same party are tied for the same office, the choice among those tied shall be determined upon five days' notice and not later than 10 days following the primary election by the committee of that party, which shall meet to nominate a candidate from among the tied candidates. The committee that nominates a candidate shall be as follows:

(1) ~~Upon five days notice and not later than 10 days following the primary election,~~ the state committee of a party; for a state or congressional office;

(2) the senatorial district committee for state senate;

(3) the county committee for county office; or

(4) the representative district committee for a representative to the ~~general assembly shall meet to nominate a candidate from among the tied candidates~~ General Assembly.

(2)(c) The committee chair shall certify the candidate nomination for the general election to the ~~secretary of state~~ Secretary of State within 48 hours of the nomination.

Sec. 55. 17 V.S.A. § 2565 is amended to read:

§ 2565. DELIVERY OF BALLOTS

As each voter passes through the entrance of the guardrail, an election official or officials shall hand him or her one of each kind of ballot. ~~He or they~~ The election officials shall also answer any questions a voter may ask concerning the process of voting. The presiding officer shall keep the election officials in charge of furnishing ballots to voters supplied with a sufficient number of blank ballots, keeping the remainder of the blank ballots safely secured until needed.

* * * Gender Neutrality * * *

Sec. 56. STATUTORY REVISION; GENDER NEUTRALITY; "CHAIR," "SELECTBOARD MEMBER," ETC.

The Office of Legislative Council, in its statutory revision capacity, is directed to make amendments to the Vermont Statutes Annotated to change the terms "chairman" to "chair"; "vice chairman" to "vice chair"; and "selectman"

to “selectboard member” and to make similar changes for the purpose of gender neutrality, so long as those changes have no other effect on the meaning of the statutes in which the changes are made. These changes may also be made when new legislation is proposed or when there is a republication of the Vermont Statutes Annotated.

* * * Use of “Town” vs. “Municipality” or “Political Subdivision” * * *

Sec. 57. TOWN VS. MUNICIPALITY OR POLITICAL SUBDIVISION

The Office of Legislative Council is directed to search the statutes within Title 17 of the Vermont Statutes Annotated for the use of the word “town” and, in consultation with the Office of the Secretary of State, prepare by November 15, 2013 a draft bill that would replace the word “town” with the word “municipality” or with the term “political subdivision” where the context of a statute is meant to include or should apply to a political subdivision of the State other than a town, as that term is defined in 17 V.S.A. § 2103.

* * * Effective Dates * * *

Sec. 58. EFFECTIVE DATES

This act shall take effect on July 1, 2013, except:

(1) this section and Secs. 56 (statutory revision; gender neutrality; “chair,” “selectboard member,” etc.) and 57 (town vs. municipality or political subdivision), shall take effect on passage; and

(2) Secs. 27 (amending 17 V.S.A. § 2534) and 30 (amending 17 V.S.A. § 2593) shall take effect on January 15, 2015.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator White, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Committee Relieved of Further Consideration; Bill Committed

H. 325.

On motion of Senator Flory, the Committee on Institutions was relieved of further consideration of House bill entitled:

An act relating to a bill of rights for children of arrested and incarcerated parents,

and the bill was committed to the Committee on Health and Welfare.

H. 690.

On motion of Senator Flory, the Committee on Institutions was relieved of further consideration of House bill entitled:

An act relating to the definition of serious functional impairment,
and the bill was committed to the Committee on Judiciary.

Message from the House No. 47

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 552. An act relating to raising the Vermont minimum wage.

H. 886. An act relating to approval of the adoption and the codification of the charter of the Town of Panton.

H. 890. An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas.

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

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

H. 543. An act relating to records and reports of the Auditor of Accounts.

H. 799. An act relating to the importation of firewood.

And has severally concurred therein.

Adjournment

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

FRIDAY, APRIL 11, 2014

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. 48

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 878. An act relating to prevailing wages.

H. 887. An act relating to approval of the adoption and the codification of the charter of the Town of East Montpelier.

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. 223. An act relating to regulating the making of pension loans.

And has passed the same in concurrence.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 293. House concurrent resolution congratulating the Vermont Commission on Women on its 50th anniversary.

H.C.R. 294. House concurrent resolution designating Saturday, November 1, 2014 as the Button Up Vermont Day of Action.

H.C.R. 295. House concurrent resolution honoring World War II veteran Walter Berry of East Concord.

H.C.R. 296. House concurrent resolution congratulating Judd Levine on being named a 2014 LifeChanger of the Year.

H.C.R. 297. House concurrent resolution congratulating the Town of Hubbardton on its 250th anniversary.

H.C.R. 298. House concurrent resolution congratulating the 2014 Essex High School Vermont National Education Scholars' Bowl championship team.

H.C.R. 299. House concurrent resolution congratulating the 2014 Vermont Jr Iron Chef culinary competition winners.

H.C.R. 300. House concurrent resolution congratulating Sam Boudreau on winning the 2014 Vermont Poetry Out Loud Competition.

H.C.R. 301. House concurrent resolution congratulating the 2014 Black River High School girls' championship snowboarding team.

H.C.R. 302. House concurrent resolution congratulating the Rutland High School cheerleading team on its third-place finish at the New England Interscholastic Spirit Championship.

H.C.R. 303. House concurrent resolution congratulating the record-setting 2014 Mt. Anthony Union High School Patriots' State championship wrestling team.

H.C.R. 304. House concurrent resolution congratulating Frank Pecora on his induction into the National High School Hall of Fame.

H.C.R. 305. House concurrent resolution congratulating the 2014 Thetford Academy Panthers Division III championship girls' basketball team.

H.C.R. 306. House concurrent resolution congratulating the 2013 Oxbow Union High School Lady Olympians Division III championship softball team.

H.C.R. 307. House concurrent resolution recognizing April 2014 as Fair Housing Month in Vermont.

H.C.R. 308. House concurrent resolution congratulating Ruth (Shattuck) Austin of Newport on her 100th birthday.

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. 54. Senate concurrent resolution congratulating the Washington Electric Cooperative on its 75th anniversary.

And has adopted the same in concurrence.

Bills Referred

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

H. 552.

An act relating to raising the Vermont minimum wage.

To the Committee on Rules.

H. 878.

An act relating to prevailing wages.

To the Committee on Rules.

H. 886.

An act relating to approval of the adoption and the codification of the charter of the Town of Panton.

To the Committee on Rules.

H. 887.

An act relating to approval of the adoption and the codification of the charter of the Town of East Montpelier.

To the Committee on Rules.

H. 890.

An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas.

To the Committee on Rules.

**Further Proposal of Amendment; Bill Passed in Concurrence with
Proposal of Amendment**

H. 123.

House bill entitled:

An act relating to Lyme disease and other tick-borne illnesses.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin, moved that the Senate further propose to the House to amend the bill by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. PURPOSE

The purpose of this act is to ensure that patients have access to treatment for Lyme disease and other tick-borne illnesses in accordance with their needs, the clinical judgment of their physicians, and any of the guidelines referenced in Sec. 3(4) of this act.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Zuckerman moved to amend the *second* Senate proposal of amendment in Sec. 4 (Report) in the first sentence, after the following: "January 15," by inserting the following: 2015 and

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 356.

House bill entitled:

An act relating to prohibiting littering in or on the waters of the State.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the Senate proposal of amendment by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 24 V.S.A. § 2201 is amended to read:

**§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
REFUSE; PENALTY; SUMMONS AND COMPLAINT**

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources.

~~(2) It shall be prima facie evidence~~ There shall be a rebuttable presumption that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)(3)~~ No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than \$500.00. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile, vessel, or motor vehicle, except a

motor bus, ~~it shall be prima facie evidence~~ there shall be a rebuttable presumption that the throwing, placing, or depositing was done by the ~~driver~~ operator of such snowmobile, vessel, or motor vehicle. Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property.

(d) ~~The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment. [Repealed.]~~

(e) Revocation of hunting, fishing, or trapping license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting ~~or, fishing, or trapping~~ license, ~~or both~~, for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~[Deleted.] [Repealed.]~~

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~[Deleted.] [Repealed.]~~

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) "Motor vehicle" shall have the same meaning as in 23 V.S.A. § 4(21).

(2) "Snowmobile" shall have the same meaning as in 23 V.S.A. § 3801.

(3) "Vessel" means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) "Waters" shall have the same meaning as in 10 V.S.A. § 1251(13).

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bill Passed in Concurrence with Proposals of Amendment

H. 373.

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

An act relating to updating and reorganizing Title 33.

Bill Amended; Third Reading Ordered

S. 202.

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

An act relating to the energy efficiency charge.

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

Sec. 1. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(d) Energy efficiency.

* * *

(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Board may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of section 218c of this title. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund administrator appointed by the Board and deposited

into an Electric Efficiency Fund. When such a charge is shown, notice as to how to obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Board. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section.

(B) The charge established by the Board pursuant to this subdivision (3) shall be in an amount determined by the Board by rule or order that is consistent with the principles of least cost integrated planning as defined in section 218c of this title. As circumstances and programs evolve, the amount of the charge shall be reviewed for unrealized energy efficiency potential and shall be adjusted as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In setting the amount of the charge and its allocation, the Board shall determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives: reducing the size of future power purchases; reducing the generation of greenhouse gases; limiting the need to upgrade the State's transmission and distribution infrastructure; minimizing the costs of electricity; reducing Vermont's total energy expenditures; providing efficiency and conservation as a part of a comprehensive resource supply strategy; providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and the value of targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. The Board, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under this subdivision (3) of at least \$5,000.00 may apply to the Board to self-administer energy efficiency through the use of an energy savings account which shall contain a percentage of the customer's energy efficiency charge payments as determined by the Board. The remaining portion of the charge shall be used for systemwide energy benefits. The Board in its rules or order shall establish criteria for approval of these applications.

(C) The Board may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce the use of fossil fuels for heating by supporting electric technologies that may increase electric

consumption, such as air source heat pumps if, after investigation, it finds that deployment of the technology:

- (i) will be beneficial to electric ratepayers;
- (ii) will result in cost-effective energy savings to the end-user and to the State as a whole;
- (iii) will result in a net reduction in greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal;
- (iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)–(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building’s energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Board and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);
- (v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;
- (vi) will be promoted in conjunction with demand management strategies offered by the customer’s distribution utility to address any increase in peak electric consumption that may be caused by the deployment;
- (vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and
- (viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Board shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), “regulated fuel” and “unregulated fuel” shall have the same meaning as under subsection (e) of this section.

* * *

(e) Thermal energy and process fuel efficiency funding.

* * *

(3) In this subsection:

(A) "Efficiency services" includes the establishment of a statewide information clearinghouse under subsection (g) of this section.

(B) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(C) "Unregulated fuels" means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Senator Snelling, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

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

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:

By Senators Doyle, Cummings and Pollina,

By Representative Klein,

S.C.R. 54.

Senate concurrent resolution congratulating the Washington Electric Cooperative on its 75th anniversary.

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 Ancel and others,

By All Members of the Senate,

H.C.R. 293.

House concurrent resolution congratulating the Vermont Commission on Women on its 50th anniversary.

By Representative Klein and others,

H.C.R. 294.

House concurrent resolution designating Saturday, November 1, 2014 as the Button Up Vermont Day of Action.

By Representative Quimby,

By Senators Rodgers and Starr,

H.C.R. 295.

House concurrent resolution honoring World War II veteran Walter Berry of East Concord.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 296.

House concurrent resolution congratulating Judd Levine on being named a 2014 LifeChanger of the Year.

By Representative Canfield and others,

By Senators Flory, French and Mullin,

H.C.R. 297.

House concurrent resolution congratulating the Town of Hubbardton on its 250th anniversary.

By Representative Myers and others,

H.C.R. 298.

House concurrent resolution congratulating the 2014 Essex High School Vermont National Education Scholars' Bowl championship team.

By Representative Stevens and others,

H.C.R. 299.

House concurrent resolution congratulating the 2014 Vermont Jr Iron Chef culinary competition winners.

By Representative Keenan and others,

H.C.R. 300.

House concurrent resolution congratulating Sam Boudreau on winning the 2014 Vermont Poetry Out Loud Competition.

By Representative Devereux,

By Senators Campbell, French, McCormack and Nitka,

H.C.R. 301.

House concurrent resolution congratulating the 2014 Black River High School girls' championship snowboarding team.

By Representative Fagan and others,

H.C.R. 302.

House concurrent resolution congratulating the Rutland High School cheerleading team on its third-place finish at the New England Interscholastic Spirit Championship.

By Representative Morrissey and others,

By Senators Hartwell and Sears,

H.C.R. 303.

House concurrent resolution congratulating the record-setting 2014 Mt. Anthony Union High School Patriots' State championship wrestling team.

By Representatives Donahue and Lewis,

By Senators Cummings, Doyle and Pollina,

H.C.R. 304.

House concurrent resolution congratulating Frank Pecora on his induction into the National High School Hall of Fame.

By Representatives Masland and Hoyt,

H.C.R. 305.

House concurrent resolution congratulating the 2014 Thetford Academy Panthers Division III championship girls' basketball team.

By Representative Copeland-Hanzas,

H.C.R. 306.

House concurrent resolution congratulating the 2013 Oxbow Union High School Lady Olympians Division III championship softball team.

By Representative Ram and others,

H.C.R. 307.

House concurrent resolution recognizing April 2014 as Fair Housing Month in Vermont.

By Representative Marcotte and others,

By Senators Rodgers and Starr,

H.C.R. 308.

House concurrent resolution congratulating Ruth (Shattuck) Austin of Newport on her 100th birthday.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 15, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 54.

TUESDAY, APRIL 15, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Taihaku of East Calais.

Pledge of Allegiance

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

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. 55. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 18, 2014, it be to meet again no later than Tuesday, April 22, 2014.

Bill Passed

S. 202.

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

An act relating to the energy efficiency charge.

Proposal of Amendment; Third Reading Ordered**H. 483.**

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

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code.

Reported that the bill ought to pass in concurrence.

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

Thereupon, pending the question, Shall the bill be read third time?, Senator Ashe moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, in § 9-801, by striking out the following: “2013” and inserting in lieu thereof the following: 2014.

Second: In Sec. 2, by striking out the following: “2013” and inserting in lieu thereof the following: 2014.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 112.**

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

An act relating to the labeling of food produced with genetic engineering.

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has

statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to justify such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding the need for the FDA to regulate labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(2) U.S. federal law does not require independent testing of the safety of food as produced with genetic engineering, as evidenced by the following:

(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.

(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.

(3) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.

(B) The genetic engineering of plants and animals may cause unintended consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.

(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.

(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization

of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.

(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC
ENGINEERING

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Public health and food safety. Establish a system by which a person may make an informed decision regarding the potential health effects of the food they purchase and consume.

(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as “natural.”

(4) Disclosure of factual information. Promote the disclosure of factual information on food labels to allow consumers to make informed decisions.

(5) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(2) “Enzyme” means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) “Genetic engineering” is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(4) “In vitro nucleic acid techniques” means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(5) “Manufacturer” means a person who:

(A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State;

(B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier;

(C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State;

(D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person;

(E) imports into the United States for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the United States; or

(F) produces a processed food or raw agricultural commodity for sale in or into the State without affixing a brand name.

(6) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

(7) "Processed food" means any food intended for human consumption other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(8) "Processing aid" means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(9) "Raw agricultural commodity" means any food intended for human consumption in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

(a) Except as set forth in section 3044 of this title, food purchased by a retailer after July 1, 2016 shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in Vermont; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words "produced with genetic engineering";

(2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale; or

(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words “partially produced with genetic engineering” or “may be partially produced with genetic engineering.”

(c) Except as set forth under section 3044 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have a tendency to mislead a consumer.

(d) This section and the requirements of this chapter shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the labeling requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing and intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may

rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any beverage that is subject to the provisions of Title 7.

(5) Any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

(6) Food that an independent organization has verified has not been knowingly and intentionally produced from or commingled with food or seed produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).

(7) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(8) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. RETAILER LIABILITY

(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless the retailer is the producer or manufacturer of the processed food.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which

can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. FALSE CERTIFICATION

It shall be a violation of this chapter for a person knowingly to provide a false statement under subdivision 3044(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time.

§ 3048. PENALTIES; ENFORCEMENT

(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than \$1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 of chapter 63 of this title. Consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

The Attorney General is authorized to adopt by rule requirements for the implementation of Sec. 2 of this act, including a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods. Any rule adopted under this section shall not go into effect until the effective date of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3 (Attorney General rulemaking) shall take effect on passage.

(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) shall take effect on July 1, 2015.

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

Senator Sears, for the Committee on Judiciary, to which the bill was referred reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to require such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(2) U.S. federal law does not require independent testing of the safety of food produced with genetic engineering, as evidenced by the following:

(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.

(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.

(3) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.

(B) The genetic engineering of plants and animals may cause unintended consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.

(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.

(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.

(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC
ENGINEERING

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Public health and food safety. Establish a system by which persons may make informed decisions regarding the potential health effects of the food they purchase and consume and by which, if they choose, persons may avoid potential health risks of food produced from genetic engineering.

(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as “natural” and by promoting the disclosure of factual information on food labels to allow consumers to make informed decisions.

(4) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(2) “Enzyme” means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) “Food” means food intended for human consumption.

(4) “Genetic engineering” is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(5) “In vitro nucleic acid techniques” means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(6) “Manufacturer” means a person who:

(A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State;

(B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier;

(C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State;

(D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person;

(E) imports into the United States for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the United States; or

(F) produces a processed food or raw agricultural commodity for sale in or into the State without affixing a brand name.

(7) “Organism” means any biological entity capable of replication, reproduction, or transferring of genetic material.

(8) “Processed food” means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(9) “Processing aid” means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(10) “Raw agricultural commodity” means any food in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

(a) Except as set forth in section 3044 of this title, food offered for sale by a retailer after July 1, 2016 shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in Vermont; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words “produced with genetic engineering”;

(2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale with the clear and conspicuous words “produced with genetic engineering”; or

(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words: “partially produced with genetic engineering”; “may be produced with genetic engineering”; or “produced with genetic engineering.”

(c) Except as set forth under section 3044 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product on the package, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have a tendency to mislead a consumer.

(d) This section and the requirements of this chapter shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the labeling requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food, drug, or other substance produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any beverage that is subject to the provisions of Title 7.

(5) Any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

(6) Food that an independent organization has verified has not been knowingly or intentionally produced from or commingled with food or seed produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).

(7) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(8) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. RETAILER LIABILITY

(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless the retailer is the producer or manufacturer of the processed food.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. FALSE CERTIFICATION

It shall be a violation of this chapter for a person knowingly to provide a false statement under subdivision 3044(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time.

§ 3048. PENALTIES; ENFORCEMENT

(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than \$1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 of chapter 63 of this title. Consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

The Attorney General may adopt by rule requirements for the implementation of 9 V.S.A. chapter 82A, including:

(1) a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods; and

(2) notwithstanding the labeling language required by 9 V.S.A. § 3043(a), a requirement that a label required under 9 V.S.A. chapter 82A identify food produced entirely or in part from genetic engineering in a manner consistent with requirements in other jurisdictions for the labeling of food, including the labeling of food produced with genetic engineering.

Sec. 4. GENETICALLY ENGINEERED FOOD LABELING SPECIAL FUND

(a) There is established a Genetically Engineered Food Labeling Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5. Monies in the Fund shall:

(1) be made available to the Attorney General to pay costs or liabilities incurred in implementation and administration, including rulemaking, of the requirements of 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering; and

(2) when monies in the fund exceed the need of the Attorney General under subdivision (1) of this subsection, be made available to the Secretary of Commerce and Community Development to assist manufacturers and retailers of food to meet applicable requirements of 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering.

(b) The Fund shall consist of:

(1) except for those recoveries that by law are appropriated for other uses, up to \$1,500,000.00 of the settlement monies or other revenues collected by the Office of the Attorney General that, as determined by the Office of the Attorney General after consultation with the Joint Fiscal Office and the Department of Finance and Management, exceed the estimated amounts of settlement proceeds in the official fiscal forecast issued under 32 V.S.A. § 305a for fiscal year 2015;

(2) private gifts, bequests, grants, or donations made to the State from any public or private source for the purposes for which the Fund was established; and

(3) such sums as may be appropriated by the General Assembly.

Sec. 5. ATTORNEY GENERAL FISCAL YEAR BUDGET

If, in fiscal year 2015, \$1,500,000.00 in monies is not collected in the Genetically Engineered Food Labeling Special Fund established under Sec. 4 of this act, the Attorney General shall include in the fiscal year 2016 budget proposal for the Office of the Attorney General the monies necessary to implement and administer the requirements established by 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering.

Sec. 6. ATTORNEY GENERAL REPORT ON LABELING OF MILK

(a) On or before January 15, 2015, the Office of the Attorney General, after consultation with the Agency of Agriculture, Food and Markets, shall submit to the Senate and House Committees on the Judiciary, the Senate Committee on Agriculture, and the House Committee on Agriculture and Forest Products a report regarding whether milk and milk products should be subject to the labeling requirements of 9 V.S.A. chapter 82A for food produced with genetic engineering. The report shall include:

(1) a recommendation as to whether milk or milk products should be subject to the requirements of 9 V.S.A. chapter 82A; and

(2) the legal basis for the recommendation under subdivision (1) of this subsection.

(b) In exercise of the Attorney General's authority to defend the interests of the State, the Attorney General, in his or her discretion, may notify the General Assembly that it is not in the best interest of the State to submit the report required under subsection (a) of this section on or before January 15, 2015. Any notice submitted under this subsection shall estimate the date when the report shall be submitted to the General Assembly.

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 3 (Attorney General rulemaking), 4 (genetically engineered food labeling special fund), 5 (Attorney General budget fiscal year 2016), 6 (Attorney General report; milk) shall take effect on passage.

(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) shall take effect on July 1, 2016.

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 Senate propose to the House to amend

the bill as recommended by the Committee on Judiciary with the following amendment thereto:

First: By striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. GENETICALLY ENGINEERED FOOD LABELING SPECIAL FUND

(a) There is established a Genetically Engineered Food Labeling Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5 to pay costs or liabilities incurred by the Attorney General or the State in implementation and administration, including rulemaking, of the requirements under 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering.

(b) The Fund shall consist of:

(1) private gifts, bequests, grants, or donations of any amount made to the State from any public or private source for the purposes for which the Fund was established;

(2) except for those recoveries that by law are appropriated for other uses, up to \$1,500,000.00 of settlement monies collected by the Office of the Attorney General that, as determined by the Office of the Attorney General after consultation with the Joint Fiscal Office and the Department of Finance and Management, exceed the estimated amounts of settlement proceeds in the July 2014 official revenue forecast issued under 32 V.S.A. § 305a for fiscal year 2015; and

(3) such sums as may be appropriated or transferred by the General Assembly.

(c) Monies in the Fund from settlement monies collected by the Office of the Attorney General or from funds appropriated or transferred by the General Assembly shall be disbursed only if monies in the Fund from private gifts, bequests, grants, or donations are insufficient to the Attorney General to pay the costs or liabilities of the Attorney General or the State incurred in implementation and administration of the requirements of 9 V.S.A. chapter 82A.

(d) On or after July 1, 2018, if the Attorney General is not involved in ongoing litigation regarding the requirements of 9 V.S.A. chapter 82A and monies in the Fund exceed the costs or liabilities of the Attorney General or the State:

(1) unexpended monies in the Fund received from private or public sources shall be appropriated by the General Assembly, after review by the Senate and House Committees on Appropriations, the Senate Committee on

Agriculture, and the House Committee on Agriculture and Forest Products, for the support of agricultural activities or agricultural purposes in the State, including promotion of value-added products, compliance with water quality requirements, and marketing assistance and development; and

(2) unexpended State monies in the Fund shall revert to the General Fund.

Second: In Sec. 5 (Attorney General fiscal year budget), after the words “Attorney General shall” by striking out the word “include” and inserting in lieu thereof the word request

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

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

Thereupon, the proposal of amendment of the Committee on Agriculture, as amended, was amended as recommended by the Committee on Appropriations.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Agriculture, as amended?, was agreed to on a roll call, Yeas 26, Nays 2.

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: Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

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

Those Senators absent and not voting were: French, Galbraith.

Thereupon, third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered

H. 260.

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

An act relating to electronic insurance notices and credit for reinsurance.

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

First: By striking out Secs. 1, 2, and 3 (pertaining to electronic insurance notices) in their entirety.

Second: In Sec. 4, 8 V.S.A. § 3634a (credit for reinsurance), in subdivision (b)(5), by adding a new subparagraph (H) to read as follows:

(H) Credit for reinsurance ceded to a certified reinsurer shall be permitted only for reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer by the Commissioner.

Third: By striking out Sec. 5 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 5 (renumbered as Sec. 2) to read as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And by renumbering all the sections of the bill to be numerically correct.

After passage, the title of the bill is to be amended to read:

An act relating to credit for reinsurance.

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

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

Message from the House No. 49

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 891. An act relating to the authority of the Secretary of Agriculture, Food and Markets to respond to and remediate potential public health hazards.

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

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

H. 872. An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 16, 2014.

WEDNESDAY, APRIL 16, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rebecca Girrell of Montpelier.

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:

Fallar, Gail of Tinmouth - Member of the Natural Resources Board, - from April 8, 2014, to January 31, 2017.

To the Committee on Natural Resources and Energy.

Ryan, Linda of St. Albans - Member of the Vermont State Housing Authority, - from April 8, 2014, to February 28, 2019.

To the Committee on Economic Development, Housing and General Affairs.

Burris, Laurey of Shelburne - Member of the Children and Family Council for Prevention Programs, - from April 8, 2014, to February 29, 2016.

To the Committee on Health and Welfare.

Bill Referred

House bill of the following title was read the first time and referred:

H. 891.

An act relating to the authority of the Secretary of Agriculture, Food and Markets to respond to and remediate potential public health hazards.

To the Committee on Rules.

Committee Relieved of Further Consideration; Bills Committed**H. 552.**

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to raising the Vermont minimum wage,
and the bill was committed to the Committee on Economic Development,
Housing and General Affairs.

H. 881.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to approval of the adoption and the codification of the
charter of the Town of Westford,
and the bill was committed to the Committee on Government Operations.

H. 886.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to approval of the adoption and the codification of the
charter of the Town of Panton,
and the bill was committed to the Committee on Government Operations.

H. 887.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to approval of the adoption and the codification of the
charter of the Town of East Montpelier,
and the bill was committed to the Committee on Government Operations.

H. 888.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to approval of amendments to the charter of the Town of
Milton,
and the bill was committed to the Committee on Government Operations.

H. 889.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws,

and the bill was committed to the Committee on Finance.

H. 890.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas,

and the bill was committed to the Committee on Government Operations.

Bill Passed in Concurrence with Proposal of Amendment**H. 112.**

House bill of the following title:

An act relating to the labeling of food produced with genetic engineering.

Was taken up.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 28, Nays 2.

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, Bray, Campbell, Collins, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

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

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. 260. An act relating to electronic insurance notices and credit for reinsurance.

H. 483. An act relating to adopting revisions to Article 9 of the Uniform Commercial Code.

Proposal of Amendment; Third Reading Ordered

H. 650.

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

An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

Reported that the bill ought to pass in concurrence.

Senator Snelling, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2 in its entirety and inserting in lieu thereof two new sections to be numbered Secs. 2 and 3 to read as follows:

Sec. 2. 2014 Acts and Resolves No. 97, Sec. 1(c) is amended to read:

(c) Report. On or before ~~April 15~~ November 15, 2014, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy, the House Committee on Fish, Wildlife and Water Resources, and the Senate and House Committees on Appropriations a report that provides specific recommendations for administering, implementing, and financing water quality improvement in Vermont. The report shall:

* * *

Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 2 (ANR report) shall take effect on passage.

(b) Sec. 1 (Ecosystem Restoration and Water Quality Improvement Special Fund) shall take effect on July 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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Committee of Conference Appointed

S. 86.

An act relating to miscellaneous changes to election laws.

Was taken up. Pursuant to the request of the Senate, the President announced the appointment of

Senator White
Senator McAllister
Senator French

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 on Thursday, April 17, 2014.

THURSDAY, APRIL 17, 2014

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. 50

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 100. An act relating to forest integrity.

And has passed the same in concurrence.

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

H. 631. An act relating to lottery commissions.

And has severally concurred therein with a further proposal of amendment thereto, 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. 55. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations**H. 297.**

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 duties and functions of the Department of Public Service.

Senate Resolution Placed on Calendar**S.R. 10.**

Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Mullin, Flory, and French,

S.R. 10. Senate resolution relating to expressing support for the continuation of the Vermont State Fair.

Whereas, the Vermont State Fair has a proud history dating to 1846 when the first Rutland Fair, a one-day event, was held on a field near Castleton, and

Whereas, after migrating to different locations near Rutland City, the Rutland Fair settled at its present home in 1859, the site then known as Rutland County Park, and

Whereas, the deed for this land requires that an agricultural fair be held on the property once a year, and

Whereas, as the popularity and scope of the Rutland Fair grew, the Fair's duration was extended, first to two and then to three days, and by 1933 it had become a six-day event, attracting crowds from across Vermont and out of state, and

Whereas, the resiliency of the Rutland Fair was demonstrated in 1939 when a grandstand destroyed by fire was rebuilt in just 40 days, and

Whereas, the Rutland Fair's statewide agricultural and cultural roles were formally acknowledged in 1972 when it was renamed the Vermont State Fair, and

Whereas, the Vermont State Fair provides an annual boost to the local economy in Rutland and to the State of Vermont, and

Whereas, the Rutland County Agricultural Society (RCAS) is the governing organization of the Vermont State Fair, and

Whereas, internal management difficulties at the RCAS have required the appointment of a new interim president-general manager and the initiation of a comprehensive internal audit, and

Whereas, the problems the RCAS now confronts are serious and could place the future of the Vermont State Fair in jeopardy, and

Whereas, the leadership of the RCAS is taking responsible steps to resolve the current difficulties and enable the Vermont State Fair to continue welcoming fairgoers each summer, and

Whereas, patience during this challenging transition period and expressions of public support will assist the RCAS as it works carefully, but optimistically, to keep the Vermont State Fair open, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont expresses its support for the continuation of the Vermont State Fair, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the Rutland County Agricultural Society.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

Senate Resolution Referred

S.R. 11.

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution relating to the Senate Committee on Child Protection.

By Senator Ayer, Cummings, Flory, French, Kitchel, Mullin, and Sears,

S.R. 11. Senate resolution relating to the Senate Committee on Child Protection.

Whereas, on February 21, 2014, two-year-old Dezirae Sheldon died as a result of head injuries, and her stepfather has been arrested and charged with murder in connection with her death, and

Whereas, the President Pro Tempore of the Senate has appointed a panel to investigate issues raised by the death of Dezirae, including whether current laws, policies, and procedures are sufficient to meet Vermont's high expectations concerning child protection, and to determine if legislative changes are necessary, and

Whereas, the Senate Panel on Child Protection is co-chaired by Senators Ayer and Sears, and includes Senators Cummings, Flory, French, Kitchel, and Mullin, and

Whereas, it has become evident that the Panel will not be able to investigate fully the many issues raised by Dezirae's death before adjournment, *now therefore be it*

Resolved by the Senate:

There is created a Senate Committee on Child Protection to carry on the work begun by the Senate Panel on Child Protection, including investigating whether current laws, policies, and procedures are sufficient to meet Vermont's high expectations concerning child protection, and determining if legislative changes are necessary, *and be it further*

Resolved: That the Committee shall be co-chaired by Senators Ayer and Sears, and the members shall be Senators Cummings, Flory, French, Kitchel, and Mullin, *and be it further*

Resolved: That the Committee may conduct hearings and may administer oaths to and examine under oath any person, *and be it further*

Resolved: That the Committee shall have the power, by a majority vote of the Committee, to compel the attendance of witnesses and the production of books, records, papers, vouchers, accounts, or documents, *and be it further*

Resolved: That any confidential records obtained by the Committee shall be exempt from public inspection and copying, shall be kept confidential, and shall not be disclosed, *and be it further*

Resolved: That the Committee shall continue to meet during the session as the Co-Chairs determine appropriate, *and be it further*

Resolved: That the Committee may meet no more than ten times after the adjournment of the General Assembly, unless additional meetings are determined to be necessary by the Co-Chairs and approved by the President Pro Tempore, *and be it further*

Resolved: That the Committee may hold hearings at whatever locations the Co-Chairs determine appropriate, *and be it further*

Resolved: That the Committee shall cease to exist on January 6, 2015, *and be it further*

Resolved: That for attendance at meetings after adjournment of the General Assembly, members of the Committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406, *and be it further*

Resolved: That on or before January 6, 2015, the Committee shall report to the Senate on its findings and any recommendations for legislative action, *and be it further*

Resolved: That the Committee shall receive the assistance of the Office of Legislative Council.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Bill Passed in Concurrence with Proposal of Amendment

H. 650.

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

An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

**House Proposals of Amendment to Senate Proposal of Amendment
Concurred In**

H. 872.

House proposals of amendment to Senate proposal of amendment to House bill entitled:

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

Were taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: In Sec. 15, by striking subdivision (4) in its entirety

Second: By adding a new section to be Sec. 15a and a reader assistance thereto to read:

* * * Rest Areas Program * * *

Sec. 15a. REST AREAS PROGRAM; DERBY WELCOME CENTER

In the Agency's proposed fiscal year 2015 Transportation Program, in the Rest Areas Program, the Project Information section for the Derby Welcome Center project, IM 091-3(8), is amended to delete all of the text in the Comments field.

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

Proposal of Amendment; Third Reading Ordered

H. 871.

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

An act relating to miscellaneous pension changes.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2 (repeal) in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. REPEAL

2010 Acts and Resolves No. 139, Sec. 13(a) is repealed.

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

Senator Westman, 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 Government Operations.

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

Adjournment

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

FRIDAY, APRIL 18, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Cindy Simpson of Barre.

Message from the House No. 51

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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 the following House bill:

H. 589. An act relating to hunting, fishing, and trapping.

And has severally concurred therein.

The House has adopted joint resolution of the following title:

J.R.H. 20. Joint resolution authorizing Green Mountain Boys State educational program to use the State House.

In the adoption of which the concurrence of the Senate is requested.

Message from the House No. 52

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 586. An act relating to improving the quality of State waters.

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

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

H. 373. An act relating to updating and reorganizing Title 33.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 309. House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards.

H.C.R. 310. House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge.

H.C.R. 311. House concurrent resolution congratulating 2014 Vermont Spelling Bee champion, Liam Lustberg.

H.C.R. 312. House concurrent resolution congratulating the 2014 Division II Lyndon Institute Vikings championship boys' basketball team.

H.C.R. 313. House concurrent resolution congratulating the 2014 Proctor High School Lady Phantoms Division IV championship girls' basketball team.

H.C.R. 314. House concurrent resolution congratulating the 2013 Peoples Academy Lady Wolves Division III championship girls' soccer team.

H.C.R. 315. House concurrent resolution congratulating the 2014 Danville High School Division IV championship boys' basketball team.

H.C.R. 316. House concurrent resolution commemorating the third annual Turkic Cultural Day in Vermont.

H.C.R. 317. House concurrent resolution congratulating the 2014 Mt. Abraham Union High School Division II championship girls' basketball team.

H.C.R. 318. House concurrent resolution commemorating the 200th anniversary of the Battle of Plattsburgh and honoring those who fought on Lake Champlain's western shore.

H.C.R. 319. House concurrent resolution congratulating Chloe Johnson of Fairfield on her service as the 2013 Miss Vermont Outstanding Teen.

H.C.R. 320. House concurrent resolution in memory of Brandon Allen Gleason of Enosburg Falls.

H.C.R. 321. House concurrent resolution congratulating the 2014 Black River High School State rock climbing championship team.

H.C.R. 322. House concurrent resolution designating April 23, 2014 as Iraq and Afghanistan Veterans Honor and Appreciation Day and recognizing their service and sacrifice on behalf of our nation.

H.C.R. 323. House concurrent resolution congratulating the 2014 University of Vermont Catamounts America East Regular Season title winning men's basketball team.

H.C.R. 324. House concurrent resolution congratulating the Vermont-associated 2014 U.S. Winter Olympic Team members.

H.C.R. 325. House concurrent resolution congratulating Jeanelle Achee of Rochester on her service as the 2013 Miss Vermont.

H.C.R. 326. House concurrent resolution congratulating the 2013 Randolph Union High School Galloping Ghosts Division II championship baseball team.

H.C.R. 327. House concurrent resolution congratulating Madison Cota on being named the 2014 Miss Vermont Teen USA.

H.C.R. 328. House concurrent resolution commemorating the 150th anniversary of the St. Albans Raid.

H.C.R. 329. House concurrent resolution designating April 30, 2014 as National Walk@Lunch 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. 55. Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary.

And has adopted the same in concurrence.

Bill Referred to Committee on Finance

H. 542.

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

An act relating to the taxation of soil amendments.

Bills Referred to Committee on Appropriations

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

H. 795. An act relating to victim's compensation and restitution procedures.

H. 882. An act relating to compensation for certain State employees.

Joint Resolution Placed on Calendar

J.R.H. 20.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing Green Mountain Boys State educational program to use the State House

Whereas, the American Legion in Vermont sponsors 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 19, 2014 from 8:00 a.m. to 5:00 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 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. 586.

An act relating to improving the quality of State waters.

To the Committee on Rules.

Bill Passed in Concurrence with Proposal of Amendment

H. 871.

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

An act relating to miscellaneous pension changes.

Third Reading Ordered

H. 863.

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

An act relating to a Public Records Act exemption for the identity of whistleblowers.

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 Readings Ordered

H. 765.

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

An act relating to eliminating the part-time certification of law enforcement officers.

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. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;
REPORT; LEVELS OF LAW ENFORCEMENT OFFICER
CERTIFICATION; SCOPE OF PRACTICE; TRAINING REQUIREMENTS

On or before January 15, 2015, the Vermont Criminal Justice Training Council shall submit to the Senate and House Committees on Government Operations a report that recommends whether there should be different levels of law enforcement officer certification to replace the current law's full- and part-time certification. Any new recommended levels shall distinguish law enforcement officer certification based on scope of practice and not on practice hours. For each recommended new level of law enforcement officer certification, the Council shall recommend:

(1) the scope of practice for that level of certification;

(2) the scope of the basic and annual in-service training that should be required to obtain and retain, respectively, that level of certification;

(3) the manner in which a law enforcement officer should be able to transition to a different level of certification; and

(4) the manner in which a law enforcement officer certified as a full- or part-time officer under current law should be able to transition to the recommended new level.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to a report of the Vermont Criminal Justice Training Council's recommended levels of law enforcement officer certification.

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

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

H. 874.

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

An act relating to consent for admission to hospice care and for DNR/COLST orders.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2 in its entirety and inserting a new Sec. 2 to read as follows:

Sec. 2. 18 V.S.A. § 9708(f) is amended to read:

(f) The Department of Health shall adopt by rule ~~no later than~~ on or before July 1, ~~2014~~ 2016, 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:

(1) other individuals permitted to give informed consent for a DNR/COLST order who shall be a family member of the patient or a person with a known close relationship to the patient; and

(2) parameters for how decisions should be made, which shall include at a minimum the protection of a patient's own wishes in the same manner as in section 9711 of this title; ~~and~~

~~(3) access to a hospital's internal ethics protocols for use when there is a disagreement over the appropriate person to give informed consent.~~

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

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

**House Proposal of Amendment to Senate Proposal of Amendment
Concurred In**

H. 631.

House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to lottery commissions.

Was taken up.

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

Sec. 1. 31 V.S.A. § 658 is amended to read:

§ 658. STATE LOTTERY FUND

* * *

(b) Expenditures for administrative and overhead expenses of the operation of the lottery, except agent and bank commissions, shall be paid from lottery receipts from an appropriation authorized for that purpose. Agent commissions shall be set by the ~~lottery commission~~ Lottery Commission and may not exceed 6.25 percent of gross receipts and bank commissions may not exceed 1 percent of gross receipts. Once the draw game results become official, the payment of any commission on any draw game ticket that wins at least \$10,000.00 shall be made through the normal course of processing payments to lottery agents, regardless of whether the winning ticket is claimed.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

Senate Resolution Adopted

S.R. 10.

Senate resolution entitled:

Senate resolution expressing support for the continuation of the Vermont State Fair

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

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:

By Senators Rodgers and Starr,

S.C.R. 55.

Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary.

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 Representatives Shaw and Carr,

By Senators Flory, French and Mullin,

H.C.R. 309.

House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards.

By Representative Smith,

By Senators Ayer and Bray,

H.C.R. 310.

House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge.

By Representative Pugh and others,

By Senators Sirotkin, Ashe, Baruth, Lyons, Snelling and Zuckerman,

H.C.R. 311.

House concurrent resolution congratulating 2014 Vermont Spelling Bee champion, Liam Lustberg.

By Representatives Lawrence and Feltus,

By Senators Benning and Kitchel,

H.C.R. 312.

House concurrent resolution congratulating the 2014 Division II Lyndon Institute Vikings championship boys' basketball team.

By Representative Potter and others,

H.C.R. 313.

House concurrent resolution congratulating the 2014 Proctor High School Lady Phantoms Division IV championship girls' basketball team.

By Representatives Smith and Peltz,

H.C.R. 314.

House concurrent resolution congratulating the 2013 Peoples Academy Lady Wolves Division III championship girls' soccer team.

By Representative Toll,

By Senators Kitchel and Benning,

H.C.R. 315.

House concurrent resolution congratulating the 2014 Danville High School Division IV championship boys' basketball team.

By Representatives O'Sullivan and Ram,

H.C.R. 316.

House concurrent resolution commemorating the third annual Turkic Cultural Day in Vermont.

By Representative Sharpe and others,

H.C.R. 317.

House concurrent resolution congratulating the 2014 Mt. Abraham Union High School Division II championship girls' basketball team.

By Representative Devereux and others,

By Senators Ashe, Baruth, Lyons, Mazza, Sirotkin, Snelling and Zuckerman,

H.C.R. 318.

House concurrent resolution commemorating the 200th anniversary of the Battle of Plattsburgh and honoring those who fought on Lake Champlain's western shore.

By Representatives Lanpher and Connor,

By Senators Collins and McAllister,

H.C.R. 319.

House concurrent resolution congratulating Chloe Johnson of Fairfield on her service as the 2013 Miss Vermont Outstanding Teen.

By Representative Weed and others,

By Senators Collins and McAllister,

H.C.R. 320.

House concurrent resolution in memory of Brandon Allen Gleason of Enosburg Falls.

By Representative Devereux,

By Senators Campbell, McCormack and Nitka,

H.C.R. 321.

House concurrent resolution congratulating the 2014 Black River High School State rock climbing championship team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 322.

House concurrent resolution designating April 23, 2014 as Iraq and Afghanistan Veterans Honor and Appreciation Day and recognizing their service and sacrifice on behalf of our nation.

By Representative Juskiewicz and others,

By Senators Baruth, Doyle, Flory, McAllister and Mullin,

H.C.R. 323.

House concurrent resolution congratulating the 2014 University of Vermont Catamounts America East Regular Season title winning men's basketball team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 324.

House concurrent resolution congratulating the Vermont-associated 2014 U.S. Winter Olympic Team members.

By Representatives Lanpher and Haas,

By Senators Campbell, McCormack and Nitka,

H.C.R. 325.

House concurrent resolution congratulating Jeanelle Achee of Rochester on her service as the 2013 Miss Vermont.

By Representatives French and Ryerson,

By Senator MacDonald,

H.C.R. 326.

House concurrent resolution congratulating the 2013 Randolph Union High School Galloping Ghosts Division II championship baseball team.

By Representative Partridge and others,

H.C.R. 327.

House concurrent resolution congratulating Madison Cota on being named the 2014 Miss Vermont Teen USA.

By Representative Frank and others,

H.C.R. 329.

House concurrent resolution designating April 30, 2014 as National Walk@Lunch Day in Vermont.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 22, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 55.

TUESDAY, APRIL 22, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

Pledge of Allegiance

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

Bill Referred to Committee on Appropriations

H. 552.

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 raising the Vermont minimum wage.

Bills Referred to Committee on Finance

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

H. 656. An act relating to professions and occupations regulated by the Office of Professional Regulation.

H. 740. An act relating to transportation impact fees.

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. 56. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 25, 2014, it be to meet again no later than Tuesday, April 29, 2014.

Bills Passed in Concurrence with Proposal of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposal of amendment:

H. 765. An act relating to eliminating the part-time certification of law enforcement officers.

H. 863. An act relating to a Public Records Act exemption for the identity of whistleblowers.

Third Readings Ordered**H. 886.**

Senator Ayer, 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 Panton.

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. 887.

Senator Pollina, 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 East Montpelier.

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. 890.**

Senator French, 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 Burlington regarding the redistricting of City election areas.

Reported that the bill ought to pass in concurrence.

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

Thereupon, pending the question, Shall the bill be read third time?, Senators French, Ayer, McAllister, Pollina and White moved that the Senate propose to the House to amend the bill in Sec. 2, 24 App. V.S.A. chapter 3, in § 2 (election boundaries), in subsection (a) (City districts described), in subdivision (2) (Central District), in the geographic description of the district, after the following: “Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence southerly along the East District”, by striking out the following: eastern boundary and inserting in lieu thereof the following: western boundary to its intersection with the centerline of Main Street; continuing southerly along the centerline of South Winooski Avenue.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 875.**

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

An act relating to the elimination of a defendant's right to a trial by jury in traffic appeals and fines for driving with license suspended.

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. 4 V.S.A. § 1109 is amended to read:

§ 1109. REMEDIES FOR FAILURE TO PAY

(a) As used in this section:

(1) "Amount due" means all financial assessments contained in a ~~judicial-bureau~~ Judicial Bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(2) "Designated collection agency" means a collection agency designated by the ~~court administrator~~ Court Administrator.

(3) ~~"Designated credit bureau" means a credit bureau designated by the court administrator or the court administrator's designee. [Repealed.]~~

(b) A ~~judicial-bureau~~ Judicial Bureau judgment shall provide notice that a \$30.00 fee shall be assessed for failure to pay within 30 days. If the defendant fails to pay the amount due within 30 days, the fee shall be added to the judgment amount and deposited in the ~~court technology special fund~~ Court Technology Special Fund established pursuant to section 27 of this title.

(c) Civil contempt proceedings. If an amount due remains unpaid for 75 days after the ~~judicial-bureau~~ Judicial Bureau provides the defendant with a notice of judgment, the ~~judicial-bureau~~ Judicial Bureau may initiate civil contempt proceedings pursuant to this subsection.

(1) Notice of hearing. The ~~judicial-bureau~~ Judicial Bureau shall provide notice by first class mail sent to the defendant's last known address that a contempt hearing will be held pursuant to this subsection, and that failure to appear at the contempt hearing may result in the sanctions listed in subdivision (2) of this subsection.

(2) Failure to appear. If the defendant fails to appear at the contempt hearing, the hearing officer may direct the clerk of the ~~judicial-bureau~~ Judicial Bureau to:

(A) cause the matter to be reported to one or more designated ~~credit bureaus~~ collection agencies; or

(B) refer the matter to ~~criminal division of the superior court~~ the Criminal Division of the Superior Court for contempt proceedings; or

(C) provide electronic notice thereof to the Commissioner of Motor Vehicles who shall suspend the person's operator's license or privilege to operate. However, the person shall become eligible for reinstatement if the amount due is paid or otherwise satisfied.

(3) Hearing. The hearing shall be conducted in a summary manner. The hearing officer shall examine the defendant and any other witnesses and may require the defendant to produce documents relevant to the defendant's ability to pay the amount due. The ~~state~~ State or municipality shall not be a party except with the permission of the hearing officer. The defendant may be represented by counsel at the defendant's own expense.

(4) Contempt.

(A) The hearing officer may conclude that the defendant is in contempt if the hearing officer states in written findings a factual basis for concluding that:

(i) the defendant knew or reasonably should have known that he or she owed an amount due on a ~~judicial bureau~~ Judicial Bureau judgment;

(ii) the defendant had the ability to pay all or any portion of the amount due; and

(iii) the defendant failed to pay all or any portion of the amount due.

(B) In the contempt order, the hearing officer may do one or more of the following:

(i) Set a date by which the defendant shall pay the amount due.

(ii) Assess an additional penalty not to exceed ten percent of the amount due.

(iii) ~~Direct the clerk of the judicial bureau to cause the matter to be reported to one or more designated credit bureaus. The court administrator or the court administrator's designee is authorized to contract with one or more credit bureaus for the purpose of reporting information about unpaid judicial bureau judgments~~ Order that the Commissioner of Motor Vehicles suspend the person's operator's license or privilege to operate. However, the person shall become eligible for reinstatement if the amount due is paid or otherwise satisfied.

(iv) ~~Recommend that the criminal division of the superior court~~ Criminal Division of the Superior Court incarcerate the defendant until the amount due is paid. If incarceration is recommended pursuant to this subdivision (4), the ~~judicial bureau~~ Judicial Bureau shall notify the ~~criminal~~

~~division of the superior court~~ Criminal Division of the Superior Court that contempt proceedings should be commenced against the defendant. The ~~criminal division of the superior court~~ Criminal Division of the Superior Court proceedings shall be de novo. If the defendant cannot afford counsel for the contempt proceedings in ~~criminal division of the superior court~~ the Criminal Division of the Superior Court, the ~~defender-general~~ Defender General shall assign counsel at the ~~defender-general's~~ Defender General's expense.

(d) Collections.

(1) If an amount due remains unpaid after the issuance of a notice of judgment, the ~~court administrator~~ Court Administrator may authorize the clerk of the ~~judicial bureau~~ Judicial Bureau to refer the matter to a designated collection agency.

(2) The ~~court administrator~~ Court Administrator or the ~~court administrator's~~ Court Administrator's designee is authorized to contract with one or more collection agencies for the purpose of collecting unpaid ~~judicial bureau~~ Judicial Bureau judgments pursuant to 13 V.S.A. § 7171.

(e) For purposes of civil contempt proceedings, venue shall be statewide.

(f) Notwithstanding 32 V.S.A. § 502, the ~~court administrator~~ Court Administrator is authorized to contract with a third party to collect fines, penalties, and fees by credit card, debit card, charge card, prepaid card, stored value card, and direct bank account withdrawals or transfers, as authorized by 32 V.S.A. § 583, and to add on and collect, or charge against collections, a processing charge in an amount approved by the ~~court administrator~~ Court Administrator.

Sec. 2. 23 V.S.A. § 674 is amended to read:

§ 674. OPERATING AFTER SUSPENSION OR REVOCATION OF LICENSE; PENALTY; REMOVAL OF REGISTRATION PLATES; TOWING

(a)(1) Except as provided in section 676 of this title, a person whose license or privilege to operate a motor vehicle has been suspended or revoked for a violation of this section or ~~subsections~~ subsection 1091(b), 1094(b), or 1128(b) or (c) of this title and who operates or attempts to operate a motor vehicle upon a public highway before the suspension period imposed for the violation has expired shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

(2) A person who violates section 676 of this title for the sixth or subsequent time shall, if the five prior offenses occurred after July 1, 2003, be imprisoned not more than two years or fined not more than \$5,000.00, or both.

(3) Violations of section 676 of this title that occurred prior to the date a person successfully completes the driving with license suspended diversion program or prior to the date that a person pays the amount due to the Judicial Bureau in accordance with subsection 2307(b) of this chapter shall not be counted as prior offenses under subdivision (2) of this subsection.

(b) Except as authorized in section 1213 of this title, a person whose license or privilege to operate a motor vehicle has been suspended or revoked for a violation of section 1201 of this title or has been suspended under section 1205 of this title and who operates or attempts to operate a motor vehicle upon a public highway before reinstatement of the license shall be imprisoned not more than two years or fined not more than \$5,000.00, or both. The sentence shall be subject to the following mandatory minimum terms:

* * *

Sec. 3. 23 V.S.A. § 2307 is amended to read:

§ 2307. REMEDIES FOR FAILURE TO PAY TRAFFIC VIOLATIONS

~~As used in this section,~~

(a) ~~“Amount due”~~ Definition. ~~As used in this section, “amount due” means~~ all financial assessments contained in a Judicial Bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(b) Notice of risk of suspension. A judgment for a traffic violation shall contain a notice that failure to pay or otherwise satisfy the amount due within 30 days of the notice will result in suspension of the person’s operator’s license or privilege to operate, and the denial, if the person is the sole registrant, of the person’s application for renewal of a motor vehicle registration, until the amount due is paid or otherwise satisfied. If the defendant fails to pay the amount due within 30 days of the notice, or by a later date as determined by a judicial officer, and the case is not pending on appeal, the Judicial Bureau shall provide electronic notice thereof to the Commissioner of Motor Vehicles ~~who, after~~. After 20 days from the date of receiving the electronic notice, the Commissioner shall:

(1) ~~suspend~~ Suspend the person’s operator’s license or privilege to operate for a period of 120 days. However, the person shall become eligible for reinstatement prior to expiration of the 120 days if the amount due is paid or otherwise satisfied.

(2) ~~and deny, if the person is the sole registrant, Deny~~ the person’s application for renewal of a motor vehicle registration, if the person is the sole registrant, until the amount due is paid or otherwise satisfied.

(c) During proceedings conducted pursuant to 4 V.S.A. § 1109, the hearing officer may apply the following mitigation remedies when the judgment is based upon a traffic violation. The hearing officer also may apply the remedies with or without a hearing when acting on a motion to approve a proposed DLS Diversion Program contract and related payment plan pursuant to 2012 Acts and Resolves No. 147, Sec. 2. Notwithstanding any other law, no entry fee shall be required and venue shall be statewide for motions to approve.

(1) The hearing officer may waive the reinstatement fee required by section 675 of this title or reduce the amount due on the basis of:

(A) the defendant's driving history, ability to pay, or service to the community;

(B) the collateral consequences of the violation; or

(C) the interests of justice.

(2) The hearing officer may specify a date by which the defendant shall pay the amount due and may notify the Commissioner of Motor Vehicles to reinstate the defendant's operator's license or privilege subject to payment of the amount due by the specified date. If the defendant fails to pay the amount due by the specified date, the Judicial Bureau may notify the Commissioner to suspend the defendant's operator's license or privilege. A license may be reinstated under this subdivision only if the defendant's license is suspended solely for failure to pay a judgment of the Judicial Bureau.

(3) The judicial officer shall have sole discretion to determine mitigation remedies pursuant to this subdivision, and the judicial officer's determination shall not be subject to review or appeal in any court, tribunal, or administrative office.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

An act relating to fines for driving with license suspended.

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

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

Joint Resolution Adopted in Concurrence**J.R.H. 20.**

Joint House resolution entitled:

Joint resolution authorizing 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.

Message from the House No. 53

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 870. An act relating to the merger of the Town of Pittsford and the Pittsford Fire District No. 1.

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

The House has adopted joint resolution of the following title:

J.R.H. 22. Joint resolution authorizing the use of the State House on June 18, 2014 for the 2014 Green Mountain Girls State Day.

In the adoption of which the concurrence of the Senate is requested.

The Governor has informed the House that on the February 12, 2014, he approved and signed a bill originating in the House of the following title:

H. 593. An act relating to the Winooski School District Charter's term of office for the District Treasurer.

The Governor has informed the House that on the February 14, 2014, he approved and signed a bill originating in the House of the following title:

H. 524. An act relating to making technical amendments to education laws.

The Governor has informed the House that on the February 19, 2014, he approved and signed a bill originating in the House of the following title:

H. 198. An act relating to the Legacy Insurance Management Act.

The Governor has informed the House that on the February 25, 2014, he approved and signed a bill originating in the House of the following title:

H. 655. An act relating to fiscal year 2014 budget adjustments.

The Governor has informed the House that on the April 1, 2014, he approved and signed a bill originating in the House of the following title:

H. 702. An act relating to self-generation and net metering.

The Governor has informed the House that on the April 8, 2014, he approved and signed a bill originating in the House of the following title:

H. 559. An act relating to membership on the Building Bright Futures Council.

H. 577. An act relating to ski tramways.

H. 718. An act relating to approval of amendments to the charter of the Village of Derby Line.

The Governor has informed the House that on the April 14, 2014, he approved and signed bills originating in the House of the following titles:

H. 441. An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares.

H. 563. An act relating to captive insurance laws and accreditation standards.

H. 583. An act relating to the charge of the Vermont Child Poverty Council.

The Governor has informed the House that on the April 18, 2014, he approved and signed bills originating in the House of the following titles:

H. 576. An act relating to applications for the Lifeline program.

H. 602. An act relating to municipal budget committees.

H. 676. An act relating to regulation of land uses within flood hazard areas.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 23, 2014.

WEDNESDAY, APRIL 23, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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 twenty-second day of April, 2014 he approved and signed bills originating in the Senate of the following titles:

S. 223. An act relating to regulating the making of pension loans.

S. 296. An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities.

Rules Suspended; Bill Committed**H. 823.**

Pending entry on the Calendar for notice, on motion of Senator Hartwell, the rules were suspended and House bill entitled:

An act relating to encouraging growth in designated centers and protecting natural resources.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Hartwell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Economic Development, Housing and General Affairs with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Action Reconsidered; Consideration Postponed**H. 863.**

Assuring the Chair that she voted with the majority whereby the bill was passed in concurrence by the Senate, Senator White moved that the Senate reconsider its action on Senate bill entitled:

An act relating to a Public Records Act exemption for the identity of whistleblowers.

Which was agreed to.

Thereupon, pending the recurring question, upon reconsideration, Shall the bill pass in concurrence?, on motion of Senator White, action on the bill was postponed until the next legislative day.

Bills Referred to Committee on Appropriations

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

H. 728. An act relating to developmental services' system of care.

H. 790. An act relating to Reach Up eligibility.

H. 864. An act relating to capital construction and State bonding budget adjustment.

Joint Resolution Placed on Calendar**J.R.H. 22.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing the use of the State House on June 18, 2014 for the 2014 Green Mountain Girls State Day.

Whereas, Girls State is an educational program that the American Legion Auxiliary established in 1937 with a mission "to teach young women responsible citizenship," and

Whereas, each June, outstanding high school juniors from across the State gather to participate in an intensive week of civic education, and

Whereas, a highlight of their week is the day devoted to a mock legislative session at the State House in Montpelier, and

Whereas, the young women serve on legislative committees, and the resulting bills are debated in House and Senate floor sessions, and

Whereas, this program provides an opportunity for young women to explore their leadership potential, and

Whereas, Girls State serves as a unique educational experience for the students and is a worthy use of the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the use of the State House, including all the committee rooms, rooms 10 and 11, and the chambers of the House of Representatives and the Senate on June 18, 2014, from 8:00 a.m. until 4:15 p.m., for the convening of the 2014 Green Mountain Girls State, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont American Legion Auxiliary 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 introduced, read the first time and referred:

H. 870. An act relating to the merger of the Town of Pittsford and the Pittsford Fire District No. 1.

To the Committee on Rules.

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment**

H. 874.

House bill entitled:

An act relating to consent for admission to hospice care and for DNR/COLST orders.

Was taken up.

Thereupon, pending third reading of the bill, Senators Lyons and Flory moved to amend the Senate proposal of amendment by adding three new sections to be numbered Secs. 3, 4 and 5 to read as follows:

Sec. 3. 14 V.S.A. § 3075(g) is amended to read:

(g)(1) The guardian shall obtain prior written approval by the ~~probate division~~ Probate Division of the ~~superior court~~ Superior Court following notice and hearing:

(A) if the person under guardianship objects to the guardian's decision, on constitutional grounds or otherwise;

(B) if the ~~court~~ Court orders prior approval for a specific surgery, procedure, or treatment, either in its initial order pursuant to subdivision 3069(c)(2) of this title or anytime after appointment of a guardian;

(C) except as provided in subdivision (2) of this subsection, and unless the guardian is acting pursuant to an advance directive, before withholding or withdrawing life-sustaining treatment other than antibiotics; or

(D) unless the guardian is acting pursuant to an advance directive, before consenting to a do-not-resuscitate order or clinician order for life-sustaining treatment, as defined in 18 V.S.A. § 9701(6), unless a clinician as defined in 18 V.S.A. § 9701(5) certifies that the person under guardianship is likely to experience cardiopulmonary arrest before ~~court~~ Court approval can

be obtained. In such circumstances, the guardian shall immediately notify the ~~court~~ Court of the need for a decision, shall obtain the clinician's certification prior to consenting to the do-not-resuscitate order or clinician order for life-sustaining treatment, and shall file the clinician's certification with the ~~court~~ Court after consent has been given.

(2) The requirements of subdivision (1)(C) of this subsection shall not apply if obtaining a ~~court~~ Court order would be impracticable due to the need for a decision before ~~court~~ Court approval can be obtained. In such circumstances, the guardian shall immediately notify the ~~court~~ Court by telephone of the need for a decision, and shall notify the ~~court~~ Court of any decision made.

Sec. 4. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

* * *

(11) "Guardian" means a person appointed by the Probate Division of the Superior Court who has the authority to make medical decisions pursuant to 14 V.S.A. § 3069~~(b)~~(c).

* * *

Sec. 5. 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~~ LIFE-SUSTAINING TREATMENT

(a) As used in this section, "DNR/COLST" shall mean a do-not-resuscitate order ("DNR") and a clinician order for ~~life-sustaining~~ life-sustaining treatment ("COLST") as defined in section 9701 of this title.

(b) A DNR order and a COLST shall be issued on the Department of Health's "Vermont DNR/COLST form" as designated by rule by the Department of Health.

(c) Notwithstanding subsection (b) of this section, health care facilities and residential care facilities may document DNR/COLST orders in the patient's medical record in a facility-specific manner when the patient is in their care.

(d) A DNR order must:

(1) be signed by the patient's clinician;

(2) certify that the clinician has consulted, or made an effort to consult, with the patient, and the patient's agent or guardian, if there is an appointed agent or guardian;

(3) include either:

(A) the name of the patient; agent; guardian, in accordance with 14 V.S.A. § 3075(g); or other individual giving informed consent for the DNR and the individual's relationship to the patient; or

(B) certification that the patient's clinician and one other named clinician have determined that resuscitation would not prevent the imminent death of the patient, should the patient experience cardiopulmonary arrest; and

(4) if the patient is in a health care facility or a residential care facility, certify that the requirements of the facility's DNR protocol required by section 9709 of this title have been met.

(e) A COLST must:

(1) be signed by the patient's clinician; and

(2) include the name of the patient; agent; guardian, in accordance with 14 V.S.A. § 3075(g); or other individual giving informed consent for the COLST and the individual's relationship to the patient.

* * *

And by renumbering the remaining section of the bill to be numerically correct.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment; House Concurrent Resolution Adopted

H.C.R. 328.

House concurrent resolution entitled:

House concurrent resolution commemorating the 150th anniversary of the St. Albans Raid.

Was taken up.

Thereupon, pending the question, Shall the Concurrent Resolution be adopted?, Senator Galbraith moved to amend the House Concurrent Resolution in the first resolved clause by striking out the words "this confederate victory was" and inserting in lieu thereof the words these bank robberies were and by

striking out the words “a far more important” and inserting in lieu thereof the words an historic

Which was disagreed to.

Thereupon, the question, Shall the Concurrent Resolution be adopted?, was agreed to.

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment**

H. 875.

House bill entitled:

An act relating to the elimination of a defendant’s right to a trial by jury in traffic appeals and fines for driving with license suspended.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin moved that the Senate proposal of amendment be amended in Sec. 1, 4 V.S.A. § 1109(c), in subdivision (2), after the following: “Judicial Bureau to” by inserting the following: do one or more of the following

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 886. An act relating to approval of the adoption and the codification of the charter of the Town of Panton.

H. 887. An act relating to approval of the adoption and the codification of the charter of the Town of East Montpelier.

Bill Passed in Concurrence with Proposal of Amendment

H. 890.

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

An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas.

Proposal of Amendment; Consideration Postponed**H. 581.**

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

An act relating to guardianship of minors.

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. 14 V.S.A. chapter 111, subchapter 2, article 1 is amended to read:

Article 1. Guardians of Minors

§ 2621. POLICY; PURPOSES

This article shall be construed in accordance with the following purposes and policies:

(1) It is presumed that the interests of minor children are best promoted in the child's own home. However, when parents are temporarily unable to care for their children, guardianship provides a process through which parents can arrange for family members or other parties to care for the children.

(2) Family members can make better decisions about minor children when they understand the consequences of those decisions and are informed about the law and the available supports.

(3) Decisions about raising a child made by a person other than the child's parent should be based on the informed consent of the parties unless there has been a finding of parental unsuitability.

(4) When the informed consent of the parents cannot be obtained, parents have a fundamental liberty interest in raising their children unless a proposed guardian can show parental unsuitability by clear and convincing evidence.

(5) Research demonstrates that timely reunification between parents and their children is more likely when children have safe and substantial contact with their parents.

(6) It is in the interests of all parties, including the children, that parents and proposed guardians have a shared understanding about the length of time that they expect the guardianship to last, the circumstances under which the parents will resume care for their children, and the nature of the supports and services that are available to assist them.

§ 2622. DEFINITIONS

As used in this article:

(1) “Child” means an individual who is under 18 years of age and who is the subject of a petition for guardianship filed pursuant to section 2623 of this title.

(2) “Child in need of guardianship” means:

(A) A child who the parties consent is in need of adult care because of any one of the following:

(i) The child’s custodial parent has a serious or terminal illness.

(ii) A custodial parent’s physical or mental health prevents the parent from providing proper care and supervision for the child.

(iii) The child’s home is no longer habitable as the result of a natural disaster.

(iv) A custodial parent of the child is incarcerated.

(v) A custodial parent of the child is on active military duty.

(vi) The parties have articulated and agreed to another reason that guardianship is in the best interests of the child.

(B) A child who is:

(i) abandoned or abused by the child’s parent;

(ii) without proper parental care, subsistence, education, medical, or other care necessary for the child’s well-being; or

(iii) without or beyond the control of the child’s parent.

(3) “Custodial parent” means a parent who, at the time of the commencement of the guardianship proceeding, has the right and responsibility to provide the routine daily care and control of the child. The rights of the custodial parent may be held solely or shared and may be subject to the court-ordered right of the other parent to have contact with the child. If physical parental rights and responsibilities are shared pursuant to court order, both parents shall be considered “custodial parents” for purposes of this subdivision.

(4) “Nonconsensual guardianship” means a guardianship with respect to which:

(A) a parent is opposed to establishing the guardianship; or

(B) a parent seeks to terminate a guardianship that the parent previously agreed to establish.

(5) "Noncustodial parent" means a parent who is not a custodial parent at the time of the commencement of the guardianship proceeding.

(6) "Parent" means a child's biological or adoptive parent, including custodial parents; noncustodial parents; parents with legal or physical responsibilities, or both; and parents whose rights have never been adjudicated.

(7) "Parent-child contact" means the right of a parent to have visitation with the child by court order.

§ 2623. PETITION FOR GUARDIANSHIP OF MINOR; SERVICE

(a) A parent or a person interested in the welfare of a minor may file a petition with the Probate Division of the Superior Court for the appointment of a guardian for a child. The petition shall state:

(1) the names and addresses of the parents, the child, and the proposed guardian;

(2) the proposed guardian's relationship to the child;

(3) the names of all members of the proposed guardian's household and each person's relationship to the proposed guardian and the child;

(4) that the child is alleged to be a child in need of guardianship;

(5) specific reasons with supporting facts why guardianship is sought;

(6) whether the parties agree that the child is in need of guardianship and that the proposed guardian should be appointed as guardian;

(7) the child's current school and grade level;

(8) if the proposed guardian intends to change the child's current school, the name and location of the proposed new school and the estimated date when the child would enroll;

(9) the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period;

(10) any prior or current court proceedings, child support matters, or parent-child contact orders involving the child; and

(11) any previous involvement with the child by the Department for Children and Families.

(b)(1) A petition for guardianship of a child under this section shall be served on all parties and interested persons as provided by Rule 4 of the Vermont Rules of Probate Procedure.

(2)(A) The Probate Division may waive the notice requirements of subdivision (1) of this subsection (c) with respect to a parent if the Court finds that:

(i) the identity of the parent is unknown; or

(ii) the location of the parent is unknown and cannot be determined with reasonable effort.

(B) After a guardianship for a child is created, the Probate Division shall reopen the proceeding at the request of a parent of the child who did not receive notice of the proceeding as required by this subsection.

§ 2624. JURISDICTION; TRANSFER TO FAMILY DIVISION

(a) Except as provided in subsection (b) of this section, the Probate Division shall have exclusive jurisdiction over proceedings under this article involving guardianship of minors.

(b)(1)(A) A custodial minor guardianship proceeding brought in the Probate Division under this article shall be transferred to the Family Division if there is an open proceeding in the Family Division involving custody of the same child who is the subject of the guardianship proceeding in the Probate Division.

(B) A minor guardianship proceeding brought in the Probate Division under this article may be transferred to the Family Division on motion of a party or on the court's own motion if any of the parties to the probate proceeding was a party to a closed divorce proceeding in the Family Division involving custody of the same child who is the subject of the guardianship proceeding in the Probate Division.

(2)(A) When a minor guardianship proceeding is transferred from the Probate Division to the Family Division pursuant to subdivision (1) of this subsection (b), the Probate judge and a Superior judge assigned to the Family Division shall confer regarding jurisdiction over the proceeding. Except as provided in subdivision (B) of this subsection (2), all communications concerning jurisdiction between the Probate judge and the Superior judge under this subsection shall be on the record. Whenever possible, a party shall be provided notice of the communication and an opportunity to be present when it occurs. A party who is unable to be present for the communication shall be provided access to the record.

(B) It shall not be necessary to inform the parties about or make a record of a communication between the Probate judge and the Superior judge under this subsection (b) if the communication involves scheduling, calendars, court records, or other similar administrative matters.

(C) After the Superior judge and Probate judge confer under subdivision (2)(A) of this subsection (b), the Superior judge may:

(i) consolidate the minor guardianship case with the pending matter in the Family Division and determine whether a guardianship should be established under this article; or

(ii) transfer the guardianship petition back to the Probate Division for further proceedings after the pending matter in the Family Division has been adjudicated.

(D) If a guardianship is established by the Family Division pursuant to subdivision (2)(C)(i) of this subsection, the guardianship case shall be transferred back to the Probate Division for ongoing monitoring pursuant to section 2631 of this title.

§ 2625. HEARING; COUNSEL; GUARDIAN AD LITEM

(a) The Probate Division shall schedule a hearing upon the filing of the petition and shall provide notice of the hearing to all parties and interested persons who were provided notice under subdivision 2623(c)(1) of this title.

(b) The child shall attend the hearing if he or she is 14 years of age or older unless the child's presence is excused by the Court for good cause. The child may attend the hearing if he or she is less than 14 years of age.

(c) The Court shall appoint counsel for the child if the child will be called as a witness. In all other cases, the Court may appoint counsel for the child.

(d)(1) The child may be called as a witness only if the Court finds after hearing that:

(A) the child's testimony is necessary to assist the Court in determining the issue before it;

(B) the probative value of the child's testimony outweighs the potential detriment to the child; and

(C) the evidence sought is not reasonably available by any other means.

(2) The examination of a child called as a witness may be conducted by the Court in chambers in the presence of such other persons as the Court may specify and shall be recorded.

(e) The Court may appoint a guardian ad litem for the child on motion of a party or on the Court's own motion.

(f)(1) The Court may grant an emergency guardianship petition filed ex parte by the proposed guardian if the Court finds that:

(A) both parents are deceased or medically incapacitated; and

(B) the best interests of the child require that a guardian be appointed without delay and before a hearing is held.

(2) If the Court grants an emergency guardianship petition pursuant to subdivision (1) of this subsection (e), it shall schedule a hearing on the petition as soon as practicable and in no event more than 72 hours after the petition is filed.

§ 2626. CONSENSUAL GUARDIANSHIP

(a) If the petition requests a consensual guardianship, the petition shall include a consent signed by the custodial parent or parents verifying that the parent or parents understand the nature of the guardianship and knowingly and voluntarily consent to the guardianship. The consent required by this subsection shall be on a form approved by the Court Administrator.

(b) On or before the date of the hearing, the parties shall file an agreement between the proposed guardian and the parents. The agreement shall address:

(1) the responsibilities of the guardian;

(2) the responsibilities of the parents;

(3) the expected duration of the guardianship, if known; and

(4) parent-child contact and parental involvement in decision making.

(c) Vermont Rule of Probate Procedure 43 (relaxed rules of evidence in probate proceedings) shall apply to hearings under this section.

(d) The Court shall grant the petition if it finds after the hearing by clear and convincing evidence that:

(1) the child is a child in need of guardianship as defined in subdivision 2622(2)(A) of this title;

(2) the child's parents had notice of the proceeding and knowingly and voluntarily consented to the guardianship;

(3) the agreement is voluntary;

(4) the proposed guardian is suitable; and

(5) the guardianship is in the best interests of the child.

(e) If the Court grants the petition, it shall approve the agreement at the hearing and issue an order establishing a guardianship under section 2628 of this title. The order shall be consistent with the terms of the parties' agreement unless the Court finds that the agreement was not reached voluntarily or is not in the best interests of the child.

§ 2627. NONCONSENSUAL GUARDIANSHIP

(a) If the petition requests a nonconsensual guardianship, the burden shall be on the proposed guardian to establish by clear and convincing evidence that the child is a child in need of guardianship as defined in subdivision 2622(2)(B) of this title.

(b) The Vermont Rules of Evidence shall apply to a hearing under this section.

(c) The Court shall grant the petition if it finds after the hearing by clear and convincing evidence that the proposed guardian is suitable and that the child is a child in need of guardianship as defined in subdivision 2622(2)(B) of this title.

(d) If the Court grants the petition, it shall issue an order establishing a guardianship under section 2628 of this title.

§ 2628. GUARDIANSHIP ORDER

(a) If the Court grants a petition for guardianship of a child under subsection 2626(d) or 2627(d) of this title, the Court shall enter an order establishing a guardianship and naming the proposed guardian as the child's guardian.

(b) A guardianship order issued under this section shall include provisions addressing the following matters:

(1) the powers and duties of the guardian consistent with section 2629 of this title;

(2) the expected duration of the guardianship, if known;

(3) a family plan on a form approved by the Court Administrator that:

(A) in a consensual case is consistent with the parties' agreement; or

(B) in a nonconsensual case includes, at a minimum, provisions that address parent-child contact consistent with section 2630 of this title; and

(4) the process for reviewing the order consistent with section 2631 of this title.

§ 2629. POWERS AND DUTIES OF GUARDIAN

(a) The Court shall specify the powers and duties of the guardian in the guardianship order.

(b) The duties of a custodial guardian shall include the duty to:

(1) take custody of the child and establish his or her place of residence, provided that a guardian shall not change the residence of the child to a location outside the State of Vermont without prior authorization by the Court following notice to the parties and an opportunity for hearing;

(2) make decisions related to the child's education;

(3) make decisions related to the child's physical and mental health, including consent to medical treatment and medication;

(4) make decisions concerning the child's contact with others, provided that the guardian shall comply with all provisions of the guardianship order regarding parent-child contact and contact with siblings;

(5) receive funds paid for the support of the child, including child support and government benefits; and

(6) file an annual status report to the Probate Division, with a copy to each parent at his or her last known address, including the following information:

(A) the current address of the child and each parent;

(B) the child's health care and health needs, including any medical and mental health services the child received;

(C) the child's educational needs and progress, including the name of the child's school, day care, or other early education program, the child's grade level, and the child's educational achievements;

(D) contact between the child and his or her parents, including the frequency and duration of the contact and whether it was supervised;

(E) how the parents have been involved in decision making for the child;

(F) how the guardian has carried out his or her responsibilities and duties, including efforts made to include the child's parents in the child's life;

(G) the child's strengths, challenges, and any other areas of concern; and

(H) recommendations with supporting reasons as to whether the guardianship order should be continued, modified, or terminated.

§ 2630. PARENT-CHILD CONTACT

(a) The Court shall order parent-child contact unless it finds that denial of parent-child contact is necessary to protect the physical safety or emotional well-being of the child. Except for good cause shown, the order shall be consistent with any existing parent-child contact order.

(b) The Court may determine the reasonable frequency and duration of parent-child contact and may set conditions for parent-child contact that are in the child's best interests.

(c) The Court may modify the parent-child contact order upon motion of a party or upon the Court's own motion, or if the parties stipulate to the modification.

§ 2631. REPORTS; REVIEW HEARING

(a) The guardian shall file an annual status report to the Probate Division pursuant to subdivisions 2629(b)(4) and 2629(c)(5) of this title, and shall provide copies of the report to each parent at his or her last known address. The Court may order that a status report be filed more frequently than once per year.

(b) The Probate Division may set a hearing to review a report required by subsection (a) of this section or to determine progress with the family plan required by subdivision 2628(b)(3) of this title. The Court shall provide notice of the hearing to all parties and interested persons.

§ 2632. TERMINATION

(a) A parent may file a motion to terminate a guardianship at any time. The motion shall be filed with the Probate Division that issued the guardianship order and served on all parties and interested persons.

(b)(1) If the motion to terminate is made with respect to a consensual guardianship established under section 2626 of this title, the Court shall grant the motion and terminate the guardianship unless the guardian files a motion to continue the guardianship within 30 days after the motion to terminate is served.

(2) If the guardian files a motion to continue the guardianship, the matter shall be set for hearing and treated as a nonconsensual guardianship proceeding under section 2627 of this title. The parent shall not be required to show a change in circumstances, and the Court shall not grant the motion to continue the guardianship unless the guardian establishes by clear and convincing evidence that the minor is a child in need of guardianship under subdivision 2622(2)(B) of this title.

(3) If the Court grants the motion to continue, it shall issue an order establishing a guardianship under section 2628 of this title.

(c)(1) If the motion to terminate the guardianship is made with respect to a nonconsensual guardianship established under section 2627 or subdivision 2632(b)(3) of this title, the Court shall dismiss the motion unless the parent establishes that a change in circumstances has occurred since the previous guardianship order was issued.

(2) If the Court finds that a change in circumstances has occurred since the previous guardianship order was issued, the Court shall grant the motion to terminate the guardianship unless the guardian establishes by clear and convincing evidence that the minor is a child in need of guardianship under subdivision 2622(2)(B) of this title.

§ 2633. APPEALS

Notwithstanding 12 V.S.A. § 2551 or 2553, the Vermont Supreme Court shall have appellate jurisdiction over orders of the Probate Division issued under this article.

§ 2634. DEPARTMENT FOR CHILDREN AND FAMILIES POLICY

The Department for Children and Families shall adopt a policy defining its role with respect to families who establish a guardianship under this article. The policy shall be consistent with the following principles:

(1) The Family Services Division shall maintain a policy ensuring that when a child must be removed from his or her home to ensure the child's safety, the Division will pursue a CHINS procedure promptly if there are sufficient grounds under 33 V.S.A. § 5102.

(2) When the Family Services Division is conducting an investigation or assessment related to child safety and the child may be a child in need of care and supervision as defined in 33 V.S.A. § 5102(3), the Division shall not make any recommendation regarding whether a family should pursue a minor guardianship. The staff may provide referrals to community-based resources for information regarding minor guardianships.

(3) In response to a request from the Probate judge, the Family Services Division social worker shall attend a minor guardianship hearing and provide information relevant to the proceeding.

(4) If a minor guardianship is established during the time that the Family Services Division has an open case involving the minor, the social worker shall inform the guardian and the parents about services and supports available to them in the community and shall close the case within a reasonable time unless a specific safety risk is identified.

Sec. 2. 14 V.S.A. chapter 111, subchapter 2, article 1A is added to read:

Article 1A. Financial Guardians of Minors

§ 2659. FINANCIAL GUARDIANSHIP; MINORS

(a) The Probate Division may appoint a financial guardian for a minor pursuant to this section if the minor is the owner of real or personal property. A financial guardian appointed pursuant to this section shall have the care and management of the estate of the minor but shall not have custody of the minor.

(b)(1) A parent or a person interested in the welfare of a minor may file a petition with the Probate Division of the Superior Court for the appointment of a guardian for a child. The petition shall state:

(A) the names and addresses of the parents, the child, and the proposed guardian;

(B) the proposed guardian's relationship to the child; and

(C) any real and personal property owned by the minor.

(2) A petition for financial guardianship of a minor under this section shall be served on all parties and interested persons as provided by Rule 4 of the Vermont Rules of Probate Procedure.

(c) The Probate Division shall schedule a hearing upon the filing of the petition and shall provide notice of the hearing to all parties.

(d) If the Court grants the petition for financial guardianship of the minor, the Court shall enter an order establishing a financial guardianship, naming the proposed guardian as the child's financial guardian, and specifying the powers and duties of the guardian.

(e) The duties of a financial guardian shall include the duty to:

(1) pursue, receive, and manage any property right of the minor's, including inheritances, insurance benefits, litigation proceeds, or any other real or personal property, provided the benefits or property shall not be expended without prior court approval;

(2) deposit any cash resources of the minor in accounts established for the guardianship, provided the cash resources of the minor shall not be comingled with the guardian's assets;

(3) responsibly invest and re-invest the cash resources of the minor;

(4) obtain court approval for expenditures of funds to meet extraordinary needs of the minor which cannot be met with other family resources;

(5) establish special needs trusts with court approval; and

(6) file an annual financial accounting with the Probate Division stating the funds received, managed, and spent on behalf of the minor.

Sec. 3. 14 V.S.A. chapter 111, subchapter 2, article 1A is redesignated as article 1B to read:

Article 1B. Permanent Guardianship for Minors

Sec. 4. 4 V.S.A. § 22 is amended to read:

§ 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL OFFICERS AND RETIRED JUDICIAL OFFICERS

(a)(1) ~~The chief justice~~ Chief Justice may appoint and assign a retired ~~justice~~ Justice or judge with his or her consent or a ~~superior~~ Superior or Probate judge to a special assignment on the ~~supreme court~~ Supreme Court. ~~The chief justice~~ Chief Justice may appoint, and the ~~administrative judge~~ Administrative Judge shall assign, an active or retired ~~justice~~ Justice or a retired judge, with his or her consent, to any special assignment in the ~~superior court~~ Superior Court or the ~~judicial bureau~~ Judicial Bureau.

(2) ~~The administrative judge shall~~ Administrative Judge may appoint and assign a judge to any special assignment in the ~~superior court~~ Superior Court. As used in this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, or a judicial hearing officer.

(b) ~~The administrative judge~~ Administrative Judge may appoint and assign a member of the Vermont ~~bar~~ Bar residing within the ~~state~~ State of Vermont to serve temporarily as:

(1) an acting judge in ~~superior court~~ Superior Court;

(2) an acting magistrate; ~~or~~

(3) an acting Probate judge; or

(4) an acting hearing officer to hear cases in the ~~judicial bureau~~ Judicial Bureau.

* * *

Sec. 5. REPEAL

14 V.S.A. §§ 2645 (appointment of guardian), 2651 (when minor refuses to choose), and 2653 (extent of guardian's control) are repealed.

Sec. 6. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

* * *

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

(1) sexual assault;

(2) lewd and lascivious conduct;

(3) sexual exploitation of a minor as defined in subsection 3258(c) of this title; ~~and~~

(4) lewd or lascivious conduct with a child; and

(5) manslaughter.

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on September, 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, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary?, Senator Nitka moved to amend the proposal of amendment of the Committee on Judiciary by adding a new section to be numbered Sec. 5 to read as follows:

Sec. 5. 4 V.S.A. § 455 is amended to read:

§ 455. TRANSFER OF PROBATE PROCEEDINGS

(a) Any guardianship action filed in the ~~probate division of the superior court~~ Probate Division of the Superior Court pursuant to 14 V.S.A. chapter 111, subchapter 2, article 1 ~~of Title 14~~ and any adoption action filed in the ~~probate division~~ Probate Division pursuant to Title 15A may be transferred to the ~~family division of the superior court as provided in this section~~ Family Division of the Superior Court.

(b) ~~The family division~~ In an adoption action filed in the Probate Division pursuant to Title 15A, the Family Division shall order the transfer of the proceeding on motion of a party or on its own motion if it finds that the identity of the parties, issues, and evidence are so similar in nature to the parties, issues, and evidence in a proceeding pending in the ~~family division~~

Family Division that transfer of the probate action to the ~~family division~~ Family Division would expedite resolution of the issues or would best serve the interests of justice.

And by renumbering the remaining sections to be numerically correct.

Thereupon, pending the question, Shall proposal of amendment of the Committee on Judiciary be amended as recommended by Senator Nitka?, on motion of Senator Baruth consideration of the bill was postponed.

Proposal of Amendment; Third Reading Ordered

H. 758.

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

An act relating to notice of potential layoffs.

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) The 21st century workplace is fundamentally different from the 20th century workplace. Along with a changing workplace comes a different workforce. Policies and resources must be updated to reflect the changing workplace and workforce.

(2) Businesses retain sensitive information for proprietary and competitive reasons.

(3) When the State requires this information, the sensitivity of this information must be respected and protected.

(4) The Department, as well as other agencies, are able to access federal and State resources to mitigate adverse employment impacts affecting employers, employees, communities, and the Unemployment Insurance Trust Fund.

(5) The Department and the Agency of Commerce and Community Development, as well as other agencies, must be able to respond to and assist with economic and workforce training and retention initiatives in a timely fashion.

(6) Municipalities, school districts, and local for-profit and nonprofit businesses are all affected by plant closings and mass layoffs. In order to mitigate adverse impacts, communities and stakeholders need timely

information pertaining to plant closings and mass layoffs. Private and public sectors need to work together to reduce the volatility and disruptions that come with layoffs.

Sec. 2. 21 V.S.A. chapter 5, subchapter 3A is added to read:

Subchapter 3A. Notice of Potential Layoffs Act

§ 411. DEFINITIONS

As used in this subchapter:

(1) “Affected employees” means employees who may be expected to experience an employment loss as a consequence of a proposed or actual business closing or mass layoff by their employer.

(2)(A) “Business closing” means:

(i) the permanent shutdown of a facility;

(ii) the permanent cessation of operations at one or more worksites in the State that result in the layoff of 50 or more employees over a 90-day period; or

(iii) the cessation of work or operations not scheduled to resume within 90 days, that affects 50 or more employees.

(B) Business closing does not mean a temporary shutdown of a seasonal employer that does not extend beyond 20 weeks.

(3) “Commissioner” means the Commissioner of Labor.

(4) “Department” means the Department of Labor.

(5) “Employer” means any business enterprise that employs:

(A) 50 or more full-time employees;

(B) 50 or more part-time employees who work at least 1,040 hours per employee per year; or

(C) a combination of 50 or more:

(i) full-time employees; and

(ii) part-time employees who work at least 1,040 hours per employee per year.

(6) “Employment loss” means the termination of employment that is the direct result of a business closing or mass layoff. An employee will not be considered to have suffered an employment loss if the employee is offered a transfer to a different site of employment within 35 miles; or if prior to the

layoff notice to the employee, the employee voluntarily separates or retires or was separated by the employer for unsatisfactory performance or misconduct.

(7) "Mass layoff" means a permanent employment loss of at least 50 employees at one or more worksites in Vermont during any 90-day period. In determining whether a mass layoff has occurred or will occur, employment losses for two or more groups of employees, each of which is below this threshold but which in the aggregate exceed this threshold and which occur within any 90-day period shall be considered to be a mass layoff unless the employer demonstrates that the employment losses are the result of separate and distinct actions and causes.

(8) "Representative" means an exclusive bargaining agent as legally recognized under State or federal labor laws.

§ 412. EDUCATION AND OUTREACH

The Department and the Agency of Commerce and Community Development shall prepare information and materials for the purpose of informing and educating Vermont employers with regard to programs and resources that are available to assist with economic and workforce retention initiatives in order to avoid business closings and mass layoffs. The Department and the Agency of Commerce and Community Development shall also inform Vermont employers of the employers' obligations that will be required for proper notice under the provisions of this act.

§ 413. NOTICE AND WAGE PAYMENT OBLIGATIONS

(a) An employer who will engage in a closing or mass layoff shall provide notice to the Secretary of Commerce and Community Development and the Commissioner in accordance with this section to enable the State to present information on potential support for the employer and separated employees.

(b) Notwithstanding subsection (a) of this section, an employer who will engage in a closing or mass layoff shall provide notice to the Secretary of Commerce and Community Development and the Commissioner 45 days prior to the effective date of the closing or layoffs that reach the thresholds defined in section 411 of this subchapter, and shall provide 30-days' notice to the local chief elected official or administrative officer of the municipality, affected employees, and bargaining agent, if any.

(c) The employer shall send to the Commissioner and the Secretary the approximate number and job titles of affected employees, the anticipated date of the employment loss, and the affected worksites within the time allotted for notice to the Commissioner and Secretary under subsection 413(b) or 414(b) of this subchapter. Concurrent with the notification to the affected employees, in accordance with subsection 413(b) of this subchapter, the employer shall send

to the Commissioner in writing the actual number of layoffs, job titles, date of layoff, and other information as the Commissioner deems necessary for the purposes of unemployment insurance benefit processing and for accessing federal and State resources to mitigate adverse employment impacts affecting employers, employees, and communities within the time allotted for notice to the Commissioner under subsection 413(b) or 414(b) of this subchapter.

(d) In the case of a sale of part or all of an employer's business where mass layoffs will occur, the seller and the purchaser are still required to comply with the notice requirements under subsection (b) of this section.

(e) Nothing in this subchapter shall abridge, abrogate, or restrict the right of the State to require an employer that is receiving State economic development funds or incentives from being required to provide additional or earlier notice as a condition for the receipt of such funds or incentives.

(f) An employer is required to pay all unpaid wage and compensation owed to any laid-off worker, as required under this title.

(g) This section shall not apply to a nursing home in situations where Rules 2.8 and 3.14 of the Vermont Licensing and Operating Rules for Nursing Homes apply or where the CMS Requirements for Long-Term Care Facilities apply, pursuant to 42 C.F.R. §§ 483.12 and 483.75.

§ 414. EXCEPTIONS

(a) In the case of a business closing or mass layoff, an employer is not required to comply with the notice requirement in subsection 413 of this subchapter and may delay notification to the Department if:

(1) the business closing or mass layoff results from a strike or a lockout;

(2) the employer is actively attempting to secure capital or investments in order to avoid closing or mass layoffs; and the capital or investments sought, if obtained, would have enabled the employer to avoid or postpone the business closing or mass layoff, and the employer reasonably and in good faith believed that giving the notice would have precluded the employer from securing the needed capital or investment;

(3) the business closing or mass layoff is caused by dramatic business circumstances that were not reasonably foreseeable at the time the 45-day notice would have been required;

(4) the business closing or mass layoff is due to a disaster beyond the control of the employer; or

(5) the business closing or the mass layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired

with the understanding that their employment was limited to the duration of the facility or project or undertaking.

(b) An employer that is unable to provide the notice otherwise required by this subchapter as a result of circumstances described in subsection (a) of this section shall provide as much notice as is practicable and at that time shall provide a brief statement to the Commissioner regarding the basis for failure to meet the notification period. In such situations, the mailing of the notice by certified mail or any other method approved by the Commissioner shall be considered acceptable in the fulfillment of the employer's obligation to give notice to each affected employee under this subchapter. At the time of notice to the Commissioner, the employer shall provide the required information under subdivisions 413(c) of this subchapter.

§ 415. VIOLATIONS

(a) An employer who violates subsection 413(b) or 414(b) of this subchapter is liable to each employee who lost his or her employment for:

(1) one day of severance pay for each day after the first day in the 45-day notice period required in subsection 413(b) of this subchapter, up to a maximum of ten days severance pay; and

(2) the continuation, not to exceed one month after an employment loss, of existing medical or dental coverage under an employment benefit plan, if any, necessary to cover any delay in an employee's eligibility for obtaining alternative coverage resulting directly from the employer's violation of notice requirements.

(b) The amount of an employer's liability under subsection (a) of this section shall be reduced by the following:

(1) any voluntary and unconditional payments made by the employer to the employee that were not required to satisfy any legal obligation;

(2) any payments by the employer to a third party or trustee, such as premiums for health benefits or payments to a defined contribution pension plan, on behalf of and attributable to the employee for the period of the violation; and

(3) any liability paid by the employer under any applicable federal law governing notification of mass layoffs, business closings, or relocations.

(c) If an employer proves to the satisfaction of the Commissioner that the act or omission that violated this subchapter was in good faith, the Commissioner may reduce the amount of liability provided for in this section. In determining the amount of such a reduction, the Commissioner shall consider any efforts by the employer to mitigate the violation.

(d) If, after an administrative hearing, the Commissioner determines that an employer has violated any of the requirements of this subchapter, the Commissioner shall issue an order including any penalties assessed by the Commissioner under sections 415 and 417 of this subchapter. The employer may appeal a decision of the Commissioner to the Superior Court within 30 days of the date of the Commissioner's order.

§ 416. POWERS OF THE COMMISSIONER

(a) The Commissioner may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to carry out this subchapter. The rules shall include provisions that allow the parties access to administrative hearings for any actions of the Department under this subchapter.

(b) In any investigation or proceeding under this subchapter, the Commissioner has, in addition to all other powers granted by law, the authority to subpoena and examine information of an employer necessary to determine whether a violation of this subchapter has occurred, including to determine the validity of any defense.

(c) Information obtained through administration of this subchapter by the Commissioner and the Secretary of Commerce and Community Development shall be confidential, except that the number of layoffs, the types of jobs affected, and work locations affected shall cease to be confidential after local government and the affected employees have been notified. The Department may provide the information collected pursuant to subsection 413(c) of this subchapter to the U.S. Department of Labor and any other governmental entities for the purposes of securing benefits for the affected employees.

(d) Neither the Commissioner nor any court shall have the authority to enjoin a business closing, relocation, or mass layoff under this subchapter.

§ 417. ADMINISTRATIVE PENALTY

An employer who fails to give notice as required by subsection 413(b) or 414(b) of this subchapter shall be subject to an administrative penalty of \$500.00 for each day that the employer was deficient in the notice to the Department. The Commissioner may waive the administrative penalty if the employer:

- (1) demonstrates good cause under subsection 414(b) of this subchapter;
- (2) pays to all affected employees the amounts for which the employer is liable under section 415 of this title within 30 days from the date the employer enacts the business closing or mass layoff; and
- (3) pays to all affected employees any unpaid wage and compensation owed to any laid-off worker, as required under this title.

§ 418. OTHER RIGHTS

The rights and remedies provided to employees by this subchapter do not infringe upon or alter any other contractual or statutory rights and remedies of the employees. Nothing in this section is intended to alter or diminish or replace any federal or State regulatory mandates for a shutdown or closure of a regulated business or entity.

Sec. 3. EFFECTIVE DATES

(a) This section, Sec. 1, and in Sec. 2, 21 V.S.A. §§ 412 (education and outreach) and 416(a) shall take effect on passage.

(b) Sec. 2, except for 21 V.S.A. §§ 412 and 416(a), shall take effect on January 15, 2015.

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 pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Baruth moved to amend the proposal of amendment of the Committee on Economic Development, Housing and General Affairs in Sec. 2, 21 V.S.A. § 413(c), in the second sentence, after the following: “employment impacts affecting employers, employees, and communities” by striking out the following: “within the time allotted for notice to the Commissioner under subsection 413(b) or 414(b) of this subchapter”

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Economic Development, Housing and General Affairs, as amended? was agreed to on a roll call, Yeas 23, Nays 7.

Senator Snelling 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, Campbell, Collins, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, McCormack, Mullin, Nitka, Pollina, Sears, Sirotkin, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Flory, Mazza, McAllister, Rodgers, Snelling, Westman.

Thereupon, third reading of the bill was ordered.

Consideration Resumed; Bill Amended; Third Reading Ordered**H. 581.**

Consideration was resumed on House bill entitled:

An act relating to guardianship of minors.

Thereupon, the question, Shall proposal of amendment of the Committee on Judiciary be amended as recommended by Senator Nitka?, was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary, as amended?, was agreed to.

Thereupon, third reading of the bill was ordered.

Rules Suspended; Bill Committed**H. 329.**

Pending entry on the Calendar for notice, on motion of Senator Hartwell, the rules were suspended and House bill entitled:

An act relating to use value appraisals.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Agriculture, Senator Hartwell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the reports of the Committee on Agriculture and the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, April 24, 2014.

THURSDAY, APRIL 24, 2014

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. 54

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 299. An act relating to sampler flights.

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 joint resolution originating in the Senate of the following title:

J.R.S. 56. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on the April 22, 2014, he approved and signed a bill originating in the House of the following title:

H. 543. An act relating to records and reports of the Auditor of Accounts.

**Consideration Resumed; Bill Amended; Bill Passed in Concurrence with
Proposal of Amendment**

H. 863.

Consideration was resumed on House bill entitled:

An act relating to a Public Records Act exemption for the identity of whistleblowers.

Thereupon, pending the question, Shall the bill pass in concurrence?, Senator White moved that the Senate propose to the House to amend the bill by adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. IDENTIFYING VERMONT STATE HOSPITAL PATIENTS BURIED IN CEMETERY AND ON HOSPITAL GROUNDS FROM 1891 TO 1913

Consistent with the goal of Joint Resolution No. R-109 (2013) to preserve the memory of individuals buried in the cemetery and on the grounds of the former Vermont State Hospital in Waterbury, and to enable the identification of individuals buried in unmarked graves so that these individuals will not be left unknown, the State of Vermont shall, upon request and notwithstanding any provision of Vermont law, release records dating from 1891 to 1913 to the extent necessary to assist in the identification of patients buried in the Hospital's cemetery and on its grounds in unmarked graves from 1891 to 1913.

And by renumbering the remaining section to be numerically correct.

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

An act relating to public records.

Which was agreed to.

Thereupon, the question, Shall the bill pass in concurrence with proposal of amendment?, was agreed to.

Recommendation of Amendment; Third Reading Ordered

S.R. 8.

Senator Collins, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate resolution entitled:

Senate resolution reaffirming the friendly bilateral relationships between Taiwan and both the United States and Vermont and the important role of Taiwan in the international community.

Reported that the Senate resolution ought to be adopted.

Thereupon, the Senate resolution was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate resolution be read a third time?, Senator Hartwell moved that the Senate resolution be amended in the *first* Whereas clause, by striking out the words “the Republic of China (Taiwan)” and inserting in lieu thereof Taiwan

Which was agreed to.

Thereupon, third reading of the Senate resolution was ordered.

Proposals of Amendment; Third Reading Ordered

H. 809.

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

An act relating to designation of new town centers and growth centers.

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

First: In Sec. 3, 24 V.S.A. § 2793c, by striking out subdivisions (c)(5)(A) and (B) and inserting in lieu thereof two new subdivisions to be (c)(5)(A) and (B) to read as follows:

(5) Each application for designation as a growth center shall include:

(A) a description from the regional planning commission in which each applicant municipality is located of the role of the proposed growth center

in the region, and the relationship between the proposed growth center and neighboring communities;

(B) written confirmation from the applicable regional planning commission that the proposed growth center conforms with the regional plan for the region in which each applicant municipality is located;

Second: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (d)(6), by striking out the following: “80 percent” and inserting in lieu thereof the following: two-thirds

Third: In Sec. 6, 24 V.S.A. § 4382, by striking out subdivision (a)(2) in its entirety and inserting in lieu thereof a new subdivision (a)(2) to read as follows:

(2) A land use plan;

(A) consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; ~~and~~

(B) setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; ~~and~~

(C) identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan’s goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought;

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

Senator Snelling, for the Committee on Natural Resources and Energy, 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 Economic Development, Housing and General Affairs with the following amendments thereto:

First: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (c)(5)(D)(iii), by striking out the following: “25” and inserting in lieu thereof the following: 20

Second: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (d)(1)(A), by striking out the following: “subdivision (B) of this subdivision (1)” and inserting in lieu thereof the following: subsection (c) of this section

Third: By inserting a new section to be numbered Sec. 10 to read as follows:

Sec. 10. 24 V.S.A. § 4451 is amended to read:

§ 4451. ENFORCEMENT; PENALTIES

(a) Any person who violates any bylaw after it has been adopted under this chapter or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than \$200.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days’ warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months.

(1) The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

(2) A notice of violation issued under this chapter also shall state:

(A) the bylaw or municipal land use permit condition alleged to have been violated;

(B) the facts giving rise to the alleged violation;

(C) to whom appeal may be taken and the period of time for taking an appeal; and

(D) that failure to file an appeal within that period will render the notice of violation the final decision on the violation addressed in the notice.

(3) In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid over to the municipality whose bylaw has been violated.

(b) Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell

any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with this chapter and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$200.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter.

And by renumbering the remaining section 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 recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs was amended as recommended by the Committee on Natural Resources and Energy.

Thereupon, the proposals of amendment recommended by the Committee on Economic Development, Housing and General Affairs, as amended, were agreed to and third reading of the bill was ordered.

Proposals of Amendment; Consideration Postponed

H. 581.

House bill entitled:

An act relating to guardianship of minors.

Was taken up.

Thereupon, pending third reading of the bill, Senators Flory and Nitka moved to amend the Senate proposal of amendment in Sec. 1, 14 V.S.A. § 2623(a), by striking out subdivisions (9), (10), and (11) in their entirety and inserting in lieu thereof new subdivisions (9) and (10) to read as follows:

(9) the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period; and

(10) any prior or current court proceedings, child support matters, or parent-child contact orders involving the child.

Which was agreed to.

Thereupon, pending third reading of the bill?, Senator Nitka moved that the consideration be postponed until the next legislative day.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 758.

House bill entitled:

An act relating to notice of potential layoffs.

Was taken up.

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

First: In Sec. 2, in 21 V.S.A. § 411, in subdivision (2), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) “Business closing” means:

(A) the permanent shutdown of a facility;

(B) the permanent cessation of operations at one or more worksites in the State that results in the layoff of 50 or more employees over a 90-day period; or

(C) the cessation of work or operations not scheduled to resume within 90 days that affects 50 or more employees.

Second: In Sec. 2, in 21 V.S.A. § 411, in subdivision (5), after the words “means any” by striking out the words “business enterprise” and inserting in lieu thereof the word person

Third: In Sec. 2, in 21 V.S.A. § 414, in subdivision (a)(5), by striking out subdivision (5) and inserting in lieu thereof a new subdivision (5) to read as follows:

(5)(A) the business closing or the mass layoff is the result of the conclusion of seasonal employment or the completion of a particular project or undertaking; or

(B) the affected employees were hired with the understanding that their employment was limited to the duration of the season, facility, project, or undertaking.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Benning moved to amend the Senate proposal of amendment in Sec. 2, in 21 V.S.A. § 414(a), in subdivision (3), before “business circumstances” by striking out the word “dramatic”

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Adjournment

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

FRIDAY, APRIL 25, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Committee Relieved of Further Consideration; Bill Committed

H. 877.

On motion of Senator Baruth, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to repeal of report requirements that are at least five years old,

and the bill was committed to the Committee on Government Operations.

Rules Suspended; Bill Committed

H. 448.

Appearing on the Calendar for notice, on motion of Senator Starr the rules were suspended and House bill entitled:

An act relating to Act 250 and primary agricultural soils.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Starr moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Agriculture with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Bill Referred to Committee on Appropriations

S. 308.

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

An act relating to regulating precious metal dealers.

Bill Referred to Committee on Finance

H. 695.

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

An act relating to establishing a product stewardship program for primary batteries.

Consideration Resumed; Bill Amended; Bill Passed in Concurrence with Proposal of Amendment

H. 581.

Consideration was resumed on Senate bill entitled:

An act relating to guardianship of minors.

Thereupon, pending third reading of the bill Senator Galbraith moved to amend the Senate proposal of amendment in Sec. 1, 14 V.S.A. § 2630(a), after the second sentence, by inserting the following: The order should permit the child to have contact of reasonable duration and frequency with the child's siblings, if appropriate.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment; Third Reading Ordered

H. 297.

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

An act relating to duties and functions of the Department of Public Service.

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 Purpose; Intent * * *

Sec. 1. LEGISLATIVE PURPOSE; FINDINGS

It is the intent of the General Assembly to maintain a robust and modern telecommunications network in Vermont by making strategic investments in improved technology for all Vermonters. To achieve that goal, it is the purpose of this act to upgrade the State's telecommunications objectives and reorganize government functions in a manner that results in more coordinated and efficient State programs and policies, and, ultimately, produces operational savings that may be invested in further deployment of broadband and mobile telecommunications services for the benefit of all Vermonters. In addition, it is the intent of the General Assembly to update and provide for a more equitable application of the Universal Service Fund (USF) surcharge. Together, these operational savings and additional USF monies will raise at least \$1.45 million annually, as follows:

(1) \$650,000.00 from an increase in the USF charge to a flat two percent;

(2) \$500,000.00 from application of the USF charge to prepaid wireless telecommunications service providers; and

(3) \$300,000.00 in operational savings from the transfer and consolidation of State telecommunications functions.

* * * USF; Connectivity Fund; Prepaid Wireless; Rate of Charge * * *

Sec. 2. 30 V.S.A. § 7511 is amended to read:

§ 7511. DISTRIBUTION GENERALLY

(a) As directed by the ~~public service board~~, Public Service Board funds collected by the fiscal agent, and interest accruing thereon, shall be distributed as follows:

(1) ~~To to~~ pay costs payable to the fiscal agent under its contract with the ~~public service board~~. Board;

(2) ~~To to~~ support the Vermont telecommunications relay service in the manner provided by section 7512 of this title-;

(3) ~~To to~~ support the Vermont ~~lifeline~~ Lifeline program in the manner provided by section 7513 of this title-;

(4) ~~To to support enhanced-911~~ Enhanced-911 services in the manner provided by section 7514 of this title; and

(5) ~~To reduce the cost to customers of basic telecommunications service in high cost areas, in the manner provided by section 7515 of this title to support the Connectivity Fund established in section 7516 of this chapter.~~

(b) If insufficient funds exist to support all of the purposes contained in subsection (a) of this section, the ~~public service board~~ Board shall conduct an expedited proceeding to allocate the available funds, giving priority in the order listed in subsection (a).

Sec. 3. 30 V.S.A. § 7516 is added to read:

§ 7516. CONNECTIVITY FUND

(a) There is created a Connectivity Fund for the purpose of providing access to Internet service that is capable of speeds of at least 4 Mbps download and 1 Mbps upload to every E-911 business and residential location in Vermont, beginning with locations not served as of December 31, 2013 according to the minimum technical service characteristic objectives applicable at that time. Any new services funded in whole or in part by monies in this Fund shall be capable of being continuously upgraded to reflect the best available, most economically feasible service capabilities.

(b) The fiscal agent shall determine annually, on or before September 1, the amount of funds available to the Connectivity Fund. The Department of Public Service shall publish annually a list of census blocks eligible for funding based on the Department's most recent broadband mapping data. The Department annually shall solicit proposals from service providers, the Vermont Telecommunications Authority, and the Division for Connectivity to deploy broadband to eligible census blocks. The Department shall give priority to proposals that reflect the lowest cost of providing services to unserved locations; however, the Department also shall consider:

(1) the proposed data transfer rates and other data transmission characteristics of services that would be available to consumers;

(2) the price to consumers of services;

(3) the proposed cost to consumers of any new construction, equipment installation service, or facility required to obtain service;

(4) whether the proposal would use the best available technology that is economically feasible;

(5) the availability of service of comparable quality and speed; and

(6) the objectives of the State's Telecommunications Plan.

Sec. 4. 30 V.S.A. § 7521 is amended to read:

§ 7521. CHARGE IMPOSED; WHOLESale EXEMPTION

(a) A universal service charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the charge applies. The charge is imposed on the person purchasing the service, but shall be collected by the telecommunications provider. Each telecommunications service provider shall include in its tariffs filed at the ~~public service board~~ Public Service Board a description of its billing procedures for the universal service fund charge.

(b) The universal service charge shall not apply to wholesale transactions between telecommunications service providers where the service is a component part of a service provided to an end user. This exemption includes, ~~but is not limited to,~~ network access charges and interconnection charges paid to a local exchange carrier.

(c) In the case of mobile telecommunications service, the universal service charge is imposed when the customer's place of primary use is in Vermont. The terms "customer," "place of primary use," and "mobile telecommunications service" have the meanings given in 4 U.S.C. § 124. All provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal service charge under this section.

(d)(1) Notwithstanding any other provision of law to the contrary, in the case of prepaid wireless telecommunications services, the universal service charge shall be imposed on the provider in the manner determined by the Public Service Board pursuant to subdivision (3) of this section.

(2) For purposes of this subsection, "prepaid wireless telecommunications service" means a telecommunications service as defined in section 203(5) of this title that a consumer pays for in advance and that is sold in predetermined units or dollars that decline with use.

(3) The Public Service Board shall establish a formula to ensure the universal service charge imposed on prepaid wireless telecommunications service providers reflects two percent of retail prepaid wireless telecommunications service in Vermont beginning on September 1, 2014.

Sec. 5. 30 V.S.A. § 7523 is amended to read:

§ 7523. ~~RATE ADJUSTED ANNUALLY~~ OF CHARGE

(a) ~~Annually, after considering the probable expenditures for programs funded pursuant to this chapter, the probable service revenues of the industry and seeking recommendations from the department, the public service board~~

~~shall establish a rate of charge to apply during the 12 months beginning on the following September 1. However, the rate so established shall not at any time exceed two percent of retail telecommunications service. The board's decision shall be entered and announced each year before July 15. However, if the general assembly does not enact an authorization amount for E-911 before July 15, the board may defer decision until 30 days after the E-911 authorization is established, and the existing charge rate shall remain in effect until the board establishes a new rate.~~ Beginning on July 1, 2014, the annual rate of charge shall be two percent of retail telecommunications service.

(b) Universal service charges imposed and collected by the fiscal agent under this subchapter shall not be transferred to any other fund or used to support the cost of any activity other than in the manner authorized by section 7511 of this title.

Sec. 6. 30 V.S.A. § 7524 is amended to read:

§ 7524. PAYMENT TO FISCAL AGENT

(a) Telecommunications service providers shall pay to the fiscal agent all universal service charge receipts collected from customers. A report in a form approved by ~~the public service board~~ Public Service Board shall be included with each payment.

(b) Payments shall be made monthly, by the 15th day of the month, and shall be based upon amounts collected in the preceding month. If the amount is small, the ~~board~~ Board may allow payment to be made less frequently, and may permit payment on an accrual basis.

(c) Telecommunications service providers shall maintain records adequate to demonstrate compliance with the requirements of this chapter. The ~~board~~ Board or the fiscal agent may examine those records in a reasonable manner.

(d) When a payment is due under this section by a telecommunications service provider who has provided customer credits under the ~~lifeline~~ Lifeline program, the amount due may be reduced by the amount of credit granted.

(e) The fiscal agent shall examine the records of telecommunications service providers to determine whether their receipts reflect application of the universal service charge on all assessable telecommunications services under this chapter, including the federal subscriber line charge, directory assistance, enhanced services unless they are billed as separate line items, and toll-related services.

* * * State Telecommunications Plan; Division for Connectivity; VTA * * *

Sec. 7. 30 V.S.A. § 202c is amended to read:

§ 202C. STATE TELECOMMUNICATIONS; POLICY AND PLANNING

(a) The General Assembly finds that advances in telecommunications technology and changes in federal regulatory policy are rapidly reshaping telecommunications services, thereby promising the people and businesses of the State communication and access to information, while creating new challenges for maintaining a robust, modern telecommunications network in Vermont.

(b) Therefore, to direct the benefits of improved telecommunications technology to all Vermonters, it is the purpose of this section and section 202d of this title to:

(1) Strengthen the State's role in telecommunications planning.

(2) Support the universal availability of appropriate infrastructure and affordable services for transmitting voice and high-speed data.

(3) Support the availability of modern mobile wireless telecommunications services along the State's travel corridors and in the State's communities.

(4) Provide for high-quality, reliable telecommunications services for Vermont businesses and residents.

(5) Provide the benefits of future advances in telecommunications technologies to Vermont residents and businesses.

(6) Support competitive choice for consumers among telecommunications service providers and promote open access among competitive service providers on nondiscriminatory terms to networks over which broadband and telecommunications services are delivered.

(7) Support, ~~to the extent practical and cost effective,~~ the application of telecommunications technology to maintain and improve governmental and public services, public safety, and the economic development of the State.

(8) Support deployment of broadband infrastructure that:

(A) Uses the best commercially available technology.

(B) Does not negatively affect the ability of Vermont to take advantage of future improvements in broadband technology or result in widespread installation of technology that becomes outmoded within a short period after installation.

(9) In the deployment of broadband infrastructure, encourage the use of existing facilities, such as existing utility poles and corridors and other structures, in preference to the construction of new facilities or the replacement of existing structures with taller structures.

(10) Support measures designed to ensure that by the end of the year 2024 every E-911 business and residential location in Vermont has infrastructure capable of delivering Internet access with service that has a minimum download speed of 100 Mbps and is symmetrical.

Sec. 8. 30 V.S.A. § 202d is amended to read:

§ 202D. TELECOMMUNICATIONS PLAN

(a) ~~The department of public service~~ Department of Public Service shall constitute the responsible planning agency of the ~~state~~ State for the purpose of obtaining for all consumers in the ~~state~~ State stable and predictable rates and a technologically advanced telecommunications network serving all service areas in the ~~state~~ State. ~~The department of public service~~ Department shall be responsible for the provision of plans for meeting emerging trends related to telecommunications technology, markets, financing, and competition.

(b) ~~The department of public service~~ Department shall prepare a ~~telecommunications plan~~ Telecommunications Plan for the ~~state~~ State. ~~The department of innovation and information~~ Department of Innovation and Information, the Division for Connectivity and the agency of commerce and community development Agency of Commerce and Community Development shall assist the ~~department of public service~~ Department of Public Service in preparing the ~~plan~~ Plan. The ~~plan~~ Plan shall be for a ~~seven-year~~ ten-year period and shall serve as a basis for ~~state~~ State telecommunications policy. Prior to preparing the ~~plan~~ Plan, the ~~department of public service~~ Department shall prepare:

(1) an overview, looking ~~seven~~ ten years ahead, of future requirements for telecommunications services, considering services needed for economic development, technological advances, and other trends and factors which, as determined by the ~~department of public service~~ Department of Public Service, will significantly affect ~~state~~ State telecommunications policy and programs;

(2) a survey of Vermont residents and businesses, conducted in cooperation with the ~~agency of commerce and community development~~ Agency of Commerce and Community Development and the Division for Connectivity, to determine what telecommunications services are needed now and in the succeeding ~~seven~~ ten years;

(3) an assessment of the current state of telecommunications infrastructure;

(4) an assessment, conducted in cooperation with the ~~department of innovation and information~~ Department of Innovation and Information and the Division for Connectivity, of the current ~~state~~ State telecommunications system and evaluation of alternative proposals for upgrading the system to provide the best available and affordable technology for use by government; and

(5) an assessment of the state of telecommunications networks and services in Vermont relative to other states, including price comparisons for key services and comparisons of the state of technology deployment.

(c) In developing the ~~plan~~ Plan, the ~~department~~ Department shall take into account the policies and goals of section 202c of this title.

(d) In establishing plans, public hearings shall be held and the ~~department of public service~~ Department shall consult with members of the public, representatives of telecommunications utilities, other providers, and other interested ~~state~~ State agencies, particularly the ~~agency of commerce and community development~~ Agency of Commerce and Community Development, the Division for Connectivity, and the ~~department of innovation and information~~ Department of Innovation and Information, whose views shall be considered in preparation of the ~~plan~~ Plan. To the extent necessary, the ~~department of public service~~ Department shall include in the ~~plan~~ Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the ~~department of public service~~ Department may require the submission of data by each company subject to supervision by the ~~public service board~~ Public Service Board.

(e) Before adopting a ~~plan~~ Plan, the ~~department~~ Department shall conduct public hearings on a final draft and shall consider the testimony presented at such hearings in preparing the final ~~plan~~ Plan. At least one hearing shall be held jointly with ~~committees~~ Committees of the ~~general assembly~~ General Assembly designated by the ~~general assembly~~ General Assembly for this purpose. The ~~plan~~ Plan shall be adopted by ~~September 1, 2004~~ September 1, 2014.

(f) The ~~department~~ Department, from time to time, but in no event less than every three years, institute proceedings to review a ~~plan~~ Plan and make revisions, where necessary. The three-year major review shall be made according to the procedures established in this section for initial adoption of the ~~plan~~ Plan. For good cause or upon request by a ~~joint resolution~~ Joint Resolution passed by the ~~general assembly~~ General Assembly, an interim review and revision of any section of the ~~plan~~ Plan may be made after

conducting public hearings on the interim revision. At least one hearing shall be held jointly with ~~committees~~ Committees of the ~~general assembly~~ General Assembly designated by the ~~general assembly~~ General Assembly for this purpose.

(g) The Department shall review and update the minimum technical service characteristic objectives not less than every three years beginning in 2017. In the event such review is conducted separately from an update of the Plan, the Department shall issue revised minimum technical service characteristic objectives as an amendment to the Plan.

Sec. 9. 3 V.S.A. § 2225 is added to read:

§ 2225. DIVISION FOR CONNECTIVITY

(a) Creation. The Division for Connectivity is created within the Agency of Administration as the successor in interest to and the continuation of the Vermont Telecommunications Authority. A Director for Connectivity shall be appointed by the Secretary of Administration. The Division shall receive administrative support from the Agency.

(b) Purposes. The purposes of the Division are to promote:

(1) access to affordable broadband service to all residences and businesses in all regions of the State, to be achieved in a manner that is consistent with the State Telecommunications Plan;

(2) universal availability of mobile telecommunication services, including voice and high-speed data along roadways, and near universal availability statewide;

(3) investment in telecommunications infrastructure in the State that creates or completes the network for service providers to create last-mile connection to the home or business and supports the best available and economically feasible service capabilities;

(4) the continuous upgrading of telecommunications and broadband infrastructure in all areas of the State is to reflect the rapid evolution in the capabilities of available mobile telecommunications and broadband technologies, and in the capabilities of mobile telecommunications and broadband services needed by persons, businesses, and institutions in the State; and

(5) the most efficient use of both public and private resources through State policies by encouraging the development of open access telecommunications infrastructure that can be shared by multiple service providers.

(c) Duties. To achieve its purposes, the Division shall:

(1) provide resources to local, regional, public, and private entities in the form of grants, technical assistance, coordination, and other incentives;

(2) prioritize the use of existing buildings and structures, historic or otherwise, as sites for visually-neutral placement of mobile telecommunications and wireless broadband antenna facilities; and

(3) inventory and assess the potential to use federal radio frequency licenses held by instrumentalities of the State to enable broadband service in unserved areas of the State; take steps to promote the use of those licensed radio frequencies for that purpose; and recommend to the General Assembly any further legislative measures with respect to ownership, management, and use of these licenses as would promote the general good of the State.

(4) coordinate telecommunications initiatives among Executive Branch agencies, departments, and offices.

(5) from information reasonably available after public notice to and written requests made of mobile telecommunications and broadband service providers, develop and maintain an inventory of locations at which mobile telecommunications and broadband services are not available within the State, develop and maintain an inventory of infrastructure that is available or reasonably likely to be available to support the provision of services to unserved areas, and develop and maintain an inventory of infrastructure necessary for the provision of these services to the unserved areas;

(6) identify the types and locations of infrastructure and services needed to carry out the purposes stated in subsection (b) of this section;

(7) formulate an action plan that conforms with the State Telecommunications Plan and carries out the purposes stated in subsection (b) of this section;

(8) coordinate the agencies of the State to make public resources available to support the extension of mobile telecommunications and broadband infrastructure and services to all unserved areas;

(9) support and facilitate initiatives to extend the availability of mobile telecommunications and broadband services, and promote development of the infrastructure that enables the provision of these services; and

(10) through the Department of Innovation and Information, aggregate and broker access at reduced prices to services and facilities required to provide wireless telecommunications and broadband services; and waive or reduce State fees for access to State-owned rights-of-way in exchange for

comparable value to the State, unless payment for use is otherwise required by federal law.

(11) receive all technical and administrative assistance as deemed necessary by the Director for Connectivity.

(d)(1) Deployment. The Director may request voluntary disclosure of information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. Such information may include data identifying projected coverage areas, projected average speed of service, service type, and the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities.

(2) The Director may enter into a nondisclosure agreement with respect to any voluntary disclosures under this subsection and the information disclosed pursuant thereto shall remain confidential. Alternatively, entities that voluntarily provide information requested under this subsection may select a third party to be the recipient of such information. The third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the Director. The third party shall only disclose the aggregated information to the Director. The Director may publicly disclose aggregated information based upon the information provided under this subsection. The confidentiality requirements of this subsection shall not affect whether information provided to any agency of the State or a political subdivision of the State pursuant to other laws is or is not subject to disclosure.

(e) Minimum technical service characteristics. The Division only shall promote the expansion of broadband services that offer actual speeds that meet or exceed the minimum technical service characteristic objectives contained in the State's Telecommunications Plan.

(f) Annual Report. Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Director shall submit a report of its activities for the preceding fiscal year to the General Assembly. Each report shall include an operating and financial statement covering the Division's operations during the year, including a summary of all grant awards and contracts and agreements entered into by the Division, as well as the action plan required under subdivision (c)(7) of this section. In addition, the report shall include an accurate map and narrative description of each of the following:

(1) the areas served and the areas not served by wireless communications service, as identified by the Department of Public Service, and cost estimates for providing such service to unserved areas;

(2) the areas served and the areas not served by broadband that has a download speed of at least 0.768 Mbps and an upload speed of at least 0.2 Mbps, as identified by the Department of Public Service, and cost estimates for providing such service to unserved areas;

(3) the areas served and the areas not served by broadband that has a combined download and upload speed of at least 5 Mbps, as identified by the Department of Public Service, and the costs for providing such service to unserved areas; and

(4) the areas served and the areas not served by broadband that has a download speed of at least 100 Mbps and is symmetrical, as identified by the Department of Public Service, and the costs for providing such service to unserved areas.

Sec. 10. REPEAL

3 V.S.A. § 2222b (Secretary of Administration responsible for coordination and planning); 3 V.S.A. § 2222c (Secretary of Administration to prepare deployment report); 30 V.S.A. § 8077 (minimum technical service characteristics); and 30 V.S.A. § 8079 (broadband infrastructure investment) are repealed.

Sec. 11. CREATION OF POSITIONS; TRANSFER OF VACANT POSITIONS; REEMPLOYMENT RIGHTS

(a) The following exempt positions are created within the Division for Connectivity: one full-time Director and up to six additional full-time employees as deemed necessary by the Secretary of Administration.

(b) The positions created under subsection (a) of this section shall only be filled to the extent there are existing vacant positions in the Executive Branch available to be transferred and converted to the new positions in the Division for Connectivity, as determined by the Secretary of Administration and the Commissioner of Human Resources, so that the total number of authorized positions in the State shall not be increased by this act.

(c) All full-time personnel of the Vermont Telecommunications Authority employed by the Authority on the day immediately preceding the effective date of this act, who do not obtain a position in the Division for Connectivity pursuant to subsection (a) of this section, shall be entitled to the same reemployment or recall rights available to non-management State employees under the existing collective bargaining agreement entered into between the State and the Vermont State Employees' Association.

Sec. 12. TRANSITIONAL PROVISIONS

(a) Personnel. The Secretary of Administration shall determine where the offices of the Division for Connectivity shall be housed.

(b) Assets and liabilities. The assets and liabilities of the Vermont Telecommunications Authority (VTA) shall become the assets and liabilities of the Agency of Administration.

(c) Legal and contractual obligations. The Executive Director of the VTA, in consultation with the Secretary of Administration, shall identify all grants and contracts of the VTA and create a plan to redesignate the Agency of Administration as the responsible entity. The plan shall ensure that all existing grantors, grantees, and contractors are notified of the redesignation.

* * * Conduit Standards; Public Highways * * *

Sec. 13. 3 V.S.A. § 2226 is added to read:

§ 2226. PUBLIC HIGHWAYS; CONDUIT STANDARDS

(a) Intent. The intent of this section is to provide for the construction of infrastructure sufficient to allow telecommunications service providers seeking to deploy communication lines in the future to do so by pulling the lines through the conduit and appurtenances installed pursuant to this section. This section is intended to require those constructing public highways, including State, municipal, and private developers, to provide and install such conduit and appurtenances as may be necessary to accommodate future telecommunications needs within public highways and rights-of-way without further excavation or disturbance.

(b) Rules; standards. On or before January 1, 2015, the Secretary of Administration, in consultation with the Commissioner of Public Service, the Secretary of Transportation, and the Vermont League of Cities and Towns, shall adopt rules requiring the installation of conduit and such vaults and other appurtenances as may be necessary to accommodate installation and connection of telecommunications lines within the conduit during highway construction projects. The rules shall specify construction standards with due consideration given to existing and anticipated technologies and industry standards. The standards shall specify the minimum diameter of the conduit and interducts to meet the requirements of this section. All conduit and appurtenances installed by private parties under this section shall be conveyed and dedicated to the State or the municipality, as the case may be, with the dedication and conveyance of the public highway or right-of-way. Any and all installation costs shall be the responsibility of the party constructing the public highway.

* * * Extension of 248a; Automatic Party Status * * *

Sec. 14. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

(a) Certificate. Notwithstanding any other provision of law, if the applicant seeks approval for the construction or installation of telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the Public Service Board under this section, which the Board may grant if it finds that the facilities will promote the general good of the State consistent with ~~subsection 202e(b) of this title~~ the State Telecommunications Plan. A single application may seek approval of one or more telecommunications facilities. An application under this section shall include a copy of each other State and local permit, certificate, or approval that has been issued for the facility under a statute, ordinance, or bylaw pertaining to the environment or land use.

* * *

(i) Sunset of Board authority. Effective July 1, ~~2014~~ 2016, no new applications for certificates of public good under this section may be considered by the Board.

* * *

(m) Municipal bodies; participation. The legislative body and the planning commission for the municipality in which a telecommunications facility is located shall have the right to appear and participate on any application under this section seeking a certificate of public good for the facility.

Sec. 15. 10 V.S.A. § 1264(j) is amended to read:

(j) Notwithstanding any other provision of law, if an application to discharge stormwater runoff pertains to a telecommunications facility as defined in 30 V.S.A. § 248a and is filed before July 1, ~~2014~~ 2016 and the discharge will be to a water that is not principally impaired by stormwater runoff:

(1) The Secretary shall issue a decision on the application within 40 days of the date the Secretary determines the application to be complete, if the application seeks authorization under a general permit.

(2) The Secretary shall issue a decision on the application within 60 days of the date the Secretary determines the application to be complete, if the application seeks or requires authorization under an individual permit.

Sec. 16. 10 V.S.A. § 8506 is amended to read:

§ 8506. RENEWABLE ENERGY PLANT; TELECOMMUNICATIONS FACILITY; APPEALS

(a) Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the ~~secretary~~ Secretary, under the provisions of law listed in section 8503 of this title, or any party by right may appeal to the ~~public service board~~ Public Service Board if the act or decision concerns a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248 or a telecommunications facility for which the applicant has applied or has served notice under 30 V.S.A. § 248a(e) that it will apply for approval under 30 V.S.A. § 248a. This section shall not apply to a facility that is subject to section 1004 (dams before the Federal Energy Regulatory Commission) or 1006 (certification of hydroelectric projects) or chapter 43 (dams) of this title. This section shall not apply to an appeal of an act or decision of the ~~secretary~~ Secretary regarding a telecommunications facility made on or after July 1, ~~2014~~ 2016.

* * *

Sec. 17. 2011 Acts and Resolves No. 53, Sec. 14d is amended to read:

Sec. 14d. PROSPECTIVE REPEALS; EXEMPTIONS FROM MUNICIPAL BYLAWS AND ORDINANCES

Effective July 1, ~~2014~~ 2016:

(1) 24 V.S.A. § 4413(h) (limitations on municipal bylaws) shall be repealed; and

(2) 24 V.S.A. § 2291(19) (municipal ordinances; wireless telecommunications facilities) is amended to read:

* * *

Sec. 18. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

(a)(1) The Secretary may require an applicant for a permit, license, certification, or order issued under a program that the Secretary enforces under 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic, or engineering expertise provided by the Agency of Natural Resources, provided:

(A) ~~the~~ The Secretary does not have such expertise or services and such expertise is required for the processing of the application for the permit, license, certification, or order; ~~or~~.

(B) ~~the~~ The Secretary does have such expertise but has made a determination that it is beyond the ~~agency's~~ Agency's internal capacity to effectively utilize that expertise to process the application for the permit, license, certification, or order. In addition, the Secretary shall determine that such expertise is required for the processing of the application for the permit, license, certification, or order.

(2) The Secretary may require an applicant under 10 V.S.A. chapter 151 to pay for the time of Agency of Natural Resources personnel providing research, scientific, or engineering services or for the cost of expert witnesses when ~~agency~~ Agency personnel or expert witnesses are required for the processing of the permit application.

(3) In addition to the authority set forth under 10 V.S.A. chapters 59 and 159 and § section 1283, the Secretary may require a person who caused the ~~agency~~ Agency to incur expenditures or a person in violation of a permit, license, certification, or order issued by the Secretary to pay for the time of ~~agency~~ Agency personnel or the cost of other research, scientific, or engineering services incurred by the ~~agency~~ Agency in response to a threat to public health or the environment presented by an emergency or exigent circumstance.

* * *

(g) Concerning an application for a permit to discharge stormwater runoff from a telecommunications facility as defined in 30 V.S.A. § 248a that is filed before July 1, ~~2014~~ 2016:

(1) Under subdivision (a)(1) of this section, the ~~agency~~ Agency shall not require an applicant to pay more than \$10,000.00 with respect to a facility.

(2) The provisions of subsection (c) (mandatory meeting) of this section shall not apply.

* * * Administration Report; E-911; Vermont Communications Board;
VCGI; FirstNet * * *

Sec. 19. ADMINISTRATION REPORT; TRANSFERS AND CONSOLIDATION

(a) On January 1, 2015, the Secretary of Administration shall submit a report to the General Assembly proposing a plan for transferring the responsibilities and powers of the Enhanced 911 Board, including necessary positions, to the Division for Connectivity, the Department of Public Service, or the Department of Public Safety, as he or she deems appropriate. The plan shall include budgetary recommendations and shall strive to achieve annual operational savings of at least \$300,000.00, as well as enhanced coordination

and efficiency, and reductions in operational redundancies. The report shall include draft legislation implementing the Secretary's plan. In addition, the report shall include a draft recommendation for transferring telecommunications-related positions, responsibilities, and resources of the Vermont Center for Geographic Information to the Department of Public Service.

(b) As part of the report required in subsection (a) of this section, the Secretary shall also make findings and recommendations regarding the status of the Vermont Communications Board, Department of Public Safety, and the Vermont Public Safety Broadband Network Commission (Vermont FirstNet). If not prohibited by federal law, the Secretary shall propose draft legislation creating an advisory board within the Division for Connectivity or the Department of Public Safety comprised of 15 members appointed by the Governor to assume functions of the current Enhanced 911 Board, the Vermont Communications Board, the Vermont Public Safety Broadband Network Commission (FirstNet), and relevant telecommunications-related aspects of the Vermont Center for Geographic Information Board of Directors, as the Secretary deems appropriate. Upon establishment of the new advisory board and not later than July 1, 2015, the E-911 Board and the Vermont Communications Board shall cease to exist.

* * * DPS Deployment Report * * *

Sec. 20. DEPARTMENT OF PUBLIC SERVICE; DEPLOYMENT REPORT

On July 15, 2015, the Commissioner of Public Service shall submit to the General Assembly a report, including maps, indicating the service type and average speed of service of mobile telecommunications and broadband services available within the State by census block as of June 30, 2015.

* * * VTA; Dormant Status * * *

Sec. 21. 30 V.S.A. § 8060a is added to read:

§ 8060a. PERIOD OF DORMANCY

Beginning on July 1, 2015, the Division for Connectivity established under 3 V.S.A. § 2225 shall become the successor in interest to and the continuation of the Vermont Telecommunications Authority. The Authority shall cease all operations and shall not resume its duties as specified under this chapter or under any other Vermont law unless directed to do so by enactment of the General Assembly.

* * * Telecommunications; CPGs; Annual Renewals;
Retransmission Fees * * *

Sec. 22. 30 V.S.A. § 231 is amended to read:

§ 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF SERVICE; HEARING

(a) A person, partnership, unincorporated association, or previously incorporated association, which desires to own or operate a business over which the ~~public-service board~~ Public Service Board has jurisdiction under the provisions of this chapter shall first petition the ~~board~~ Board to determine whether the operation of such business will promote the general good of the ~~state~~, State and conforms with the State Telecommunications Plan, if applicable, and shall at that time file a copy of any such petition with the ~~department~~ Department. The ~~department~~ Department, within 12 days, shall review the petition and file a recommendation regarding the petition in the same manner as is set forth in subsection 225(b) of this title. Such recommendation shall set forth reasons why the petition shall be accepted without hearing or shall request that a hearing on the petition be scheduled. If the ~~department~~ Department requests a hearing on the petition, or, if the ~~board~~ Board deems a hearing necessary, it shall appoint a time and place in the county where the proposed corporation is to have its principal office for hearing the petition, and shall make an order for the publication of the substance thereof and the time and place of hearing two weeks successively in a newspaper of general circulation in the county to be served by the petitioner, the last publication to be at least seven days before the day appointed for the hearing. The ~~director for public advocacy~~ Director for Public Advocacy shall represent the public at such hearing. If the ~~board~~ Board finds that the operation of such business will promote the general good of the ~~state~~, State and will conform with the State Telecommunications Plan, if applicable, it shall give such person, partnership, unincorporated association or previously incorporated association a certificate of public good specifying the business and territory to be served by such petitioners. For good cause, after opportunity for hearing, the ~~board~~ Board may amend or revoke any certificate awarded under the provisions of this section. If any such certificate is revoked, the person, partnership, unincorporated association, or previously incorporated association shall no longer have authority to conduct any business which is subject to the jurisdiction of the ~~board~~ Board whether or not regulation thereunder has been reduced or suspended, under section 226a or 227a of this title.

(b) A company subject to the general supervision of the ~~public-service board~~ Public Service Board under section 203 of this title may not abandon or

curtail any service subject to the jurisdiction of the ~~board~~ Board or abandon all or any part of its facilities if it would in doing so effect the abandonment, curtailment or impairment of the service, without first obtaining approval of the ~~public service board~~ Board, after notice and opportunity for hearing, and upon finding by the ~~board~~ Board that the abandonment or curtailment is consistent with the public interest and the State Telecommunications Plan, if applicable; provided, however, this section shall not apply to disconnection of service pursuant to valid tariffs or to rules adopted under section 209(b) and (c) of this title.

Sec. 23. 30 V.S.A. § 504 is amended to read:

§ 504. CERTIFICATES OF PUBLIC GOOD

(a) Certificates of public good granted under this chapter shall be for a period of 11 years.

(b) Issuance of a certificate shall be after opportunity for hearing and findings by the ~~board~~ Board that the applicant has complied or will comply with requirements adopted by the ~~board~~ Board to ensure that the system provides:

(1) designation of adequate channel capacity and appropriate facilities for public, educational, or governmental use;

(2) adequate and technically sound facilities and equipment, and signal quality;

(3) a reasonably broad range of public, educational, and governmental programming;

(4) the prohibition of discrimination among customers of basic service; ~~and~~

(5) basic service in a competitive market, and if a competitive market does not exist, that the system provides basic service at reasonable rates determined in accordance with section 218 of this title; and

(6) service that conforms with the relevant provisions of the State Telecommunications Plan.

(c) In addition to the requirements set forth in subsection (b) of this section, the ~~board~~ Board shall ~~insure~~ ensure that the system provides or utilizes:

(1) a reasonable quality of service for basic, premium or otherwise, having regard to available technology, subscriber interest, and cost;

(2) construction, including installation, which conforms to all applicable ~~state~~ State and federal laws and regulations and the National Electric Safety Code;

(3) a competent staff sufficient to provide adequate and prompt service and to respond quickly and comprehensively to customer and ~~department~~ Department complaints and problems;

(4) unless waived by the ~~board~~ Board, an office which shall be open during usual business hours, have a listed toll-free telephone so that complaints and requests for repairs or adjustments may be received; and

(5) reasonable rules and policies for line extensions, disconnections, customer deposits, and billing practices.

(d) A certificate granted to a company shall represent nonexclusive authority of that company to build and operate a cable television system to serve customers only within specified geographical boundaries. Extension of service beyond those boundaries may be made pursuant to the criteria in ~~section 504 of this title~~ this section, and the procedures in section 231 of this title.

(e) Subdivision (b)(6) of this section (regarding conformity with the State Telecommunications Plan) shall apply only to certificates that expire or new applications that are filed after the year 2014.

Sec. 24. 30 V.S.A. § 518 is added to read:

§ 518. DISCLOSURE OF RETRANSMISSION FEES

A retransmission agreement entered into between a commercial broadcasting station and a cable company pursuant to 47 U.S.C. § 325 shall not include terms prohibiting the company from disclosing to its subscribers any fees incurred for program content retransmitted on the cable network under the retransmission agreement.

* * * Statutory Revision Authority * * *

Sec. 25. LEGISLATIVE COUNCIL STATUTORY REVISION AUTHORITY; LEGISLATIVE INTENT

(a) The staff of the Office of the Legislative Council in its statutory revision capacity is authorized and directed to amend the Vermont Statutes Annotated as follows:

(1) deleting all references to “by the end of the year 2013” in 30 V.S.A. chapter 91; and

(2) during the interim of the 2015 biennium of the General Assembly, in 30 V.S.A. § 227e, replacing every instance of the words “Secretary of Administration” and “Secretary” with the words “Director for Connectivity” and “Director,” respectively.

(b) Any duties and responsibilities that arise by reference to the Division for Connectivity in the Vermont Statutes Annotated shall not be operative until the Division is established pursuant to 3 V.S.A. § 2225.

* * * Effective Dates * * *

Sec. 26. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 9, 10, and 11 (regarding the Division for Connectivity) shall take effect on July 1, 2015.

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

An act relating to Vermont telecommunications policy.

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

Senator Cummings, 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 Finance with the following amendments thereto:

First: In Sec. 3, 30 V.S.A. § 7516 (regarding the Connectivity Fund), by striking out subsection (a) in its entirety and by inserting in lieu thereof a new subsection (a) to read as follows:

(a) There is created a Connectivity Fund for the purpose of providing access to Internet service that is capable of speeds of at least 4 Mbps download and 1 Mbps upload to every E-911 business and residential location in Vermont, beginning with locations not served as of December 31, 2013 according to the minimum technical service characteristic objectives applicable at that time. Within this category of unserved Vermonters, priority shall be given to locations having access to only satellite or dial-up Internet service. Any new services funded in whole or in part by monies in this Fund shall be capable of being continuously upgraded to reflect the best available, most economically feasible service capabilities.

Second: By striking out Sec. 19 and the immediately preceding reader assistance in their entirety and by inserting in lieu thereof a new Sec. 19 and reader assistance as follows:

* * * Administration Report; E-911; Vermont USF Fiscal Agent; Vermont Communications Board; FirstNet * * *

Sec. 19. ADMINISTRATION REPORT; TRANSFERS AND CONSOLIDATION; VERMONT USF FISCAL AGENT

(a) On January 1, 2015, after receiving input from State and local agencies potentially impacted, the Secretary of Administration shall submit a report to

the General Assembly proposing a plan for transferring the responsibilities and powers of the Enhanced 911 Board, including necessary positions, to the Division for Connectivity, the Department of Public Service, or the Department of Public Safety, as he or she deems appropriate. The plan shall include budgetary recommendations and shall strive to achieve annual operational savings of at least \$300,000.00, as well as enhanced coordination and efficiency, and reductions in operational redundancies. The report shall include draft legislation implementing the Secretary's plan. In addition, the report shall include findings and recommendations on whether it would be cost effective to select an existing State agency to serve as fiscal agent to the Vermont Universal Service Fund.

(b) As part of the report required in subsection (a) of this section, the Secretary shall also make findings and recommendations regarding the status of the Vermont Communications Board, Department of Public Safety, and the Vermont Public Safety Broadband Network Commission (Vermont FirstNet). If not prohibited by federal law, the Secretary shall propose draft legislation creating an advisory board within the Division for Connectivity or the Department of Public Safety comprised of 15 members appointed by the Governor to assume functions of the current Enhanced 911 Board, the Vermont Communications Board, and Vermont FirstNet, as the Secretary deems appropriate. Upon establishment of the new advisory board and not later than July 1, 2015, the E-911 Board and the Vermont Communications Board shall cease to exist.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Finance 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 Finance, as amended?, Senator Galbraith moved to amend the proposal of amendment of the Committee on Finance, as amended, in Sec. 9, 3 V.S.A. § 2225 subsection (f) after the words "accurate map and" by inserting the word truthful

Which was disagreed to on a roll call, Yeas 1, Nays 29.

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.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Flory, French, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

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

Proposal of Amendment; Third Reading Ordered

H. 699.

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

An act relating to temporary housing.

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. 33 V.S.A. § 2103 is amended to read:

§ 2103. ELIGIBILITY

* * *

(f) An eligible participant for temporary housing shall not be required to furnish more than 30 percent of his or her income toward the cost of temporary housing. The Secretary of Human Services may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to implement this subsection.

Sec. 2. EFFECTIVE DATE

This act shall take effect on 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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 795.

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

An act relating to victim's compensation and restitution procedures.

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

Sec. 1. 13 V.S.A. § 5362 is amended to read:

§ 5362. RESTITUTION UNIT

(a) A Restitution Unit is created within the Center for Crime Victim Services for purposes of ~~assuring~~ ensuring that crime victims receive restitution when it is ordered by the Court.

(b) The Restitution Unit shall administer the Restitution Fund established under section 5363 of this title.

(c) The Restitution Unit shall have the authority to:

(1) Collect restitution from the offender when it is ordered by the ~~court~~ Court under section 7043 of this title.

(2) ~~Bring an action to enforce~~ Enforce a restitution obligation as a civil judgment under section 7043 of this title. The Restitution Unit shall enforce restitution orders issued prior to July 1, 2004 pursuant to the law in effect on the date the order is issued.

(3)(A) Share and access information, including information maintained by the National Criminal Information Center, consistent with Vermont and federal law, from the Court, the Department of Corrections, the Department of Motor Vehicles, the Department of Taxes, ~~and~~ the Department of Labor, and law enforcement agencies in order to carry out its collection and enforcement functions. The Restitution Unit, for purposes of establishing and enforcing restitution payment obligations, is designated as a law enforcement agency for the sole purpose of requesting and obtaining access to information needed to identify or locate a person, including access to information maintained by the National Criminal Information Center.

(B) Provide information to the Department of Corrections concerning supervised offenders, including an offender's restitution payment history and balance, address and contact information, employment information, and information concerning the Restitution Unit's collection efforts.

(C) The Restitution Unit is specifically authorized to collect, record, use, and disseminate Social Security numbers as needed for the purpose of collecting restitution and enforcing restitution judgment orders issued by the Court, provided that the Social Security number is maintained on a separate form that is confidential and exempt from public inspection and copying under the Public Records Act.

(4) Investigate and verify losses as determined by the Restitution Unit, including losses that may be eligible for advance payment from the Restitution Special Fund, and verify the amount of insurance or other payments paid to or for the benefit of a victim, and reduce the amount collected or to be collected from the offender or disbursed to the victim from the Crime Victims' Restitution Special Fund accordingly. The Restitution Unit, when appropriate, shall submit to the ~~court~~ Court a proposed revised restitution order ~~stipulated to by the victim and the unit,~~ with copies provided to the victim and the offender. No hearing shall be required, ~~and the Court shall amend the judgment order to reflect the amount stipulated to by the victim and the Restitution Unit.~~

(5) Adopt such administrative rules as are reasonably necessary to carry out the purposes set forth in this section.

(6)(A) Report offenders' payment histories to credit reporting agencies, ~~provided that the Unit shall not report information regarding offenders who are incarcerated.~~ The Unit shall not make a report under this subdivision (6) until after it has notified the offender of the proposed report by first class mail or other like means to give actual notice, and provided the offender a period not to exceed 20 days to contest the accuracy of the information with the Unit. The Unit shall immediately notify each credit bureau organization to which information has been furnished of any increases or decreases in the amount of restitution owed by the offender.

(B) Obtain offenders' credit reports from credit reporting agencies. The Unit shall not obtain a report under this subdivision (6) until after it has notified the offender by first class mail or other means likely to give actual notice of its intent to obtain the report.

(7) Enter into a repayment contract with a juvenile or adult accepted into a diversion program and to bring a civil action to enforce the contract when a diversion program has referred an individual pursuant to 3 V.S.A. § 164a.

(8) Contract with one or more sheriff's departments for the purposes of serving process, warrants, demand letters, and mittimus in restitution cases, and contract with one or more law enforcement agencies or other investigators for the purpose of investigating and locating offenders and enforcing restitution judgment orders.

(9) Collect from an offender subject to a restitution judgment order all fees and direct costs, including reasonable attorney's fees, incurred by the Restitution Unit as a result of enforcing the order and investigating and locating the offender.

Sec. 2. 13 V.S.A. § 5363 is amended to read:

§ 5363. CRIME VICTIM'S RESTITUTION SPECIAL FUND

* * *

(d)(1) The Restitution Unit is authorized to advance up to ~~\$10,000.00~~ \$5,000.00 to a victim or to a deceased victim's heir or legal representative if the victim:

(A) was first ordered by the Court to receive restitution on or after July 1, 2004;

(B) is a natural person or the natural person's legal representative;

(C) has not been reimbursed under subdivision (2) of this subsection; and

(D) is a natural person and has been referred to the Restitution Unit by a diversion program pursuant to 3 V.S.A. § 164a.

(2) The Restitution Unit may make advances of up to ~~\$10,000.00~~ \$5,000.00 under this subsection to the following persons or entities:

(A) A victim service agency approved by the Restitution Unit if the agency has advanced monies which would have been payable to a victim under subdivision (1) of this subsection.

(B) A victim who is a natural person or the natural person's legal representative in a case where the defendant, before or after an adjudication of guilt, enters into a drug court contract requiring payment of restitution.

(3) An advance under this subsection shall not be made to the government or to any governmental subdivision or agency.

(4) An advance under this subsection shall not be made to a victim who:

(A) fails to provide the Restitution Unit with the documentation necessary to support the victim's claim for restitution; ~~or~~

(B) violated a criminal law of this State which caused or contributed to the victim's material loss; or

(C) has crime-related losses that are eligible for payment from the Victim Compensation Special Fund.

(5) An advance under this subsection shall not be made for the amount of cash loss included in a restitution judgment order.

(6) An advance under this subsection shall not be made for:

(A) jewelry or precious metals; or

(B) luxury items or collectibles identified in rules adopted by the Unit pursuant to subdivision 5362(c)(5) of this title.

* * *

Sec. 3. 13 V.S.A. § 7043 is amended to read:

§ 7043. RESTITUTION

* * *

(e)(1) An order of restitution shall establish the amount of the material loss incurred by the victim, which shall be the restitution judgment order. In the event the offender is unable to pay the restitution judgment order at the time of sentencing, the Court shall establish a restitution payment schedule for the offender based upon the offender's current and reasonably foreseeable ability to pay, subject to modification under subsection ~~(k)(1)~~ of this section. Notwithstanding 12 V.S.A. chapter 113 or any other provision of law, interest shall not accrue on a restitution judgment.

(2)(A) Every order of restitution shall:

(i) include the offender's name, address, telephone number, and Social Security number, provided that the Social Security number is redacted pursuant to the Vermont Rules for Public Access to Court Records;

(ii) include the name, address, and telephone number of the offender's employer; and

(iii) require the offender, until his or her restitution obligation is satisfied, to notify the Restitution Unit within 30 days if the offender's address, telephone number, or employment changes, including providing the name, address, and telephone number of each new employer.

(B) [Repealed.]

(3) An order of restitution may require the offender to pay restitution for an offense for which the offender was not convicted if the offender knowingly and voluntarily executes a plea agreement which provides that the offender pay restitution for that offense. A copy of the plea agreement shall be attached to the restitution order.

(f)(1) If not paid at the time of sentencing, restitution may be ordered as a condition of probation, supervised community sentence, furlough, preapproved furlough, or parole if the convicted person is sentenced to preapproved furlough, probation, or supervised community sentence, or is sentenced to imprisonment and later placed on parole. A person shall not be placed on probation solely for purposes of paying restitution. An offender may not be

charged with a violation of probation, furlough, or parole for nonpayment of a restitution obligation incurred after July 1, 2004.

(2) The Department of Corrections shall work collaboratively with the Restitution Unit to assist with the collection of restitution. The Department shall provide the Restitution Unit with information about the location and employment status of the offender.

(g)(1) When restitution is requested but not ordered, the Court shall set forth on the record its reasons for not ordering restitution.

(2)(A) If restitution was not requested at the time of sentencing as the result of an error by the State, or if expenses arose after the entry of a restitution order, ~~the State may file a motion with the sentencing court to reopen the restitution case in order to consider a~~ the victim may request for restitution payable from the Restitution Fund. Restitution ~~ordered paid~~ under this subdivision shall be payable from the Restitution Fund and shall not be payable by the offender. If the restitution is for expenses that arose after the entry of a restitution order, the restitution shall be capped at \$1,000.00.

(B) A ~~motion~~ request under this subdivision shall be filed with the Restitution Unit within one year after the imposition of sentence or the entry of the restitution order.

(h) Restitution ordered under this section shall not preclude a person from pursuing an independent civil action for all claims not covered by the restitution order.

(i)(1) The ~~court~~ Court shall transmit a copy of a restitution order and the plea agreement, if any, to the Restitution Unit, which shall make payment to the victim in accordance with section 5363 of this title.

(2) To the extent that the Victims Compensation Board has made payment to or on behalf of the victim in accordance with chapter 167 of this title, restitution, if imposed, shall be paid to the Restitution Unit, which shall make payment to the Victims Compensation Fund.

(j) The Restitution Unit may bring an action, including a small claims procedure, on a form approved by the Court Administrator, to enforce a restitution judgment order entered by the Criminal Division of the Superior Court. The action shall be brought against ~~an~~ the offender in the Civil Division of the Superior Court of the unit where the offender resides or in the unit where the order was issued. In an action under this subsection, a restitution order issued by the Criminal Division of the Superior Court shall be enforceable in the Civil Division of the Superior Court or in a small claims procedure in the same manner as a civil judgment. Superior and Small Claims Court filing fees

shall be waived for an action brought under this subsection, ~~and for an action to renew a restitution judgment.~~

* * *

~~(m)(1) If the offender fails to pay restitution as ordered by the court, the Restitution Unit may file an action to enforce the restitution order in Superior or Small Claims Court.~~ After an enforcement action is filed pursuant to subsection (j) of this section, any further proceedings related to the action shall be heard in the ~~court~~ Court where it was filed. The ~~court~~ Court shall set the matter for hearing and shall provide notice to the Restitution Unit, the victim, and the offender. Upon filing of a motion for financial disclosure, the Court may order the offender to appear at the hearing and disclose assets and liabilities and produce any documents the Court deems relevant.

~~(2)~~ If the ~~court~~ Court determines the offender has failed to comply with the restitution order, the ~~court~~ Court may take any action the Court deems necessary to ensure the offender will make the required restitution payment, including:

~~(1)(A)~~ amending the payment schedule of the restitution order;

~~(2)(B)~~ ordering, in compliance with the procedures required in Rule 4.1 of the Vermont Rules of Civil Procedure, the disclosure, attachment, and sale of assets and accounts owned by the offender;

~~(3)(C)~~ ordering trustee process against the offender's wages ~~withheld pursuant to subsection (n) of this section~~; or

~~(4)(D)~~ ordering the suspension of any recreational licenses owned by the offender.

(3) If the Court finds that the offender has an ability to pay and willfully refuses to do so, the offender may be subject to civil contempt proceedings under 12 V.S.A. chapter 5.

* * *

(p) An obligation to pay restitution is part of a criminal sentence and is:

(1) nondischargeable in the United States Bankruptcy Court to the maximum extent provided under 11 U.S.C. §§ 523 and 1328; ~~and~~

(2) not subject to any statute of limitations; and

(3) not subject to the renewal of judgment requirements of 12 V.S.A. § 506.

* * *

Sec. 4. 13 V.S.A. § 5573 is amended to read:

§ 5573. COMPLAINT

(a) A complaint filed under this subchapter shall be supported by facts and shall allege that:

(1) the complainant has been convicted of a felony crime, been sentenced to a term of imprisonment, and served ~~all or any part~~ at least six months of the sentence in a correctional facility; and

(2) the complainant was exonerated ~~pursuant to subchapter 1 of this chapter~~ through the complainant's conviction being reversed or vacated, the information or indictment being dismissed, the complainant being acquitted after a second or subsequent trial, or the granting of a pardon.

(b) The court may dismiss the complaint, upon its own motion or upon motion of the ~~state~~ State, if it determines that the complaint does not state a claim for which relief may be granted.

Sec. 5. 13 V.S.A. § 5574 is amended to read:

§ 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

(a) A claimant shall be entitled to judgment in an action under this subchapter if the claimant establishes each of the following by ~~a preponderance of the~~ clear and convincing evidence:

(1) The complainant was convicted of a felony crime, was sentenced to a term of imprisonment, and served ~~all or any part~~ at least six months of the sentence in a correctional facility.

(2) ~~As a result of DNA evidence:~~

(A) The complainant's conviction was reversed or vacated, the complainant's information or indictment was dismissed, or the complainant was acquitted after a second or subsequent trial; ~~or~~.

(B) The complainant was pardoned for the crime for which he or she was sentenced.

(3) ~~DNA evidence establishes that the complainant did not commit the crime for which he or she was sentenced~~ The complainant is actually innocent of the felony or felonies that are the basis for the claim. As used in this chapter, a person is "actually innocent" of a felony or felonies if he or she did not engage in any illegal conduct alleged in the charging documents for which he or she was charged, convicted, and imprisoned.

(4) The complainant did not fabricate evidence or commit or suborn perjury during any proceedings related to the crime with which he or she was charged.

* * *

Sec. 6. VICTIM'S COMPENSATION FUND; BILLING OF HEALTH CARE FACILITIES IN FY 2015; SUNSET

(a) Notwithstanding 13 V.S.A. § 5356(c) and 32 V.S.A. § 1407, during fiscal year 2015, the Victim's Compensation Fund shall reimburse health care facilities and health care providers at 50 percent of the billed charges for compensation. The health care facility or health care provider shall not bill any balance to the crime victim.

(b) This section shall be repealed on July 1, 2015.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2014 and shall apply to restitution orders issued after that date.

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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence

J.R.H. 22.

Joint House resolution entitled:

Joint resolution authorizing the use of the State House on June 18, 2014 for the 2014 Green Mountain Girls State Day.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 809.

House bill entitled:

An act relating to designation of new town centers and growth centers.

Was taken up.

Thereupon, pending third reading of the bill, Senator Nitka moved to amend the Senate proposal of amendment by striking out the *fourth* proposal of amendment in its entirety and inserting in lieu thereof the following:

Fourth: In Sec. 3, 24 V.S.A. § 2793c, by striking out subdivision (d)(6) in its entirety and inserting in lieu thereof a new subdivision (d)(6) to read:

(6) Designation decision. Within 90 days of the receipt of a completed application, after providing notice as required in the case of a proposed municipal plan or amendment to each person listed under subsection 4384(e) of this title and to the executive director of each adjacent regional planning commission, and after providing an opportunity for the public to be heard, the State Board formally shall designate a growth center if the State Board finds, in a written decision, that the growth center proposal meets the requirements of subsection (b) of this section. An application that complies with all of the requirements of subsection (b) of this section other than the size requirement set forth in subdivision (b)(1) may be approved by the State Board if the applicant presents compelling justification for deviating from the size requirement and provided that at least two-thirds but no fewer than seven of the members of the State Board present vote in favor of the application.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Senate Resolution Postponed Indefinitely

S.R. 8.

Senate resolution entitled:

Senate resolution reaffirming the friendly bilateral relationships between Taiwan and both the United States and Vermont and the important role of Taiwan in the international community.

Was taken up.

Thereupon, pending third reading of the Senate resolution, Senator Hartwell moved to amend the bill by in the fifth *Whereas* clause, by striking out the following: “, and on August 5, 2012 Taiwan proposed an East China Sea Peace Initiative to resolve the disputes in this area”

Thereupon, pending the question, Shall the resolution be amended as recommended by Senator Hartwell?, Senator Bray moved that consideration of the Senate resolution be postponed indefinitely.

Which was agreed to.

Proposals of Amendment; Third Reading Ordered**H. 350.**

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

An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct.

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

First: By adding a new section to be numbered Sec. 5a to read as follows:

Sec. 5a. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

(1) “Allowable expenditures” means:

* * *

(H) Sponsorship of an educational program offered by a medical device manufacturer at a national or regional professional society meeting at which programs accredited by the Accreditation Council for Continuing Medical Education, or a comparable professional accrediting entity, are also offered, provided:

(i) no payment is made directly to a health care professional or pharmacist; and

(ii) the funding is used solely for bona fide educational purposes, except that the manufacturer may provide meals and other food for program participants.

(I) Other reasonable fees, payments, subsidies, or other economic benefits provided by a manufacturer of prescribed products at fair market value.

* * *

(7)(C) “Regularly practices” means to practice at least periodically under contract with, as an employee of, or as the owner of, a medical practice, health care facility, nursing home, hospital, or university located in Vermont.

* * *

(12) “Prescribed product” means a drug ~~or device~~ as defined in section 201 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 321, a compound drug or drugs, a medical device as defined in this subsection, a biological product as defined in section 351 of the Public Health Service Act, 42 U.S.C. § 262, for human use, or a combination product as defined in 21 C.F.R. § 3.2(e), but shall not include prescription eyeglasses, prescription sunglasses, or other prescription eyewear.

* * *

(15) “Medical device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is:

(A) recognized in the official National Formulary or the United States Pharmacopeia, or any supplement to them;

(B) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in humans or other animals; or

(C) intended to affect the structure or any function of the body of humans or other animals, and which does not achieve its primary intended purposes through chemical action within or on such body and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

Second: By striking out Sec. 6 (Effective Dates) in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Secs. 1 (amending 26 V.S.A. § 1318), 3 (amending 26 V.S.A. § 1351), and 5a (amending 18 V.S.A. § 4631a) shall take effect on July 1, 2014; and

(2) Sec. 2 (amending 26 V.S.A. § 1368) shall take effect on July 1, 2015.

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 a third time?, Senator Ayer moved to amend the Senate proposal of amendment in Sec. 2, 26 V.S.A. § 1368, in subdivision (a)(4)(B), at the end of the subdivision

following “within five business days of the expiration of the appeal period” by inserting the following: or within five business days of the request of the licensee, whichever is later

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Readings Ordered

H. 325.

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

An act relating to a bill of rights for children of arrested and incarcerated parents.

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. LEGISLATIVE FINDINGS

(a) Children of incarcerated parents have committed no crime, yet they pay a steep penalty. They often forfeit their homes, their safety, their public status and private self-image, and their primary source of comfort and affection.

(b) The General Assembly and the State have a strong interest in assuring that children of incarcerated parents are provided with the services and support necessary to thrive despite the hardship they face due to their parent’s status.

Sec. 2. REPORT

(a) The Secretary of Human Services, Commissioner of Corrections, and the Commissioner for Children and Families shall study and develop recommendations, within the Integrated Family Services Initiative (IFS), on the following issues:

(1) the capacity needed to identify and connect children and families of incarcerated individuals to appropriate services within the Integrated Family Services Initiative;

(2) existing services available to children with incarcerated parents and the need for any additional services to:

(A) build and maintain healthy relationships between children and incarcerated parents, including parent-child visits, parenting classes, and supervised visits;

(B) develop child- and family-centered tools or strategies that can be used throughout the criminal justice system to mitigate unintended consequences on children; and

(C) support children and their families or caregivers by including the use of Family Impact Statements in the Court process;

(3) appropriate physical settings for children to visit incarcerated parents and services while the parent is incarcerated;

(4) a mechanism to ensure that coordinated services are provided to children of incarcerated parents by the Department for Children and Families and the Department of Corrections;

(5) agency data systems to track and coordinate services for children of incarcerated parents; and

(6) the cost of services necessary to implement a comprehensive system of care addressing the unique needs of children of incarcerated parents.

(b) Recommendations shall be developed in consultation with the following stakeholders:

(1) the Department of Corrections;

(2) the Department for Children and Families;

(3) the Department of Mental Health;

(4) the Prisoners' Rights Office;

(5) LUND;

(6) the Parent Child Center Network; and

(7) kinship organizations.

(c) The Secretary and Commissioners shall consider the Inmate Family Survey Project and its recommendations for best practices.

(d) On or before January 15, 2015, the Secretary shall submit a report and recommendations to the Senate Committee on Health and Welfare, Senate Committee on Institutions, House Committee on Human Services, and House Committee on Corrections and Institutions.

Sec. 3. 28 V.S.A. § 204(d) is amended to read:

(d) Any presentence report, pre-parole report, or supervision history prepared by any employee of the Department in the discharge of the employee's official duty, except as provided in subdivision 204a(b)(5) and section 205 of this title, is privileged and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board, except that

the Court or Board may in its discretion permit the inspection of the report or parts thereof by the state's attorney, the defendant or inmate, or his or her attorney, or other persons having a proper interest therein, whenever the best interest or welfare of the defendant or inmate makes that action desirable or helpful. Nothing in this section shall prohibit the Department for Children and Families from accessing the supervision history of probationers or parolees for the purpose of child protection.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to the rights of children of arrested and incarcerated parents.

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

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

H. 690.

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

An act relating to the definition of serious functional impairment.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, by striking out the following: "July 1, 2014" and inserting in lieu thereof the following: 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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

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 Morrissey and others,

By Senators Hartwell and Sears,

H.C.R. 330.

House concurrent resolution honoring choral conductor, musician, composer, and college music instructor Edwin Lawrence.

By Representative Stevens,

By Senators Ayer and Bray,

H.C.R. 331.

House concurrent resolution honoring Grace Simonds for her municipal public service as the Town Clerk and Town Service Officer of Whiting.

By Representative Fagan and others,

By Senators Flory, French and Mullin,

H.C.R. 332.

House concurrent resolution congratulating Erica Wallstrom on being awarded an Albert Einstein Distinguished Educator Fellowship.

By Representative Fagan and others,

By Senators Flory, French and Mullin,

H.C.R. 333.

House concurrent resolution congratulating Rutland Senior High School Principal William Olsen on being named the 2014 Vermont Principal of the Year.

By Representative Marek and others,

By Senator Doyle,

H.C.R. 334.

House concurrent resolution commemorating the publication of *The Vermont Difference: Perspectives from the Green Mountain State*.

By Representative Corcoran and others,

By Senators Sears and Hartwell,

H.C.R. 335.

House concurrent resolution in memory of former Representative Lawrence Powers.

By the Committee on General, Housing and Military Affairs,

H.C.R. 336.

House concurrent resolution honoring Vermont National Guard State Command Sergeant Major Forest T. Glodgett on his distinguished military career.

By Representative Turner and others,

H.C.R. 337.

House concurrent resolution recognizing all Vermont firefighters, police officers, and emergency medical service (EMS) personnel for the professional level of service they provide to their communities.

By Representatives Lewis and Donahue,

H.C.R. 338.

House concurrent resolution honoring Wayne Hunter for his public service as a U.S. Postal Service employee in Northfield.

By Representative Ram and others,

H.C.R. 339.

House concurrent resolution congratulating Sandy Baird on her most-deserved receipt of the 2014 Vermont Bar Association's Pro Bono Service Award.

By Representative Mook and others,

By Senators Hartwell and Sears,

H.C.R. 340.

House concurrent resolution honoring the Southwest Vermont Supervisory Union teachers and staff concluding their careers in 2014.

Message from the House No. 55

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 112. An act relating to the labeling of food produced with genetic engineering.

H. 356. An act relating to prohibiting littering in or on the waters of the State.

H. 650. An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

And has severally concurred therein.

Message from the House No. 56

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 283. An act relating to the changing of the name of the Vermont Criminal Information Center.

And has passed the same in concurrence.

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

S. 211. An act relating to permitting of sewage holding and pumpout tanks for public buildings.

S. 247. An act relating to the regulation of medical marijuana dispensaries.

S. 275. An act relating to the Court's jurisdiction over youthful offenders.

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 Senate proposal of amendment to the following House bill:

H. 871. An act relating to miscellaneous pension changes.

And has severally concurred therein.

The House has adopted joint resolution of the following title:

J.R.H. 21. Joint resolution urging Congress to enact the Blue Water Navy Vietnam Veterans Act of 2013.

In the adoption of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 330. House concurrent resolution honoring choral conductor, musician, composer, and college music instructor Edwin Lawrence.

H.C.R. 331. House concurrent resolution honoring Grace Simonds for her municipal public service as the Town Clerk and Town Service Officer of Whiting.

H.C.R. 332. House concurrent resolution congratulating Erica Wallstrom on being awarded an Albert Einstein Distinguished Educator Fellowship.

H.C.R. 333. House concurrent resolution congratulating Rutland Senior High School Principal William Olsen on being named the 2014 Vermont Principal of the Year.

H.C.R. 334. House concurrent resolution commemorating the publication of *The Vermont Difference: Perspectives from the Green Mountain State*.

H.C.R. 335. House concurrent resolution in memory of former Representative Lawrence Powers.

H.C.R. 336. House concurrent resolution honoring Vermont National Guard State Command Sergeant Major Forest T. Glodgett on his distinguished military career.

H.C.R. 337. House concurrent resolution recognizing all Vermont firefighters, police officers, and emergency medical service (EMS) personnel for the professional level of service they provide to their communities.

H.C.R. 338. House concurrent resolution honoring Wayne Hunter for his public service as a U.S. Postal Service employee in Northfield.

H.C.R. 339. House concurrent resolution congratulating Sandy Baird on her most-deserved receipt of the 2014 Vermont Bar Association's Pro Bono Service Award.

H.C.R. 340. House concurrent resolution honoring the Southwest Vermont Supervisory Union teachers and staff concluding their careers in 2014.

In the adoption of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Monday, April 28, 2014, at one o'clock in the afternoon pursuant to J.R.S. 56.

MONDAY, APRIL 28, 2014

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.

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. 57. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 2, 2014, it be to meet again no later than Tuesday, May 6, 2014.

Joint Resolution Referred**J.R.H. 21.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to enact the Blue Water Navy Vietnam Veterans Act of 2013.

Whereas, during the Vietnam War, the U.S. military sprayed millions of gallons of Agent Orange and other herbicides over combat areas to reduce the forest and crop covers that shielded enemy forces, and

Whereas, these herbicides contained dioxin, now identified as carcinogenic, linked to disabling illnesses affecting thousands of veterans, and

Whereas, Congress enacted the Agent Orange Act of 1991 to address the plight of Vietnam veterans exposed to these herbicides, and this act has provided the legal authority for federal compensation based on a presumption that herbicide exposure caused these veterans' illnesses, and

Whereas, in 2002, the U.S. Department of Veterans Affairs directed that Agent Orange Act compensation be limited to Vietnam Veterans who can document on-the-ground military service or having been stationed on a ship operating on the country's inland waterways, and

Whereas, these service criteria exclude U.S. Navy personnel who only served on the ocean waters (blue water) off the Vietnamese coast, except if they are diagnosed with non-Hodgkin lymphoma, and

Whereas, an Australian study found the possible presence of dioxin in the distilled water of Royal Australian Naval vessels that served in coastal Vietnamese waters, and the Australian Navy Vietnam Veterans are covered under a government policy similar to the Agent Orange Act of 1991, and

Whereas, U.S. Representative Chris Gibson of New York introduced the Blue Water Navy Vietnam Veterans Act of 2013 (H.R. 543) to provide full Agent Orange Act of 1991 compensation benefits to Blue Water Navy Vietnam Veterans, with over 180 cosponsors, including U.S. Representative Peter Welch, and with the support of many veterans service organizations, and

Whereas, Congress should reaffirm its commitment to the well-being of all our nation's veterans, especially those exposed to carcinogenic herbicides during the Vietnam War, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact the Blue Water Navy Vietnam Veterans Act of 2013, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Blue Water Navy Vietnam Veterans Association, the Department of Vermont Veterans of Foreign Wars, the Vermont Office of Veterans Affairs, 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 Government Operations.

Rules Suspended; Proposal of Amendment; Third Reading Ordered

H. 885.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

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

Was taken up for immediate consideration.

Senator Campbell Assumed the Chair

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, 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 2015 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 2015. 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, 2014. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2015 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 2015.

(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 on June 30, 2015.

Sec. A.103 DEFINITIONS

(a) As used in 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 2015, 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 2015, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2014 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 2015 except for new positions authorized by the 2014 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 appropriations 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	3,609,604
Operating expenses	<u>224,103</u>
Total	3,833,707
Source of funds	
General fund	1,734,799
Interdepartmental transfers	<u>2,098,908</u>
Total	3,833,707

Sec. B.101 Secretary of administration - finance

Personal services	1,258,484
Operating expenses	<u>131,517</u>
Total	1,390,001
Source of funds	
Interdepartmental transfers	<u>1,390,001</u>
Total	1,390,001

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

Personal services	1,200,543
Operating expenses	<u>273,822</u>
Total	1,474,365
Source of funds	
Internal service funds	<u>1,474,365</u>
Total	1,474,365

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

Personal services	284,607
Operating expenses	<u>53,572</u>
Total	338,179
Source of funds	
Internal service funds	<u>338,179</u>
Total	338,179

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

Personal services	24,311
Operating expenses	<u>8,623</u>
Total	32,934
Source of funds	
Internal service funds	<u>32,934</u>
Total	32,934

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

Personal services	12,441,174
Operating expenses	8,928,143
Grants	<u>635,000</u>
Total	22,004,317
Source of funds	
Internal service funds	<u>22,004,317</u>
Total	22,004,317

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

Personal services	1,236,647
Operating expenses	<u>231,947</u>
Total	1,468,594
Source of funds	
General fund	1,076,522
Interdepartmental transfers	<u>392,072</u>
Total	1,468,594

Sec. B.107 Finance and management - financial operations

Personal services	2,923,085
Operating expenses	<u>874,046</u>
Total	3,797,131
Source of funds	
Internal service funds	<u>3,797,131</u>
Total	3,797,131

Sec. B.108 Human resources - operations

Personal services	7,154,790
Operating expenses	<u>1,337,564</u>
Total	8,492,354
Source of funds	
General fund	1,690,943
Special funds	244,912
Internal service funds	5,815,478
Interdepartmental transfers	<u>741,021</u>
Total	8,492,354

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

Personal services	1,141,734
Operating expenses	<u>690,761</u>
Total	1,832,495
Source of funds	
Internal service funds	1,818,084
Interdepartmental transfers	<u>14,411</u>
Total	1,832,495

Sec. B.110 Libraries

Personal services	2,163,447
Operating expenses	1,674,388
Grants	<u>61,336</u>
Total	3,899,171

Source of funds	
General fund	2,746,649
Special funds	127,021
Federal funds	926,413
Interdepartmental transfers	<u>99,088</u>
Total	3,899,171
Sec. B.111 Tax - administration/collection	
Personal services	13,319,740
Operating expenses	<u>3,821,985</u>
Total	17,141,725
Source of funds	
General fund	15,628,271
Special funds	1,370,888
Interdepartmental transfers	<u>142,566</u>
Total	17,141,725
Sec. B.112 Buildings and general services - administration	
Personal services	641,951
Operating expenses	<u>113,569</u>
Total	755,520
Source of funds	
Interdepartmental transfers	<u>755,520</u>
Total	755,520
Sec. B.113 Buildings and general services - engineering	
Personal services	2,445,531
Operating expenses	<u>750,632</u>
Total	3,196,163
Source of funds	
Interdepartmental transfers	<u>3,196,163</u>
Total	3,196,163
Sec. B.114 Buildings and general services - information centers	
Personal services	3,268,518
Operating expenses	1,439,275
Grants	<u>33,000</u>
Total	4,740,793
Source of funds	
General fund	678,129
Transportation fund	3,983,398
Special funds	<u>79,266</u>
Total	4,740,793

Sec. B.115 Buildings and general services - purchasing

Personal services	976,157
Operating expenses	<u>182,954</u>
Total	1,159,111
Source of funds	
General fund	<u>1,159,111</u>
Total	1,159,111

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

Personal services	650,215
Operating expenses	<u>137,100</u>
Total	787,315
Source of funds	
General fund	79,157
Internal service funds	<u>708,158</u>
Total	787,315

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

Personal services	690,354
Operating expenses	<u>141,619</u>
Total	831,973
Source of funds	
Internal service funds	<u>831,973</u>
Total	831,973

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

Personal services	611,901
Operating expenses	<u>177,943</u>
Total	789,844
Source of funds	
Internal service funds	<u>789,844</u>
Total	789,844

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

Personal services	28,409
Operating expenses	<u>8,386</u>
Total	36,795
Source of funds	
Enterprise funds	<u>36,795</u>
Total	36,795

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

Personal services	132,060
Operating expenses	<u>121,675</u>
Total	253,735
Source of funds	
Internal service funds	<u>253,735</u>
Total	253,735

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

Personal services	1,344,303
Operating expenses	<u>1,157,330</u>
Total	2,501,633
Source of funds	
Internal service funds	<u>2,501,633</u>
Total	2,501,633

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

Personal services	13,301,458
Operating expenses	<u>15,759,443</u>
Total	29,060,901
Source of funds	
Internal service funds	<u>29,060,901</u>
Total	29,060,901

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	1,265,598
Operating expenses	<u>445,038</u>
Total	1,710,636
Source of funds	
General fund	1,524,136
Interdepartmental transfers	<u>186,500</u>
Total	1,710,636

Sec. B.125 Legislative council

Personal services	3,146,214
Operating expenses	<u>745,924</u>
Total	3,892,138
Source of funds	
General fund	<u>3,892,138</u>
Total	3,892,138

Sec. B.126 Legislature

Personal services	3,630,491
Operating expenses	<u>3,414,026</u>
Total	7,044,517
Source of funds	
General fund	<u>7,044,517</u>
Total	7,044,517

Sec. B.127 Joint fiscal committee

Personal services	1,412,776
Operating expenses	<u>117,381</u>
Total	1,530,157
Source of funds	
General fund	<u>1,530,157</u>
Total	1,530,157

Sec. B.128 Sergeant at arms

Personal services	504,248
Operating expenses	<u>68,299</u>
Total	572,547
Source of funds	
General fund	<u>572,547</u>
Total	572,547

Sec. B.129 Lieutenant governor

Personal services	151,116
Operating expenses	<u>29,854</u>
Total	180,970
Source of funds	
General fund	<u>180,970</u>
Total	180,970

Sec. B.130 Auditor of accounts

Personal services	3,415,428
Operating expenses	<u>159,153</u>
Total	3,574,581
Source of funds	
General fund	396,846
Special funds	53,145
Internal service funds	<u>3,124,590</u>
Total	3,574,581

Sec. B.131 State treasurer

Personal services	3,019,207
Operating expenses	<u>299,503</u>
Total	3,318,710
Source of funds	
General fund	993,468
Special funds	2,216,919
Interdepartmental transfers	<u>108,323</u>
Total	3,318,710

Sec. B.132 State treasurer - unclaimed property

Personal services	878,109
Operating expenses	<u>261,084</u>
Total	1,139,193
Source of funds	
Private purpose trust funds	<u>1,139,193</u>
Total	1,139,193

Sec. B.133 Vermont state retirement system

Personal services	7,964,390
Operating expenses	<u>30,191,072</u>
Total	38,155,462
Source of funds	
Pension trust funds	<u>38,155,462</u>
Total	38,155,462

Sec. B.134 Municipal employees' retirement system

Personal services	2,596,930
Operating expenses	<u>577,701</u>
Total	3,174,631

Source of funds	
Pension trust funds	<u>3,174,631</u>
Total	3,174,631
Sec. B.135 State labor relations board	
Personal services	184,811
Operating expenses	<u>43,512</u>
Total	228,323
Source of funds	
General fund	218,747
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	228,323
Sec. B.136 VOSHA review board	
Personal services	37,200
Operating expenses	<u>12,010</u>
Total	49,210
Source of funds	
General fund	24,605
Interdepartmental transfers	<u>24,605</u>
Total	49,210
Sec. B.137 Homeowner rebate	
Grants	<u>15,917,000</u>
Total	15,917,000
Source of funds	
General fund	<u>15,917,000</u>
Total	15,917,000
Sec. B.138 Renter rebate	
Grants	<u>6,900,000</u>
Total	6,900,000
Source of funds	
General fund	2,070,000
Education fund	<u>4,830,000</u>
Total	6,900,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,275,000</u>
Total	3,275,000

Source of funds	
Education fund	<u>3,275,000</u>
Total	3,275,000
Sec. B.140 Municipal current use	
Grants	<u>14,000,000</u>
Total	14,000,000
Source of funds	
General fund	<u>14,000,000</u>
Total	14,000,000
Sec. B.141 Lottery commission	
Personal services	1,876,533
Operating expenses	1,292,910
Grants	<u>150,000</u>
Total	3,319,443
Source of funds	
Enterprise funds	<u>3,319,443</u>
Total	3,319,443
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	73,158,712
Transportation fund	3,983,398
Special funds	10,501,639
Education fund	8,105,000
Federal funds	926,413
Internal service funds	72,551,322
Interdepartmental transfers	9,151,966
Enterprise funds	3,356,238
Pension trust funds	41,330,093
Private purpose trust funds	<u>1,139,193</u>
Total	224,203,974

Sec. B.200 Attorney general

Personal services	7,963,181
Operating expenses	<u>1,242,623</u>
Total	9,205,804
Source of funds	
General fund	4,332,106
Special funds	1,533,948
Tobacco fund	348,000
Federal funds	816,644
Interdepartmental transfers	<u>2,175,106</u>
Total	9,205,804

Sec. B.201 Vermont court diversion

Grants	<u>1,931,483</u>
Total	1,931,483
Source of funds	
General fund	1,411,486
Special funds	<u>519,997</u>
Total	1,931,483

Sec. B.202 Defender general - public defense

Personal services	9,172,266
Operating expenses	<u>1,013,318</u>
Total	10,185,584
Source of funds	
General fund	9,570,516
Special funds	<u>615,068</u>
Total	10,185,584

Sec. B.203 Defender general - assigned counsel

Personal services	4,161,963
Operating expenses	<u>49,819</u>
Total	4,211,782
Source of funds	
General fund	4,188,298
Special funds	<u>23,484</u>
Total	4,211,782

Sec. B.204 Judiciary

Personal services	33,471,779
Operating expenses	8,728,658
Grants	<u>70,000</u>
Total	42,270,437
Source of funds	
General fund	36,391,687
Special funds	2,598,672
Tobacco fund	39,871
Federal funds	858,811
Interdepartmental transfers	<u>2,381,396</u>
Total	42,270,437

Sec. B.205 State's attorneys

Personal services	10,327,677
Operating expenses	<u>1,830,089</u>
Total	12,157,766
Source of funds	
General fund	9,638,628
Special funds	75,363
Federal funds	31,000
Interdepartmental transfers	<u>2,412,775</u>
Total	12,157,766

Sec. B.206 Special investigative unit

Personal services	85,676
Grants	<u>1,589,162</u>
Total	1,674,838
Source of funds	
General fund	<u>1,674,838</u>
Total	1,674,838

Sec. B.207 Sheriffs

Personal services	3,517,732
Operating expenses	<u>371,525</u>
Total	3,889,257
Source of funds	
General fund	<u>3,889,257</u>
Total	3,889,257

Sec. B.208 Public safety - administration

Personal services	3,548,125
Operating expenses	2,457,095
Grants	<u>1,900,000</u>
Total	7,905,220
Source of funds	
General fund	2,986,248
Federal funds	3,877,825
Interdepartmental transfers	<u>1,041,147</u>
Total	7,905,220

Sec. B.209 Public safety - state police

Personal services	49,824,602
Operating expenses	8,279,942
Grants	<u>820,000</u>
Total	58,924,544
Source of funds	
General fund	29,666,838
Transportation fund	22,750,000
Special funds	2,745,998
Federal funds	2,675,986
Interdepartmental transfers	<u>1,085,722</u>
Total	58,924,544

Sec. B.210 Public safety - criminal justice services

Personal services	6,879,112
Operating expenses	<u>1,610,302</u>
Total	8,489,414
Source of funds	
General fund	6,091,507
Special funds	1,749,302
Federal funds	564,858
Interdepartmental transfers	<u>83,747</u>
Total	8,489,414

Sec. B.211 Public safety - emergency management and homeland security

Personal services	3,582,129
Operating expenses	888,766
Grants	<u>15,137,210</u>
Total	19,608,105
Source of funds	
General fund	687,101
Federal funds	18,859,172
Interdepartmental transfers	<u>61,832</u>
Total	19,608,105

Sec. B.212 Public safety - fire safety

Personal services	5,796,205
Operating expenses	1,916,612
Grants	<u>107,000</u>
Total	7,819,817
Source of funds	
General fund	672,618
Special funds	6,758,427
Federal funds	343,772
Interdepartmental transfers	<u>45,000</u>
Total	7,819,817

Sec. B.214 Radiological emergency response plan

Personal services	571,875
Operating expenses	276,108
Grants	<u>1,256,649</u>
Total	2,104,632
Source of funds	
Special funds	<u>2,104,632</u>
Total	2,104,632

Sec. B.215 Military - administration

Personal services	698,615
Operating expenses	360,393
Grants	<u>100,000</u>
Total	1,159,008
Source of funds	
General fund	<u>1,159,008</u>
Total	1,159,008

Sec. B.216 Military - air service contract

Personal services	4,909,339
Operating expenses	<u>1,088,600</u>
Total	5,997,939
Source of funds	
General fund	463,123
Federal funds	<u>5,534,816</u>
Total	5,997,939

Sec. B.217 Military - army service contract

Personal services	4,041,859
Operating expenses	<u>9,141,931</u>
Total	13,183,790
Source of funds	
General fund	144,854
Federal funds	<u>13,038,936</u>
Total	13,183,790

Sec. B.218 Military - building maintenance

Personal services	966,804
Operating expenses	<u>464,405</u>
Total	1,431,209
Source of funds	
General fund	1,380,277
Federal funds	<u>50,932</u>
Total	1,431,209

Sec. B.219 Military - veterans' affairs

Personal services	586,009
Operating expenses	126,009
Grants	<u>154,984</u>
Total	867,002
Source of funds	
General fund	754,984
Special funds	65,000
Federal funds	<u>47,018</u>
Total	867,002

Sec. B.220 Center for crime victim services

Personal services	1,426,583
Operating expenses	278,836

Grants	<u>8,205,733</u>
Total	9,911,152
Source of funds	
General fund	1,163,747
Special funds	4,875,409
Federal funds	<u>3,871,996</u>
Total	9,911,152
Sec. B.221 Criminal justice training council	
Personal services	1,366,969
Operating expenses	<u>1,239,853</u>
Total	2,606,822
Source of funds	
General fund	2,365,241
Interdepartmental transfers	<u>241,581</u>
Total	2,606,822
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,238,029
Operating expenses	248,162
Grants	<u>305,034</u>
Total	1,791,225
Source of funds	
General fund	1,040,127
Special funds	466,399
Federal funds	<u>284,699</u>
Total	1,791,225
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	3,180,467
Operating expenses	755,482
Grants	<u>2,600,000</u>
Total	6,535,949
Source of funds	
General fund	2,289,170
Special funds	3,374,114
Federal funds	831,737
Global Commitment fund	34,006
Interdepartmental transfers	<u>6,922</u>
Total	6,535,949

Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	1,095,075
Operating expenses	678,620
Grants	<u>2,170,275</u>
Total	3,943,970
Source of funds	
General fund	2,499,902
Special funds	915,846
Federal funds	415,587
Interdepartmental transfers	<u>112,635</u>
Total	3,943,970

Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship

Personal services	4,220,329
Operating expenses	927,514
Grants	<u>1,238,231</u>
Total	6,386,074
Source of funds	
General fund	2,472,419
Special funds	2,358,755
Federal funds	1,142,878
Global Commitment fund	56,272
Interdepartmental transfers	<u>355,750</u>
Total	6,386,074

Sec. B.226 Financial regulation - administration

Personal services	1,794,130
Operating expenses	<u>163,454</u>
Total	1,957,584
Source of funds	
Special funds	<u>1,957,584</u>
Total	1,957,584

Sec. B.227 Financial regulation - banking

Personal services	1,502,310
Operating expenses	<u>304,782</u>
Total	1,807,092
Source of funds	
Special funds	<u>1,807,092</u>
Total	1,807,092

Sec. B.228 Financial regulation - insurance

Personal services	6,360,027
Operating expenses	<u>526,831</u>
Total	6,886,858
Source of funds	
Special funds	5,196,858
Federal funds	1,369,989
Interdepartmental transfers	<u>320,011</u>
Total	6,886,858

Sec. B.229 Financial regulation - captive insurance

Personal services	3,831,831
Operating expenses	<u>479,808</u>
Total	4,311,639
Source of funds	
Special funds	<u>4,311,639</u>
Total	4,311,639

Sec. B.230 Financial regulation - securities

Personal services	500,118
Operating expenses	<u>170,924</u>
Total	671,042
Source of funds	
Special funds	<u>671,042</u>
Total	671,042

Sec. B.232 Secretary of state

Personal services	8,171,691
Operating expenses	2,089,440
Grants	<u>20,000</u>
Total	10,281,131
Source of funds	
Special funds	7,895,931
Federal funds	2,310,200
Interdepartmental transfers	<u>75,000</u>
Total	10,281,131

Sec. B.233 Public service - regulation and energy

Personal services	12,834,281
Operating expenses	943,498
Grants	<u>5,895,202</u>
Total	19,672,981

Source of funds	
Special funds	18,684,328
Federal funds	712,951
ARRA funds	238,000
Enterprise funds	<u>37,702</u>
Total	19,672,981
Sec. B.234 Public service board	
Personal services	2,941,140
Operating expenses	<u>457,936</u>
Total	3,399,076
Source of funds	
Special funds	<u>3,399,076</u>
Total	3,399,076
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,435,547
Operating expenses	284,283
Grants	<u>885,000</u>
Total	4,604,830
Source of funds	
Special funds	<u>4,604,830</u>
Total	4,604,830
Sec. B.236 Human rights commission	
Personal services	413,945
Operating expenses	<u>85,870</u>
Total	499,815
Source of funds	
General fund	426,510
Federal funds	<u>73,305</u>
Total	499,815
Sec. B.237 Liquor control - administration	
Personal services	3,408,532
Operating expenses	<u>641,367</u>
Total	4,049,899
Source of funds	
Enterprise funds	<u>4,049,899</u>
Total	4,049,899

Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,229,505
Operating expenses	<u>488,303</u>
Total	2,717,808
Source of funds	
Special funds	28,225
Tobacco fund	218,444
Federal funds	254,841
Interdepartmental transfers	88,000
Enterprise funds	<u>2,128,298</u>
Total	2,717,808

Sec. B.239 Liquor control - warehousing and distribution

Personal services	917,474
Operating expenses	<u>456,047</u>
Total	1,373,521
Source of funds	
Enterprise funds	<u>1,373,521</u>
Total	1,373,521

Sec. B.240 Total protection to persons and property

Source of funds	
General fund	127,360,490
Transportation fund	22,750,000
Special funds	79,337,019
Tobacco fund	606,315
Federal funds	57,967,953
ARRA funds	238,000
Global Commitment fund	90,278
Interdepartmental transfers	10,486,624
Enterprise funds	<u>7,589,420</u>
Total	306,426,099

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

Personal services	10,644,482
Operating expenses	3,796,083
Grants	<u>5,259,658</u>
Total	19,700,223
Source of funds	
General fund	5,597,772
Special funds	91,017
Tobacco fund	224,698

Federal funds	10,077,015
Global Commitment fund	415,000
Interdepartmental transfers	<u>3,294,721</u>
Total	19,700,223
Sec. B.301 Secretary's office - global commitment	
Operating expenses	5,340,670
Grants	<u>1,329,202,174</u>
Total	1,334,542,844
Source of funds	
General fund	194,246,297
Special funds	24,058,084
Tobacco fund	33,031,032
State health care resources fund	269,982,898
Federal funds	813,184,533
Interdepartmental transfers	<u>40,000</u>
Total	1,334,542,844
Sec. B.302 Rate setting	
Personal services	879,023
Operating expenses	<u>98,596</u>
Total	977,619
Source of funds	
Global Commitment fund	<u>977,619</u>
Total	977,619
Sec. B.303 Developmental disabilities council	
Personal services	225,453
Operating expenses	67,012
Grants	<u>248,388</u>
Total	540,853
Source of funds	
Federal funds	<u>540,853</u>
Total	540,853
Sec. B.304 Human services board	
Personal services	740,493
Operating expenses	<u>89,986</u>
Total	830,479
Source of funds	
General fund	126,534
Federal funds	388,686

Interdepartmental transfers	<u>315,259</u>
Total	830,479
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	145,615,180
Operating expenses	4,210,327
Grants	<u>21,143,239</u>
Total	170,968,746
Source of funds	
General fund	1,330,489
Special funds	3,626,895
Federal funds	95,548,406
Global Commitment fund	60,314,826
Interdepartmental transfers	<u>10,148,130</u>
Total	170,968,746
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>652,863,611</u>
Total	652,863,611
Source of funds	
Global Commitment fund	<u>652,863,611</u>
Total	652,863,611
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	<u>207,120,217</u>
Total	207,120,217
Source of funds	
General fund	90,190,991
Federal funds	<u>116,929,226</u>
Total	207,120,217

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

Grants	<u>45,216,298</u>
Total	45,216,298
Source of funds	
General fund	32,906,898
Global Commitment fund	<u>12,309,400</u>
Total	45,216,298

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

Grants	<u>45,795,681</u>
Total	45,795,681
Source of funds	
General fund	19,348,700
Federal funds	<u>26,446,981</u>
Total	45,795,681

Sec. B.311 Health - administration and support

Personal services	6,429,497
Operating expenses	3,086,498
Grants	<u>3,465,000</u>
Total	12,980,995
Source of funds	
General fund	2,267,507
Special funds	1,019,232
Federal funds	5,420,656
Global Commitment fund	<u>4,273,600</u>
Total	12,980,995

Sec. B.312 Health - public health

Personal services	35,272,377
Operating expenses	7,190,703
Grants	<u>38,938,938</u>
Total	81,402,018
Source of funds	
General fund	8,276,959
Special funds	13,028,733
Tobacco fund	2,461,377
Federal funds	36,996,383
Global Commitment fund	19,511,210
Interdepartmental transfers	1,102,356

Permanent trust funds	<u>25,000</u>
Total	81,402,018
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	3,614,712
Operating expenses	391,758
Grants	<u>32,629,070</u>
Total	36,635,540
Source of funds	
General fund	3,110,943
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	8,736,090
Global Commitment fund	22,609,444
Interdepartmental transfers	<u>350,000</u>
Total	36,635,540
Sec. B.314 Mental health - mental health	
Personal services	28,187,222
Operating expenses	3,426,492
Grants	<u>186,354,903</u>
Total	217,968,617
Source of funds	
General fund	1,835,478
Special funds	429,904
Federal funds	5,137,194
Global Commitment fund	210,546,041
Interdepartmental transfers	<u>20,000</u>
Total	217,968,617
Sec. B.316 Department for children and families - administration & support services	
Personal services	42,102,235
Operating expenses	10,054,038
Grants	<u>1,322,998</u>
Total	53,479,271
Source of funds	
General fund	19,615,093
Special funds	638,986
Federal funds	16,162,050
Global Commitment fund	16,495,072
Interdepartmental transfers	<u>568,070</u>
Total	53,479,271

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

Personal services	24,160,528
Operating expenses	3,521,433
Grants	<u>65,435,139</u>
Total	93,117,100
Source of funds	
General fund	23,015,020
Special funds	1,691,637
Federal funds	26,286,550
Global Commitment fund	41,957,839
Interdepartmental transfers	<u>166,054</u>
Total	93,117,100

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

Personal services	3,540,292
Operating expenses	435,820
Grants	<u>70,353,010</u>
Total	74,329,122
Source of funds	
General fund	34,431,403
Special funds	1,820,000
Federal funds	26,781,807
Global Commitment fund	<u>11,295,912</u>
Total	74,329,122

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

Personal services	9,479,790
Operating expenses	<u>4,080,498</u>
Total	13,560,288
Source of funds	
General fund	3,371,006
Special funds	455,718
Federal funds	9,345,964
Interdepartmental transfers	<u>387,600</u>
Total	13,560,288

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

Personal services	1,915,532
Grants	<u>11,477,094</u>
Total	13,392,626
Source of funds	

General fund	9,642,626
Global Commitment fund	<u>3,750,000</u>
Total	13,392,626
Sec. B.321 Department for children and families - general assistance	
Grants	<u>10,283,816</u>
Total	10,283,816
Source of funds	
General fund	8,480,025
Federal funds	1,111,320
Global Commitment fund	<u>692,471</u>
Total	10,283,816
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>27,575,722</u>
Total	27,575,722
Source of funds	
Federal funds	<u>27,575,722</u>
Total	27,575,722
Sec. B.323 Department for children and families - reach up	
Operating expenses	226,675
Grants	<u>49,091,105</u>
Total	49,317,780
Source of funds	
General fund	19,143,717
Special funds	22,096,676
Federal funds	5,702,987
Global Commitment fund	<u>2,374,400</u>
Total	49,317,780
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>23,351,664</u>
Total	23,351,664
Source of funds	
General fund	6,000,000
Federal funds	<u>17,351,664</u>
Total	23,351,664

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

Personal services	276,378
Operating expenses	29,421
Grants	<u>5,331,989</u>
Total	5,637,788
Source of funds	
General fund	1,723,191
Special funds	57,990
Federal funds	3,652,465
Global Commitment fund	<u>204,142</u>
Total	5,637,788

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

Personal services	255,552
Operating expenses	52,098
Grants	<u>10,629,344</u>
Total	10,936,994
Source of funds	
Special funds	9,936,994
Federal funds	<u>1,000,000</u>
Total	10,936,994

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

Personal services	3,876,220
Operating expenses	<u>692,591</u>
Total	4,568,811
Source of funds	
General fund	863,579
Global Commitment fund	3,650,340
Interdepartmental transfers	<u>54,892</u>
Total	4,568,811

Sec. B.328 Department for children and families - disability determination services

Personal services	4,887,459
Operating expenses	<u>494,927</u>
Total	5,382,386
Source of funds	
Federal funds	5,151,322

Global Commitment fund	<u>231,064</u>
Total	5,382,386
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	27,463,293
Operating expenses	<u>4,438,345</u>
Total	31,901,638
Source of funds	
General fund	8,869,530
Special funds	1,390,457
Federal funds	12,337,350
Global Commitment fund	6,712,988
Interdepartmental transfers	<u>2,591,313</u>
Total	31,901,638
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,574,139</u>
Total	21,574,139
Source of funds	
General fund	8,306,069
Federal funds	7,640,264
Global Commitment fund	5,472,181
Interdepartmental transfers	<u>155,625</u>
Total	21,574,139
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>8,795,971</u>
Total	8,795,971

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>3,120,387</u>
Total	8,795,971
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>180,931,930</u>
Total	180,931,930
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	180,343,485
Interdepartmental transfers	<u>58,000</u>
Total	180,931,930
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>5,074,988</u>
Total	5,074,988
Source of funds	
Global Commitment fund	<u>5,074,988</u>
Total	5,074,988
Sec. B.335 Corrections - administration	
Personal services	2,127,142
Operating expenses	<u>226,070</u>
Total	2,353,212
Source of funds	
General fund	<u>2,353,212</u>
Total	2,353,212
Sec. B.336 Corrections - parole board	
Personal services	238,111
Operating expenses	<u>80,803</u>
Total	318,914
Source of funds	
General fund	<u>318,914</u>
Total	318,914

Sec. B.337 Corrections - correctional education

Personal services	3,809,009
Operating expenses	<u>530,774</u>
Total	4,339,783
Source of funds	
Education fund	3,804,425
Interdepartmental transfers	<u>535,358</u>
Total	4,339,783

Sec. B.338 Corrections - correctional services

Personal services	98,146,904
Operating expenses	20,761,932
Grants	<u>9,510,834</u>
Total	128,419,670
Source of funds	
General fund	121,181,652
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,886,778
Interdepartmental transfers	<u>396,315</u>
Total	128,419,670

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

Personal services	<u>12,553,629</u>
Total	12,553,629
Source of funds	
General fund	<u>12,553,629</u>
Total	12,553,629

Sec. B.340 Corrections - correctional facilities - recreation

Personal services	510,933
Operating expenses	<u>345,501</u>
Total	856,434
Source of funds	
Special funds	<u>856,434</u>
Total	856,434

Sec. B.341 Corrections - Vermont offender work program

Personal services	1,170,139
Operating expenses	<u>548,231</u>
Total	1,718,370

Source of funds	
Internal service funds	<u>1,718,370</u>
Total	1,718,370
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	16,592,891
Operating expenses	<u>4,910,682</u>
Total	21,503,573
Source of funds	
General fund	2,817,331
Special funds	10,360,890
Federal funds	7,914,366
Global Commitment fund	<u>410,986</u>
Total	21,503,573
Sec. B.343 Commission on women	
Personal services	258,272
Operating expenses	<u>90,702</u>
Total	348,974
Source of funds	
General fund	343,974
Special funds	<u>5,000</u>
Total	348,974
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	7,454,787
Operating expenses	369,860
Grants	<u>477,000</u>
Total	8,301,647
Source of funds	
General fund	635,193
Special funds	1,557,079
Global Commitment fund	2,626,782
Interdepartmental transfers	<u>3,482,593</u>
Total	8,301,647

Sec. B.346 Total human services

Source of funds	
General fund	645,109,712
Special funds	94,357,431
Tobacco fund	37,103,341
State health care resources fund	269,982,898
Education fund	3,804,425
Federal funds	1,292,962,005
Global Commitment fund	1,271,252,679
Internal service funds	1,718,370
Interdepartmental transfers	31,786,673
Permanent trust funds	<u>25,000</u>
Total	3,648,102,534

Sec. B.400 Labor - programs

Personal services	24,664,021
Operating expenses	4,921,135
Grants	<u>1,781,435</u>
Total	31,366,591
Source of funds	
General fund	3,036,896
Special funds	3,363,869
Federal funds	23,902,400
Interdepartmental transfers	<u>1,063,426</u>
Total	31,366,591

Sec. B.401 Total labor

Source of funds	
General fund	3,036,896
Special funds	3,363,869
Federal funds	23,902,400
Interdepartmental transfers	<u>1,063,426</u>
Total	31,366,591

Sec. B.500 Education - finance and administration

Personal services	7,220,192
Operating expenses	2,467,828
Grants	<u>12,591,200</u>
Total	22,279,220
Source of funds	
General fund	3,134,289
Special funds	13,415,247

Education fund	1,163,360
Federal funds	3,674,129
Global Commitment fund	<u>892,195</u>
Total	22,279,220
Sec. B.501 Education - education services	
Personal services	14,147,448
Operating expenses	1,780,412
Grants	<u>123,918,147</u>
Total	139,846,007
Source of funds	
General fund	5,967,798
Special funds	3,463,696
Federal funds	130,390,263
Interdepartmental transfers	<u>24,250</u>
Total	139,846,007
Sec. B.502 Education - special education: formula grants	
Grants	<u>173,292,153</u>
Total	173,292,153
Source of funds	
Education fund	<u>173,292,153</u>
Total	173,292,153
Sec. B.503 Education - state-placed students	
Grants	<u>16,900,000</u>
Total	16,900,000
Source of funds	
Education fund	<u>16,900,000</u>
Total	16,900,000
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>1,258,535,630</u>
Total	1,258,535,630

Source of funds	
Education fund	<u>1,258,535,630</u>
Total	1,258,535,630
Sec. B.506 Education - transportation	
Grants	<u>17,163,059</u>
Total	17,163,059
Source of funds	
Education fund	<u>17,163,059</u>
Total	17,163,059
Sec. B.507 Education - small school grants	
Grants	<u>7,650,000</u>
Total	7,650,000
Source of funds	
Education fund	<u>7,650,000</u>
Total	7,650,000
Sec. B.508 Education - capital debt service aid	
Grants	<u>126,000</u>
Total	126,000
Source of funds	
Education fund	<u>126,000</u>
Total	126,000
Sec. B.509 Education - tobacco litigation	
Personal services	109,523
Operating expenses	32,599
Grants	<u>624,419</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>6,296,479</u>
Total	6,296,479
Source of funds	
Education fund	<u>6,296,479</u>
Total	6,296,479

Sec. B.511 Education - technical education

Grants	<u>13,708,162</u>
Total	13,708,162
Source of funds	
Education fund	<u>13,708,162</u>
Total	13,708,162

Sec. B.512 Education - Act 117 cost containment

Personal services	1,090,293
Operating expenses	144,697
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>295,816,793</u>
Total	295,816,793
Source of funds	
General fund	<u>295,816,793</u>
Total	295,816,793

Sec. B.514 State teachers' retirement system

Personal services	8,461,967
Operating expenses	1,250,497
Grants	<u>72,857,163</u>
Total	82,569,627
Source of funds	
General fund	72,857,163
Pension trust funds	<u>9,712,464</u>
Total	82,569,627

Sec. B.515 Retired teachers' health care and medical benefits

Operating expenses	<u>28,600,000</u>
Total	28,600,000
Source of funds	
General fund	8,252,007
Special funds	2,500,000
Permanent trust funds	<u>17,847,993</u>
Total	28,600,000

Sec. B.516 Total general education

Source of funds	
General fund	386,816,045
Special funds	20,704,933
Tobacco fund	766,541
Education fund	1,500,634,843
Federal funds	134,827,865
Global Commitment fund	892,195
Interdepartmental transfers	24,250
Permanent trust funds	17,847,993
Pension trust funds	<u>9,712,464</u>
Total	2,072,227,129

Sec. B.600 University of Vermont

Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,046,217</u>
Total	42,509,093

Sec. B.601 Vermont Public Television

Grants	<u>553,160</u>
Total	553,160
Source of funds	
General fund	<u>553,160</u>
Total	553,160

Sec. B.602 Vermont state colleges

Grants	<u>24,300,463</u>
Total	24,300,463
Source of funds	
General fund	<u>24,300,463</u>
Total	24,300,463

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775

 Sec. B.604 Vermont interactive technology

Grants	<u>817,341</u>
Total	817,341
Source of funds	
General fund	<u>817,341</u>
Total	817,341

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,825,404</u>
Total	19,825,404
Source of funds	
General fund	<u>19,825,404</u>
Total	19,825,404

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	84,791,559
Global Commitment fund	<u>4,455,678</u>
Total	89,247,237

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

Personal services	3,214,228
Operating expenses	2,021,823
Grants	<u>45,510</u>
Total	5,281,561
Source of funds	
General fund	5,038,028
Special funds	19,395

Federal funds	20,000
Interdepartmental transfers	<u>204,138</u>
Total	5,281,561
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,351,821</u>
Total	2,351,821
Source of funds	
General fund	1,930,321
Interdepartmental transfers	<u>421,500</u>
Total	2,351,821
Sec. B.702 Fish and wildlife - support and field services	
Personal services	14,971,049
Operating expenses	4,972,074
Grants	<u>1,038,000</u>
Total	20,981,123
Source of funds	
General fund	4,982,851
Special funds	30,000
Fish and wildlife fund	8,531,727
Federal funds	7,251,045
Interdepartmental transfers	184,000
Permanent trust funds	<u>1,500</u>
Total	20,981,123
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,228,919
Operating expenses	621,465
Grants	<u>1,777,791</u>
Total	3,628,175
Source of funds	
General fund	1,150,762
Special funds	1,307,878
Federal funds	<u>1,169,535</u>
Total	3,628,175
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,008,653
Operating expenses	662,242
Grants	<u>500,700</u>
Total	6,171,595
Source of funds	

General fund	3,839,095
Special funds	975,000
Federal funds	1,200,000
Interdepartmental transfers	<u>157,500</u>
Total	6,171,595
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	6,622,664
Operating expenses	<u>2,385,995</u>
Total	9,008,659
Source of funds	
General fund	651,211
Special funds	<u>8,357,448</u>
Total	9,008,659
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	459,738
Operating expenses	<u>1,203,292</u>
Total	1,663,030
Source of funds	
General fund	415,075
Special funds	179,205
Federal funds	1,050,000
Interdepartmental transfers	<u>18,750</u>
Total	1,663,030
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	94,000
Operating expenses	<u>85,925</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	5,232,473
Operating expenses	1,145,813
Grants	<u>111,280</u>
Total	6,489,566
Source of funds	
General fund	770,576
Special funds	536,222
Federal funds	448,450
Interdepartmental transfers	<u>4,734,318</u>
Total	6,489,566

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

Personal services	9,672,744
Operating expenses	8,317,152
Grants	<u>2,095,254</u>
Total	20,085,150
Source of funds	
General fund	405,741
Special funds	16,173,706
Federal funds	3,412,703
Interdepartmental transfers	<u>93,000</u>
Total	20,085,150

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

Personal services	15,704,693
Operating expenses	4,934,124
Grants	<u>2,144,694</u>
Total	22,783,511
Source of funds	
General fund	8,203,517
Special funds	6,540,910
Federal funds	6,985,254
Interdepartmental transfers	<u>1,053,830</u>
Total	22,783,511

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	2,454,016
Operating expenses	<u>390,742</u>
Total	2,844,758
Source of funds	
General fund	827,770
Special funds	<u>2,016,988</u>
Total	2,844,758
Sec. B.714 Total natural resources	
Source of funds	
General fund	28,448,662
Special funds	36,356,364
Fish and wildlife fund	8,531,727
Federal funds	21,630,987
Interdepartmental transfers	7,057,036
Permanent trust funds	<u>1,500</u>
Total	102,026,276
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	2,103,508
Operating expenses	637,521
Grants	<u>3,204,570</u>
Total	5,945,599
Source of funds	
General fund	3,075,599
Special funds	2,000,000
Federal funds	800,000
Interdepartmental transfers	<u>70,000</u>
Total	5,945,599
Sec. B.801 Economic development	
Personal services	3,291,085
Operating expenses	708,712
Grants	<u>2,092,203</u>
Total	6,092,000
Source of funds	
General fund	4,700,650
Special funds	730,350

Federal funds	<u>661,000</u>
Total	6,092,000
Sec. B.802 Housing & community development	
Personal services	6,813,123
Operating expenses	833,582
Grants	<u>2,224,174</u>
Total	9,870,879
Source of funds	
General fund	2,374,468
Special funds	4,975,188
Federal funds	2,256,223
Interdepartmental transfers	<u>265,000</u>
Total	9,870,879
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>14,974,489</u>
Total	14,974,489
Source of funds	
Federal funds	<u>14,974,489</u>
Total	14,974,489
Sec. B.805 Downtown transportation and capital improvement fund	
Personal services	87,746
Grants	<u>296,220</u>
Total	383,966
Source of funds	
Special funds	<u>383,966</u>
Total	383,966
Sec. B.806 Tourism and marketing	
Personal services	1,178,755
Operating expenses	1,900,439
Grants	<u>221,500</u>
Total	3,300,694

Source of funds	
General fund	3,200,694
Interdepartmental transfers	<u>100,000</u>
Total	3,300,694
Sec. B.807 Vermont life	
Personal services	762,108
Operating expenses	<u>68,585</u>
Total	830,693
Source of funds	
Enterprise funds	<u>830,693</u>
Total	830,693
Sec. B.808 Vermont council on the arts	
Grants	<u>651,723</u>
Total	651,723
Source of funds	
General fund	<u>651,723</u>
Total	651,723
Sec. B.809 Vermont symphony orchestra	
Grants	<u>142,626</u>
Total	142,626
Source of funds	
General fund	<u>142,626</u>
Total	142,626
Sec. B.810 Vermont historical society	
Grants	<u>919,184</u>
Total	919,184
Source of funds	
General fund	<u>919,184</u>
Total	919,184
Sec. B.811 Vermont housing and conservation board	
Grants	<u>29,341,812</u>
Total	29,341,812
Source of funds	
Special funds	16,050,936
Federal funds	<u>13,290,876</u>
Total	29,341,812

Sec. B.812 Vermont humanities council

Grants	<u>220,138</u>
Total	220,138
Source of funds	
General fund	<u>220,138</u>
Total	220,138

Sec. B.813 Total commerce and community development

Source of funds	
General fund	15,285,082
Special funds	24,153,440
Federal funds	31,982,588
Interdepartmental transfers	435,000
Enterprise funds	<u>830,693</u>
Total	72,686,803

Sec. B.900 Transportation - finance and administration

Personal services	10,044,881
Operating expenses	2,273,283
Grants	<u>275,000</u>
Total	12,593,164
Source of funds	
Transportation fund	11,570,784
Federal funds	<u>1,022,380</u>
Total	12,593,164

Sec. B.901 Transportation - aviation

Personal services	3,481,513
Operating expenses	16,290,006
Grants	<u>177,000</u>
Total	19,948,519
Source of funds	
Transportation fund	5,192,205
Federal funds	<u>14,756,314</u>
Total	19,948,519

Sec. B.902 Transportation - buildings

Operating expenses	<u>2,760,000</u>
Total	2,760,000
Source of funds	
Transportation fund	1,060,000
TIB fund	<u>1,700,000</u>
Total	2,760,000

Sec. B.903 Transportation - program development

Personal services	42,916,407
Operating expenses	270,586,371
Grants	<u>23,125,586</u>
Total	336,628,364
Source of funds	
Transportation fund	40,704,471
TIB fund	14,897,087
Federal funds	277,542,839
Interdepartmental transfers	1,817,041
Local match	<u>1,666,926</u>
Total	336,628,364

Sec. B.904 Transportation - rest areas construction

Operating expenses	<u>850,000</u>
Total	850,000
Source of funds	
Transportation fund	355,000
Federal funds	<u>495,000</u>
Total	850,000

Sec. B.905 Transportation - maintenance state system

Personal services	39,757,772
Operating expenses	40,317,145
Grants	<u>120,000</u>
Total	80,194,917
Source of funds	
Transportation fund	78,792,117
Federal funds	1,302,800
Interdepartmental transfers	<u>100,000</u>
Total	80,194,917

Sec. B.906 Transportation - policy and planning

Personal services	4,297,708
Operating expenses	1,603,439
Grants	<u>5,197,417</u>
Total	11,098,564
Source of funds	
Transportation fund	2,121,421
Federal funds	8,726,143
Interdepartmental transfers	<u>251,000</u>
Total	11,098,564

Sec. B.907 Transportation - rail

Personal services	5,127,808
Operating expenses	31,852,434
Grants	<u>357,029</u>
Total	37,337,271
Source of funds	
Transportation fund	14,088,993
TIB fund	2,720,000
Federal funds	<u>20,528,278</u>
Total	37,337,271

Sec. B.908 Transportation - public transit

Personal services	1,055,679
Operating expenses	111,413
Grants	<u>28,679,829</u>
Total	29,846,921
Source of funds	
Transportation fund	8,473,293
Federal funds	<u>21,373,628</u>
Total	29,846,921

Sec. B.909 Transportation - central garage

Personal services	4,384,259
Operating expenses	<u>15,815,967</u>
Total	20,200,226
Source of funds	
Internal service funds	<u>20,200,226</u>
Total	20,200,226

Sec. B.910 Department of motor vehicles

Personal services	16,104,305
Operating expenses	<u>9,316,770</u>
Total	25,421,075
Source of funds	
Transportation fund	23,985,937
Federal funds	<u>1,435,138</u>
Total	25,421,075

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 local technical assistance program	
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	4,250,000
Operating expenses	12,032,361
Grants	<u>200,000</u>
Total	16,482,361
Source of funds	
Transportation fund	1,663,224
TIB fund	578,000
Federal funds	13,315,652
Local match	<u>925,485</u>
Total	16,482,361
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>1,440,000</u>
Total	1,440,000
Source of funds	
Transportation fund	160,000
Federal funds	<u>1,280,000</u>
Total	1,440,000

Sec. B.919 Transportation - municipal mitigation grant program

Grants	<u>871,500</u>
Total	871,500
Source of funds	
Transportation fund	440,000
Federal funds	204,500
Interdepartmental transfers	<u>227,000</u>
Total	871,500

Sec. B.920 Transportation - public assistance grant program

Grants	<u>48,630,222</u>
Total	48,630,222
Source of funds	
Special funds	3,630,222
Federal funds	<u>45,000,000</u>
Total	48,630,222

Sec. B.921 Transportation board

Personal services	185,248
Operating expenses	<u>31,652</u>
Total	216,900
Source of funds	
Transportation fund	<u>216,900</u>
Total	216,900

Sec. B.922 Total transportation

Source of funds	
Transportation fund	229,903,089
TIB fund	19,895,087
Special funds	3,630,222
Federal funds	407,147,672
Internal service funds	20,200,226
Interdepartmental transfers	2,395,041
Local match	<u>2,592,411</u>
Total	685,763,748

Sec. B.1000 Debt service

Operating expenses	<u>71,791,440</u>
Total	71,791,440
Source of funds	
General fund	65,401,531
Transportation fund	2,094,555
TIB debt service fund	2,502,313
Special funds	632,940
ARRA funds	<u>1,160,101</u>
Total	71,791,440

Sec. B.1001 Total debt service

Source of funds	
General fund	65,401,531
Transportation fund	2,094,555
TIB debt service fund	2,502,313
Special funds	632,940
ARRA funds	<u>1,160,101</u>
Total	71,791,440

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2015, \$3,293,000 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. 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 education and training. Up to seven

percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through 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 in consultation with the State Workforce Investment Board. This appropriation is for the purpose of awarding competitive grants to regional technical centers and 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 consistent with 2013 Acts and Resolves No. 77. 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 the student will be better served at a non-State college or when available programs are not 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 2016 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 State Workforce Investment Board, shall recommend to the Governor no later than November 1, 2014 how \$3,293,000 from the Next Generation Fund should be allocated or appropriated in fiscal year 2016 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The Department of Labor shall promote actively and publicly the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 ONE-TIME ELECTIONS EXPENSE APPROPRIATION

(a) In fiscal year 2015, there is appropriated to the Secretary of State for 2014 primary and general elections:

General Fund

\$400,000

Sec. B.1102 FISCAL YEAR 2015 APPROPRIATION REDUCTION DUE TO DII ASSESSMENT REDUCTION

(a) To reflect adjustments to budgets due to DII assessment adjustments, the Secretary of Administration is authorized to reduce operating expense appropriations by \$103,000 in general funds.

Sec. C.100 FISCAL YEAR 2014 FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2014, the following amounts shall be transferred to the General Fund from the funds indicated:

<u>(1) Fire Prevention Building Inspection Fund #21901</u>	<u>3,200,000</u>
<u>(2) Act 250 Permit Fund #21260</u>	<u>100,000</u>

Sec. C.101 REVERSIONS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2014, \$30,000 shall revert to the General Fund from the Sergeant at Arms (#1230001000).

Sec. C.102 LEGAL AID HOMEOWNER ASSISTANCE ALLOCATION

(a) Of the funds appropriated to the Secretary of Administration in fiscal year 2013 under the provision of 32 V.S.A. § 308c(a)(3), \$50,000 shall be granted to Vermont Legal Aid to fund legal services for homeowners facing foreclosure.

Sec. C.103 2013 Acts and Resolves No. 50, Sec. C.100.1(b) is amended to read:

(b) The Secretary of State is authorized to expend up to \$50,000 from the ~~Vermont Campaign Fund~~ Secretary of State Services Fund during fiscal year 2013 ~~2014~~ for development costs for campaign finance system development expenditures. ~~The Secretary of State shall report to the Joint Fiscal Committee at its September 2013 meeting on the use of these funds.~~

Sec. C.104 [DELETED]

Sec. C.105 COST ALLOCATION; SECRETARY OF COMMERCE AND COMMUNITY DEVELOPMENT

(a) The Department of Health Access shall ensure the appropriate funds are transferred to the Agency of Commerce and Community Development for Agency costs related to the time and expense of the Secretary allocated to his work for the Department in fiscal year 2014.

(b) At the close of fiscal year 2014, the Agency of Commerce and Community Development shall transfer \$50,000 to the Agency of Human Services – Global Commitment for the time and expenses allocated in subsection (a) of this section.

Sec. C.106 FISCAL YEAR 2014 SUPPLEMENTAL ONE-TIME
APPROPRIATIONS

(a) The following appropriations are made from the General Fund in 2014:

(1) To the Treasurer for deposit in fiscal year 2015 in the Vermont Retired Teachers' Health and Medical Benefits Fund: \$300,000

(2) To the Department of Public Safety for the replacement of vehicles: \$1,400,000

(3) To Vermont Crime Victims Services to be carried forward for fiscal year 2015 funding needs: \$697,397

(4) To the Joint Fiscal Office for analysis of the transition of the health care system: \$600,000

(5) To the Agency of Human Services – Global Commitment for traumatic brain injury program analysis: \$22,000

(6) To the Department of Public Safety for information technology, software, and equipment expenses: \$572,000

(7) To the Department of Corrections to be carried forward to fiscal year 2015 for correctional services funding needs: \$8,300,000

(8) To the Treasurer for the expense related to the cost of a Public Retirement Plan Study as defined in Sec. C.108 of this act: \$5,000

(9) To the Legislature for training and expenses related to data-based information to be used by the General Assembly to determine how well State government is working toward achieving the population-level outcomes that have been put in place to measure Vermont's quality of life. This work will be done in conjunction with the activities of the State Chief Performance Officer: \$10,000

(10) To the Legislature for per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 and for legal and other support services for the Committee on Child Protection established in Sec. C.109 of this act: \$25,000

(11) To the Department of State's Attorneys and Sheriffs – Special Investigation Units for enhanced funding to three county child advocacy centers: \$45,000

(12) To the Agency of Agriculture, Food and Markets for New England regional milk pricing activities: \$20,000

(13) To the Agency of Natural Resource to provide one-time pro-rated payments in fiscal year 2015 to towns with lands owned by the Agency. The

payments and formula shall be determined by the Agency and made to towns with parcels for which the development status of the land has changed as determined by the Agency: \$35,000

(14) To the Department of Tourism and Marketing for a grant to the Lake Champlain Maritime Museum: \$25,000

Sec. C.106.1 FLOOD-RELATED PAYMENT

(a) Appropriated from the General Fund to the Agency of Commerce and Community Development for a grant to Latchis Arts Inc. This grant is for payment for qualified expenditures resulting from damage caused by a federally declared disaster in Vermont in 2011 as defined in 32 V.S.A. § 5930bb(d) that would be awarded as a tax credit to an individual:

\$88,000

Sec. C.106.2 CONTINGENT FISCAL YEAR 2014 APPROPRIATION

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met and prior to any funds reserved pursuant to 32 V.S.A. § 308c, any remaining unreserved and undesignated end of fiscal year General Fund surplus up to \$5,000,000 shall be appropriated to the extent available, in the following order:

(1) \$500,000 to the Vermont Economic Development Authority for loan loss reserves within the Vermont Entrepreneurial Lending Program for the purposes specified in 10 V.S.A. § 280bb as amended by S.220 of 2014;

(2) \$4,500,000 to the Vermont Enterprise Fund for the purposes specified in Sec. E.100.5 of this act.

Sec. C.107 [DELETED]

Sec. C.108 INTERIM STUDY ON THE FEASIBILITY OF ESTABLISHING A PUBLIC RETIREMENT PLAN

(a) Creation of Committee. There is created a Public Retirement Plan Study Committee to evaluate the feasibility of establishing a public retirement plan.

(b) Membership. The Public Retirement Plan Study Committee shall be composed of seven members as follows:

(1) the State Treasurer or designee;

(2) the Commissioner of Labor or designee;

(3) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(4) an individual with private sector experience in the area of providing retirement products and financial services to small businesses, to be appointed by the Speaker;

(5) an individual with experience or expertise in the area of the financial needs of an aging population, to be appointed by the Committee on Committees;

(6) a representative of employers, to be appointed by the Speaker; and

(7) a representative of employees who currently lack access to employer-sponsored retirement plans, to be appointed by the Committee on Committees.

(c) Powers and duties.

(1)(A) The Committee shall study the feasibility of establishing a public retirement plan, including the following:

(i) the access Vermont residents currently have to employer-sponsored retirement plans and the types of employer-sponsored retirement plans;

(ii) data and estimates on the amount of savings and resources Vermont residents will need for a financially secure retirement;

(iii) data and estimates on the actual amount of savings and resources Vermont residents will have for retirement, and whether those savings and resources will be sufficient for a financially secure retirement;

(iv) current incentives to encourage retirement savings, and the effectiveness of those incentives;

(v) whether other states have created a public retirement plan and the experience of those states;

(vi) whether there is a need for a public retirement plan in Vermont;

(vii) whether a public retirement plan would be feasible and effective in providing for a financially secure retirement for Vermont residents;

(viii) other programs or incentives the State could pursue in combination with a public retirement plan or, instead of such a plan, in order to encourage residents to save and prepare for retirement; and

(B) If the Committee determines that a public retirement plan is necessary, feasible, and effective, the Committee shall study:

(i) potential models for the structure, management, organization, administration, and funding of such a plan;

(ii) how to ensure that the plan is available to private sector employees who are not covered by an alternative retirement plan;

(iii) how to build enrollment to a level that enrollee costs can be lowered;

(iv) whether such a plan should impose any obligation or liability upon private sector employers; and

(v) any other issue the Committee deems relevant.

(2) The Committee shall have the assistance of the staff of the Office of the Treasurer, the Department of Labor, and the Department of Disabilities, Aging, and Independent Living.

(d) Report. By January 15, 2015, the Committee shall report to the General Assembly its findings and any recommendations for legislative action. In its report, the Committee shall state its findings as to every factor set forth in subdivision (c)(1)(A) of this section, whether it recommends that a public retirement plan be created, and the reasons for that recommendation. If the Committee recommends that a public retirement plan be created, the Committee's report shall include specific recommendations as to the factors listed in subdivision (c)(1)(B) of this section.

(e) Meetings; term of Committee; chair. The Committee may meet no more than six times and shall cease to exist on January 15, 2015. The State Treasurer shall serve as Chair of the Committee and shall call the first meeting.

(f) Reimbursement. For attendance at meetings, members of the Committee who are not employees of the State of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010 and shall be reimbursed for mileage and travel expenses.

Sec. C.109 COMMITTEE ON CHILD PROTECTION

(a) There is created a Committee on Child Protection. The Committee shall be composed of seven members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees. The Committee on Committees shall designate two Senators to serve as Co-Chairs of the Committee.

(b) The Committee shall investigate and evaluate Vermont's current system of child protection, including:

(1) examining Vermont's laws, policies, and procedures and evaluating whether those laws, policies, and procedures are effective in protecting children;

(2) comparing Vermont's laws, policies, and procedures to those in other jurisdictions and to best practices in the area of child protection;

(3) understanding how federal requirements shape Vermont's laws, policies, and procedures and the child protection system;

(4) examining whether the departments, agencies, branches, and entities that are responsible for child protection cooperate and are effectively fulfilling their role in the child protection system;

(5) examining whether specific crimes or incidents reveal shortcomings in current laws, policies, and procedures and how the current system operates. In doing so, the Committee shall not interfere in any ongoing investigations;

(6) examining how the child protection system operates in different parts of the State and whether similar cases or allegations are handled differently. If the Committee determines that similar cases or allegations are handled differently, the Committee shall examine the reasons for, and results of, those differences;

(7) determining whether legislative or other changes are necessary to improve the child protection system.

(c) The Committee may conduct hearings and may administer oaths to, and examine under oath, any person. The Committee shall have the power, by a majority vote of the Committee, to issue subpoenas to compel the attendance and testimony of witnesses, and the production of books, papers, records, and documents.

(d) Notwithstanding any other provision of law to the contrary, the Committee may receive records that are confidential, privileged, or the release of which is restricted under Vermont law. All State agencies and departments may provide such records to the Committee upon request. Any such records obtained by the Committee shall be exempt from public inspection and copying, shall be kept confidential by the Committee, and shall not be disclosed.

(e) No person who is an employee of the State of Vermont, or of any State, local, county, and municipal department, agency, or entity involved in child protection, and who testifies before, supplies information to, or cooperates with the Committee's investigation shall be subject to retaliation by his or her employer. Retaliation shall include job termination, demotion in rank, reduction in pay, alteration in duties and responsibilities, transfer, or a negative job performance evaluation based on the person's having testified before, supplied information to, or cooperated with the Committee.

(f) The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council. The Committee may retain additional legal and other services as necessary.

(g) On or before January 6, 2015, the Committee shall report to the General Assembly its findings and any recommendations for legislative action.

(h) The Committee may meet no more than ten times, unless additional meetings are determined to be necessary by the Co-Chairs and approved by the President Pro Tempore of the Senate and Speaker of the House. The Co-Chairs shall call the first meeting of the Committee, and the Committee may hold hearings at whatever locations the Co-Chairs determine to be appropriate. A majority of the members of the Committee shall be physically present at the same location to constitute a quorum. A member may vote only if physically present at the meeting and action shall be taken only if there is both a quorum and a majority vote of all members of the Committee members physically present and voting.

(i) The Committee shall cease to exist on January 6, 2015.

(j) For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

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 \$15,454,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$15,454,840 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 \$3,779,661 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,779,661 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,779,661 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$476,544 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: \$635,000.

(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: \$1,693,408.

(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 to fund fiscal year 2016 transportation infrastructure bonds debt service: \$2,504,913.

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 2014 in the Tobacco Litigation Settlement Fund shall remain for appropriation in fiscal year 2015.

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 2015 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2015 is not negative shall be transferred from the Tobacco Trust Fund to the Tobacco Litigation Settlement Fund in fiscal year 2015.

Sec. D.104 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the “rainy day reserve.” After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the appropriations from the General Fund for the prior fiscal year without legislative authorization. ~~Monies from this Reserve shall be available for appropriation by the General Assembly.~~

~~(1) The Emergency Board shall, at the end of fiscal year 2013, determine at its July meeting the amount of available general funds that is greater than the amount of forecasted available general funds most recently adopted by the Board for fiscal year 2013.~~

~~(2) Of the amount added to the General Fund Balance Reserve in fiscal year 2013, to the extent available, one half of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded for deposit in the Supplemental Property Tax Relief Fund established by section 6075 of this title. If the amount added to the General Fund Balance Reserve is insufficient to support both the appropriation in this subdivision and the appropriation in subdivision (3) of this subsection, the appropriation in this subdivision shall take precedence.~~

~~(3) Of the amount added to the General Fund Balance Reserve in fiscal year 2013, to the extent available, one quarter of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded to the Secretary of Administration to be used only upon Emergency Board action to transfer these funds to appropriations to offset reduced federal funding.~~

Of the funds which would otherwise be reserved in the General Fund Balance Reserve under this subsection, 50 percent of any such funds shall be transferred to the Retired Teachers’ Health and Medical Benefits Fund established by 16 V.S.A. § 1944(b) to reduce any outstanding balance of any interfund loan authorized by the State Treasurer from the General Fund. Upon joint determination by the Commissioner of Finance and Management and the State Treasurer that there is no longer any outstanding balance, no further transfers in accordance with this subdivision shall occur.

(b) Use of General Fund Balance Reserve:

(1) The General Assembly may specifically appropriate the use of up to 50 percent of the amounts added in the prior fiscal year from the General Fund Balance Reserve to fund unforeseen or emergency needs.

(2) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds determined under section 305a of this title have been reduced by two percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, funds in the General Fund Balance Reserve may be appropriated to compensate for a reduction of revenues.

(c) There is hereby created within the Transportation Fund a Transportation Fund Balance Reserve. After satisfying the requirements of section 308a of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year Transportation Fund surplus shall be reserved in the Transportation Fund Balance Reserve. Monies from this Reserve shall be available for appropriation by the General Assembly.

~~(e) In any fiscal year, if the General Assembly determines there are insufficient revenues to fund expenditures for the operation of State government at a level the General Assembly finds prudent and required, it may specifically appropriate the use of the General Fund and Transportation Fund Balance Reserves to compensate for a reduction of revenues or fund such unforeseen or emergency needs as the General Assembly may determine.~~

Sec. D.105 REPEALS

(a) 2012 Acts and Resolves No. 162, Secs. D.103.1(a) (calculation, appropriation, and deposit in the supplemental property tax relief fund repeal effective on June 30, 2014) and D.103(b) (supplemental property tax relief fund repeal effective on June 30, 2014) are repealed.

(b) 32 V.S.A. § 6075 (supplemental property tax relief fund) is repealed on July 1, 2017.

(c) 2013 Acts and Resolves No. 50, Sec B.1104 (Fiscal Year 2014 Surplus) is repealed.

Sec. D.106 [DELETED]

Sec. D.107 DEPOSIT OF SETTLEMENT RECEIPTS

(a) Any funds received by the State in fiscal year 2014 from settlement with the R.J. Reynolds Tobacco Co. regarding deceptive advertising shall be deposited into the General Fund in fiscal year 2014.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH – POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent positions is authorized in fiscal year 2015 as follows:

(1) In the Department of Information and Innovation – three (3) classified positions – one (1) IT Contract Specialist and two (2) Enterprise Architect.

(2) In the Department of State’s Attorneys and Sheriffs – four (4) exempt positions – Deputy State’s Attorney.

(3) In the Department of Public Safety – three (3) classified positions – one (1) Marijuana Registry Administrator, one (1) Fire Prevention Safety Officer, and one (1) Electrical Inspector.

(4) In the Agency of Agriculture, Food and Markets – two (2) classified positions – Food Safety Specialist.

(5) In the Department of Financial Regulation – one (1) classified position – Financial Examiner II.

(6) In the Department of Health – one (1) classified position – Public Health Dental Hygienist.

(7) In the Department for Children and Families – one (1) classified position – Financial Specialist III.

(8) In the Department of Environmental Conservation – one (1) classified position – Environmental Engineer VI.

(9) In the Department of Economic Development – one (1) classified position – Economic Development Director.

(b) The establishment of the following new classified limited service positions is authorized in fiscal year 2015 as follows:

(1) In the Department of Environmental Conservation – one (1) Solid Waste Analyst, one (1) Environmental Analyst III, and one (1) Wetland Ecologist.

(2) In the Department of Liquor Control – one (1) Tobacco Compliance Officer.

(c) The conversion of classified limited service positions to classified permanent status is authorized in fiscal year 2015 as follows:

(1) In the Agency of Agriculture, Food and Markets – two (2) working lands staff positions - Agricultural Development Coordinator and Grants Program Specialist II.

(d) Position Pilot Program. A position pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) The Agency of Transportation, the Department for Children and Families, and the Department of Environmental Conservation shall not be subject to the cap on positions for the duration of the pilot.

(2) Any new positions created under the pilot shall be authorized by the Secretary of Administration and funded within existing appropriations.

(3) Any new positions created under the pilot shall not be transferrable outside the agency or department of the pilot.

(4) At least 15 days prior to the establishment of pilot positions, the Joint Fiscal Committee and the Government Accountability Committee shall be provided a written description from the pilot entity and the Commissioner of Human Resources of the method for evaluating the cost-effectiveness of the positions.

(5) As part of their annual budget testimony, participating departments shall report on the number and type of positions created under the pilot and the source of funds used to support the positions.

(6) By November 2014, the Commissioner of Human Resources shall provide the Joint Fiscal Committee a report of any employee impacts such as reduction in force rights that may arise from the implementation of the pilot.

(7) This pilot shall sunset on July 1, 2017, unless extended or modified by the General Assembly.

Sec. E.100.1 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND STATE MATCH PAYMENTS FOR TROPICAL STORM IRENE AND SPRING 2011 FLOODING

(a) The Secretary of Administration shall report to the Joint Fiscal Committee at its September 2014 and September 2015 meetings on cumulative expenditures in the prior fiscal year in the Public Assistance Program (810005500) of Federal Emergency Management Agency (FEMA) funds and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene and Spring 2011 flooding, including to the extent possible, details about the expended funds by State agency or municipality.

The report shall also include, if applicable, information on any audit findings that may result in financial impacts to the State.

(b) Reports shall be posted on the Legislative and Administration websites after submission.

(c) 2012 Acts and Resolves No. 75, Sec. 77a(b) (quarterly reports on payments from the emergency relief and assistance fund) is repealed.

Sec. E.100.2 VERMONT VETERANS' HOME; FUNDING REVIEW

(a) The Secretary of Administration shall carry out a review of the revenue and budget options for the Vermont Veterans' Home and develop a business plan with the following goals:

(1) creation of a revenue and budget approach that does not present a long-term structural deficit for the Vermont State budget; and

(2) development of a strategy that eliminates the need for ongoing General Fund subsidies by fiscal year 2018.

(b) This review shall be submitted to the Joint Fiscal Committee before November 15, 2014.

Sec. E.100.3 REVERSION

(a) Of the General Funds appropriated to the Secretary of Administration in fiscal year 2013 under the provision of 32 V.S.A. § 308c(a)(3), \$1,910,000 shall revert to the General Fund in fiscal year 2015.

Sec. E.100.4 VTHR UNIT; TRANSFER AUTHORITY

(a) The Commissioner of Finance and Management, with the approval of the Secretary of Administration, may make transfers of appropriations within the Financial Management Fund, Medical Insurance Fund, Dental Insurance Fund, and Life Insurance Fund for fiscal year 2015, provided the total fiscal year 2015 appropriations from these funds do not exceed the total amount authorized in the fiscal year 2015 Appropriations Act.

Sec. E.100.5 VERMONT ENTERPRISE FUND

(a) There is created a Vermont Enterprise Fund, the sums of which may be used by the Governor, with the approval of the Emergency Board, for the purpose of making economic and financial resources available to businesses facing circumstances that necessitate State government support and response more rapidly than would otherwise be available from, or that would be in addition to, other economic incentives.

(b)(1) The Fund shall be administered by the Commissioner of Finance and Management as a special fund under the provisions of chapter 7, subchapter 5 of this title.

(2) The Fund shall contain any amounts transferred or appropriated to it by the General Assembly.

(3) Interest earned on the Fund and any balance remaining at the end of the fiscal year shall remain in the Fund.

(4) The Commissioner shall maintain records that indicate the amount of money in the Fund at any given time.

(c) The Governor is authorized to use amounts available in the Fund to offer economic and financial resources to an eligible business pursuant to this section, subject to approval by the Emergency Board as provided in subsection (e) of this section.

(d) To be eligible for an investment through the Fund, the Governor shall determine that a business:

(1) adequately demonstrates:

(A) a substantial statewide or regional economic or employment impact; or

(B) approval or eligibility for other economic development incentives and programs offered by the State of Vermont; and

(2) is experiencing one or more of the following circumstances:

(A) a merger or acquisition may cause the closing of all or a portion of a Vermont business, or closure or relocation outside Vermont will cause the loss of employment in Vermont;

(B) a prospective purchaser is considering the acquisition of an existing business in Vermont;

(C) an existing employer in Vermont, which is a division or subsidiary of a multistate or multinational company, may be closed or have its employment significantly reduced; or

(D) is considering Vermont for relocation or expansion.

(e)(1) Any economic and financial resources offered by the Governor under this section must be approved by the Emergency Board before an eligible business may receive assistance from the Fund.

(2) The Board shall invite the Chair of the Senate Committee on Economic Development, Housing and General Affairs and the Chair of the

House Committee on Commerce and Economic Development to participate in Board deliberations under this section in an advisory capacity.

(3) The Governor or designee, shall present to the Emergency Board for its approval:

(A) information on the company;

(B) the circumstances supporting the offer of economic and financial resources;

(C) a summary of the economic activity proposed or that would be forgone;

(D) other State incentives and programs offered or involved;

(E) the economic and financial resources offered by the Governor requiring use of monies from the Fund;

(F) employment, investment, and economic impact of Fund support on the employer, including a fiscal cost-benefit analysis; and

(G) terms and conditions of the economic and financial resources offered, including:

(i) the total dollar amount and form of the economic and financial resources offered;

(ii) employment creation, employment retention, and capital investment performance requirements; and

(iii) disallowance and recapture provisions.

(f)(1) Proprietary business information and materials or other confidential financial information submitted by a business to the State, or submitted by the Governor to the Emergency Board, for the purpose of negotiating or approving economic and financial resources under this section shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon authorization of the Chair of the Joint Fiscal Committee, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent, and the Auditor of Accounts, shall not disclose, directly or indirectly, to any person any proprietary business or other confidential information or any information which would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(2) Nothing in this subsection shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions,

policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

(g) On or before January 15 of each year following a year in which economic and financial resources were made available pursuant to this section, the Secretary of Commerce and Community Development shall submit to the House Committees on Commerce and Economic Development and on Ways and Means and to the Senate Committees on Finance and on Economic Development, Housing and General Affairs a report on the resources made available pursuant to this section, including:

(1) the name of the recipient;

(2) the amount and type of the resources;

(3) the aggregate number of jobs created or retained as a result of the resources;

(4) a statement of costs and benefits to the State; and

(5) whether any offer of resources was disallowed or recaptured.

(h) This section shall sunset on June 30, 2016 and any remaining balance in the Fund shall be transferred to the General Fund.

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

(a) Of this appropriation, \$635,000 is for a grant to the Vermont Telecommunications Authority established in 30 V.S.A. § 8061.

Sec. E.106 [DELETED]

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.

Sec. E.112 USE OF STATE SPACE; CLARIFICATION

(a) Notwithstanding 29 V.S.A. § 165(h) the Commissioner of Buildings and General Services shall extend through June 30, 2015 the lease for space for the Chittenden Unit for Special Investigations at current payment rates. For fiscal year 2016 and beyond, the Commissioner shall consult with the Director of States' Attorneys and Sheriffs and the Director of the Chittenden Unit for Special Investigations and develop a long-term lease or fee-for-space arrangement. In the event such arrangements include a payment below prevailing market prices, it shall be presented to the Joint Fiscal Committee as

required by 29 V.S.A. § 165(h) for approval at a regularly scheduled Joint Fiscal Committee meeting after September 1, 2014.

Sec. E.113 Buildings and general services – engineering

(a) The \$3,196,163 interdepartmental transfer in this appropriation shall be from the fiscal year 2015 General Bond Fund appropriation in 2013 Acts and Resolves No. 51, Sec. 2(c)(5), as amended in the 2014 legislative session.

Sec. E.113.1 2013 Acts and Resolves No.1, Sec. 100(c) is amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on July 1, 2014 July 1, 2015.

Sec. E.113.2 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; ALLOCATION OF ENGINEERING COSTS

(a) The Commissioner of Buildings and General Services shall implement the following recommendations from the report required by 2013 Acts and Resolves No. 51, Sec. 39, relating to accounting standards for engineering costs:

(1) initiate a process to track engineering costs to specific projects through the VTHR payroll system; and

(2) once engineering costs are tracked to specific projects, allocate these known capital costs to expenses paid from general obligation debt financing and allocate noncapital costs to expenses paid from the General Fund.

(b) The Secretary of Administration shall work with the Commissioner of Buildings and General Services to implement a project tracking procedure through the VTHR payroll system described in subdivision (a)(1) of this section.

(c) On or before January 15, 2015, the Commissioner of Buildings and General Services shall update the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the implementation of the recommendations described in subsection (a) of this section.

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

(a) Any State employee that uses the standard mileage reimbursement rate for use of his or her private vehicle shall be required to use a State-owned or -leased vehicle if the mileage that is submitted for reimbursement exceeds 12,400 miles 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 12,400 limit on mileage that is eligible for reimbursement for use of a private vehicle.

Sec. E.118.1 2010 Acts and Resolves No. 156, Sec. E.114(a), as amended by 2011 Acts and Resolves No. 3, Sec. 60, and 2013 Acts and Resolves No. 50, Sec. E.118, is further amended to read:

(a) The Commissioner of Buildings and General Services shall submit a report to the House and Senate Committees on Appropriations by January 15th of each year ~~through fiscal year 2015~~ detailing the number of ~~state~~ State employees, by department, that during the previous fiscal year exceeded a 11,400 mileage amount for use of their private vehicle during the previous fiscal year the “mileage breakeven point,” the point at which employee mileage reimbursement becomes more expensive than use of State-owned or -leased vehicles, as calculated as part of this report.

Sec. E.125 Legislative council

(a) Notwithstanding any other provision of law, from fiscal year 2014 funds appropriated to the Legislative Council and carried forward into fiscal year 2015, 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 2014 funds appropriated to the Legislature and carried forward into fiscal year 2015, the amount of \$80,000 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2016 be included at a level sufficient to support an 18-week legislative session.

(c) The appropriation in Sec. B.126 of this act includes \$10,000 to support costs associated with obtaining data-based information to be used by the General Assembly to determine how well State government is working toward achieving the population-level outcomes that have been put in place to measure Vermont’s quality of life. This data will also assist the General Assembly in determining how best to invest taxpayer dollars.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2014 funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2015, the amount of \$10,000 shall revert to the General Fund.

Sec. E.127.1 [DELETED]

Sec. E.128 Sergeant at Arms

(a) Notwithstanding any other provision of law, from fiscal year 2014 funds appropriated to the Sergeant at Arms and carried forward into fiscal year 2015, the amount of \$10,000 shall revert to the General Fund.

Sec. E.130 STATE AUDITOR; EXCHANGE STUDY

(a) Prior to initiating a performance audit of the health care exchange, the State Auditor shall present an audit plan for review and approval to the Joint Fiscal Committee with the specific areas to be audited and an estimate of the charges which would be incurred by other agencies for the expenses of such an audit.

Sec. E.131 VERMONT COMMUNITY LOAN FUND

(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). The provisions of Sec. A.102(c) of this act shall not apply to this subsection.

(b) 2004 Acts and Resolves No. 80, Sec. 6a (authority to invest up to \$200,000.00) is repealed.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2015, investment fees shall be paid from the corpus of the Fund.

Sec. E.133.1 3V.S.A. § 479a(b)(1) is amended to read:

(1) All assets remitted to the state as a subsidy on behalf of the members of the Vermont state employees' retirement system for employer-sponsored qualified prescription drug plans pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, except that any subsidy received from an Employer Group Waiver program is not subject to this requirement.

Sec. E.139 2013 Acts and Resolves No. 50, Sec. E.139, as amended by 2014 Acts and Resolves No. 95, Sec. 73a is further amended to read:

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.

* * *

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 will continue to provide financial support and recommendations for addressing problem gambling among Vermont's citizens, to include marketing, event sponsorships, and printed material.

Sec. E.141.1 REPORT; TRANSITION OF COUNCIL ON PROBLEM GAMBLING

(a) The Executive Director of the Vermont Lottery Commission and the Commissioner of Health shall provide a written update to the Joint Fiscal Committee in July 2014 on how the gambling addiction program will be operated in fiscal year 2015 and how the funds allocated in this act for gambling addiction programs will be used.

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 JUDICIARY; REPORT ON TRAFFIC TICKETS

(a) On or before December 1, 2014, the Court Administrator shall report to the House and Senate Committees on Appropriations and on Judiciary on the trends and data for traffic tickets filed with the Judicial Bureau. The report shall:

(1) compare the number of tickets filed with the number of tickets for which fines were collected; and

(2) provide information about the reasons tickets were dismissed by the Judicial Bureau during the three-year period, to the extent that such reports can be produced by query to the Judicial Bureau's case management software.

Sec. E.204.1 JUDICIARY; SECURITY AND TRANSPORT REPORT

(a) The Court Administrator shall submit a report to the House and Senate Committees on Judiciary and on Appropriations by January 15, 2015 with findings on the current operation and costs of providing security in all the State's courts and shall make recommendations to restructure such operations to result in financial savings without increasing security risk to the Judiciary. The Court Administrator shall consult with third party experts which may include national organizations to examine these issues. Specifically, the report shall address:

(1) options to reduce costs when any court is not in session; and

(2) options to reduce costs through shared security arraignments with other co-located state agencies.

(b) The Court Administration and the Department of State's Attorneys and Sheriffs shall by January 15, 2015 present a plan to maximize the cost-effectiveness of secure transports, including the transfer to the Judiciary of funding for and payment of State-paid deputies.

Sec. E.205 STATE'S ATTORNEYS; "CALL-OUT" COMPENSATION

(a) The amount of \$50,000 is appropriated to the State's Attorneys for the purpose of providing compensation for Deputy State's Attorneys who provide "call-out duties, including search warrants, juvenile emergencies, and traveling to potential homicide scenes.

(b) The Executive Director of the Department of State's Attorneys and Sheriffs shall provide a written report to the Joint Fiscal Committee in July 2014 regarding the conditions under which these funds can be accessed and the procedures put in place to ensure that the use of these funds comport with the conditions identified.

Sec. E.206 SPECIAL INVESTIGATIONS UNIT FUNDING STUDY COMMITTEE

(a) Creation. There is created a Special Investigations Unit Funding Study Committee for the purpose of identifying and recommending equitable and sustainable funding options for specialized investigative units.

(b) Membership, interested parties.

(1) The Committee shall be composed of the following 6 members:

(A) three current members of the House of Representatives, one of whom is a member of the Joint Fiscal Committee, appointed by the Speaker of the House;

(B) three current members of the Senate, one of whom is a member of the Joint Fiscal Committee, appointed by the Committee on Committees;

(2) The Committee shall consult with any interested parties, including the Attorney General, the Commissioner of Taxes, the Executive Director of State's Attorneys and Sheriffs, the Administrator of the Specialized Investigative Units Grants Board, the Vermont League of Cities and Towns, the Vermont Children's Alliance, and the directors of the Specialized Investigative Units.

(c) Powers and duties. The Study Committee shall identify all possible funding sources for specialized investigative units and shall consider the sustainability and equitability of each possible source on local, county, and State levels.

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

(e) Report. On or before December 15, 2014, the Committee shall submit a report to the House Committees on Ways and Means and on Judiciary and the Senate Committees on Finance and on Judiciary with its findings and any recommendations for legislative action.

(f) Meetings.

(1) A Senate member shall be the Chair and shall call the first meeting of the Committee to occur on the same date as a meeting of the Joint Fiscal Committee.

(2)(A) A majority of the members of the Committee shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(C) Action shall be taken only if there is both a quorum and a majority vote of all members of the Committee.

(3) The Committee shall cease to exist on January 1, 2015.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four meetings.

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the 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.208.1 FIREARM STORAGE SPECIAL FUND; APPROPRIATION

(a) The sum of \$75,000 is appropriated to the Department of Public Safety from the Firearm Storage Special Fund, which is hereby created, to be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, for the purpose of assisting law enforcement agencies and court-approved federally licensed firearm dealers to create facilities for the storage of firearms and other weapons pursuant to Sec. 20 of H.735 of 2014 [fee bill] (to be codified as 20 V.S.A. § 2307). The Department is authorized to administer this appropriation in its discretion in the form of interest-free loans to law enforcement agencies and court-approved federally licensed firearm dealers that apply to and are deemed eligible by the Department. Successful applicants shall enter into a repayment agreement with the Department and shall repay the loan using fees or other proceeds collected as a result of the implementation of Sec. 20 of H.735 of 2014 [fee bill] (to be codified as 20 V.S.A. § 2307). Repayments received by the Department shall be deposited into the Firearm Storage Special Fund. The Department is authorized to prepare and execute on behalf of the State any documents necessary to make and secure such loans. Notwithstanding Sec. A.102(c) of this act, this appropriation shall carry forward until expended.

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) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force and the Gang Task Force. Of this amount, \$190,000 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.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.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, \$2,500 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; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E. 220 Center for crime victims services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$51,574 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.221 [DELETED]

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.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$1,486,500 in general funds is appropriated 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 and \$75,000 of these funds shall be used to support the Domestic Export Program established in Sec. 6 of S.220 of 2014.

(b) Of the funds appropriated in Sec. B.224 of this act, the amount of \$13,500 in General Funds shall be used to fund grants that enable farmers' markets to accept electronic benefit transfer funds.

Sec. E.224.1 2012 Acts and Resolves No. 142, Sec. 5 is amended to read:

Sec. 5. FUNDING PRIORITIES

(a) The amounts appropriated from the ~~general fund to the Vermont working lands enterprise fund established in 6 V.S.A. § 4605~~ shall be used General Fund for use by the ~~working lands enterprise board~~ Working Lands Enterprise Board shall be used for the following purposes:

* * *

Sec. E.225 Agriculture, food and markets – laboratories, agricultural resource management and environmental stewardship

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment funds appropriated in this section 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.225.1 AGRICULTURE, FOOD AND MARKETS; MOSQUITO CONTROL

(a) The Secretary of Agriculture, Food and Markets may use any unexpended or unobligated funds in the budget of the laboratories, agricultural resource management and environmental stewardship program for grants to eligible mosquito control districts:

(1) for larvicide applications approved by the Secretary of Agriculture, Food and Markets to control nuisance species; or

(2) to implement management or control measures approved by the Secretary of Agriculture, Food and Markets to address a public health hazard declared under 18 V.S.A. § 2 due to an outbreak of West Nile virus, eastern equine encephalitis, or other mosquito-borne illness.

Sec. E.228 8 V.S.A. § 7116(c) is amended to read

(c) All fees and payments received by the Department under subsection (a) of this section and 10 percent of the transfer tax under subsection (b) of this section shall be credited to the ~~insurance regulatory and supervision fund~~ Insurance Regulatory and Supervision Fund under section 80 of this title. The remaining 90 percent of the transfer tax shall be deposited directly into the ~~general fund~~ General fund and reserved in the General Fund Balance Reserve established under 32 V.S.A. § 308c.

Sec. E.234 18 V.S.A. chapter 34 is amended to read:

CHAPTER 34. NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created a ~~nuclear advisory panel~~ Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

(1) the ~~secretary of human services~~ Secretary of Human Services, ex officio, or designee;

(2) the ~~secretary of natural resources~~ Secretary of Natural Resources, ex officio, or designee;

(3) the ~~commissioner of public service~~ Commissioner of Public Service, ex officio, or ~~his or her~~ designee;

(4) the Secretary of Commerce and Community Development, ex officio, or designee;

(5) one member of an energy committee of the Vermont house of representatives the House Committee on Natural Resources and Energy, chosen by the speaker Speaker of the house House;

(5)(6) one member of an energy committee of the Vermont senate the Senate Committee on Natural Resources and Energy, chosen by the committee Committee on committees Committees; and

(7) one representative of the Town of Vernon or designee, selected by the legislative body of that town;

(6)(8) two six members of the public, two each selected by the governor Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years;

(9) two representatives of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station;

(10) a representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS;

(11) one member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service; and

(12) one member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

(b) Ex officio members shall serve for the duration of their time in office or until a successor has been appointed. Members of the ~~general assembly~~ General Assembly shall be appointed for two years or until their successors are appointed, beginning on or before January 15 in the first year of the biennium. Representatives designated by ex officio members shall serve at the direction of the designating authority.

(c) ~~The commissioner of public service~~ Commissioner of Public Service shall serve as ~~chairperson~~ the Chair until the Panel elects a Chair or Co-Chairs under subsection (d) of this section.

(d) The Panel annually shall elect a Chair or Co-Chairs, and a Vice Chair, for one-year terms commencing with its first meeting following the effective date of this section.

(e) A majority of the Panel's members ~~of the panel~~ shall constitute a quorum. The ~~panel~~ Panel shall act only by vote of a majority of its entire membership and only at meetings called by the ~~chairperson~~ Chair or a Co-Chair or by any ~~three~~ five of the members. The person or persons calling the meeting shall provide adequate notice to all its members.

~~(e)(f)~~ Members of the panel, ~~except for who are not~~ except for ~~legislative members while the general assembly is in session,~~ employees of the State of Vermont, representatives of the VYNPS, or members representing towns outside Vermont, and who are not otherwise compensated or reimbursed for their attendance shall be entitled to ~~\$30.00~~ \$50.00 per diem and their necessary and actual expenses. Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the ~~public service board~~ Department of Public Service. Legislative members shall not be entitled to a per diem under this section for meetings while the General Assembly is in session.

~~(f)(g)~~ The ~~department of public service~~ Commissioner of Public Service shall:

(1) manage the provision of administrative support to the Panel, including scheduling meetings and securing meeting locations, providing public notice of meetings, producing minutes of meetings, and assisting in the compilation and production of the Panel's annual report described in section 1701 of this title;

(2) keep the ~~panel~~ Panel informed of the status of matters within the jurisdiction of the ~~panel~~ Panel;

~~(2)(3)~~ notify members of the ~~panel~~ Panel in a timely manner upon receipt of information relating to matters within the jurisdiction of the ~~panel~~ Panel; and

~~(3)(4)~~ upon request, provide to all members of the ~~panel~~ Panel all relevant information within the ~~department's~~ control of the Department of Public Service relating to subjects within the scope of the duties of the ~~panel~~ Panel;

(5) provide workshops or training for Panel members as may be appropriate; and

(6) hire experts, contract for services, and provide for materials and other reasonable and necessary expenses of the Panel as the Commissioner

may consider appropriate on request of the Panel from time to time. Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service and such other sources as may be or become available.

§ 1701. DUTIES

The Panel shall serve in an advisory capacity only and shall not have authority to direct decommissioning of the VYNPS. The duties of the panel
Panel shall be:

(1) To hold a minimum of ~~three~~ four public meetings each year for the purpose of discussing issues relating to the ~~present and future use of nuclear power and to~~ decommissioning of the VYNPS. The Panel may hold additional meetings.

(2) To advise the ~~governor~~ Governor, the ~~general assembly~~ General Assembly, and the agencies of the ~~state thereon~~ State, and the public on issues related to the decommissioning of the VYNPS, with a written report being provided annually to the ~~governor~~ Governor and to the energy committees of the ~~general assembly~~; General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of reports) shall not apply to this report.

(2) To define the responsibilities of state agencies for assuring the safety and health of the public as the result of the operation of a fixed nuclear facility and to assess the ability of state and local governments to meet this responsibility in terms of both technical expertise and financial support;

(3) To discuss proposed changes in operations or specific problems that arise in the operation of a fixed nuclear facility, and to prepare and present technical data to serve as a basis for establishing the state's position on such changes or problems; To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings.

(4) To maintain communications with the operators of any fixed nuclear facility, including the receipt of written reports and presentations to the panel at its regular meetings; To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at the VYNPS, including fund balances, expenditures made, and reimbursements received.

(5) To develop awareness in the state and in the state government of the potential liabilities, benefits, or repercussions of nuclear power generation in the state in comparison to other electrical energy sources; and To receive reports regarding the decommissioning plans for the VYNPS, including any

site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the Panel may consider appropriate to State agencies and the owner of the VYNPS and in the annual report described in subdivision (2) of this section

~~(6) To review the current status of state relations with the Nuclear Regulatory Commission and to seek some agreement on federal and state regulatory efforts.~~

§ 1702. ASSISTANCE

~~Staff services for the committee shall be furnished by the department of public service, the agency of human services, the agency of environmental conservation, and the office of the attorney general~~ The Department of Public Service, the Agency of Human Services, and the Agency of Natural Resources shall furnish administrative support to the Panel, with assistance from the owners of the VYNPS as the Commissioner of Public Service may consider appropriate.

Sec. E.234.1 DECOMMISSIONING ADVISORY PANEL; ASSESSMENT OF CHARGE

(a) After providing an opportunity for public comment, the Nuclear Decommissioning Citizens Advisory Panel created under 18 V.S.A. chapter 34 shall assess whether further changes to the Panel's membership or duties as amended by this act are appropriate and shall include recommendations on such further changes in the annual report to the Governor and energy committees of the General Assembly under 18 V.S.A. § 1701(2) to be filed on or before January 15, 2015.

Sec. E.238 [DELETED]

* * * HUMAN SERVICES * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2015 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 APPROPRIATION ADJUSTMENT AUTHORITY FOR COMBINED WAIVER

(a) In the event that the Centers for Medicare and Medicaid Services approves combining the two Section 1115 waivers during State fiscal year 2015, the Secretary of Administration with the approval of the Joint Fiscal Committee, may make net neutral adjustments among Agency of Human

Services appropriations as appropriate, to reflect the necessary changes in fund accounting. This authority does not allow the transfer of programs among departments.

Sec. E.300.2 REVIEW; ADAP RESIDENTIAL SUBSTANCE ABUSE TREATMENT

(a) The Agency of Human Services in consultation with the Department of Vermont Health Access, the Department of Health, the Department of Finance and Management, and the Joint Fiscal Office shall review the fiscal impact of increasing the number of preapproved residential substance treatment days from the current 15 days for adult Medicaid recipients. The review shall consider the following:

(1) the American Society for Addiction Medicine Patient Placements Criteria;

(2) third-party payers processes for determination of length of stay;

(3) the process for extending the number of days of residential treatment beyond 15; and

(4) the relationship between the number of days in residence and patient outcomes.

(b) The review shall be submitted to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare by December 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 \$28,065,597 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$17,621,550 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,878,450 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) \$3,896,863 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) \$2,176,679 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) \$1,848,540 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,521,965 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.304 3 V.S.A. § 3090(e) is added to read:

(e) On or before January 15 of each year, the Board shall report to the House Committees on Appropriations, on Human Services, and on Health Care and the Senate Committees on Appropriations, on Health and Welfare, and on Finance regarding the fair hearings conducted by the Board during the three preceding calendar years, including:

(1) the total number of fair hearings conducted over the three-year period and per year;

(2) the number of hearings per year involving appeals of decisions by the Agency itself and each department within the Agency, with the appeals and decisions relating to health insurance through the Vermont Health Connect exchange reported distinctly from other programs;

(3) the number of hearings per year based on appeals of decisions regarding:

(A) eligibility;

(B) benefits;

(C) coverage;

(D) financial assistance;

(E) child support; and

(F) other categories of appeals;

(4) the number of hearings per year based on appeals of decisions regarding each State program over which the Board has jurisdiction;

(5) the number of decisions per year made in favor of the appellant; and

(6) the number of decisions per year made in favor of the department or the Agency.

Sec. E. 306 32 V.S.A. § 307(d) is amended to read:

(d) The 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. The 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~~ expenditure trends reported under 18 V.S.A. § 9375a;

* * *

Sec. E. 306.1 EMERGENCY RULES

(a) The Agency of Human Services shall adopt rules pursuant to 3 V.S.A. chapter 25 prior to June 30, 2015 to conform Vermont's rules regarding operation of the Vermont Health Benefit Exchange to federal guidance and regulations implementing the provisions of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152. The rules shall be adopted to achieve timely compliance with federal laws and guidance and shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.2 OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS; TRANSFER

(a) The Secretary of Administration and the Chief of Health Care Reform are authorized in fiscal year 2015 to transfer the Office of Alcohol and Drug Abuse Programs from the Department of Health to the Department of Vermont Health Access, except that the Secretary and the Chief shall ensure that positions in the Office of Alcohol and Drug Abuse Programs that serve public health functions remain in the Department of Health and may transfer the

positions and associated State and federal funding to the Division of Public Health within that Department. The transfer shall be completed by June 30, 2015.

(b) If the Secretary and the Chief are confident that increased expenditures through the Care Alliance for Opioid Addiction will result in identifiable savings to DVHA or other State programs, they may transfer Global Commitment funds from the Department of Vermont Health Access to the Office of Alcohol and Drug Abuse Programs for that purpose.

(1) To the extent possible within the savings identified as a result of the increased expenditures through the Care Alliance for Opioid Addiction, up to \$30,000 of existing funds may be utilized for needle exchange programs.

(c) The Secretary and the Chief shall report to the Joint Fiscal Committee at its September meeting and to the Health Care Oversight Committee on or before October 1, 2014 on the progress of the transfer of the direct service delivery functions of the Office of Alcohol and Drug Abuse Programs to the Department of Vermont Health Access, including the transfer of funds for increasing the Care Alliance for Opioid Addiction and the corresponding savings to DVHA programs, residential treatment programs, and other programs. The report shall include the impact on capacity and sustainability of residential substance abuse treatment facilities in the State within the context of all aspects of the State's public and private substance abuse treatment system.

Sec. E.306.3 2 V.S.A. chapter 20 is added to read:

CHAPTER 20. OVERSIGHT COMMITTEE ON HEALTH CARE REFORM

§ 691. COMMITTEE CREATION

There is created a legislative Oversight Committee on Health Care Reform. The Committee shall be composed of the following eight members:

- (1) the Chair of the House Committee on Appropriations;
- (2) the Chair of the Senate Committee on Appropriations;
- (3) the Chair of the House Committee on Ways and Means;
- (4) the Chair of the Senate Committee on Finance;
- (5) the Chair of the House Committee on Health Care;
- (6) the Chair of the Senate Committee on Health and Welfare;
- (7) the Chair of the House Committee on Commerce and Economic Development; and

(8) the Chair of the Senate Committee on Economic Development, Housing and General Affairs.

§ 692. POWERS AND DUTIES

(a) When the General Assembly is adjourned, the Committee shall provide legislative oversight and review of revenue collection, expenditures, and planning related to health care reform efforts in Vermont.

(b) When the General Assembly is adjourned, the Commissioner of Vermont Health Access shall provide quarterly updates regarding Vermont Health Benefit Exchange operations, enrollment data, coverage status, customer support, and Exchange website functionality.

(c) Effective January 1, 2105, all reports previously submitted to the Health Care Oversight Committee shall be submitted to the Oversight Committee on Health Care Reform.

§ 693. ASSISTANCE

(a) The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(b)(1) The Secretary of Administration and other members of the Executive Branch shall report to the Committee upon request.

(2) If applicable, the Secretary shall submit an electronic report to the Joint Fiscal Office for distribution to members of the Committee that summarizes any plans or actions taken by the Executive Branch to delay health care reform project schedules as a result of:

(A) increased costs exceeding official estimates;

(B) changes in the consensus revenue forecast of the Health Care Resources Fund;

(C) changes in the availability of federal funding; or

(D) any other changes related to the planning for and implementation of health care reform as directed by 2011 Acts and Resolves No. 48.

§ 694. MEETINGS

(a) The Chair of the House Committee on Appropriations shall call the first meeting of the Committee to occur on or before October 1 each year.

(b) The Committee shall select a chair from among its members at the first meeting of each biennium.

(c) Meetings shall be convened by the Chair and when practicable shall be held in conjunction with meetings of the Joint Fiscal Committee.

(d)(1) A majority of the members of the Committee shall be physically present at the same location to constitute a quorum.

(2) A member may vote only if physically present at the meeting location.

(3) Action shall be taken only if there is both a quorum and a majority vote of the members physically present and voting.

§ 695. REIMBURSEMENT

For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to section 406 of this title for no more than six meetings.

Sec. E.306.4 REPEALS

(a) 2 V.S.A. chapter 24 (Health Care Oversight Committee) is repealed on January 1, 2015.

(b) 2004 Acts and Resolves No. 122, Sec. 141c (Mental Health Oversight Committee), as amended by 2006 Acts and Resolves No. 215, Sec. 293a and 2007 Acts and Resolves No. 65, Sec. 124b, is repealed on January 1, 2015.

Sec. E.306.5 MEDICAID PRIMARY CARE RATES

(a) The State shall continue its efforts to bring the Medicaid reimbursement rates for providers of primary care closer to Medicare levels.

Sec. E.307 2013 Acts and Resolves No. 79, Sec. 53(d) is amended to read:

(d) Secs. 31 (Healthy Vermonters) and 32 (VPharm) shall take effect on January 1, 2014, except that the Department of Vermont Health Access may continue to calculate household income under the rules of the Vermont Health Access Plan after that date if the system for calculating modified adjusted gross income for the Healthy Vermonters and VPharm programs is not operational by that date, but no later than December 31, ~~2014~~ 2015.

Sec. E.308 CHOICES FOR CARE; SAVINGS, REINVESTMENTS, AND SYSTEM ASSESSMENT

(a) In the Choices for Care program, “savings” means the difference remaining at the conclusion of the fiscal year between the annual amount of funds appropriated for Choices for Care, excluding allocations for the provision of acute care services, and the sum of expended and obligated funds. Savings shall be calculated by the Department of Disabilities, Aging, and Independent Living and reported to the Joint Fiscal Office.

(1) It is the intent of the General Assembly that the Department of Disabilities, Aging, and Independent Living only obligate funds for expenditures approved under current law.

(b)(1) Any funds appropriated for long-term care under the Choices for Care program shall be used for long-term services and supports to recipients. In using these funds, the Department of Disabilities, Aging, and Independent Living shall give priority for services to individuals assessed as having high and highest needs and meeting the terms and conditions of the Choices for Care waiver.

(2)(A) First priority for the use of any savings from the long-term care appropriation after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services. Savings may also be used for quality improvement purposes in nursing homes but shall not be used to increase nursing home rates under 33 V.S.A. § 905.

(B) Savings either shall be one-time investments or shall be used in ways that are sustainable into the future. Excluding appropriations allocated for acute services, any unexpended and unobligated State General Fund or Special Fund appropriation remaining at the close of a fiscal year shall be carried over to the next fiscal year.

(C) The Department of Disabilities, Aging, and Independent Living shall not reduce the base funding needed in a subsequent fiscal year prior to calculating savings for the current fiscal year.

(c) The Department, in collaboration with Choices for Care participants, participants' families, and long-term care providers, shall conduct an annual assessment of the adequacy of the provider system for delivery of home- and community-based services and nursing home services. On or before October 1 of each year, the Department of Disabilities, Aging, and Independent Living shall report the results of this assessment to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare in order to inform the reinvestment of savings during the budget adjustment process.

(d) On or before January 15 of each year, the Department of Disabilities, Aging, and Independent Living shall propose reinvestment of the savings calculated pursuant to this section to the General Assembly as part of the Department's proposed budget adjustment presentation.

(e) Concurrent with the procedures set forth in 32 V.S.A. § 305a, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of caseloads and expenditures for programs under the Choices for Care Medicaid Section 1115 waiver.

(f) 2013 Acts and Resolves No. 50, Sec. E.308 shall be repealed effective on passage of this act.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2015 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 2015, 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 2015 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 18 V.S.A. § 1130 is amended to read:

§ 1130. IMMUNIZATION ~~PILOT PROGRAM~~ FUNDING

(a) As used in this section:

(1) “Health care facility” shall have the same meaning as in section 9402 of this title.

(2) “Health care professional” means an individual, partnership, corporation, facility, or institution licensed or certified or authorized by law to provide professional health care services.

(3) “Health insurer” shall have the same meaning as in section 9402 of this title, but does not apply to insurers providing coverage only for a specified disease or other limited benefit coverage.

(4) “Immunizations” means vaccines and the application of the vaccines as recommended by the practice guidelines for children and adults established by the Advisory Committee on Immunization Practices (ACIP) to the Centers for Disease Control and Prevention (CDC).

(5) “State health care programs” ~~shall include Medicaid, Dr. Dynasaur, and any other~~ means any health care program providing immunizations with funds available through the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act State and federal sources.

(6) “Covered lives” means the number of Vermont residents covered under a health insurance plan provided or administered by a health insurer.

(b)(1) The Department of Health shall ~~establish~~ administer an immunization ~~pilot~~ program with the ~~ultimate goal~~ goals of ensuring universal access to vaccines for all Vermonters at no charge to the individual and ~~to reduce~~ reducing the cost at which the ~~state~~ State may purchase vaccines. The ~~pilot program shall be in effect from January 1, 2010, through December 31, 2014. During the term of the pilot program, the~~ Department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

(2) The Department shall solicit, facilitate, and supervise the participation of health care professionals, health care facilities, and health insurers in the immunization ~~pilot~~ program in order to accomplish the State’s goal of universal access to immunizations at the lowest practicable cost to individuals, insurers, and ~~state~~ State health care programs.

(3) The ~~department~~ Department shall gather and analyze data regarding the immunization ~~pilot~~ program for the purpose of ensuring its quality and maximizing protection of Vermonters against diseases preventable by vaccination.

(c) The immunization ~~pilot~~ program shall ~~include a bulk purchasing pool to maximize the discounts, rebates, or negotiated price of all vaccines for children and certain recommended vaccines for adults~~ purchase vaccines from the federal Centers for Disease Control and Prevention at the lowest available cost. The Department shall determine annually which vaccines for adults shall be purchased under the program. ~~The Department may join a multi-state purchasing pool or contract with a wholesale distributor to negotiate prices for the vaccines provided through the program.~~

(d) The immunization ~~pilot~~ program shall provide for distribution of the vaccines to health care professionals and health care facilities for administration to patients.

(e) Health insurers shall ~~reimburse~~ remit to the Department for the actual cost of vaccines ~~provided to their subscribers and for the administration surcharge established in subsection (f) of this section,~~ as established by the Commissioner of Health based on the recommendation of the Immunization Funding Advisory Committee established in subsection (g) of this section.

(f) The Department shall charge each health insurer a surcharge for the costs and administration of the immunization ~~pilot~~ program. The surcharge

shall be deposited into an existing special fund and used solely for the purpose of administering the pilot program.

~~(g)(1) No later than July 1, 2009, the Commissioner shall convene an advisory committee to provide recommendations regarding the immunization pilot program, including:~~

~~(A) the vaccines to be included in the pilot program;~~

~~(B) the pilot program's target patient utilization goal for each vaccine selected for inclusion in the pilot program;~~

~~(C) the purchase price of vaccines;~~

~~(D) the administrative surcharge established pursuant to subsection (f) of this section; and~~

~~(E) the design of the evaluation for the immunization pilot program.~~

~~(2) The advisory committee shall include representatives from the three largest health insurers licensed to do business in Vermont and the Department of Vermont Health Access and shall be chaired by the Chief of the Immunization Program for the Department of Health.~~

~~(3) The advisory committee shall meet throughout the term of the pilot program.~~

The Immunization Funding Advisory Committee is established to provide the Commissioner of Health with an annual per-member per-month cost for vaccines for the pediatric population, an annual per-member per-month cost for vaccines for the adult population, and a recommendation for the amount of the yearly vaccine assessment. The Committee shall comprise the following nine members:

(A) the Executive Officer of the Board of Pharmacy;

(B) the Executive Director of the Green Mountain Care Board;

(C) a representative of the Vermont Blueprint for Health, nominated by the Director of the Blueprint and appointed by the Commissioner of Health;

(D) three representatives of health insurers, one from each of the State's largest private health insurers, as determined by the number of covered lives, appointed by the Commissioner of Health;

(E) a representative of the American Academy of Pediatrics, Vermont chapter, appointed by the Commissioner of Health;

(F) a representative of the American Academy of Family Medicine, Vermont chapter, appointed by the Commissioner of Health; and

(G) a representative of employers that self-insure for health coverage, appointed by the Commissioner of Health.

(2) The Committee shall select a chair from among its members at the first meeting of each calendar year. The Committee shall receive administrative support from the Department of Health.

(3) By January 1 of each year, the Committee shall provide to the Commissioner the annual fiscal assessment and the per-member per-month cost for pediatric vaccines based on the total number of pediatric covered lives reported by health insurers and the per-member per-month cost for adult vaccines based on the total number of adult covered lives reported by health insurers.

(h) The Department of Health shall develop, with input from the advisory committee established pursuant to subsection (g) of this section, an evaluation methodology to determine the costs and effectiveness of the pilot program, including whether the total cost to health insurers of participation in the pilot program is less than or equal to their estimated costs had they not participated in the program. If federal purchase requirements do not further the goal of ensuring universal access to vaccines for all, the Commissioner may, following consultation with the Immunization Funding Advisory Committee, discontinue the program with six months' advance notice to all health care professionals and to all health insurers with Vermont covered lives.

(i) The Department may adopt rules under 3 V.S.A. chapter 25 if necessary to implement this section.

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.

Sec. E.313.1 [DELETED]

Sec. E.314 [DELETED]

Sec. E.314.1 MENTAL HEALTH BUDGET PRESENTATION

(a) In order for the General Assembly to evaluate whether the State is meeting the goals in 2012 Acts and Resolves No. 79 of increasing community supports, decreasing inpatient care, and moving toward a less coercive system and to evaluate the outcomes of the systemwide investments made as the result of Act 79, the Departments of Mental Health and of Vermont Health Access shall in consultation with the State's Chief Performance Officer, as designee of the Secretary of Administration, provide a longitudinal capacity, caseload, expenditure, and utilization analysis with the fiscal year 2016 budget presentation for:

(1) Inpatient Services by the following funding categories:

(A) Level 1 inpatient psychiatric services;

(B) Other involuntary inpatient psychiatric services;

(C) Inpatient services for community rehabilitation and treatment clients;

(D) Inpatient services for other Medicaid patients; and

(E) Emergency department wait times for an acute inpatient psychiatric bed for minors and adults.

(2) Residential Services by categories of service, including:

(A) Intensive Recovery;

(B) Crisis Residential and Hospital Diversion;

(C) Group Homes;

(D) Supported Independent Living; and

(E) Secure Residential.

(3) Community Mental Services by categories of service, including:

(A) Community Rehabilitation and Treatment;

(B) Crisis Programs;

(C) Outpatient Clinics; and

(D) Peer Support Programs.

(4) Other Mental Health Support Services and Administration.

Sec. E.314.2 [DELETED]

Sec. E.314.3 [DELETED]

Sec. E.314.4 PSYCHIATRIC HOSPITAL STAFFING

(a) By July 1, 2014, the Department of Mental Health shall establish criteria by which to determine the appropriate staffing level at the Vermont Psychiatric Care Hospital. The criteria shall consider the need to provide sufficient direct care and administrative and support staff consistent with the requirement to provide effective treatment services in an environment that monitors patient care, and the safety needs of patients, and aligns with the guidelines of the federal Centers for Medicare and Medicaid Services.

(b) The Department shall provide a written report to the Joint Fiscal Committee and the Joint Mental Health Oversight Committee in July 2014 regarding the staffing plan for the Vermont Psychiatric Care Hospital. The report shall justify and demonstrate the need for each of the administrative and support staff included in the plan, with the goal of limiting positions to those that are essential to meet the needs of operating the hospital. The Department shall hold three non-direct care positions vacant until legislative approval is granted.

(c) By July 1, 2014, the Department of Mental Health, in consultation with the State's Chief Performance Officer, as designee of the Secretary of Administration, shall identify desired outcomes, performance measures, and data requirements required to measure whether the hospital is achieving the stated outcomes for reflect patient care, and the effectiveness of treatment services, patient monitoring, and safety requirements at the Vermont Psychiatric Care Hospital and shall provide a written report to the Joint Fiscal Committee and the Joint Mental Health Oversight Committee in July, 2014.

Sec. E.314.5 RATE INCREASE

(a) Designated agencies and specialized service agencies shall provide an increase in compensation for direct care workers that is in proportion to the Medicaid rate increase. Each designated and specialized service agency shall report to the Agency of Human Services how it has complied with this provision.

Sec. E.316 33 V.S.A. § 1702 is added to read:

§ 1702. PAYMENT ERROR RATE REPORT

On or before January 1 of the year following any federal fiscal year in which the State of Vermont receives a federal sanction for a payment error rate greater than the federal threshold in the Supplemental Nutrition Assistance Program (SNAP), the Department for Children and Families shall 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 number of households that received SNAP benefits and were discovered to have an overpayment or underpayment in the sanction year due to agency error, including the average amount of the overpayments and underpayments and the total amount of each; and

(2) the Department's specific plans for sanction reinvestment to improve its error rate for the next federal fiscal year and prevent sanction in the future.

Sec. E.318 33 V.S.A. § 3504 is added to read:

§ 3504. SUPPLEMENTAL CHILD CARE GRANTS

In instances in which Extraordinary Financial Relief will not maintain ongoing access to high quality child care, the Department for Children and Families may provide additional support to ensure access to high-quality, comprehensive child care that meets the needs of working parents in high-poverty areas of Vermont. Licensed child care centers may be considered for this additional financial support to help ensure ongoing access to high-quality child care in areas of the State where none exists, as determined by the Commissioner. Financial assistance may be granted, at the discretion of the Commissioner, if the child care center meets the following criteria:

(1) provides full-day day care year-round;

(2) serves infants and toddlers;

(3) is located in a high-poverty area without access to public transportation, as determined by the Commissioner;

(4) maintains a 5 star rating in the STep Ahead Recognition System (STARS) program;

(5) maintains a caseload in which at least 80 percent of enrollees receive a 100 percent child care subsidy; and

(6) receives child care subsidies as its primary source of program revenue.

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For State fiscal year 2015, 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 General Assistance funds. The program shall operate in a consistent manner within existing statutes and rules and policies effective on July 1, 2013, and any succeeding amendments thereto, 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) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2015 may be used for emergency housing in catastrophic situations, for the cold weather exemption, and, with supervisory approval, for vulnerable populations without a catastrophic need as defined in emergency rules adopted by the Agency after July 1, 2013, except in instances when:

(1) appropriate shelter space, as defined in rules adopted by the Agency pursuant to subsection (c) of this section, is available; or

(2) the applicant household has caused its own loss of housing, as defined in rules adopted by the Agency pursuant to subsection (c) of this section.

(b) Except as described in subsection (a) of this section, the Agency may only provide General Assistance emergency housing benefits in catastrophic situations as defined in rules. The cold weather exemption issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

(c) The Agency shall adopt permanent rules pursuant to 3 V.S.A. chapter 25 that implement the eligibility system for emergency housing to vulnerable populations that do not have a catastrophic need established by emergency rules adopted after July 1, 2013. Until the Agency adopts permanent rules incorporating the eligibility system for emergency housing to vulnerable populations described in this section, the Agency shall continue to adopt emergency rules pursuant to 3 V.S.A. § 844, implementing such an eligibility system. Eligibility for vulnerable populations shall be limited to 28 calendar days and subject to available funds, supervisory review, and approval.

Sec. E.321.2 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:

* * *

(5) A participant who is needed in the home on a full or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

* * *

(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 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, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

* * *

(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement.

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, 2014, 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 2014–2015 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2014 and if LIHEAP funds awarded as of December 31, 2014 for fiscal year 2015 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2015. 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, 2014, the Commissioner of Finance and Management may anticipate receipts into the Home Weatherization Assistance Trust Fund.

Sec. E.324.1 33 V.S.A. § 2605 is amended to read:

§ 2605. BENEFIT AMOUNTS

* * *

(f) Households that make undesignated payments for energy for home heat in the form of rent and are participating in a public, subsidized, or Section 8 housing program shall be eligible for a nominal annual home heating fuel assistance benefit of ~~\$5.00~~ \$21.00.

(g) Residents of the dwelling unit who make reasonable compensation in the form of room rent and who are not members of the same household shall be eligible for an annual home heating fuel assistance benefit in the amount of ~~\$50.00~~ \$21.00.

(h) Households receiving benefits from 3SquaresVT whose head of household is not otherwise eligible for a fuel benefit under this section shall be eligible for a nominal annual home heating fuel assistance benefit of ~~\$3.00~~ \$21.00.

Sec. E 324.2 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner of the Department for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households who have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel.

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, \$1,092,000 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 Emergency Solutions Grants 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 WEATHERIZATION PROGRAM

(a) The Department and the Office of Economic Opportunity shall examine the feasibility as well as programmatic and fiscal impacts of having a cost-sharing component in the weatherization program and shall include as part of its fiscal year 2016 budget proposal recommendations resulting from this examination.

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.330 Disabilities, aging, and independent living – advocacy and independent living

(a) Prior to the certification of any new adult day program, the Department shall require a demonstration that the new program is filling an unmet need for adult day services in a given geographic region.

Sec. E.330.1 [DELETED]

Sec. E.337 COMMUNITY HIGH SCHOOL OF VERMONT

(a) On or before July 15, 2014, the Commissioner of Corrections, in consultation with the Community High School of Vermont Board, shall prepare and submit a report to the Joint Legislative Corrections Oversight Committee on the current trends relating to the student population at the Community High School of Vermont. The report shall include the following:

(1) a detailed description of the School's programs, curriculum, and outcomes;

(2) data and projections on the student population, including the total number of students enrolled at the School, the number of students who are currently incarcerated, student ages, and the current cost per student;

(3) a comparison of the School's current cost per student with statewide education spending per student; and

(4) an analysis of the use of more efficient delivery systems, including technology.

(b) On or before January 1, 2015, the Joint Legislative Corrections Oversight Committee shall prepare and submit recommendations to the General Assembly based on the report submitted in subsection (a) of this section for a plan to fund programs and curriculum at the Community High School of Vermont. The Committee shall include recommendations whether the School may enroll students who are not in the custody of the Commissioner and who have not completed secondary education if space is available and no budget increase would be required. In making such recommendation, the Committee shall consider the current programs and capacity available through adult basic education.

Sec. E.338 2008 Acts and Resolves No. 179, Sec. 22(a), as amended by 2010 Acts and Resolves No. 157, Sec. 14, as further amended by 2012 Acts and Resolves No. 104, Sec. 38 and by 2013 Acts and Resolves No. 41, Sec. 1a, is amended to read:

(a) Secs. 11 and 12 of this act shall take effect on ~~July 1, 2014~~ July 1, 2016.

Sec. E.339 Corrections – Correctional services - out of state beds

(a) Of the funds appropriated in Sec. B.339 of this act, \$202,000 shall be used to fund the Windham County Electronic Monitoring Pilot Program as follows:

(1) \$147,200 shall be used to reimburse the State's Attorneys and Sheriffs for costs incurred by the WCSO for operation of the Windham County Electronic Monitoring Pilot Project.

(2) \$54,800 shall be used to reimburse the Joint Fiscal Office for a contract with the Crime Research Group for evaluation of the pilot project.

Sec. E.339.1 13 V.S.A. § 7554c is added to read:

§ 7554c. WINDHAM COUNTY ELECTRONIC MONITORING PILOT PROGRAM

(a)(1) The Windham County Sheriff's Office (WCSO) shall establish and manage a two-year electronic monitoring pilot program in Windham County for the purpose of supervising persons ordered to be under electronic monitoring as a condition of release pursuant to section 7554 of this title, to home detention pursuant to section 7554b of this title, and home confinement furlough pursuant to 28 V.S.A. § 808b. The program shall be a part of an integrated community incarceration program and shall provide 24-hours-a-day, seven-days-a-week electronic monitoring with supervision and immediate response.

(2) For purposes of this program:

(A) if electronic monitoring is ordered by the Court pursuant to section 7554 of this title, the Court shall use the criteria in section 7554b for determining whether home detention is appropriate and the person shall be released into the custody of the WCSO;

(B) the seven-day waiting period under 7554b of this title shall not apply; and

(C) for persons who are under the custody of the Department of Corrections pursuant to section 7554b of this title and 28 V.S.A. § 808b, the WCSO shall notify the Department of any violations.

(b) The goal of the pilot program is to assist policymakers in determining whether electronically monitored home detention and home confinement can be utilized for pretrial detention and as a post-adjudication option to reduce recidivism, to improve public safety, and to save valuable bed space for detainees and inmates who should be lodged in a correctional facility. Additional benefits may include reducing transportation costs, increasing detainee access to services, reducing case resolution time and determining if the program can be replicated statewide.

(c) The WCSO shall work with the Crime Research Group (CRG) for design and evaluation assistance. The program shall be evaluated by CRG to determine if the stated goals have been attained, the cost and savings of the program, identifying what goals or objective were not met and if not, what could be changed to meet the goals and objectives to ensure program success. The Joint Fiscal Office shall contract with the CRG to provide design and evaluation services.

(d) The pilot program shall be in effect from July 1, 2014, through June 30, 2016.

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.342.1 20 V.S.A. § 1713 is amended to read:

§ 1713. VERMONT VETERANS' HOME BOARD OF TRUSTEES

(a) The Vermont ~~veterans' home~~ Veterans' Home is governed by the Vermont ~~veterans' home board of trustees~~ Veterans' Home Board of Trustees.

(b) The ~~board~~ Board shall consist of ~~20~~ 21 members, ~~15 of whom shall be veterans who have been honorably discharged from any branch of the United States armed services, to:~~

(1) Twenty members shall be appointed by the ~~governor~~ Governor for staggered terms of three years, at least 15 of whom shall be veterans who have been honorably discharged from any branch of the U.S. Armed Forces. Each ~~appointed~~ trustee shall serve until a successor has been appointed. In the event a ~~an appointed~~ trustee vacates the ~~board~~ Board, is unable to serve, or is removed by the Governor for cause, the ~~governor~~ Governor shall appoint another trustee to serve the unexpired term of the departing trustee.

(2)(A) One member of the Board shall be a classified employee who has at least five years of service at the Home. This trustee shall be elected by a

secret ballot administered by the Board and cast by the classified employees of the Home. This trustee shall not vote in case of a real or apparent conflict of interest, shall serve a term of three years and until a successor is elected, and may be removed by the Governor for cause.

(B) The Board shall give notice of a vacancy of this trustee position and hold an election no more than 30 days from the notice date. In the event this trustee vacates the Board, is unable to serve, or is removed by the Governor for cause, the classified employees of the Home shall elect another classified employee of the Home to serve the remainder of the unexpired term.

(c) The ~~board~~ Board shall ~~annually~~ elect ~~annually~~ a ~~president~~ President, a ~~vice-president~~ Vice President, and a ~~secretary~~ Secretary from among its members. Eleven members shall constitute a quorum at all meetings; provided, however, if there is a vacancy on the ~~board~~ Board, the number of trustees constituting a quorum shall be one more than one-half the number of ~~appointed~~ the remaining trustees.

(d) Pursuant to 32 V.S.A. § 1010, trustees who are not ~~state~~ State employees shall be entitled to per diem and reimbursement for actual and necessary expenses incurred in connection with performing their duties under this chapter.

Sec. E.342.2 REPEAL

(a) On July 1, 2017, 20 V.S.A. § 1713(b)(2)A)–(B) (creating the classified employee position on the Vermont Veterans' Home Board of Trustees) is repealed and the requirement for a classified employee position on the Board shall cease.

Sec. E.342.3 20 V.S.A. § 1714 is amended to read:

§ 1714. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

Except as otherwise provided in this chapter, the Board shall have all powers necessary and convenient for governing the Home, providing services to veterans and other residents, and otherwise performing its duties under this chapter, including the authority to:

(1) Adopt policies, procedures, and bylaws regarding the operation of the Board and the operation and management of the Home.

(2) Receive, hold, accept, manage, and convey any interest in real or personal property acquired by the Home by gift, grant, purchase, devise, or otherwise for the purpose of managing the Home and providing services to veterans and such members of their families as the Board deems proper, under such conditions and regulations as the Board may from time to time prescribe. Included within the powers granted by this subdivision, and notwithstanding

any other contrary provision of law, is the authority to apply and administer the real or personal property to further the purposes of the Home in accordance with the terms specified by gift, grant, or devise; provided that in the absence of specified terms, the ~~board~~ Board shall have the authority to apply and administer the property in the manner and for the purposes the Board deems appropriate. Also included within the powers granted in this subdivision is the authority to hold title to the real property originally conveyed to the Trustees of the Soldiers Home in Vermont by the Trenor W. Park Home for Destitute Children and Women by quitclaim deed dated January 15, 1887, which shall be administered in the manner provided by the gift.

(3) By written procedure, establish, revise, and collect charges for residential room and board. Charges collected under this subdivision shall be credited to special funds, established and administered pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Home to offset the cost of providing services.

(4) Recommend for appointment by the Governor a licensed nursing home administrator to serve as the ~~Commandant~~ Chief Executive Officer of the Home. The ~~Commandant~~ Chief Executive Officer shall be appointed for an indefinite term and shall be subject to removal, after consultation with the Governor, upon a majority vote of the ~~board~~ Board. The ~~Commandant~~ Chief Executive Officer shall be exempt from the State's classified service.

(5) Contract for professional services necessary and appropriate ~~for accounting and managing gifts, grants, or devises acquired by the Home~~ in a manner consistent with 3 V.S.A. chapter 14.

(6) Contract for managerial and administrative services, provided the contract is reviewed and either renewed or renegotiated each year by the Board in a manner consistent with 3 V.S.A. chapter 14.

(7) Contract with the federal Department of Veterans Affairs for services related to the purpose of the Home.

(8) ~~Contract for the services of a medical director.~~ [Repealed.]

(9) ~~Contract for chaplain services.~~ [Repealed.]

(10) Establish committees of the Board as necessary for the efficient and effective operation of the Home.

(11) Adopt rules in accordance with 3 V.S.A. chapter 25 for the purpose of administering the provisions of this chapter.

(12) Admit and care for veterans and other residents whose admission does not interfere with the Board's ability to serve its core mission of caring for veterans. No resident shall be admitted whose admission precludes federal

funding or otherwise violates federal law or regulation governing the Vermont Veterans' Home.

Sec. E.342.4 20 V.S.A. § 1716 is amended to read:

§ 1716. ~~COMMANDANT~~ CHIEF EXECUTIVE OFFICER

The ~~commandant~~ Chief Executive Officer shall be the chief administrative officer of the ~~home~~ Home and shall exercise general supervision over the business and affairs of the ~~home~~ Home. In addition to other duties, the ~~commandant~~ Chief Executive Officer shall:

- (1) Attend meetings of the ~~board~~ Board and act as its treasurer.
- (2) Make reports concerning the ~~home~~ Home to the ~~board~~ Board at such times and in such detail as the ~~board~~ Board directs, together with recommendations the ~~commandant~~ Chief Executive Officer deems appropriate for the welfare and care of the residents of the ~~home~~ Home.
- (3) Report annually to the ~~general assembly~~ legislative standing committees of jurisdiction regarding the ~~home's~~ Home's budget.
- (4) Subject to approval of the ~~board~~ Board, appoint a deputy or an executive assistant, ~~and~~ a private secretary, ~~both~~ a Marketing and Admissions Coordinator, a Financial Director, an Environmental Services Manager, and a Nursing Services Director, all of whom shall be appointed for an indefinite term and shall be subject to removal upon a majority vote of the ~~board~~ Board. These positions shall be exempt from the ~~state's~~ State's classified service.
- (5) ~~Subject to approval of the board, appoint a director of nursing services, a personnel manager, a finance manager, a facilities manager, and~~ Appoint all other staff employees necessary for the efficient management of the ~~home~~ Home, all of whom shall be classified ~~state~~ State employees subject to the provisions of Vermont statutes.
- (6) Supervise and direct all employees of the ~~home~~ Home and prescribe their duties not otherwise established by the ~~board~~ Board or by ~~state~~ State or federal law.
- (7) Ensure that all laws, rules, regulations, and policies pertaining to the ~~home~~ Home are observed.
- (8) Prepare policies related to operation of the ~~home~~ Home, subject to approval by the ~~board~~ Board.
- (9) Collect all sums due and payable to the ~~home~~ Home and transfer the same to the ~~state treasurer~~ State Treasurer when received.
- (10) Perform such other duties as may be directed by the ~~board~~ Board to carry out the purposes of this chapter.

(11) Report annually on or before July 1 to the Secretary of Administration, the House Committees on Appropriations, on General, Housing and Military Affairs, and on Government Operations, the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Government Operations on the number of employees who work at the Vermont Veterans' Home for 16 hours or fewer per week.

Sec. E.342.5 20 V.S.A. § 1717 is amended to read:

§ 1717. MANAGEMENT OF FUNDS

(a) Notwithstanding the provisions of subdivision 1714(2) of this chapter, all funds of the ~~home not already managed in accordance with subchapter 1 of chapter 7 of Title 32~~ Home, except residents' funds as described in subsection (e) of this section, shall be ~~transferred to~~ held by the state treasurer to be State Treasurer and credited to appropriate accounts established in compliance with subsection (b) of this section and 32 V.S.A. § 401(a).

(b) There are created one or more ~~special and permanent~~ funds to be held in trust and ~~administered pursuant to subchapter 5 of chapter 7 of Title 32~~. To these funds shall be credited ~~those~~ donations and endowments ~~transferred to the state treasurer in subsection (a) of this section and any future donations and endowments~~ to the ~~home~~ Home with and without specific restrictions on their use. Interest and earnings ~~both prospectively and retrospectively earned on accruing~~ to the funds created by this subsection shall be credited to the respective fund. The funds deposited pursuant to this subsection shall not be considered funds of the ~~state~~ State and shall be used solely for the purposes of this chapter, subject to the terms and conditions of the gift and to the terms and conditions of the donation or endowment. Upon deposit with the State Treasurer's Office, the Home may request from the State Treasurer's Office and may retain locally up to \$10,000.00 of donations and endowments, which may be expended consistent with their applicable terms and conditions, for supporting residents of the home. The funds shall be maintained in an account pursuant to 32.V.S.A § 431. The Chief Executive Officer shall make a report at each scheduled Board meeting of the locally retained donations and endowments. The report shall include any amounts requested by the Home from the State Treasurer's Office, the nature of the funds, the account balance, and any expenditures.

(c) Monies from the funds established by this section may be expended by the ~~home~~ Home upon submission of vouchers, submitted at the direction and with the approval of the ~~board~~ Board, to the ~~commissioner of finance and management~~ Commissioner of Finance and Management in compliance with 32 V.S.A. § 463, and issuance of warrants pursuant to 32 V.S.A. §§ 461 and 465. The ~~commissioner~~ Commissioner shall approve expeditiously any

request for a release of funds if the request is in conformance with all applicable ~~state~~ State law.

(d) On no less than a quarterly basis, the ~~treasurer~~ Chief Executive Officer of the Home shall provide a statement of account activity and fund balances to the ~~board~~ Board.

(e) Notwithstanding ~~subchapter 1 of chapter 7 of Title 32~~ the provisions of 32 V.S.A. chapter 7, subchapter 1, the ~~home~~ Home is authorized to retain ~~those~~ funds when acting in a trustee capacity for individual residents of the ~~home~~ Home. Establishment and maintenance of accounts for this purpose shall be pursuant to 32 V.S.A. § 431 and any other relevant provisions of law.

(f) ~~Notwithstanding 32 V.S.A. § 5(a)(3), the \$1,000.00 limit for reporting pursuant to that subdivision shall be \$10,000.00 as applied to the home~~ Grants, gifts, donations, loans, or other things of value may be accepted pursuant to the provisions of 32 V.S.A. § 5.

Sec. E.342.6 20 V.S.A. § 1719 is amended to read:

§ 1719. LEGAL ACTIONS

(a) Except for purposes of collecting charges due under subdivision ~~1714(a)(3)~~ 1714(3) of this ~~title~~ chapter, the ~~board~~ Board shall have no independent authority to sue, be sued, complain, or defend in its own name or on behalf of the ~~home~~ Home. The ~~attorney-general~~ Attorney General shall represent the ~~board~~ Board and the ~~home~~ Home in all civil actions as provided by law. Outside legal counsel may be obtained with the concurrence of the ~~attorney-general~~ Attorney General.

* * *

Sec. E.342.7 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) No original of any grant, gift, loan, or any sum of money or thing of value may be accepted by any agency, department, commission, board, or other part of State government except as follows:

* * *

(3)(A) This section shall not apply to the following items, provided that the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities:

(i) the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less,~~or to;~~

(ii) the acceptance by the Department of Forests, Parks and Recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, ~~provided that such acceptance will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities; or~~

(iii) the acceptance by the Vermont Veterans' Home of grants, gifts, donations, loans, or other things of value with a value of \$10,000.00 or less.

(B) The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly.

* * *

Sec. E.342.8 3 V.S.A. § 3002(b) is amended to read:

(b) The following units are attached to the ~~agency~~ Agency for administrative support:

(1) ~~Vermont veterans' home.~~ [Repealed.]

(2) ~~Governor's committee on children and youth.~~ [Repealed.]

(3) ~~Interdepartmental council on aging.~~ [Repealed.]

(4)-(17) [Repealed.]

(18) ~~Governor's committee on employment of the handicapped~~
Committee on Employment of Persons with Disabilities.

(19) [Repealed.]

(20) [Repealed.]

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 [DELETED]

* * * LABOR * * *

Sec. E.400 21 V.S.A. § 1314(c) is amended to read:

(c) If an employing unit fails to comply adequately with the provisions of subsection (b) of this section and section 1314a of this title, the Commissioner

shall determine the benefit rights of a claimant upon such information as is available. Prompt notice in writing of the determination shall be given to the employing unit. The determination shall be final with respect to a noncomplying employer as to any charges against its experience-rating record for benefits paid to the claimant before the week following the receipt of the employing unit's reply. The employing unit's experience rating record shall not be relieved of these charges, notwithstanding any other provision of this chapter, ~~unless the amount of benefits is recovered from the claimant, or unless the Commissioner determines that failure to comply was due to unavoidable accident or mistake.~~

Sec. E.400.1 21 V.S.A. § 1347(c) is amended to read:

(c) The person liable under this section shall repay such amount to the Commissioner for the ~~fund~~ Fund. In addition to the repayment, if the Commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits. Any additional penalty amount collected shall be deposited in the Fund. Such amount may be collectible by civil action in a Vermont ~~district or superior court~~ District or Superior Court, in the name of the Commissioner.

* * * 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.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 \$3,537,222 shall be used by the Agency of Education in fiscal year 2015 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 \$181,438 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, \$3,250,000 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), \$650,000 to pay college providers of the dual enrollment program on behalf of school districts, and \$100,000 to support the Vermont Virtual Learning Collaborative at the River Valley Regional Technical Center School District.

Sec. E.505 ADJUSTMENTS TO EDUCATION PAYMENTS

(a) For fiscal years 2014 and 2015 only, the Secretary of Education is authorized upon the request of a district to adjustment any payment authorized under 16 V.S.A. § 4011 or 4028, if the Secretary determines that the following conditions have been met:

(1) The district requesting the adjustment has documented the request to the satisfaction of the Secretary.

(2) The request for an adjustment was made with the Agency within one year of the circumstance necessitating the adjustment.

(3) The adjustment request is not the result of knowing or willful misfeasance on the part of the district or its employees.

(4) The district has conducted regular audits of its operations.

(b) Any decision of the Secretary under this section shall be final.

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 2015 from the General Fund for transfer to the Education Fund the amount of \$295,816,793.

Sec. E.513.1 16 V.S.A. § 4025(a)(2) is amended to read:

(2) For each fiscal year, the amount of the general funds appropriated or transferred to the ~~education fund~~ Education Fund shall be ~~\$276,240,000.00~~ \$277,400,000.00 increased by the most recent New England economic project cumulative price index, as of November 15, for state and local government purchases of goods and services from fiscal year 2012 through the fiscal year for which the payment is being determined, plus an additional one-tenth of one percent.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$72,857,163.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$10,129,837 is the "normal contribution," and \$62,727,326 is the "accrued liability contribution."

Sec. E.514.1 16 V.S.A. § 1944b is added to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS FUND

(a) There is established a Retired Teachers' Health and Medical Benefits Fund (Benefits Fund) to pay retired teacher health and medical benefits, including prescription drug benefits, when due in accordance with the terms established by the Board of Trustees of the State Teachers' Retirement System of Vermont pursuant to subsection 1942(p) and subdivision 1944(c)(12) of this title. The Benefits Fund shall be administered by the Treasurer.

(b) The Benefits Fund shall consist of:

(1) all monies remitted to the State on behalf of the members of the State Teachers' Retirement System of Vermont for prescription drug plans pursuant to the Employer Group Waiver Plan with Wrap pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003;

(2) any monies appropriated by the General Assembly for the purpose of paying the health and medical benefits for retired members and their dependents provided by subsection 1942(p) and subdivision 1944(c)(12) of this title;

(3) any monies pursuant to subsection (e) of this section;

(4) any monies the General Assembly transfers from the Supplemental Property Tax Relief Fund pursuant to 32 V.S.A. § 6075; and

(5) any monies pursuant to section 1944d of this title.

(c) No employee contributions shall be deposited in the Benefits Fund.

(d) Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of interfund loans established under subsection (e) of this section may be reinvested by the State Treasurer.

(e) Notwithstanding any provision to the contrary, the State Treasurer is authorized to use interfund loans from the General Fund for payment into the Benefits Fund, which monies shall be identified exclusively for the purposes of payments of retired teacher health and medical benefits pursuant to this section. Any monies borrowed through an interfund loan pursuant to this section shall be paid from monies in the Benefits Fund or from other funds legally available for this purpose. It is the intent of the General Assembly to appropriate sufficient General Fund revenue, after consideration of all other revenue and disbursements, such that the interfund loan may be paid in full on or before June 30, 2023. The Governor shall include in the annual budget request an amount sufficient to repay any interfund borrowing according to a schedule developed by the State Treasurer. The State Treasurer shall pay the interest and principal as due in accordance with authority granted under 32 V.S.A. § 902(b). The State Treasurer shall assess a rate of interest on the outstanding balance of the interfund loan comparable to the rate paid by private depositories of the State's monies, or to the yield available on investments made pursuant to 32 V.S.A. § 433. No interfund loans made under this authority shall, in the aggregate, exceed \$30,000,000.00.

(f) It is the intent of the General Assembly to appropriate the required contributions necessary to pay retired teacher health and medical benefits by combining annual increases in base spending and surplus revenues as they become available, so that the full cost of retired teacher health and medical benefits payments may be met in base appropriations by fiscal year 2024. To the extent that other revenue sources are identified, the General Fund obligation may be reduced, but only after all annual disbursements to repay the interfund loan in subsection (e) of this section are satisfied.

Sec. E.514.2 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Fund. All of the assets of the system shall be credited to the ~~Vermont teachers' retirement fund~~ Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the ~~fund~~ Fund and separately recorded for each member.

(2) The proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation of each group A member five and one-half percent of the member's earnable compensation ~~and~~; from each group C member with at least five years of membership service as of July 1, 2014, five percent of the member's earnable compensation; and from each group C member with less than five years of membership service as of July 1, 2014, six percent of the member's earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title. In determining the amount earnable by a member in a payroll period, the ~~board~~ Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is made. The actuary shall make annual valuations of the reduction to the recommended State contribution attributable to the increase from five to six percent, and the Board shall include the amount of this reduction in its written report pursuant to subsection 1942(r) of this title.

* * *

Sec. E.514.3 16 V.S.A. § 1944c is added to read:

§ 1944c. EMPLOYER CHARGES FOR FEDERAL GRANTS OR REIMBURSEMENTS

(a) Notwithstanding any provision of law to the contrary, effective July 1, 2016, the employer retirement costs and administrative operating expenses related to the retirement plans applicable to those teachers whose funding is provided from federal grants or through federal reimbursement shall be paid by local school systems or educational entities that participate in the Vermont Teachers' Retirement Fund from those federal monies.

(b) The percentage rates to be applied shall be determined by an actuary approved by the Board of Trustees of the State Teachers' Retirement System of Vermont and shall be applied to the total earnable compensation of members prepared by the actuary in compliance with subsection 1942(r) of this title. The Secretary of Education shall annually provide an accounting of federal grants and federal reimbursements, by school system, upon which payment by the participating schools shall be determined.

(c) The State Treasurer and the Secretary of Education shall establish procedures for the collection and deposit of those monies in the State

Teachers' Retirement System of Vermont. The Secretary of Education may delay implementation upon review of the federal grant program to permit timely and accurate claims for reimbursement of retirement expenses under a particular federal program in order to receive funding under that program. The Secretary of Education shall provide an annual report to the House and Senate Committees on Appropriations and on Education regarding progress in implementation of this section.

Sec. E.514.4 16 V.S.A. § 1944d is added to read:

§ 1944d. EMPLOYER ANNUAL CHARGE FOR TEACHER HEALTH CARE

The employer of teachers who become members of the State Teachers' Retirement System of Vermont on or after July 1, 2015 shall pay an annual assessment for those teachers' health and medical benefits. The assessment shall be the value, as approved annually by the Board of Trustees based on the actuary's recommendation, of the portion of future retired teachers' health and medical benefits attributable to those teachers for each year of service in the State Teachers' Retirement System of Vermont. For the year starting on July 1, 2015, the assessment for each teacher becoming a member of the State Teachers' Retirement System of Vermont as of or after that date shall be \$1,072.00, which is based on the June 30, 2013 actuarial valuation.

Sec. E.514.5 16 V.S.A. § 4001(6)(B)(ix) is added to read:

(ix) The assessment paid by the employer of teachers who become members of the State Teachers' Retirement System of Vermont on or after July 1, 2015, pursuant to section 1944d of this title.

Sec. E.514.6 RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS TRANSITION COMMITTEE

(a) There is established a Retired Teachers' Health and Medical Benefits Transition Committee to develop recommendations regarding how retired teachers' health and medical benefits will make the transition when the State implements Green Mountain Care. The Committee shall consist of:

- (1) the State Treasurer or designee;
- (2) the Governor or designee;
- (3) the Secretary of Education or designee;
- (4) the Attorney General or designee;
- (5) a representative of the Vermont Retired Teachers' Association;
- (6) a representative of the Vermont School Boards Association; and

(7) a representative of the Vermont-National Education Association.

* * * 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.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 315 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 (b) 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.

Sec. E. 605.1 VERMONT STUDENT ASSISTANCE CORPORATION COLLEGE ASPIRATION PILOT PROPOSAL

(a) Of the funds appropriated in Sec. B.605 of this act, the Vermont Student Assistance Corporation (VSAC) shall use \$300,000 to establish a College Aspiration Pilot Initiative in consultation with the Vermont States Colleges and the University of Vermont. The initiative shall select up to three public secondary schools to participate in the initiative that:

(1) are located in a county in which there is a significant difference between the college aspiration rates of secondary school graduates whose parents have a four-year postsecondary degree and graduates whose parents do not; and

(2) are not currently receiving VSAC GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) program services for a cohort of the school's students whose parents do not have a postsecondary degree.

(b) VSAC shall report on the progress of the initiative to the legislative committees of jurisdiction by January 15, 2015.

Sec. E. 605.2 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) Of the funds appropriated in Sec. B.605 of this act, \$110,891 shall be used to fund a flat-rate stipend or voucher program for financially needy students enrolled in a dual enrollment course or in early college to be used for the purchase of books, transportation costs, and payment of fees. The Vermont Student Assistance Corporation shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis funds are depleted.

(b) VSAC shall report on the program to the legislative committees of jurisdiction by January 15, 2015.

* * * NATURAL RESOURCES * * *

Sec. E. 701 AGENCY OF NATURAL RESOURCES PAYMENT IN LIEU OF TAXES

(a) Appraisal moratorium. For the purpose of payments in lieu of taxes to municipalities in fiscal year 2015, lands held by the Agency of Natural Resources (ANR) and subject to the provisions of 32 V.S.A. § 3708(a)(1) shall be appraised at the fair market value of the land in fiscal year 2014, as certified by the Director of Property Valuation and Review, provided that in fiscal year 2015, such lands held by ANR shall be appraised at 102 percent of the fair market value of the land in fiscal year 2014. For lands held by ANR and subject to the provisions of 32 V.S.A. § 3708(a)(2), payments in lieu of taxes to municipalities in fiscal year 2015 shall be made as specified in 32 V.S.A. § 3708(a)(2).

(b) Appeals of appraisal. During the moratorium established under subsection (a) of this section, there shall be no right, in fiscal year 2015, for a municipality to appeal the appraised values of ANR lands certified by the Director of Property Valuation and Review in fiscal year 2014.

(c) Report to General Assembly. On or before November 15, 2014, the Division of Property Valuation and Review (PVR), the Agency of Natural Resources, and the Joint Fiscal Office in consultation with the Vermont League of Cities and Towns, shall submit to the House and Senate Committees on Natural Resources and Energy, the House Committee on Ways and Means, and the Senate Committee on Finance a report regarding the formula used by PVR to calculate ANR's annual payment in lieu of taxes. The report shall include:

(1) recommendations as to the formulas to be used for valuation of ANR lands and ANR PILOT payments in the future, including whether ANR lands should be assessed at full appraised value and not contingent on the current use value;

(2) if a change is recommended to the formula under subdivision (1) of this subsection, a proposal for implementing the new formula, including a schedule for transition to the new formula.

(d) Repeal. Subsections (a) and (b) of this section shall be repealed on July 1, 2015.

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).

* * * 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).

Sec. E. 800.1 10 V.S.A. § 122 is amended to read:

§ 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION;
~~INCORPORATED~~; ESTABLISHMENT

(a) The ~~state~~ State of Vermont shall support a comprehensive strategy for the development and use of a geographic information system including:

* * *

(9) ~~Financing considerations.~~ [Repealed.]

* * *

(b) In order to develop and implement that strategy, and to ensure that all data gathered by state agencies that is relevant to the VGIS shall be in a form that is compatible with, useful to, and shared with that geographic information system, there is hereby established ~~a nonprofit public corporation to be known as the Vermont center for geographic information, hereinafter called "the center," as a body corporate and politic and a public instrumentality of the state as a division under the Agency of Commerce and Community Development~~ the Vermont Center for Geographic Information (the Center).

~~(c) The center shall be a nonprofit corporation and shall not have authority to issue any capital stock. The property of the center shall be used solely to promote its purposes as herein defined. The center shall assume title to property other than the data acquired by the state for the support of a geographic information system, but shall return title to such property to the state if the property is not used to promote the center's purposes as herein defined or upon any dissolution of the corporation. No part of the activities of the center shall consist of participating in or intervening in, including the~~

~~publishing or distribution of statements, any political campaign on behalf of any candidate for public office. Upon any dissolution of the corporation, any assets remaining after payment of or provision for its debts and liabilities shall be distributed according to applicable provisions of state law. No part of the net assets or net earnings of the center shall inure to the benefit of or be paid or distributed to any officer, director, or employee of the center, or to any donor to the center. The state reserves the right at any time to alter, amend, repeal or otherwise change the structure, organization, programs or activities of the center, including the power to terminate the corporation, subject to any limitation on the impairment of the obligations of any contract or contracts entered into by the center. [Repealed.]~~

Sec. E. 800.2 10 V.S.A. § 123 is amended to read:

§ 123. POWERS AND DUTIES

~~(a) The center shall have all the general powers conferred by 11B V.S.A. § 3.02 [chapter 19 of Title 11] and all amendments thereto, and all other powers necessary, desirable, or incidental fully to effectuate its corporate purposes except where otherwise limited by statute. [Repealed.]~~

* * *

~~(e) The center shall be subject to the provisions of 1 V.S.A. §§ 312-314 with respect to the right of the public to receive notice of and attend meetings, 1 V.S.A. §§ 315-320 with respect to the access of the public to its records and documents, and 1 V.S.A. § 172 regarding joint authority of the board. [Repealed.]~~

Sec. E. 800.3 3 V.S.A. § 2402 is amended to read:

§ 2402. CREATION OF AGENCY

~~(a) An agency of commerce and community development~~ Agency of Commerce and Community Development is created consisting of the following:

* * *

(6) The Vermont Center for Geographic Information.

* * *

Sec. E. 800.4 3 V.S.A. § 2475 is added to read:

§ 2475. VERMONT CENTER FOR GEOGRAPHIC INFORMATION

The Vermont Center for Geographic Information is created as a division within the Agency of Commerce and Community Development and shall be

administered and have the duties as set forth in 10 V.S.A. chapter 8 (geographic information).

Sec. E. 800.5 TRANSITIONAL PROVISIONS

(a) Funding. Funds appropriated in Sec. B.123 of this act shall be transferred as appropriate to the Agency of Commerce and Community Development to effectuate the transfer of the Vermont Center for Geographic Information, Incorporated to a division of the Agency as set forth in Sec. E.800.4 of this act, 3 V.S.A. § 2475. The fiscal year 2016 budget submission shall reflect the completed transfer to the Agency.

(b) Position creation and transfer.

(1) The following five classified positions are established within the Agency of Commerce and Community Development's Vermont Center for Geographic Information (VCGI) created under Sec. E.800.4 of this act, 3 V.S.A. § 2475:

(A) one (1) IT Systems Administrator;

(B) one (1) Internet Website Specialist;

(C) two (2) Information Technology Analyst III; and

(D) one (1) Senior Information Technologist.

(2) The following exempt position is established within the Agency of Commerce and Community Development's Vermont Center for Geographic Information (VCGI) created under Sec. E.800.4 of this act, 3 V.S.A. § 2475:

(A) one (1) Director of Center for Geographic Information.

(3) Existing employees of the nonprofit Vermont Center for Geographic Information who hold the six positions similar to those set forth in subdivisions (1) and (2) of this subsection shall be permitted to transfer to the positions within the VCGI established under subdivisions (1) and (2) of this subsection upon the effective date of this section.

(c) Personnel location. The Secretary of Commerce and Community Development shall determine where the offices of the VCGI shall be housed.

(d) Assets and liabilities. The assets and liabilities of the VCGI shall become the assets and liabilities of the Agency of Commerce and Community Development.

(e) Legal and contractual obligations. The Executive Director of the VCGI, in consultation with the Secretary of Commerce and Community Development, shall identify all grants and contracts of the VCGI and create a plan to redesignate the Agency of Commerce and Community Development as the

responsible entity. The plan shall ensure that all existing grantors, grantees, and contractors are notified of the redesignation.

Sec. E. 800.6 REPEAL

(a) 10 V.S.A. §§ 124 (Board of Directors), 125 (Officers), and 126 (Audit) are repealed.

Sec. E.801 8 V.S.A. § 6017(a)(1) is amended to read:

(a)(1) There is hereby created a fund to be known as the Captive Insurance Regulatory and Supervision Fund for the purpose of providing the financial means for the Commissioner of Financial Regulation to administer this chapter, chapter 142, and chapter 142A of this title and for reasonable expenses incurred in promoting the captive insurance industry in Vermont. The transfer of 11 percent of the premium tax under subsection 6014(h) of this title, and all fees and assessments received by the Department pursuant to the administration of these chapters shall be credited to this Fund. Of this amount, not more than ~~two~~ three percent of the premium tax under section 6014 may be ~~transferred to~~ expended by the Agency of Commerce and Community Development, with approval of the Secretary of Administration, for promotional expenses. All fees received by the Department from reinsurers who assume risk solely from captive insurance companies and are subject to the provisions of subsections 3634a(a) through (f) of this title, shall be deposited into the Captive Insurance Regulatory and Supervision Fund. All fines and administrative penalties, however, shall be deposited directly into the General Fund.

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, \$7,218,200 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 2014 fund transfers), C.101 (fiscal year 2014 reversions), C.102 (Legal Aid homeowner assistance

allocation), C.103 (Secretary of State campaign finance system development), C.105 (ACCD Secretary cost allocation), C.106 (fiscal year 2014 supplemental one-time appropriations), C.106.1 (flood-related payment), C.106.2 (contingent fiscal year 2014 appropriation), C.108 (public retirement plan study), C.109 (committee on child protection), D.102 (tobacco litigation settlement fund balance), D.104 (General Fund and Transportation Fund Balance reserves), D.105 (supplemental property tax relief fund repeals; fiscal year 2014 surplus), D.106 (supplemental property tax relief fund), D.107 (deposit of settlement receipts), E.100.5 (Vermont Enterprise Fund), E.308 (choices for care savings, reinvestments, and assessment), E.234 (Decommissioning Advisory Panel), and E.505 (adjustments to education payments) of this act shall take effect on passage.

(b) Sec. E.118.1 (mileage reimbursement report) shall take effect on passage and shall apply to the report due by January 15, 2014.

(c) Sec. E.228 (LIMA fees/transfer tax in General Fund balance reserve) shall take effect on passage and shall apply as of February 19, 2014.

(d) Sec. E.308 shall take effect on passage and shall apply to fiscal year 2014 and fiscal year 2105.

(e) Sec. E. 701 (ANR pilot appraisal) shall take effect on passage and shall apply as of April 1, 2014.

(f) Sec. E.800.1 (10 V.S.A. § 122, GIS establishment), Sec. E 800.2 (10 V.S.A. § 123, GIS powers and duties), and Sec. E. 00.6 (repeal) shall take effect on March 30, 2015.

(g) All remaining sections shall take effect on July 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, and the proposal of amendment of the Committee on Appropriations was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Mullin moved to amend the Senate proposal of amendment in Sec. E.100.5, in subsection (e), by adding a subdivision (4) to read as follows:

(4) The Emergency Board shall have the authority to approve, disapprove, or modify an offer of economic and financial resources in its discretion, including consideration of the following:

(A) whether the business has presented sufficient documentation to demonstrate compliance with subsection (d) of this section;

(B) whether the Governor has presented sufficient information to the Board under subdivision (3) of this subsection;

(C) whether the business has received other State resources and incentives, and if so, the type and amount; and

(D) whether the business and the Governor have made available to the Board sufficient information and documentation for the Auditor of Accounts to perform an adequate performance audit of the program, including the extent to which necessary information or documentation is or will be withheld under a claim that it is confidential, proprietary, or subject to executive privilege.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Pollina, moved that the Senate proposal of amendment be amended as follows:

First: In Sec. C. 106.2(a), by striking out all after the following: “\$5,000,000 appropriated to” and inserting in lieu thereof the following: “to the Department of Children and Families for weatherization programs.”

Second: By striking out Sec. E.100.5 (enterprise fund) in its entirety.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Pollina? During the remarks of Senator Galbraith, Senator Flory raised a *point of order* under Sec. 101.1 of Mason’s Manual of Legislative Procedure on the grounds that the remarks offered by Senator Galbraith were *not* confined to the question under consideration.

The President *overruled* the point of order.

Thereupon, the question, Shall the Senate proposal of amendment be amended as recommended by Senator Pollina?, was disagreed to on a roll call, Yeas 4, Nays 23.

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, McCormack, Pollina.

Those Senators who voted in the negative were: Ashe, Ayer, Benning, Bray, Collins, Cummings, Doyle, Flory, French, Kitchel, Lyons, MacDonald, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White.

Those Senators absent or not voting were: Baruth, Campbell (presiding), Zuckerman.

Senator Mazza Assumes the Chair

Senator Campbell Assumes the Chair

Thereupon, the recurring question, Shall the bill be read the third time?, was decided in the affirmative on a roll call, Yeas 24, Nays 3.

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, Bray, Collins, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White.

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

Those Senators absent or not voting were: Baruth, Campbell (presiding), Zuckerman.

Proposal of Amendment; Consideration Postponed

H. 297.

House bill entitled:

An act relating to duties and functions of the Department of Public Service.

Was taken up.

Thereupon, pending third reading of the bill, Senators Bray, Cummings, Nitka, and Sirotkin moved to amend the Senate proposal of amendment by striking out Sec. 21 in its entirety and by inserting in lieu thereof a new Sec. 21 to read as follows:

Sec. 21. 30 V.S.A. § 8060a is added to read:

§ 8060a. PERIOD OF DORMANCY

On July 1, 2015, the Division for Connectivity established under 3 V.S.A. § 2225 shall become the successor in interest to and the continuation of the Vermont Telecommunications Authority, and the Authority shall cease all operations and shall not resume its duties as specified under this chapter or under any other Vermont law unless directed to do so by enactment of the General Assembly or, if the General Assembly is not in session, by order of the Joint Fiscal Committee. The Joint Fiscal Committee shall issue such order

only upon finding that, due to an unforeseen change in circumstances, implementation of the Authority's capacity to issue revenue bonds would be the most effective means of furthering the State's telecommunications goals and policies. Upon the effective date of such enactment or order, the duties of the Executive Director and the Board of Directors of the Authority shall resume in accordance with 30 V.S.A. chapter 91 and the Director for Connectivity shall be the acting Executive Director of the Authority, until the position is filled pursuant to 30 V.S.A. § 8061(e).

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Rodgers moved that the Senate proposal of amendment be amended as follows:

First: After Sec. 24, by inserting a reader guide and a new Sec. 25 to read as follows:

* * * Wind Generation; Radar Controlled Lights * * *

Sec. 25. 30 V.S.A. § 248(r) is added to read:

(r)(1) The Board shall require any in-state wind electric generation facility receiving a certificate of public good to install radar-controlled obstruction lights on all wind turbines for which the Federal Aviation Administration (FAA) requires obstruction lights, provided the FAA allows the use of radar-controlled lighting technology. Nothing in this subdivision shall allow the Board to approve obstruction lights that do not meet FAA standards.

(2) The purpose of this subsection is to reduce the visual impact of wind turbine obstruction lights on the environment and nearby properties. The General Assembly finds that wind turbine obstruction lights that remain illuminated through the night create light pollution, and may attract birds and bats. Radar-controlled obstruction lights are only illuminated when aircraft are detected in the area, and therefore the use of these lights will reduce the negative environmental impacts of obstruction lights.

(3) Notwithstanding 1 V.S.A. §§ 213 and 214, subdivision (1) of this subsection shall apply to petitions for certificates pending as of the effective date of this subsection, and to facilities for which certificates have been issued on or before the effective date of this subsection. After a hearing, the Board may relieve the holder of a certificate for a wind electric generation facility issued on or before the effective date of this subsection from the requirement to comply with this subsection if the Board finds that requiring compliance would impose harsh or oppressive effects on the holder.

And by renumbering the remaining sections to be numerically correct.

Second: In Sec. 26 (renumbered Sec. 25 regarding statutory revision authority), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The staff of the Office of the Legislative Council in its statutory revision capacity is authorized and directed to amend the Vermont Statutes Annotated as follows:

(1) deleting all references to “by the end of the year 2013” in 30 V.S.A. chapter 91;

(2) replacing the phrase “effective date of this subsection” wherever it appears in Sec. 9b, 30 V.S.A. § 248(r)(3) with the actual effective date of the subsection; and

(3) during the interim of the 2015 biennium of the General Assembly, in 30 V.S.A. § 227e, replacing every instance of the words “Secretary of Administration” and “Secretary” with the words “Director for Connectivity” and “Director,” respectively.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Rodgers? Senator Sears raised a *point of order* under Sec. 402 of Mason’s Manual of Legislative Procedure on the grounds that the proposal of amendment offered by Senator Rodgers was *not germane* to the bill and therefore could not be considered by the Senate.

The President *overruled* the point of order and ruled that the proposals of amendment were *germane* in that they related to the subject matter of the original bill.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Rodgers?, on motion of Senator Mazza consideration of the bill be postponed until the next legislative day.

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. 325. An act relating to a bill of rights for children of arrested and incarcerated parents.

H. 350. An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct.

H. 690. An act relating to the definition of serious functional impairment.

H. 699. An act relating to temporary housing.

H. 795. An act relating to victim's compensation and restitution procedures.

Third Reading Ordered

H. 881.

Senator Pollina, 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 Westford.

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.

Proposals of Amendment; Third Reading Ordered

H. 217.

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

An act relating to smoking in lodging establishments, hospitals, and child care facilities, and on State lands.

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

First: In Sec. 2, 18 V.S.A. § 1741, by striking out subdivision (2)(R) in its entirety and relettering the remaining subdivisions to be alphabetically correct.

Second: In Sec. 3, 18 V.S.A. § 1742, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The possession of lighted tobacco products in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State

property unless the owner of the adjoining property chooses to designate his or her property smoke-free.

Third: By striking out Sec. 4, 16 V.S.A. § 140, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 16 V.S.A. § 140 is amended to read:

§ 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

No person shall be permitted to use tobacco or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds ~~and no student shall be permitted to use tobacco or~~ at public school sponsored functions. ~~Each public school board shall adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. These policies shall~~ Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

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

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

House Proposal of Amendment; Senate Proposal of Amendment to House Proposal of Amendment; Consideration Postponed

S. 299.

House proposal of amendment to Senate bill entitled:

An act relating to sampler flights.

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. PURPOSE

The purpose of this act is to allow wholesale dealers to offer tastings of malt or vinous beverages to the management and staff of businesses who have applied for first- or second-class licenses but have yet to receive the license from the Department of Liquor Control, provided that the local control commission has approved the liquor license. This will enable the management of new businesses to taste and choose malt or vinous beverages and to print their menus and otherwise make the start-up of their businesses easier.

Sec. 2. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(d) Promotional alcoholic beverage tasting:

* * *

(4) Upon receipt of a first- or second-class application by the Department, a holder of a wholesale dealer's license may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of a business that has applied for a first- or second-class license, provided they are of legal drinking age. The event shall be held on the premises of the first- or second-class applicant. The first- or second-class applicant shall be responsible for complying with all applicable laws under this title. No malt or vinous beverages shall be left behind. No permit is required under this subdivision, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting. The Department shall post notice of the pending application on its website.

* * *

Sec. 3. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(37) "Sampler flight" means a flight, ski, paddle, or any similar device by design or name intended to hold alcoholic beverage samples for the purpose of comparison.

Sec. 4. 7 V.S.A. § 222 is amended to read:

§ 222. ~~FIRST AND SECOND CLASS~~ FIRST- AND SECOND-CLASS LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING FOR FOOD SERVICE

With the approval of the Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time;

(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time; and

(C) The holder of a third-class license may serve a sampler flight of up to four ounces in the aggregate of spirituous liquors to a single customer at one time.

Sec. 5. 7 V.S.A. § 66 is amended to read:

§ 66. MALT AND VINOUS BEVERAGE SHIPPING LICENSE; IN STATE; OUT OF STATE; PROHIBITIONS; PENALTIES

* * *

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid ~~state~~ State and federal permits and operates a winery in the United States, may apply for a retail shipping license by filing with the Department of Liquor Control an application in a form required by the Department accompanied by a copy of its in-state or out-of-state license and the fee as required by subdivision 231(a)(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(a)(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to 5,000 gallons of vinous beverages a year directly to ~~first~~ first- or ~~second-class~~ second-class licensees and deliver the beverages by common carrier ~~or~~, the manufacturer's or rectifier's own ~~vehicles~~ vehicle, or the vehicle of an employee of a manufacturer or rectifier, provided that the beverages are sold on invoice, and no more than 100 gallons per month are sold to any single ~~first~~ first- or ~~second-class~~ second-class licensee. The retail shipping license holder shall report to the Department documentation of the annual and monthly number of gallons sold. Vinous beverages under this section may be delivered by the vehicle of a second-class license holder if the second-class licensee cannot obtain the vinous beverages from a wholesale dealer.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Mullin moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking out Sec. 6 in its entirety and inserting in lieu thereof three new sections to be numbered Secs. 6, 7 and 8 to read as follows:

Sec. 6. DEPARTMENT OF LIQUOR CONTROL REPORT

On or before January 15, 2015, the Commissioner of Liquor Control, in consultation with the Department of Health, shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on General, Housing and Military Affairs, the Senate Committee on Judiciary, and the House Committee on Judiciary regarding the risks associated with powdered alcohol products.

Sec. 7. 7 V.S.A. § 69 is added to read:

§ 69. POWDERED ALCOHOL PRODUCTS

(a) No person shall possess or sell a powdered alcohol product. A person who violates this section shall be imprisoned not more than six months or fined not more than \$5,000.00, or both.

(b) As used in this section, “powered alcohol product” means any alcoholic powder that can be added to water or food.

Sec. 8. EFFECTIVE DATES

(a) This Sec. and Secs. 3–7 shall take effect on passage.

(b) Secs. 1 and 2 shall take effect on July 1, 2014.

Thereupon, pending the question, Shall the House proposal of amendment be amended as recommended by Senator Mullin?, Senator Galbraith proposed to amend the proposal of amendment of Senator Mullin in Sec. 7, 7 V.S.A. § 69(a) by striking out the words “possess or”

Thereupon, pending the question Shall the proposal of amendment of Senator Mullin be amended as recommended by Senator Galbraith, on motion of Senator Mullin consideration of the House proposal of amendment was postponed until the next legislative day.

Bill Referred to Committee on Finance

H. 869.

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

An act relating to miscellaneous agricultural subjects.

Adjournment

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

TUESDAY, APRIL 29, 2014

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Rabbi James Glazier of Burlington.

Message from the House No. 57

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 177. An act relating to nonjudicial discipline.

And has passed the same in concurrence.

The House has adopted joint resolution of the following title:

J.R.H. 18. Joint resolution urging Congress to reauthorize the federal terrorism insurance program.

In the adoption of which the concurrence of the Senate is requested.

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

H. 123. An act relating to Lyme disease and other tick-borne illnesses.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

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

S. 70. An act relating to the delivery of raw milk at farmers' markets.

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 Senate proposal of amendment to House bill entitled:

H. 765. An act relating to eliminating the part-time certification of law enforcement officers.

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. Hubert of Milton
Rep. Sweaney of Windsor
Rep. Higley of Lowell.

The Governor has informed the House that on the April 24, 2014, he approved and signed bills originating in the House of the following titles:

H. 609. An act relating to terminating propane service.

H. 799. An act relating to the importation of firewood.

The Governor has informed the House that on the April 25, 2014, he approved and signed a bill originating in the House of the following title:

H. 631. An act relating to lottery commissions.

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. 555.

An act relating to the commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury.

Joint Resolution Referred

J.R.S. 58.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Campbell, McCormack, Nitka, Benning, Cummings, Kitchel, MacDonald, Rodgers, Starr, Westman, and White,

J.R.S. 58. Joint resolution relating to encouraging New Hampshire to enact laws protecting emergency responders from across state lines.

Whereas, prehospital care is reliant on the thorough cooperation of medical care providers from many jurisdictions and from volunteers who make up a large portion of the staffing of emergency medical service units, and

Whereas, mutual aid agreements exist between Vermont and New Hampshire Fire Departments and rescue squads to promote that cooperation across state borders for that prehospital medical care as well as fire protection and response to all emergencies, and

Whereas, on August 22, 2006, the Springfield Vermont Fire Department responded to a 911 call for help for a woman who had fallen from a dock on the Connecticut River; the woman, having suffered minor injuries, was not able to walk, pull herself up onto the dock, or climb the riverbank, and therefore required assistance, and

Whereas, the Springfield Vermont Fire Department responded and subsequently requested and received mutual aid assistance from the Town of Charlestown and the Cornish Rescue Squad, both New Hampshire entities; and the Cornish Rescue Squad responded with its airboat to transport the patient to a landing for transfer to an ambulance, and

Whereas, the patient was transferred to a Stokes basket rescue litter, immobilized for carrying, and secured to the airboat for transport to the boat landing in Springfield, Vermont, and, as the Cornish Rescue Squad attempted to transport the patient to the landing, the airboat sank in a portion of the river within the jurisdiction of Charlestown, New Hampshire, and the patient drowned, and

Whereas, the decedent's estate filed suit in New Hampshire Superior Court against various parties including the Town of Springfield and a number of New Hampshire entities, and

Whereas, because Springfield is outside the State of New Hampshire and the rescue boat sank within the jurisdiction of New Hampshire, the New Hampshire Superior Court denied to the Town of Springfield both the immunity protections provided by Vermont law and those liability protections provided to New Hampshire towns by New Hampshire law, thereby causing Springfield to be exposed to unlimited liability while the New Hampshire entities received the full protections provided under New Hampshire law, and

Whereas, the New Hampshire Supreme Court denied Springfield, Vermont's motion for reconsideration or to hear an interlocutory appeal of the case, and

Whereas, the Town of Springfield, Vermont, and its coverage provider, the VLCT Property and Casualty Intermunicipal Fund self-insured risk pool, had to pay approximately \$700,000.00 as a result of a settlement necessitated by the lack of legal protections, and

Whereas, failure to address the Vermont emergency responders' exposure to liability that resulted from these New Hampshire court decisions detrimentally affects the willingness of Vermont municipalities in border areas to cooperate with New Hampshire authorities in providing emergency services in the future, and

Whereas, there is a possible remedy to this injustice in statute if the New Hampshire Legislature were to review and amend several statutes, including: RSA 153-A:2, RSA 153-A:19, RSA 154:1-d, RSA 508:12, RSA 508:12-b, and RSA 508:17, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly respectfully requests the New Hampshire Legislature to amend New Hampshire statutes necessary to offer the same protections to Vermont emergency service entities responding in New Hampshire as those offered to New Hampshire entities, *and be it further*

Resolved: That the General Assembly affirms its support for cooperation between Vermont and New Hampshire emergency response entities and for protection from liability that is afforded equitably to both Vermont and New Hampshire entities, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the New Hampshire Speaker of the House, Terie Norelli, and the President of the Senate, Chuck Morse, and to the Governor of New Hampshire, Maggie Hassan.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Joint Resolution Referred

J.R.H. 18.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to reauthorize the federal terrorism insurance program.

Whereas, the terrorist attacks of September 11, 2001 resulted in insured losses of staggering amounts, and

Whereas, the enormity of the attack caused difficulties for individuals and businesses to secure insurance coverage against a future terrorist attack, and

Whereas, Congress passed the Terrorism Risk Insurance Act of 2002, Pub.L. 107-297, the Terrorism Risk Insurance Extension Act of 2005, Pub.L. 109-144, and the Terrorism Risk Insurance Program Reauthorization Act of 2007, Pub.L. 110-160 (TRIPRA) to address this critical problem, and

Whereas, TRIPRA provides that terrorism insurance coverage is available to an individual insurer after the insurer has incurred a minimum of \$100 million worth of losses resulting from a certified act of terrorism, and

Whereas, once the \$100 million trigger has been reached, the federal government pays “85 percent, of that portion of the amount of such insured losses that exceeds the applicable insurer deductible required to be paid,” and

Whereas, TRIPRA imposes a cap of \$100 billion per year of federal terrorism insurance payments, and

Whereas, this public-private partnership has provided stability and predictability for terrorism insurance coverage in the United States, and

Whereas, without TRIPRA, terrorism insurance, which remains essential, would be unavailable or unaffordable, resulting in major economic consequences, and the continuation of this federal program is important, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to reauthorize the federal terrorism insurance program, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to 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 Finance.

**Consideration Resumed; House Proposal of Amendment Concurred in
With Further Proposal of Amendment**

S. 299.

Consideration was resumed on House bill entitled:

An act relating to sampler flights.

Thereupon, pending the question, Shall the motion of Senator Mullin to concur in the House proposal of amendment with further proposal of amendment, be amended as moved by Senator Galbraith?, Senator Galbraith requested and was granted leave to withdraw the proposal of amendment.

Thereupon, Senator Mullin requested and was granted leave to withdraw his proposal of amendment.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Mullin, Campbell, Lyons, Mazza, and Sears moved that the Senate concur in the House proposal of amendment with further amendment thereto by striking out Sec. 6 in its entirety and inserting in lieu thereof three sections to be Secs. 6, 7, and 8 to read as follows:

Sec. 6. DEPARTMENT OF LIQUOR CONTROL REPORT

On or before January 15, 2015, the Commissioner of Liquor Control, in consultation with the Department of Health, shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on General, Housing and Military Affairs, the Senate Committee on Judiciary, and the House Committee on Judiciary regarding the risks associated with powdered alcohol products.

Sec. 7. 7 V.S.A. § 69 is added to read:

§ 69. POWDERED ALCOHOL PRODUCTS

(a) A person knowingly and unlawfully possessing a powdered alcohol product shall be fined not more than \$500.00.

(b) A person knowingly and unlawfully selling a powdered alcohol product shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(c) As used in this section, “powdered alcohol product” means any alcoholic powder that can be added to water or food.

Sec. 8. EFFECTIVE DATES

(a) This Sec. and Secs. 3–7 shall take effect on passage.

(b) Secs. 1 and 2 shall take effect on July 1, 2014.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment with a proposal of amendment, as proposed by Senators Mullin, Campbell, Lyons, Mazza, and Sears?, Senator Galbraith moved to substitute a proposal of amendment for the proposal of amendment of Senators Mullin, Campbell, Lyons, Mazza, and Sears by striking out Sec. 6 in its entirety and inserting in lieu thereof three sections to be Secs. 6, 7 and 8 to read:

Sec. 6. DEPARTMENT OF LIQUOR CONTROL REPORT

On or before January 15, 2015, the Commissioner of Liquor Control, in consultation with the Department of Health, shall submit a report to the Senate

Committee on Economic Development, Housing and General Affairs, the House Committee on General, Housing and Military Affairs, the Senate Committee on Judiciary, and the House Committee on Judiciary regarding the risks associated with powdered alcohol products.

Sec. 7. 7 V.S.A. § 69 is added to read:

§ 69. POWDERED ALCOHOL PRODUCTS

(a) A person knowingly and unlawfully selling a powdered alcohol product shall be fined not more than \$10,000.00.

(b) As used in this section, “powdered alcohol product” means any alcoholic powder that can be added to water or food.

Sec. 8. EFFECTIVE DATES

(a) This Sec. and Secs. 3–7 shall take effect on passage.

(b) Secs. 1 and 2 shall take effect on July 1, 2014.

Which was disagreed to.

Thereupon, the pending question, Shall the House proposal of amendment be concurred in with further proposal of amendment?, was agreed to.

Third Reading Ordered

H. 888.

Senator McAllister, 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 Town of Milton.

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.

Bill Passed in Concurrence

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

H. 881. An act relating to approval of the adoption and the codification of the charter of the Town of Westford.

Proposals of Amendment; Third Reading Ordered**H. 740.**

Senator Westman, for the Committee on Transportation, to which was referred House bill entitled:

An act relating to transportation impact fees.

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

First: In § 6107 (transportation improvement district fund), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The Agency shall provide to the Treasurer an annual accounting of each TID and associated transportation impact fee for that district showing the source, the amount collected, each project that was funded or that will be funded with the fee, and the amount expended.

Second: By striking out § 6108 (payment of fees) in its entirety and inserting in lieu thereof a new § 6108 to read as follows:

§ 6108. PAYMENT OF FEES

(a) An applicant shall pay a transportation impact fee assessed under this subchapter to the Agency, except that a District Commission may direct an applicant to pay a transportation impact fee to a municipality if the impacts of the applicant's development or subdivision are limited to municipal highways and rights-of-way or other municipal transportation facilities.

(b) A municipality receiving a transportation impact fee under this subchapter shall place the fee into a separate account, with balances in the account carried forward from year to year and remaining within the account. Interest earned by the account shall be deposited into the account. The municipality shall provide to the voters an annual accounting of each fee received under this subchapter showing the source, the amount of each fee received, and each project that was funded or will be funded with the fee.

Third: In § 6109 (unspent fee amounts; refunds), by striking out the last sentence.

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 proposal of amendment as recommended by the Committee on Transportation.

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

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment; Rules Suspended Bill Messaged

H. 885.

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 moved to amend the Senate proposal of amendment by as follows:

First: By striking out Sec. E.130 in its entirety.

Second: By inserting a new section to be numbered Sec. E. 306.6 to read as follows:

Sec. E.306.6 HUMAN SERVICE PROGRAMS OVERSIGHT PROPOSAL

(a) As part of the January, 2015, report requirement under 2 V.S.A. § 852 (c) the Health Care Oversight Committee shall, in consultation with the Mental Health Oversight Committee, recommend an oversight structure for human service programs funded by the state when the legislature is not in session. Consideration of the membership, scope, powers, duties, and meetings as well as anticipated coordination with the respective legislative standing committees shall be included with the recommendation.

Third: By inserting a new section to be numbered Sec. E.312.2 to read as follows:

Sec. E.312.2 DEPARTMENT OF HEALTH; AHEC MATCHING GRANT FUNDING

(a) In fiscal year 2014, prior to depositing any new funds into the Higher Education Trust Fund pursuant to 16 V.S.A. § 2885(a)(2), the sum of \$1,000,000 of the funds that would otherwise be deposited into that Fund shall be transferred to the Secretary of Administration and held for use by the Vermont Department of Health as a match for a four-year federal grant for which the Department is applying that would supplement the existing Vermont educational loan repayment program for health care professionals. The funds shall be appropriated in the budget adjustment process as necessary to meet match requirements of the grant.

(b) This transfer is to take advantage of federal funds which will help address a shortage of medical professionals in Vermont by creating loan repayment resources. In the event that the grant cited in subsection (a) is not received, the funds shall be deposited in the Higher Education Trust Fund in accordance with 16 V.S.A. § 2885(a)(2).

Fourth: In Sec. E.339 (regarding correctional services; out of state beds), by adding the words up to immediately preceding each of the following: “\$202,000”, “\$147,200”, and “\$54,800”

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Kitchel?, Senator Ashe moved that the *third* proposal of amendment be voted on separately.

Thereupon, the *first*, *second* and *fourth* proposals of amendment were agreed to.

Thereupon, the *third* proposal of amendment was agreed to.

Senator Galbraith moved that the Senate proposal of amendment be amended in Sec. E.100.5(d)(1) by inserting a new subparagraph to be lettered (A) to read as follows:

(A) that it does not have cash on hand that exceeds by one hundred thousand percent the amount of the proposed investment or state incentive and either one of the following:

And by relettering the remaining subparagraphs to be alphabetically correct.

Which was disagreed to on a roll call, Yeas 8, Nays 19.

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, Galbraith, Hartwell, MacDonald, McCormack, Pollina, Sirotkin, Zuckerman.

Those Senators who voted in the negative were: Ayer, Baruth, Benning, Bray, Collins, Cummings, Doyle, Flory, Kitchel, Lyons, Mazza, McAllister, Mullin, Nitka, Rodgers, Snelling, Starr, Westman, White.

Those Senators absent or not voting were: Campbell (presiding), French, Sears.

Senator Galbraith moved that the Senate proposal of amendment be amended in Sec. E.100.5(d)(1) by inserting a new subparagraph to be lettered (A) to read as follows:

(A) that it does not have cash on hand that exceeds by one hundred thousand percent the amount of the proposed investment or state incentive and either one of the following:

And by relettering the remaining subparagraphs to be alphabetically correct.

Which was disagreed to.

Senator Lyons and Ayer moved to amend the Senate proposal of amendment by inserting a new Sec. E.324.3 to read as follows:

Sec. E.324.3 33 V.S.A. § 2502(e) is added to read:

(e) ~~{Repealed.}~~ The Office of Economic Opportunity and the Economic Services Division shall report to the General Assembly, on or before January 15, 2015, with recommendations on how to account for the benefits that result for homes that have been weatherized under the Home Weatherization Assistance Program. The Offices shall jointly consider the existing data related to weatherization, and analyze the heating costs to such homes before and after weatherization. Based on this analysis, the Offices shall include in their report specific recommendations for adjusting the appropriations into, or benefits paid out of, the Low Income Home Energy Assistance Program to account for the benefits provided by the Home Weatherization Assistance Program in fiscal year 2016.

Which was agreed to.

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

First: In Sec. E.306.3, 2 V.S.A. § 692(a), by striking out the words “and planning”

Second: In Sec. E.306.3, 2 V.S.A § 692, by adding a new subsection to be lettered subsection (d) to read as follows:

(d) Annually, on or before January 15, the Committee shall report its recommendations to the committees of jurisdiction.

Third: In Sec. E.306.3, 2 V.S.A. § 693(b)(2)(D), by striking out the words “any other”

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

Senator Sirotkin moved to amend the Senate proposal of amendment as follows:

First: In Sec. E.326.1 (weatherization program) after the following: “having” by striking out the following: “a” and inserting in lieu thereof the following: an income-sensitive

Second: By adding a new section to be numbered Sec. E.975 to read as follows:

Sec. E.975 2014 Acts and Resolves No. 95, Sec. 75a is amended to read:

Sec. 75a. CHOICES FOR CARE; REINVESTMENT

(a) ~~Of the~~ Provided there are sufficient Choices for Care funds, either actually or projected to be, available for reinvestment in fiscal year 2014, the Department of Disabilities, Aging, and Independent Living ~~is authorized to~~ shall use up to a total of \$1,000,000 in fiscal years 2014 and 2015 on one-time investments that directly benefit eligible choices for care enrollees and one-time investments to home- and community-based providers that are consistent with and prioritized based on current needs analysis to meet the overall strategic goals and outcomes of the waiver. This authorization is in addition to the reinvestment plan submitted by the Department as submitted to the Committees on Appropriations in January 2014. The General Fund portion of this amount is \$435,600 which may shall be transferred to other Department appropriations as needed to meet the objectives of this section. The Department shall report to the Joint Fiscal Committee in July 2014 regarding this provision.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 23, Nays 5.

Senator Baruth 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, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Rodgers, Sirotkin, Snelling, Starr, Westman, White.

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

Those Senators absent or not voting were: Campbell (presiding), Sears.

Thereupon, on motion of Senator Baruth, the rules were suspended, and the bill was ordered messaged to the House forthwith.

**Consideration Resumed; Bill Amended; Bill Passed in Concurrence with
Proposal of Amendment; Rules Suspended Bill Messaged**

H. 297.

Consideration was resumed on House bill entitled:

An act relating to duties and functions of the Department of Public Service.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as moved by Senator Rodgers?, was disagreed to on a roll call, Yeas 11, Nays 16.

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: Benning, Collins, Doyle, Galbraith, Hartwell, Kitchel, MacDonald, McAllister, Nitka, Rodgers, Starr.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Cummings, Flory, French, Lyons, Mazza, McCormack, Mullin, Pollina, Sirotkin, Snelling, Westman, Zuckerman.

Those Senators absent or not voting were: Campbell (presiding), Sears, White.

Thereupon, the question, Shall the bill be read the third time?, was decided in the affirmative.

Thereupon, on motion of Senator Baruth, the rules were suspended, and the bill was ordered messaged to the House forthwith on a division of the Senate, Yeas 20, Nays 5.

Adjournment

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

WEDNESDAY, APRIL 30, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ken White of Burlington.

Message from the House No. 58

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 885. 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. Brennan of Colchester

Senate Resolutions Referred**S.R. 12.**

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution relating to the public policy implications of the proposed Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership.

By Senator Lyons,

S.R. 12. Senate resolution relating to the public policy implications of the proposed Trans-Pacific Partnership Agreement and the Transatlantic Trade and Investment Partnership.

Whereas, the proposed Trans-Pacific Partnership Agreement (TPPA) is a multinational trade agreement in the Asia-Pacific region which, if implemented, could create the largest trading bloc in the world, and

Whereas, the Transatlantic Trade and Investment Partnership (TTIP) is a free trade agreement being negotiated with the European Union that could override Vermont's constitutionally guaranteed authority to pass laws and implement policies on a wide range of domestic issues, and

Whereas, the negotiations for the two trade agreements lack transparency and concern terms going beyond tariff agreements, and

Whereas, the trade agreements could impact state sovereignty and restrict the ability of Vermont to regulate certain corporate activities impacting the environment, health care, tobacco products, pharmaceuticals, energy, and agriculture, and

Whereas, states do not have an equal advisory capacity in the trade negotiations as that given to businesses, and

Whereas, the negotiating texts have not been published and there has not been public debate on U.S. trade policy, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont requests the United States Trade Representative (USTR): (1) to increase transparency in TTIP and TPPA free-trade negotiations, (2) to publish information going beyond tariff negotiations, (3) to give states as equal an advisory role in the negotiations as that given to businesses, and (4) to consider state sovereignty and the impact of the trade agreements on state and local laws, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the USTR and the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

S.R. 13.

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution relating to improving pending legislation to reinstate the Fast Track Authority mechanism in international trade agreements.

By Senator Lyons,

S.R. 13. Senate resolution relating to improving pending legislation to reinstate the Fast Track Authority mechanism in international trade agreements.

Whereas, The United States Trade Representative (USTR) is in the midst of negotiating two major trade agreements: the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), and

Whereas, The Bipartisan Congressional Trade Priorities Act (H.R. 3830; S.1900) will reinstate the Fast Track Trade Promotion Authority (Fast Track) mechanism, and

Whereas, Fast Track was designed in the 1970s when trade negotiations were focused on cutting tariffs and quotas, but the TPP and TTIP trade agreements pending today are much broader, and

Whereas, Fast Track creates special rules that empower the executive branch to negotiate and sign trade agreements without Congressional oversight, and

Whereas, Fast Track undermines Congress's ability to have a meaningful role in shaping the content of trade agreements, and

Whereas, Fast Track limits Congress's time frame to read and debate thousands of pages before voting, and

Whereas, such a broad delegation of Congress's constitutional authorities is inappropriate given the scope of the pending trade agreements, and

Whereas, there is a current opportunity to improve the process by which significant foreign trade policy agreements such as the TPP and TTIP are negotiated, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont respectfully urges and requests the President of the United States and the Congress of the United States to improve the process by which United States trade agreements are developed and implemented in order to allow Congress to have a meaningful role in shaping the content of trade agreements and to enable broad participation by all sectors of society, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the USTR and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Bill Referred to Committee on Appropriations

H. 578.

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 administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies.

Committees of Conference Appointed

H. 765.

An act relating to eliminating the part-time certification of law enforcement officers.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator French
Senator McAllister
Senator White

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

H. 885.

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.

Proposal of Amendment; Third Reading Ordered

H. 88.

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

An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

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. 15 V.S.A. § 665 is amended to read:

§ 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF THE CHILD

(a) In an action under this chapter, the ~~court~~ Court shall make an order concerning parental rights and responsibilities of any minor child of the parties. The ~~court~~ Court may order parental rights and responsibilities to be divided or shared between the parents on such terms and conditions as serve the best interests of the child. When the parents cannot agree to divide or share parental rights and responsibilities, the ~~court~~ Court shall award parental rights and responsibilities primarily or solely to one parent.

(b) In making an order under this section, the ~~court~~ Court shall be guided by the best interests of the child, and shall consider at least the following factors:

(1) the relationship of the child with each parent and the ability and disposition of each parent to provide the child with love, affection, and guidance;

(2) the ability and disposition of each parent to assure that the child receives adequate food, clothing, medical care, other material needs, and a safe environment;

(3) the ability and disposition of each parent to meet the child's present and future developmental needs;

(4) the quality of the child's adjustment to the child's present housing, school, and community and the potential effect of any change;

(5) the ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent, including physical contact, except where contact will result in harm to the child or to a parent;

(6) the quality of the child's relationship with the primary care provider, if appropriate given the child's age and development;

(7) the relationship of the child with any other person who may significantly affect the child;

(8) the ability and disposition of the parents to communicate, cooperate with each other, and make joint decisions concerning the children where parental rights and responsibilities are to be shared or divided; and

(9) evidence of abuse, as defined in section 1101 of this title, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.

* * *

(f) The State has a compelling interest in not forcing a victim of sexual assault or sexual exploitation to continue an ongoing relationship with the perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

(1) The Court may enter an order awarding sole parental rights and responsibilities to a parent and denying all parent-child contact with the other parent if the Court finds by clear and convincing evidence that the nonmoving parent was convicted of sexually assaulting the moving parent and the child was conceived as a result of the sexual assault. As used in this subdivision, sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e), aggravated sexual assault as provided in 13 V.S.A. § 3253, and aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions.

(A) An order issued in accordance with this subdivision (f)(1) shall be permanent and shall not be subject to modification.

(B) Upon issuance of a rights and responsibilities order pursuant to this subdivision (f)(1), the Court shall not issue a parent-child contact order and shall terminate any existing parent-child contact order concerning the child and the nonmoving parent.

(2) The Court may enter an order awarding sole parental rights and responsibilities to one parent and denying all parent-child contact between the other parent and a child if the Court finds that such an order is in the best interest of the child and finds by clear and convincing evidence that the child was conceived as a result of the nonmoving parent sexually assaulting or sexually exploiting the moving parent. A conviction is not required under this subdivision and the Court may consider other evidence of sexual assault or sexual exploitation in making its determination.

(A) For purposes of this subdivision (f)(2):

(i) sexual assault shall include sexual assault as provided in 13 V.S.A. § 3252, aggravated sexual assault as provided in 13 V.S.A. § 3253, aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a, lewd

and lascivious conduct with a child as provided in 13 V.S.A. § 2602, and similar offenses in other jurisdictions; and

(ii) sexual exploitation shall include sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(B) Except as provided in subdivision (f)(2)(C), the Court shall not issue a parent-child contact order in a case in which a parental rights and responsibilities order has been issued pursuant to this subdivision (f)(2) and any existing parent-child contact order concerning the child and the nonmoving parent shall be terminated.

(C) A party may file a motion for modification of the order only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

(3) Issuance of an order in pursuant to this subsection shall not affect the right of the custodial parent to seek child support from the noncustodial parent.

Sec. 2. 15 V.S.A. § 668 is amended to read:

§ 668. MODIFICATION OF ORDER

(a) On motion of either parent or any other person to whom custody or parental rights and responsibilities have previously been granted, and upon a showing of real, substantial and unanticipated change of circumstances, the ~~court~~ Court may annul, vary, or modify an order made under this subchapter if it is in the best interests of the child, whether or not the order is based upon a stipulation or agreement.

* * *

(c) A final order related to parental rights and responsibilities and parent child contact issued pursuant to subdivision 665(f)(1) of this title shall not be subject to modification. A party may file a motion for modification of an order related to parental rights and responsibilities and parent child contact issued pursuant to subdivision 665(f)(2) of this title only upon a showing of extraordinary, real, substantial, and unanticipated change of circumstances.

Sec. 3. 13 V.S.A. § 2651(3) is amended to read:

(3) “Commercial sex act” means any ~~sex~~ sexual act, sexual conduct, or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 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, the proposal of amendment was agreed to, and third reading of the bill was ordered.

**Senate Proposal of Amendment Amended; Bill Passed in Concurrence
with Proposal of Amendment**

H. 217.

House bill entitled:

An act relating to smoking in lodging establishments, hospitals, and child care facilities, and on State lands.

Was taken up.

Thereupon, pending third reading of the bill, Senator Campbell moved that the Senate proposal of amendment be amended by striking out Sec. 8, effective date, and inserting in lieu thereof two new sections to be numbered Secs. 8 and 9 to read as follows:

Sec. 8. 7 V.S.A. § 1012 is added to read:

§ 1012. LIQUID NICOTINE; PACKAGING

(a) Unless specifically preempted by federal law, no person shall manufacture, regardless of location, for sale in; offer for sale in; sell in or into the stream of commerce in; or otherwise introduce into the stream of commerce in Vermont any liquid or gel substance containing nicotine unless that product is contained in child-resistant packaging.

(b) As used in this section, “child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

Sec. 9. EFFECTIVE DATES

(a) Secs. 1–7 and this section shall take effect on July 1, 2014.

(b) Sec. 8 (liquid nicotine; packaging; warning label) shall take effect on January 1, 2015.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Proposals of Amendment; Third Reading Ordered

H. 681.

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

An act relating to the professional regulation for veterans, military service members, and military spouses.

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

First: In Sec. 1 (professional regulatory entities; military service licensure requirements), in subdivision (a)(1) (definition of “expedited temporary license by endorsement”), at the end of the subdivision following “licensure in another state” by inserting the following: or, in the case of EMS providers, based on current certification from the National Registry of Emergency Medical Technicians (NREMT)

Second: In Sec. 1, in subsection (b), at the beginning of the introductory paragraph, by striking out the following: “February 1, 2015” and inserting in lieu thereof the following: July 1, 2015

Third: In Sec. 1, in subdivision (b)(2)(B) (expedited temporary licensure by endorsement; application requirements), at the end of subdivision (ii) following “issued in another state” by inserting the following: or, in the case of EMS providers, proof that the applicant holds a current certification from the NREMT

Fourth: In Sec. 1, in subdivision (b)(3)(B) (renewal of licensure; eligibility), by inserting two new subdivisions to be subdivisions (i) and (ii) to read as follows:

(i) The provisions of this subdivision (B) shall apply to an EMS licensee with a military deployment of less than two years, or greater than two years if the position served in the military was as an EMS provider or a substantially similar role.

(ii) For an EMS licensee with a military deployment of greater than two years and whose position served in the military was not as an EMS provider or a substantially similar role, the licensee shall be required to obtain certification with the NREMT prior to renewal of a license under this subdivision.

Fifth: In Sec. 2, 18 V.S.A. § 906c, in subdivision (b)(1), following “compensation upon his or her return from deployment” by striking out the following: “despite the lapse of licensure or certification” and inserting in lieu thereof the following: once licensure is renewed

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

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

Proposals of Amendment; Consideration Postponed

H. 823.

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

An act relating to encouraging growth in designated centers and protecting natural resources.

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

First: In Sec. 1, 10 V.S.A. § 6001 (definitions), in subdivision (16)(A) (existing settlement), in subdivision (ii), after the words an existing by striking out the word “community”

Second: In Sec. 1, 10 V.S.A. § 6001 (definitions), by striking out subdivision (36) in its entirety and inserting in lieu thereof a new subdivision (36) to read as follows:

(36) “Strip development” means linear commercial development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses except by highway, lack of coordination with surrounding land uses, and limited accessibility for pedestrians. In determining whether a proposed development or subdivision constitutes strip development, the District Commission shall consider the topographic constraints in the area in which the development or subdivision is to be located.

Third: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the ~~district commission~~ District Commission shall find that the subdivision or development:

* * *

(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed.

(B) Will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services, unless the District Commission affirmatively finds that such a strategy, access, or connection does not constitute a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a ~~district commission~~ District Commission.

* * *

(L) Rural growth areas.—A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) “impact of growth,” (G) “private utility service,” (H) “costs of scattered development” and (J) “public utility services” of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage. Settlement patterns. To promote Vermont’s historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:

(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure;

(ii) is designed in a manner consistent with the planning goals set forth in 24 V.S.A. § 4302(c)(1);

(iii) will conform to the land use element, map, and resource protection policies included in the municipal and regional plans applicable to the proposed location of the development or subdivision; and

(iv)(I) will neither establish nor contribute to a pattern of strip development along public highways; and

(II) if the development or subdivision will be located in an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to avoid or minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

* * *

Fourth: By striking out Secs. 3, 4, and 5 in their entirety and inserting in lieu thereof new Secs. 3, 4, and 5 to read as follows:

Sec. 3. 10 V.S.A. § 6086b is added to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS

Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

(2) The request shall be complete as to the criteria listed in subdivision (1) of this subsection and need not address other criteria of subsection (a) of this section.

(A) The requestor shall file the request in accordance with the requirements of subsection 6084(a) of this title and the requestor shall provide a copy of the request to each agency and department listed in subdivision (3) of this section.

(B) Within five days of the request's filing, the District Coordinator shall determine whether the request is complete. Within five days of the date the District Coordinator determines the request to be complete, the District Commission shall provide notice of the complete request to each person required to receive a copy of the filing under subdivision (2)(A) of this section and to each adjoining property owner and shall post the notice and a copy of the request on the Board's web page. The computation of time under this subdivision (2)(B) shall exclude Saturdays, Sundays, and State legal holidays.

(3) Within 30 days of receiving notice of a complete request:

(A) The State Historic Preservation Officer or designee shall submit a written recommendation on whether the improvements will have an undue adverse effect on any historic site.

(B) The Commissioner of Public Service or designee shall submit a written recommendation on whether the improvements will meet or exceed the applicable energy conservation and building energy standards under subdivision 6086(a)(9)(F) of this title.

(C) The Secretary of Transportation or designee shall submit a written recommendation on whether the improvements will have a significant impact on any highway, transportation facility, or other land or structure under the Secretary's jurisdiction.

(D) The Commissioner of Buildings and General Services or designee shall submit a written recommendation on whether the improvements will have a significant impact on any adjacent land or facilities under the Commissioner's jurisdiction.

(E) The Secretary of Natural Resources or designee shall submit a written recommendation on whether the improvements will have a significant impact on any land or facilities under its jurisdiction or on any important natural resources, other than primary agricultural soils. In this subdivision (E), "important natural resources" shall have the same meaning as under 24 V.S.A. § 2791.

(F) The Secretary of Agriculture, Food and Markets or designee shall submit a written recommendation on whether the improvements will reduce or convert primary agricultural soils and on whether there will be appropriate mitigation for any reduction in or conversion of those soils.

(4) Any person may submit written comments or ask for a hearing within 30 days of the date on which the District Commission issues notice of a complete request. If the person asks for a hearing, the person shall include a petition for party status in the submission. The petition for party status shall meet the requirements of subdivision 6085(c)(2) of this title.

(5) The District Commission shall not hold a hearing on the request unless it determines that there is a substantial issue under one or more applicable criteria that requires a hearing. The District Commission shall hold any hearing within 20 days of the end of the comment period specified in subdivisions (3) and (4) of this section. Subdivisions 6085(c)(1)–(5) of this title shall govern participation in a hearing under this section.

(6) The District Commission shall issue a decision within 60 days of issuing notice of a complete request under this section or, if it holds a hearing, within 15 days of adjourning the hearing. The District Commission shall send a copy of the decision to each State agency listed in subdivision (3) of this section, to the municipality, to the municipal and regional planning commissions for the municipality, and to each person that submitted a comment, requested a hearing, or participated in the hearing, if any. The decision may include conditions that meet the standards of subsection 6086(c) of this title.

(7) The requestor may waive the time periods required under subdivisions (3), (4), and (6) of this section as to one or more agencies, departments, the District Commission, the District Coordinator, or other persons. Such a waiver shall extend the applicable and subsequent time periods by the amount of time waived. In the absence of a waiver under this subdivision, the failure of a State agency to file a written determination or a person to submit a comment or ask for a hearing within the time periods specified in subdivisions (3) and (4) of this section shall not delay the District Commission's issuance of a decision on a complete request.

Sec. 4. 10 V.S.A. § 6081(v) is added to read:

(v) A permit or permit amendment shall not be required for a development or subdivision in a designated downtown development district for which the District Commission has issued positive findings and conclusions under section 6086b of this title on all the criteria listed in that section. A person shall obtain new or amended findings and conclusions from the District Commission under section 6086b of this title prior to commencement of a material change, as defined in the rules of the Board, to a development or subdivision for which the District Commission has issued such findings and conclusions. A person may seek a jurisdictional opinion under section 6007 of this title concerning whether such a change is a material change.

Sec. 5. [Deleted.]

Fifth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. [Deleted.]

Sixth: By striking out Secs. 7 and 8 in their entirety and inserting in lieu thereof new Secs. 7 and 8 to read as follows:

Sec. 7. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

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

* * *

(10) 10 V.S.A. chapter 151, relating to land use, and including findings and conclusions issued under section 6086b of this title;

* * *

* * * Nonappeal, Recommendation to District Commission * * *

Sec. 8. 10 V.S.A. § 8504 is amended to read:

§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

(a) Act 250 and agency appeals. Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the Secretary, the Natural Resources Board, or a ~~district commission~~ District Commission under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the Environmental Division, except for an act or decision of the Secretary under subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.

* * *

Seventh: In Sec. 13 (wastewater rules; amendment), after the words “the Agency of Natural Resources shall amend its” by inserting the word application prior to form

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

Senator Bray, for the Committee on Economic Development, Housing and General Affairs, 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 Natural Resources and Energy with the following amendment thereto:

By striking out the *third* proposal of amendment and inserting in lieu thereof the following:

Third: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the ~~district commission~~ District Commission shall find that the subdivision or development:

* * *

(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed.

(B) As appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the District Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.

* * *

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a ~~district commission~~ District Commission.

* * *

(L) ~~Rural growth areas. A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) "impact of growth," (G) "private utility service," (H) "costs of scattered development" and (J) "public utility services" of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage. Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:~~

(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and

(ii) (I) will not contribute to a pattern of strip development along public highways; or

(II) if the development or subdivision will be located in an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

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 pending the question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, on motion of Senator Campbell consideration was postponed until later in the day.

House Proposal of Amendment; Consideration Postponed

S. 247.

House proposal of amendment to Senate bill entitled:

An act relating to the regulation of medical marijuana dispensaries.

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. § 4472 is amended to read:

§ 4472. DEFINITIONS

As used in this subchapter:

(1) “Bona fide health care professional-patient relationship” means a treating or consulting relationship of not less than six months’ duration, in the course of which a health care professional has completed a full assessment of the registered patient’s medical history and current medical condition, including a personal physical examination. The six-month requirement shall not apply if a patient has been diagnosed with:

(A) a terminal illness,

(B) cancer with distant metastases, or

(C) acquired immune deficiency syndrome.

* * *

(4) “Debilitating medical condition,” provided that, in the context of the specific disease or condition described in subdivision (A) or (B) of this subdivision (4), reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms, means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) a disease, medical condition, or its treatment that is chronic, debilitating, and produces severe, persistent, and one or more of the following intractable symptoms: cachexia or wasting syndrome; severe pain; severe nausea; or seizures.

(5) “Dispensary” means a nonprofit entity registered under section 4474e of this title which acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient’s use for symptom relief. A dispensary may provide marijuana for symptom relief to registered patients at only one facility or location but may have a second location associated with the dispensary where the marijuana is cultivated or processed. Both locations are considered to be part of the same dispensary.

(6)(A) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81 who has a special license endorsement authorizing the individual to prescribe, dispense, and administer prescription medicines to the extent that a diagnosis provided by a naturopath under this chapter is within the scope of his or her practice, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) Except for naturopaths, this definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

* * *

(14) “Transport” means the movement of marijuana and marijuana-infused products from registered growing locations to their

associated dispensaries, between dispensaries, to registered patients and registered caregivers in accordance with delivery protocols, or as otherwise allowed under this subchapter.

(15) “Usable marijuana” means the dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant.

~~(15)(16)~~ “Use for symptom relief” means the acquisition, possession, cultivation, use, transfer, or transportation of marijuana, or paraphernalia relating to the administration of marijuana to alleviate the symptoms or effects of a registered patient’s debilitating medical condition which is in compliance with all the limitations and restrictions of this subchapter. ~~For the purposes of this definition, “transfer” is limited to the transfer of marijuana and paraphernalia between a registered caregiver and a registered patient.~~

Sec. 2. 18 V.S.A. § 4474 is amended to read:

§ 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS AND PROCEDURES

(a) A person may submit a signed application to the ~~department of public safety~~ Department of Public Safety to become a registered patient’s registered caregiver. The ~~department~~ Department shall approve or deny the application in writing within 30 days. In accordance with rules adopted pursuant to section 4474d of this title, the Department shall consider an individual’s criminal history record when making a determination as to whether to approve the application. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in subsection 4474g(e) of this title or 13 V.S.A. chapter 28. The ~~department~~ Department shall approve a registered caregiver’s application and issue the person an authorization card, including the caregiver’s name, photograph, and a unique identifier, after verifying:

~~(1) the person will serve as the registered caregiver for one registered patient only; and~~

~~(2) the person has never been convicted of a drug-related crime.~~

(b) Prior to acting on an application, the ~~department~~ Department shall obtain from the Vermont ~~criminal information center~~ Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a criminal record from the Federal Bureau of Investigation for the applicant. ~~For purposes of this subdivision, “criminal record” means a record of whether the person has ever been convicted of a drug-related crime.~~ Each applicant shall consent to release of criminal records to the ~~department~~ Department on forms substantially similar to the release forms developed by the ~~center~~ Center pursuant to 20 V.S.A. § 2056c. The ~~department~~ Department shall comply with

all laws regulating the release of criminal history records and the protection of individual privacy. The Vermont ~~criminal information center~~ Crime Information Center shall send to the requester any record received pursuant to this section or inform the ~~department of public safety~~ Department that no record exists. If the ~~department~~ Department disapproves an application, the ~~department~~ Department shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime Information Center. No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

(c)(1) ~~A~~ Except as provided in subdivision (2) of this subsection, a registered caregiver may serve only one registered patient at a time, and a registered patient may have only one registered caregiver at a time.

(2) A registered patient who is under 18 years of age may have two registered caregivers.

Sec. 3. 18 V.S.A. § 4473(b) is amended to read:

(b) The ~~department of public safety~~ Department of Public Safety shall review applications to become a registered patient using the following procedures:

(1) A patient with a debilitating medical condition shall submit, ~~under oath,~~ a signed application for registration to the ~~department~~ Department. A patient's initial application to the registry shall be notarized, but subsequent renewals shall not require notarization. If the patient is under ~~the age of~~ 18 years of age, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient's registered caregiver applying for authorization under section 4474 of this title, if any, and the patient's designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the ~~department~~ Department pursuant to subdivision (2) of this subsection.

* * *

Sec. 4. 18 V.S.A. § 4474d(e)–(g) are added to read:

(e) The Department shall adopt rules for the issuance of a caregiver registry identification card that shall include standards for approval or denial of an application based on an individual's criminal history record. The rules shall address whether an applicant who has been convicted of an offense listed in

subsection 4474g(e) of this title or 13 V.S.A. chapter 28 has been rehabilitated and should be otherwise eligible for a caregiver registry identification card.

(f) The Department shall adopt rules establishing protocols for the safe delivery of marijuana to patients and caregivers.

(g) The Department shall adopt rules for granting a waiver of the dispensary possession limits in section 4474e of this title upon application of a dispensary for the purpose of developing and providing a product for symptom relief to a registered patient who is under 18 years of age who suffers from seizures.

Sec. 5. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

(1) Acquire, possess, cultivate, manufacture, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief. ~~For purposes of this section, "transport" shall mean the movement of marijuana or marijuana-infused products from registered growing locations to their associated dispensaries, between dispensaries, or as otherwise allowed under this subchapter.~~

(A) Marijuana-infused products shall include tinctures, oils, solvents, and edible or potable goods. Only the portion of any marijuana-infused product that is attributable to marijuana shall count toward the possession limits of the dispensary and the patient. ~~The department of public safety~~ Department of Public Safety shall establish by rule the appropriate method to establish the weight of marijuana that is attributable to marijuana-infused products.

(B) Marijuana-related supplies shall include pipes, vaporizers, and other items classified as drug paraphernalia under chapter 89 of this title.

(2) Acquire marijuana seeds or parts of the marijuana plant capable of regeneration from or dispense them to registered patients or their caregivers or acquire them from another registered Vermont dispensary, provided that records are kept concerning the amount and the recipient.

(3)(A) Cultivate and possess at any one time up to 28 mature marijuana plants, 98 immature marijuana plants, and 28 ounces of usable marijuana. However, if a dispensary is designated by more than 14 registered patients, the dispensary may cultivate and possess at any one time two mature marijuana

plants, seven immature plants, and ~~two~~ four ounces of usable marijuana for every registered patient for which the dispensary serves as the designated dispensary.

(B) Notwithstanding subdivision (A) of this subdivision, if a dispensary is designated by a registered patient under 18 years of age who qualifies for the registry because of seizures, the dispensary may apply to the Department for a waiver of the limits in subdivision (A) of this subdivision (3) if additional capacity is necessary to develop and provide an adequate supply of a product for symptom relief for the patient. The Department shall have discretion whether to grant a waiver and limit the possession amounts in excess of subdivision (A) of this subdivision (3) in accordance with rules adopted pursuant to section 4474d of this title.

* * *

(d)(1) A dispensary shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and shall ensure that each location has an operational security alarm system. All cultivation of marijuana shall take place in an enclosed, locked facility which is either indoors or otherwise not visible to the public and which can only be accessed by principal officers and employees of the dispensary who have valid registry identification cards. ~~The department of public safety~~ Department of Public Safety shall perform an annual on-site assessment of each dispensary and may perform on-site assessments of a dispensary without limitation for the purpose of determining compliance with this subchapter and any rules adopted pursuant to this subchapter and may enter a dispensary at any time for such purpose. During an inspection, ~~the department~~ Department may review the dispensary's confidential records, including its dispensing records, which shall track transactions according to registered patients' registry identification numbers to protect their confidentiality.

~~(2)~~(A) A registered patient or registered caregiver may obtain marijuana from the dispensary ~~facility~~ by appointment only.

(B) A dispensary may deliver marijuana to a registered patient or registered caregiver. The marijuana shall be transported in a locked container.

(3) The operating documents of a dispensary shall include procedures for the oversight of the dispensary and procedures to ensure accurate record-keeping.

(4) A dispensary shall submit the results of ~~an annual~~ a financial audit to the ~~department of public safety~~ Department of Public Safety no later than 60 days after the end of the dispensary's first fiscal year, and every other year

thereafter. The ~~annual~~ audit shall be conducted by an independent certified public accountant, and the costs of any such audit shall be borne by the dispensary. The ~~department~~ Department may also periodically require, within its discretion, the audit of a dispensary's financial records by the ~~department~~ Department.

(5) A dispensary shall destroy or dispose of marijuana, marijuana-infused products, clones, seeds, parts of marijuana that are not usable for symptom relief or are beyond the possession limits provided by this subchapter, and marijuana-related supplies only in a manner approved by rules adopted by the ~~department of public safety~~ Department of Public Safety.

* * *

(n) Nothing in this subchapter shall prevent a dispensary from acquiring, possessing, cultivating, manufacturing, transferring, transporting, supplying, selling, and dispensing hemp and hemp-infused products for symptom relief. "Hemp" shall have the same meaning as provided in 6 V.S.A. § 562. A dispensary shall not be required to comply with the provisions of 6 V.S.A. chapter 34.

Sec. 6. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND REGISTRATION

* * *

(b) Within 30 days of the adoption of rules, the ~~department~~ Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the ~~department~~ Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section. No more than four dispensaries shall hold valid registration certificates at one time. ~~The total statewide number of registered patients who have designated a dispensary shall not exceed 1,000 at any one time.~~ Any time a dispensary registration certificate is revoked, is relinquished, or expires, the ~~department~~ Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four dispensaries hold valid registration certificates in Vermont, the ~~department of public safety~~ Department of Public Safety shall accept applications for a new dispensary.

* * *

(g) After a dispensary is approved but before it begins operations, it shall submit the following to the ~~department of public safety~~ Department:

* * *

(4) A registration fee of \$20,000.00 for the first year of operation, and an annual fee of \$30,000.00 in subsequent years.

Sec. 7. 18 V.S.A. § 4474m is added to read:

§ 4474m. DEPARTMENT OF PUBLIC SAFETY; PROVISION OF EDUCATIONAL AND SAFETY INFORMATION

The Department of Public Safety shall provide educational and safety information developed by Vermont Department of Health to each registered patient upon registration pursuant to section 4473 of this title, and to each registered caregiver upon registration pursuant to section 4474 of this title.

Sec. 8. DEPARTMENT OF HEALTH REPORT; POST-TRAUMATIC STRESS DISORDER

The Department of Health, in consultation with the Department of Mental Health, shall review and report on the existing research on the treatment of the symptoms of post traumatic stress disorder, as defined by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as well as the existing research on the use of marijuana for relief of the symptoms of post traumatic stress disorder. The Department shall report its findings to the General Assembly on or before January 15, 2015.

Sec. 8a. TAXATION AND REGULATION OF MARIJUANA; REPORT

On or before January 15, 2015, the Secretary of Administration shall report to the General Assembly regarding the taxation and regulation of marijuana in Vermont. The report shall analyze:

(1) the possible taxing systems for the sale of marijuana in Vermont, including sales and use taxes and excise taxes, and the potential revenue each may raise;

(2) any savings or costs to the State that would result from regulating marijuana; and

(3) the experiences of other states with regulating and taxing marijuana.

Sec. 9. EFFECTIVE DATES

This section and Sec. 4 shall take effect on passage and the remaining sections shall take effect on July 1, 2014.

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

An act relating to the regulation of marijuana for symptom relief and dispensaries.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Campbell consideration was postponed until later in the day.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate

H. 526.

Senator Snelling, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to the establishment of lake shoreland protection standards.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS AND LEGISLATIVE INTENT

The General Assembly finds and declares that:

(1) Clean water is essential in Vermont's quality of life.

(2) Preserving, protecting, and restoring the water quality of all lakes, ponds, rivers, and streams are necessary for the clean water, recreation, economic opportunity, wildlife habitat, and ecological value that such waters provide.

(3) Currently, there are multiple pressures on the protection of the water quality of the State's surface waters.

(4) The State has responded to the multiple pressures on water quality by implementing regulatory programs for stormwater, wastewater, and agricultural runoff, but water quality issues remain that need addressing.

(5) Vermont's lakes are among the State's most valuable and fragile economic and natural resources, and the protection of naturally vegetated shorelands adjacent to lakes is necessary to prevent water quality degradation, maintain healthy habitat, and promote flood resilience.

(6) Naturally vegetated shorelands and implementation of best management practices in lands adjacent to lakes function to:

(A) intercept and infiltrate surface water runoff, wastewater, and groundwater flows from upland sources;

(B) remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants;

(C) moderate the temperature of shallow water habitat;

(D) maintain the conditions that sustain the full support of aquatic biota, wildlife, and aquatic habitat uses; and

(E) promote stability and flood resilience by protecting shoreline banks from erosion.

(7) Healthy lakes and adjacent shorelands:

(A) support Vermont's tourism economy and promote widespread recreational opportunities, including swimming, boating, fishing, and hunting;

(B) support property values and tax base; and

(C) reduce human health risks.

(8) According to the Agency of Natural Resources Water Quality Remediation, Implementation, and Funding Report in 2013, review of the development, protection, and stabilization of shorelands is necessary because of the importance of shorelands to the health of lakes.

(9) A lake or pond of more than 10 acres is located in 184 of the State's 251 municipalities. However, only 48 municipalities have shoreland zoning that requires vegetative cover. Scientifically based standards for impervious surface and cleared area adjacent to lakes are necessary to protect and maintain the integrity of water quality and aquatic and shoreland habitat, while also allowing for reasonable development of shorelands.

(10) The shorelands of the State owned by private persons remain private property, and this act does not extend the common-law public trust doctrine to private shoreland that is not currently public trust land. The State has an interest in protecting lakes and adjacent shorelands in a manner that respects existing rights of property owners to control access to land they own in lake shorelands, and the regulation of the creation of new impervious surface or cleared area in the shoreland areas should not and does not affect the ability of property owners to control access to their lands.

(11) In order to fulfill the State's role as trustee of its waters and promote public health, safety, and the general welfare, it is in the public interest for the General Assembly to establish lake shoreland protection standards for impervious surface and cleared area in the shorelands adjacent to the State's lakes.

Sec. 2. 10 V.S.A. chapter 49A is added to read:

CHAPTER 49A. LAKE SHORELAND PROTECTION STANDARDS

§ 1441. PURPOSE

The purposes of this chapter shall be to:

(1) provide clear and adaptable standards for the creation of impervious surface or cleared area in lands adjacent to lakes;

(2) prevent degradation of water quality in lakes and preserve natural stability of shoreline;

(3) protect aquatic biota and protect habitat for wildlife and aquatic life;

(4) mitigate, minimize, and manage any impact of new impervious surface and new cleared area on the lakes of the State;

(5) mitigate the damage that floods and erosion cause to development, structures, and other resources in the lands adjacent to lakes;

(6) accommodate creation of cleared areas and impervious surfaces in protected shoreland areas in a manner that allows for reasonable development of existing parcels;

(7) protect shoreland owners' access to, views of, and use of the State's lakes; and

(8) preserve and further the economic benefits and values of lakes and their adjacent shorelands.

§ 1442. DEFINITIONS

As used in this chapter:

(1) "Agency" means the Agency of Natural Resources.

(2) "Best management practices" means approved activities, maintenance procedures, and other practices to prevent or reduce the effects of impervious surface or cleared area on water quality and natural resources.

(3) "Cleared area" means an area where existing vegetative cover, soil, tree canopy, or duff is permanently removed or altered. Cleared area shall not mean management of vegetative cover conducted according to the requirements of section 1447 of this title.

(4) "Duff" means leaf litter plus small fragments of plants and organic debris that provide a spongy substrate that absorbs the energy of falling water and allows runoff to infiltrate soil.

(5) "Expansion" means an increase or addition of impervious surface or cleared area.

(6) "Grass lawn" means land maintained in continuous plant coverage of grasses and similar plants that are closely and regularly mowed, including meadow or pasture on nonagricultural land. "Grass lawn" does not include pasture cropland, land used to grow sod, or similar land used for agricultural production.

(7) "Habitable structure" means a permanent assembly of materials built for the support, shelter, or enclosure of persons, animals, goods, or property, including a dwelling, a commercial or industrial building, and driveways, decks, and patios attached or appurtenant to a dwelling or commercial or industrial building. "Habitable structure" shall not mean a motor home, as that term is defined under 32 V.S.A. § 8902, tents, lean-tos, or other temporary structures.

(8) "Highway" shall have the same meaning as in 19 V.S.A. § 1(12).

(9) "Impervious surface" means those manmade surfaces, including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

(10) "Lake" means a body of standing water, including a pond or a reservoir, which may have natural or artificial water level control. Private ponds shall not be considered lakes.

(11) "Management road" shall have the same meaning as in 19 V.S.A. § 1(13).

(12) "Mean water level" means the mean water level of a lake as defined in the Mean Water Level Rules of the Agency of Natural Resources adopted under 29 V.S.A. § 410.

(13) "Parcel" means a portion of land or a tract of land with defined boundaries created by dividing the land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the records of the municipality where the act of division occurred.

(14) "Private pond" means a body of standing water that is a natural water body of not more than 20 acres located on property owned by a person or an artificial water body of any size located on property owned by one person. A "private pond" shall include a reservoir specifically constructed for one of the following purposes: snowmaking storage, golf course irrigation, stormwater management, or fire suppression.

(15) "Private road" means a road or street other than a highway, as that term is defined in 19 V.S.A. § 1(12), that is owned by one or more persons and

that is used as a means of travel from a highway to more than one parcel of land.

(16) "Project" means an act or activity that results in cleared area or the creation of impervious surface in a protected shoreland area.

(17) "Protected shoreland area" means all land located within 250 feet of the mean water level of a lake that is greater than 10 acres in surface area.

(18) "Secretary" means the Secretary of Natural Resources or the Secretary's duly authorized representative.

(19) "Slope" means the vertical rise divided by the horizontal run of a plane expressed as a percentage.

(20) "State forest highway" shall have the same meaning as in 19 V.S.A. § 1(19).

(21) "Stormwater runoff" means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

(22) "Vegetative cover" means mixed vegetation within the protected shoreland area, consisting of trees, shrubs, groundcover, and duff. "Vegetative cover" shall not mean grass lawns, noxious weeds designated by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 84, or nuisance plants, such as poison ivy and poison oak, designated by the Secretary of Natural Resources.

§ 1443. INDIVIDUAL PERMIT REQUIREMENT FOR IMPERVIOUS SURFACE OR CLEARED AREA IN A PROTECTED SHORELAND AREA

(a) Permit requirement. A person shall not create cleared area or impervious surface in a protected shoreland area without a permit from the Secretary issued under this section, except for activities authorized to occur without a permit under section 1446 of this title.

(b) Permit issuance. The Secretary shall issue a permit under this section if the proposed impervious surface or cleared area meets the requirements of section 1444 or 1445 of this title.

(c) Permit process.

(1) A person applying for a permit shall do so on a form provided by the Secretary. The application shall be posted on the Agency's website.

(2) A person applying for a permit shall provide notice, on a form provided by the Secretary, to the municipal clerk of the municipality in which

the construction of impervious surface or creation of cleared area is located at the time the application is filed with the Secretary.

(3) The Secretary shall provide an opportunity for written comment, regarding whether an application complies with the requirements of this chapter or any rule adopted by the Secretary, for 30 days following receipt of the application.

(d) Permit condition. A permit issued under this section may include permit conditions, including authorizing a permittee, no more frequently than two times per year, to clear vegetative cover within three feet of both sides of a footpath within the protected shoreland area in order to allow access to the mean water level for maintenance or repair of recreational structures or for other activity approved by the Secretary.

(e) Permit term. Individual permits issued under this section shall be for an indefinite term, provided that the permittee complies with the requirements of the permit and takes no additional action for which an individual permit is required.

(f) Recording. A permit or registration issued under this chapter shall, for the purposes of having the permit or registration run with the land, be recorded in the land records of the municipality in which the impervious surface or cleared area is located.

(g) Public recreational areas. Notwithstanding the requirements of sections 1444 and 1445 of this title, the Secretary shall issue a permit under this chapter for a public recreational area project if the permit applicant demonstrates and the Secretary finds that:

(1) the recreational activity provides access to the water for the general public and promotes the public trust uses of the water;

(2) the impervious surface or cleared area is necessary to achieve the recreational purpose of the project, and the project must be constructed within the protected shoreland area to achieve its recreational function; and

(3) the project conforms with best management practices approved by the Secretary that protect the habitat and water quality of the lake while achieving the public recreational purposes.

§ 1444. PERMIT STANDARDS

(a) Permit standards; generally. Except for permits issued under section 1445 of this title, the Secretary shall issue a permit under this chapter if the permit applicant, including the State of Vermont, demonstrates that:

(1) cleared area or impervious surface shall be located at least 100 feet from the mean water level, except for for shoreland stabilization measures designed to repair or prevent erosion or flood risks and approved by the Secretary;

(2) cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that will have a stable slope with minimal erosion and minimal negative impacts to water quality;

(3)(A) no more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface; or

(B) best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area;

(4)(A) no more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating impervious surface; or

(B) best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the protected shoreland area; and

(5) vegetative cover shall be managed according to the requirements of section 1447 of this title.

(b) Repair of highway, State forest highway, management road, or private road. Under this chapter, when the repair, emergency repair, or replacement of a highway, management road, State forest highway, or private road results in the construction, creation, or expansion of impervious surface or cleared area on a property adjacent to the highway, management road, State forest highway, or private road, the impervious surface or cleared area constructed or created on the adjacent property shall not be calculated as square footage of impervious surface or cleared area for purposes of permitting or registration under this chapter.

(c) Calculation of area. Under this chapter, the area of constructed, created, or expanded impervious surface or cleared area shall be the square footage as measured on a horizontal plane.

§ 1445. NONCONFORMING PARCELS; PERMIT STANDARDS

(a) Permit for nonconforming parcels. A permit applicant shall comply with the requirements of subsection (b) of this section if the applicant cannot meet the standard required under subdivision 1444(a)(1) of this title on a parcel of land in existence on July 1, 2014, due to one of the following limitations:

(1) parcel size;

(2) the site characteristic or site limitations of the parcel, including presence of highway or rights of way and soil type; or

(3) application of municipal setback requirement in a municipal bylaw adopted on or before July 1, 2014.

(b) Permit standards for nonconforming parcels.

(1) For a parcel on which there is no habitable structure, the cleared area or impervious surface shall be as far as possible from the mean water level, and at a minimum shall be no less than 25 feet from the mean water level, except for shoreland stabilization measures designed to repair or prevent erosion or flood risks and approved by the Secretary.

(2) For a parcel on which a habitable structure is located, the expansion of any portion of the structure within 100 feet of the mean water level shall be on the side of the structure farthest from the lake, unless the Secretary determines that:

(A) expansion on an alternate side of the structure will have an impact on water quality that is equivalent to or less than expansion of the structure on the side farthest from the lake; and

(B) the structure is not expanded toward the mean water level.

(3) Cleared area or impervious surface within the protected shoreland area shall be located on a site:

(A) with a slope of less than 20 percent; or

(B) that the permit applicant demonstrates will have a stable slope with minimal erosion and minimal negative impacts to water quality.

(4)(A) No more than 20 percent of the protected shoreland area of the parcel shall consist of impervious surface; or

(B) The permit applicant shall demonstrate that best management practices will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20 percent of the protected shoreland area.

(5)(A) No more than 40 percent of the protected shoreland area of the parcel shall consist of cleared area, including area cleared for the purposes of creating an impervious surface; or

(B) The permit applicant shall demonstrate that best management practices will be used to provide erosion control, bank stability, and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40 percent of the protected shoreland area.

(c) Vegetation maintenance on nonconforming parcels. A permit issued under this section for creation of cleared area or impervious surface on a nonconforming parcel shall not require compliance with the requirements of section 1447 for the management of vegetative cover.

(d) Application process. An applicant for a permit under this section shall submit to the Secretary a form that identifies the basis of the nonconformity on the parcel. The Secretary may issue a permit under this section to an applicant who meets the requirements of subsection (b) of this section.

§ 1446. REGISTERED PROJECTS; EXEMPTIONS FROM PERMITTING

(a)(1) Registered projects. The following projects in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(A) The creation of no more than 100 square feet of impervious surface or cleared area, or a combination of impervious surface or cleared area, within 100 feet of the mean water level, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary, on a form provided by the Secretary that contains the name of the property owner, the address of the property, and a certification that the project meets the requirements of this subsection (a);

(ii) the impervious surface or cleared area is located at least 25 feet from the mean water level; and

(iii) vegetative cover shall be managed according to the requirements of section 1447 of this title.

(B) The creation of 500 square feet or less of impervious surface, cleared area, or a combination of impervious surface and cleared area, provided that:

(i) the owner of the property on which the impervious surface or cleared area is created registers with the Secretary a form provided by the Secretary that contains the name of the property owner, the address of the

property, and a certification that the project meets the requirements of this subsection;

(ii) the impervious surface or cleared area is at least 100 feet from the mean water level;

(iii) any proposed cleared area or area within the protected shoreland area where an impervious surface shall be sited has a slope of less than 20 percent;

(iv) after the completion of the project, the protected shoreland area shall consist of no more than 20 percent impervious surface; and

(v) after the completion of the project, the protected shoreland area shall consist of no more than 40 percent cleared area, including any area cleared for the purposes of creating impervious surface.

(2) Limit on registration per parcel. A person shall not use the registration process under this subsection to create more than a maximum total per parcel of:

(A) 100 square feet of impervious surface or cleared area within 100 feet of the mean water level; and

(B) 500 square feet of impervious surface or cleared area within the protected shoreland area that is at least 100 feet from the mean water level.

(3) Effect of registration. A registration shall take effect 15 days after being filed with the Secretary, unless the Secretary requests that the person registering submit additional information that the Secretary considers necessary or the Secretary notifies the person registering that an individual permit is required.

(4) Term. Registrations shall be for an indefinite term, provided that the person complied with the requirements of this subsection and takes no action for which an individual permit is required.

(b) Exemptions. The following activities in a protected shoreland area do not require a permit under section 1444 or 1445 of this title:

(1) Management of vegetative cover. Management of vegetative cover conducted in compliance with section 1447 of this title.

(2) Removal of vegetation for recreational purposes. The cutting or removal of no more than 250 square feet of the existing vegetation under three feet in height within 100 feet of the mean water level to allow for recreational use in the protected shoreland area, provided that:

(A) the cutting or removal of vegetation occurs at least 25 feet from the mean water level; and

(B) other ground cover, including leaf litter and the forest duff layer, shall not be removed from the area in which cutting occurs.

(3) Maintenance of lawns. The maintenance, but not the enlargement, of lawns, gardens, landscaped areas, and beaches in existence as of July 1, 2014.

(4) Creation of footpaths. The creation of one footpath per parcel with a width of no greater than six feet that provides access to the mean water level. Under this subdivision, a footpath includes stairs, landings, or platforms within the authorized six-foot width.

(5) Construction within footprint. Construction within the footprint of an impervious surface, existing as of July 1, 2014, that does not result in a net increase in the amount of impervious surface on a parcel.

(6) Silvicultural activities. Silvicultural activities in a protected shoreland area if the silvicultural activities are in compliance with:

(A) a forest management plan, approved by the Commissioner of Forests, Parks and Recreation, for the land in the protected shoreland area in which the silvicultural activities occur; and

(B) the accepted management practices adopted by the Commissioner of Forests, Parks and Recreation under section 2622 of this title.

(7) Agricultural activities. Agricultural activities on land in agricultural production on July 1, 2014, provided that:

(A) no impervious surface shall be created or expanded in a protected shoreland area except: when no alternative outside the protected shoreland area exists, the construction of a best management practice is necessary to abate an agricultural water quality issue, and the best management practice is approved by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215; and

(B) the agricultural activities within the protected shoreland area comply with the rules adopted by the Secretary of Agriculture, Food and Markets under 6 V.S.A. chapter 215 regarding agricultural water quality, including accepted agricultural practices, best management practices, medium and small farm operation, and large farm operation.

(8) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:

(A) Transportation infrastructure by the Vermont Agency of Transportation or by a municipality.

(B) A private road that does not require a permit under section 1264 of this title, provided that emergency repair, repair, and replacement of the private road shall comply with the applicable water quality best management practices approved by the Secretary under 19 V.S.A. § 996 and incorporated within the Vermont Agency of Transportation town road and bridge standards for controlling stormwater runoff and direct discharges to State waters. The requirement to comply with the water quality best management practices shall apply even if the municipality in which the private road is located has not adopted the town road and bridge standards. Under this subdivision, expansion of a private road in order to allow for passage of emergency vehicles shall be considered repair that does not require a permit under section 1443 of this title.

(9) Railroad activities. Railroad activities and facilities within the jurisdiction of federal law.

(10) Parcel intersected by public highway. The creation or expansion of impervious surface or cleared area on a parcel within the protected shoreland area when the parcel is intersected by a highway and the impervious surface or cleared area is created or expanded on that portion of the parcel on the side of the highway away from the mean water level.

(11) Wastewater systems and potable water supplies. Installation, maintenance, repair, or replacement of a wastewater system or potable water supply permitted by the Agency of Natural Resources under chapter 64 of this title.

(12) Stormwater treatment. Discharges of stormwater, stormwater treatment facilities or practices, including repair or maintenance, permitted by the Agency of Natural Resources under section 1264 of this title.

(13) Utility projects and utility lines.

(A) The construction of projects that require a certificate of public good under 30 V.S.A. § 248 subject to the Agency of Natural Resources Riparian Buffer Guidance for Act 250 and Section 248 projects.

(B) The routine repair and maintenance of utility lines and structures including vegetation maintenance in utility line corridors, in a protected shoreland area that are subject to 30 V.S.A. § 248, chapter 151 of this title, or a vegetation management plan approved by the Agency in a protected shoreland area. Vegetation management practices in a protected shoreland area shall be performed in accordance with a vegetation management plan approved by the Agency of Natural Resources.

(C) The emergency repair of utility lines and poles in protected shoreland areas, provided that such repair minimizes adverse impacts to vegetation in the protected shoreland area.

(14) Act 250 permit. Projects which have received a permit pursuant to chapter 151 of this title.

(15) Designated downtowns and village centers. Projects in downtowns and village centers designated pursuant to 24 V.S.A. chapter 76A.

(16) Urban and industrial redevelopment. Construction, creation, or expansion of impervious surface or cleared area within a protected shoreland area, provided that:

(A) the area in which the impervious surface or cleared area will be constructed, created, or expanded is:

(i) urban or industrial in nature;

(ii) contains as of July 1, 2014 impervious surface or cleared area; and

(iii) has been designated by municipal bylaw for redevelopment.

(B) the municipality has adopted a shoreland bylaw or ordinance that:

(i) is at least as stringent as the permitting requirements and exemptions of this chapter; or

(ii) requires best management practices or other controls that are, as determined by the Secretary, functionally equivalent to compliance with the permitting requirements and exemptions of this chapter.

(17) Mosquito control. Where mosquito populations create a public health hazard, as that term is defined in 18 V.S.A. § 2, physical practices or activities approved by the Secretary that create cleared area or remove vegetative cover in order to reduce mosquito breeding habitat, provided that any activity authorized under this subdivision shall comply with the Vermont Wetlands Rules.

(c) Application of vegetative cover requirements. Activities authorized under subdivisions (b)(2)–(13) of this section shall not be required to comply with the requirements for the management of vegetative cover under section 1447 of this title.

§ 1447. LAKE SHORELAND VEGETATION PROTECTION STANDARDS

(a) Within 100 feet of the mean water level, cutting of trees is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. Vegetation management that occurs within the protected shoreland area and that is conducted according to the requirements of this section shall not be counted toward the cleared area on a parcel.

(b) A “well-distributed stand of trees” shall be defined as maintaining a minimum rating score of 12, in each 25-foot by 25-foot area within 100 feet of the mean water level, as determined by the following rating system.

<u>(1) Diameter of tree at 4-1/2 feet above ground level (inches)</u>	<u>Points</u>
<u>2—< 4 in.</u>	<u>1</u>
<u>4—< 8 in.</u>	<u>2</u>
<u>8—< 12 in.</u>	<u>4</u>
<u>12 in. or greater</u>	<u>8</u>

(2) The following shall govern in applying this point system:

(A) 25-foot by 25-foot plots shall be established for vegetation management purposes.

(B) Each successive plot must be adjacent to but not overlap a previous plot.

(C) Any plot not containing the required points must have no vegetative cover removed unless the removal is allowed pursuant to a registration or individual permit.

(D) Any plot containing the required points may have trees removed down to the minimum points allowed.

(E) Existing vegetative cover under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or as allowed pursuant to a registration or individual permit.

(F) Pruning of tree branches on the bottom one-third of a tree’s height is allowed.

(G) Removal of dead, diseased, or unsafe trees shall be allowed regardless of points.

(c) As used in this section, “other natural vegetation” means retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 25-foot area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been planted or rooted in the plot.

§ 1448. MUNICIPAL DELEGATION

(a) Municipal shoreland bylaws or ordinances. The Secretary shall delegate authority to permit the construction, creation, or expansion of

impervious surface or cleared area under this chapter to a municipality that has adopted a shoreland bylaw or ordinance if:

(1) the municipality adopts a bylaw or ordinance regulating construction of impervious surface or creation of cleared area in a protected shoreland area;

(2) the municipal bylaw or ordinance is, as determined by the Secretary, functionally equivalent to the requirements under sections 1444, 1445, 1446, and 1447 of this title; and

(3) the Secretary determines that the municipality provides adequate resources for administration and enforcement of the bylaw or ordinance.

(b) Delegation agreement.

(1) Delegation under subsection (a) of this section shall be by agreement between the Secretary and the delegated municipality. The delegation agreement shall set the terms for revocation of delegation.

(2) Under the delegation agreement, the Secretary and the municipality may agree, in instances where a delegated municipality does not or cannot address noncompliance, that the Secretary, after consultation with the municipality, may institute enforcement proceedings under chapter 201 of this title.

(3) The delegation agreement shall require the municipality to:

(A) have or establish a process for accepting, reviewing, and processing applications and issuing permits for construction of impervious surface or creation of cleared area in protected shoreland areas;

(B) take timely and appropriate enforcement actions;

(C) commit to reporting annually to the Secretary on a form and date determined by the Secretary;

(D) comply with all other requirements of the rules adopted under this chapter; and

(E) cure any defects in such bylaw or ordinance or in the administration or enforcement of such bylaw or ordinance upon notice of a defect from the Secretary.

(4) A municipality that seeks delegation under subsection (a) of this section shall be presumed to satisfy the requirements of this subsection for a permit process and enforcement if the municipality has designated a municipal zoning administrator or other municipal employee or official as responsible for the permitting and enforcement of the construction, creation, or expansion of impervious surface or cleared area within the municipality.

§ 1449. COORDINATION OF AGENCY OF NATURAL RESOURCES' PERMITTING OF ACTIVITIES IN PROTECTED SHORELAND AREAS

(a) Coordination of permitting in protected shoreland area. During technical review of a permit application for a wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility that is proposed to be located in a protected shoreland area and that does not require a permit under this chapter, the Agency division issuing the wastewater system, potable water supply, stormwater discharge, or stormwater treatment facility permit shall consult with the Agency's Lakes and Ponds Section regarding practices or activities that could reduce the impact of the proposed activity on the protected shoreland area or water quality of lakes adjacent to the protected shoreland area.

(b) Agency guidance or procedure. The Agency may formalize the consultation process required by this section in a guidance document or internal agency procedure.

§ 1450. MUNICIPAL ZONING BYLAW OR ORDINANCE

(a) Construction of impervious surface or creation of cleared area occurring outside protected shoreland areas. Construction of impervious surface or creation of cleared area occurring outside a protected shoreland area shall conform to duly adopted municipal zoning bylaws and applicable municipal ordinances and shall not be subject to regulation by the Secretary of Natural Resources under this chapter.

(b) Existing municipal bylaws and ordinances. The requirements of this chapter are in addition to existing municipal bylaws and ordinances, and proposed construction of impervious surface or creation of cleared area within the protected shoreland area shall comply with all relevant, existing municipal, State, and federal requirements.

§ 1451. RULEMAKING

The Secretary may adopt rules necessary for the purposes of implementing, administering, or enforcing the requirements of this chapter, including best management practices for the construction of impervious surfaces or the creation of cleared area in a protected shoreland area, including standards for:

(1) managing vegetative cover that may be required as a best management practice in order to ensure that some level of the required vegetative cover is maintained in the protected shoreland area;

(2) allowing reasonable use of the protected shoreland area subject to a vegetative cover requirement for construction, creation, or expansion of an impervious surface or cleared area;

(3) minimizing and mitigating the creation of an impervious surface or cleared area in a protected shoreland area.

§ 1452. EDUCATION AND OUTREACH; CITIZEN'S GUIDE

The Secretary shall conduct ongoing education and outreach to assist Vermont citizens with understanding and complying with the requirements of this chapter. The education and outreach activities shall include publication on or before January 1, 2015 of a Citizen's Guide to Shoreland Protection, which shall provide easily understood instructions on the requirements of this chapter, how to apply for a permit or registration, and the activities that are exempt from or otherwise not subject to the requirements of this chapter.

Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

(a) The ~~secretary~~ Secretary may take action under this chapter to enforce the following statutes:

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 49A, relating to lake shoreland protection standards.

Sec. 4. VOLUNTARY SHORELAND EROSION CONTROL CERTIFICATION

(a) Voluntary certification. Beginning on January 1, 2016, the Agency of Natural Resources, in consultation with the Associated General Contractors of Vermont, shall offer an optional shoreland erosion control certification program. The program shall include training related to development activities in a shoreland area, including best management practices for erosion control, clearance of vegetation, and construction of impervious surfaces in shoreland areas. The voluntary certification program shall be offered until January 1, 2018.

(b) Report. On or before January 1, 2018, the Secretary of Natural Resources shall report to the House and Senate Committees on Natural Resources and Energy and the House Committee on Fish, Wildlife and Water Resources regarding the voluntary shoreland erosion control certification program created in subsection (a) of this section. The report shall include:

(1) a general summary and evaluation of the program's success, including an overview of the number of persons certified by the program and the projects constructed by certified persons;

(2) a recommendation of whether the State and the Associated General Contractors of Vermont should continue the shoreland erosion control certification program, including whether to make the erosion control certification program mandatory and whether to allow certified persons to certify compliance with the shoreland protection standards in this chapter in lieu of obtaining the permit required under 10 V.S.A. § 1444 or 1445; and

(3) any other recommendations for improving the program.

Sec. 5. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(R) chapter 32 (flood hazard areas).

(S) chapter 49A (lake shoreland protection standards).

* * *

Sec. 6. 3 V.S.A. § 2822(j)(32) is added to read:

(32) For projects taking place in a protected shoreland area that require:

(A) a registration under 10 V.S.A. § 1446: \$100.00.

(B) a permit under 10 V.S.A. §§ 1443, 1444, and 1445: \$125.00 plus \$0.50 per square foot of impervious surface.

Sec. 7. REPORT ON PROGRESS OF LAKE SHORELAND PROTECTION PROGRAM

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Natural Resources and Energy, and the House Committee on Fish, Wildlife and Water Resources a report regarding implementation by the Agency of Natural Resources of the Lake Shoreland Protection Program under 10 V.S.A. chapter 49A. The report shall include:

(1) the number of lake shoreland protection registrations and permits issued by the Agency;

(2) the number of lots, if any, denied a shoreland protection registration or permit and the rationale for the denial of each application;

(3) an evaluation of the performance of the Lake Shoreland Protection Program, including the time frame for issuance of permits and landowner compliance;

(4) a list of the towns the Secretary delegated to implement the Lake Shoreland Protection Program, and a list of the towns that were denied delegation, including the rationale for denial;

(5) an evaluation of whether implementation of the Lake Shoreland Protection Program has achieved or is achieving the purposes of the Program set forth under 10 V.S.A. § 1441, including preventing degradation of water quality, preserving natural shoreline stability, protecting aquatic biota, protecting habitat for wildlife and aquatic life, and mitigating sediment and nutrient runoff to surface waters;

(6) the permit and registration fees collected by the Agency;

(7) the cost to the Agency of implementing the Lake Shoreland Protection Program; and

(8) any recommendations to improve the Lake Shoreland Protection Program, including how and whether to allow the use of off-site mitigation to offset the adverse impacts of creation or expansion of an impervious surface or cleared area on the water quality of lakes or on protected shoreland areas.

Sec. 8. 10 V.S.A. § 1454 is amended to read:

§ 1454. TRANSPORT OF AQUATIC PLANTS AND AQUATIC NUISANCE SPECIES

(a) No person shall transport an aquatic plant or aquatic plant part, zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), or other aquatic nuisance species identified by the ~~secretary~~ Secretary by rule to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment. This section shall not restrict proper harvesting or other control activities undertaken for the purpose of eliminating or controlling the growth or propagation of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species.

(b) The ~~secretary~~ Secretary may grant exceptions to persons to allow the transport of aquatic plants, zebra mussels, quagga mussels, or other aquatic nuisance species for scientific or educational purposes. When granting exceptions, the ~~secretary~~ Secretary shall take into consideration both the value

of the scientific or educational purpose and the risk to Vermont surface waters posed by the transport and ultimate use of the specimens. A letter from the ~~secretary~~ Secretary authorizing the transport must accompany the specimens during transport.

(c) A violation of this section may be brought by any law enforcement officer, as that term is defined in 23 V.S.A. § 4(11), in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title.

Sec. 9. TRANSITION

A permit or registration under 10 V.S.A. chapter 49A for the creation of impervious surface or cleared area within a protected shoreland area shall not be required on a parcel of land for a project for which:

(1) all necessary State, local, or federal permits have been obtained prior to the effective date of this act and the permit holder takes no subsequent act that would require a permit or registration under 10 V.S.A. chapter 49A; or

(2) a complete application for all applicable local, State, and federal permits has been submitted on or before the effective date of this act, provided that the applicant does not subsequently file an application for a permit amendment that would require a permit under 10 V.S.A. chapter 49A and substantial construction of the impervious surface or cleared area commences within two years of the date on which all applicable local, State, and federal permits become final.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

ROBERT M. HARTWELL

DIANE B. SNELLING

JOHN S. RODGERS

Committee on the part of the Senate

DAVID L. DEEN

ROBERT C. KREBS

STEPHEN C. BEYOR

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Consideration Resumed; House Proposal of Amendment Concurred In**S. 247.**

Consideration was resumed on Senate bill entitled:

An act relating to the regulation of medical marijuana dispensaries.

Thereupon, the pending question, Shall the Senate concur in the House Proposal of amendment?, was agreed to.

Rules Suspended; Proposal of Amendment; Third Reading Ordered**H. 864.**

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to capital construction and State bonding budget adjustment.

Was taken up for immediate consideration.

Senator Flory, for the Committee on Institutions, to which the bill was referred, 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. 2013 Acts and Resolves No. 51, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

* * *

(b) The following sums are appropriated in FY 2014:

* * *

(15) Renovation and replacement of state-owned assets, Tropical Storm Irene:

* * *

(F) A special committee consisting of the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions ("Special Committee") is hereby established. If there are any material changes to the planning or funding of the Waterbury State Office Complex, the Special Committee shall meet to review and approve these changes at the next regularly scheduled meeting of the Joint Fiscal Committee or at an emergency meeting called by the Chairs of the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Joint Fiscal Committee. The Special Committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 406.

(G) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates to the planning process for the projects described in this subdivision (b)(15), including any updates on material changes to the planning or funding of the Waterbury State Office Complex.

(H) As used in this subdivision (b)(15), a “material change” means a change to the planning or funding of the Waterbury State Office Complex that:

(i) increases the total original project cost estimate by ~~40~~ five percent or more; or

(ii) constitutes a change in plan or design.

(I) The Commissioner of Buildings and General Services, with the approval of the Secretary of Administration, is authorized to approve additional contingency spending for the Waterbury State Office Complex of less than five percent of the total original project cost estimate.

* * *

(c) The following sums are appropriated in FY 2015:

* * *

(2) Statewide, building reuse and planning:	\$75,000.00
(3) Statewide, contingency:	\$100,000.00
(4) Statewide, major maintenance:	\$8,334,994.00 <u>\$8,369,994.00</u>
(5) Statewide, BGS engineering, <u>project management</u> , and architectural project costs:	\$2,982,132.00 <u>\$3,446,163.00</u>

* * *

(11) Montpelier, capitol district heat plant, 122 State Street supplemental funds: \$2,500,000.00

(12) Agency of Agriculture, Food and Markets and Agency of Natural Resources, laboratory, development of proposal for site location, programming, and design: \$300,000.00

(13) Permanent secure residential facility, proposal for siting and design (as described in Sec. 40 of this act): \$50,000.00

(14) Vergennes, Weeks School, master plan (as described in Sec. 22 of this act): \$30,000.00

(15) State House, elevator upgrades and repair: \$180,000.00

(16) Barre, 2 Spaulding Street and McFarland State Office Building, retaining wall (as described in subsection (h) of this section): \$75,000.00

(17) State House, security enhancements (as described in subsection (i) of this section): \$250,000.00

(18) State House maintenance, and enhancements, upgrades, and renovations to support the Senate, as approved by the Committee on Committees: \$100,000.00

(d) It is the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$75,000.00 of the funds appropriated in subdivision (b)(4) of this section for the purpose of funding projects described in 2009 Acts and Resolves No. 43, Sec. 24(b), and in Sec. 49 of this act. It is also the intent of the General Assembly that the Commissioner of Buildings and General Services may:

(1) reallocate up to \$300,000.00 of the funds appropriated in subdivision (c)(4) of this section to subdivision (c)(2) of this section;

(2) 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. 50, Sec. E.100(b)(1) (FY 2014 Appropriations Act); and

(3) use up to \$250,000.00 of the funds appropriated in subdivision (c)(5) of this section for the purpose of supporting the Department of Buildings and General Services in implementing a project management system.

* * *

(f) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(2) of this section may be used for:

(1) a long-term capital plan, as described in Sec. 27 of this act;

(2) a budget and phased design plan for infrastructure improvements at 120 State Street in Montpelier; and

(3) fostering and developing a ten-year capital program plan as required by 32 V.S.A. § 701a.

(g) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(11) of this section shall not exceed the cost of construction in placing the capital district heat plant into service. It is also the intent of the General Assembly that any additional funds remaining after this construction has been completed shall be reallocated to the FY 2016 Capital Construction Act.

(h)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(16) of this section shall be used by the Commissioner of Buildings and General Services to reimburse the landowner of the property located at 2 Spaulding Street in Barre once the landowner has completed the following:

(A) demolishes and removes the entire retaining wall that is located on both the landowner's property and on the State's property;

(B) demolishes and removes the house located on the landowner's property; and

(C) excavates and grades the site located on both the landowner's property and on the State's property.

(2) Notwithstanding 32 V.S.A. § 5, the Commissioner of Buildings and General Services is authorized to use any remaining funds to compensate the landowner if the landowner conveys the property located at 2 Spaulding Street in Barre by warranty deed to the State of Vermont. It is the intent of the General Assembly that the Commissioner shall not compensate the landowner for the conveyance unless the work described in subdivision (1) of this subsection is complete.

(3) It is also the intent of the General Assembly that any reimbursement of funds for work described in subdivision (1) of this subsection or compensation provided to the landowner for the conveyance shall be transferred to the landowner on or before October 1, 2014.

(4) It is also the intent of the General Assembly that any additional funds remaining shall be reallocated to the FY 2016 Capital Construction Act.

(i)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(17) of this section shall be used by the Commissioner of Buildings and General Services to:

(A) install a necessary raceway system with supporting wiring for the installation of a security system for the State House;

(B) install an alert system in One Baldwin Street to notify employees when an emergency alarm has been activated in the State House and when the House and the Senate are convening; and

(C) conduct trainings, assessments, and evaluations, as needed.

(2) It is also the intent of the General Assembly that the Commissioner of Buildings and General Services shall use the amount appropriated in subdivision (c)(17) to reimburse the General Assembly for retaining consultant

services for trainings, assessments, and evaluations, as described in Sec. 26 of this act.

Appropriation – FY 2014	\$52,461,132.00
Appropriation – FY 2015	\$45,742,126.00 <u>\$49,726,157.00</u>
Total Appropriation – Section 2	\$98,203,258.00 <u>\$102,187,289.00</u>

Sec. 2. 2013 Acts and Resolves No. 51, Sec. 4 is amended to read:

Sec. 4. HUMAN SERVICES

* * *

(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:

* * *

(3) Correctional facilities, suicide abatement projects at Southern State Correctional Facility and Southeast State Correctional Facility: \$200,000.00

(4) State correctional facilities, security enhancements and cameras, replacement for all facilities: \$250,000.00

(5) Southern State Correctional Facility, installation of a new security gate and security cage over camera, installation of gurney lift, and recreational yard improvements: \$90,000.00

(6) Northern State Correctional Facility, reconstruction of the kitchen and serving line to improve safety and security and to expand kitchen space to allow increased serving capacity: \$160,000.00

(7) Woodside Juvenile Rehabilitation Center, installation of new security fencing to support program and provide a more secure setting: \$181,000.00

* * *

Appropriation – FY 2014	\$5,200,00.00
Appropriation – FY 2015	\$6,100,000.00 <u>\$6,981,000.00</u>
Total Appropriation – Section 4	\$11,300,000.00 <u>\$12,181,000.00</u>

Sec. 3. 2013 Acts and Resolves No. 51, Sec. 5 is amended to read:

Sec. 5. JUDICIARY

* * *

(c) The sum of \$40,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services on behalf of the Judiciary for the planning and monitoring of the Caledonia courthouse wall stabilization and foundation project currently under design.

(d) The sum of \$88,000.00 is appropriated in FY 2015 to the Judiciary and directed to the Windsor County courthouse for funding ADA compliance, life safety requirements, electrical device redundancy, and teledata components and wiring.

(e) It is the intent of the General Assembly that any amounts appropriated under this section shall not alter the Judiciary's capital construction priority list.

<u>Appropriation – FY 2014</u>	<u>\$1,000,000.00</u>
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<u>Appropriation – FY 2015</u>	<u>\$2,628,000.00</u>
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Total Appropriation – Section 5	\$3,500,000.00 <u>\$3,628,000.00</u>
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Sec. 4. 2013 Acts and Resolves No. 51, Sec. 6 is amended to read:

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

* * *

(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~~ design and replication, and placement of roadside marker:

\$25,000.00 <u>\$35,000.00</u>

* * *

(e) The following sums are appropriated in FY 2015 to the Agency of Commerce and Community Development for the following projects:

* * *

(3) Justin Morrill State site, Strafford, siding repair, stair modifications to allow a second means of egress, and a conditions assessment: \$28,000.00

Appropriation – FY 2014	\$440,000.00 <u>\$450,000.00</u>
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Appropriation – FY 2015	\$250,000.00 <u>\$288,000.00</u>
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Total Appropriation – Section 6	\$690,000.00 <u>\$728,000.00</u>
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Sec. 5. 2013 Acts and Resolves No. 51, Sec. 8 is amended to read:

Sec. 8. EDUCATION

* * *

(b) The sum of ~~\$10,411,446~~ \$10,354,690.00 is appropriated in FY 2015 to the Agency of Education for funding the ~~state~~ State share of completed school construction projects pursuant to 16 V.S.A. § 3448. ~~It is the intent of the General Assembly that the funds appropriated in this subsection are committed funds not subject to budget adjustment.~~

Appropriation – FY 2014 \$6,704,634.00

Appropriation – FY 2015 ~~\$10,411,446.00~~ \$10,354,690.00

Total Appropriation – Section 8 ~~\$17,116,080.00~~ \$17,059,324.00

Sec. 6. 2013 Acts and Resolves No. 51, Sec. 11 is amended to read:

Sec. 11. NATURAL RESOURCES

* * *

(b) The following sums are appropriated to the Agency of Natural Resources in FY 2015 for:

(1) the Water Pollution Control Fund for the following projects:

(A) Clean Water State/EPA Revolving Loan Fund
(CWSRF) match:

~~\$700,000.00~~ \$1,114,000.00

* * *

(2) the Drinking Water Supply for the following projects:

* * *

(C) EcoSystem restoration and protection:

~~\$2,073,732.00~~ \$2,573,732.00

(D) Waterbury waste treatment facility for phosphorous removal:

\$300,000.00

* * *

(4)(A) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(B) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the purchase of easements and trail improvements on behalf of the Green Mountain Club:

\$122,197.00

(5) the Department of Fish and Wildlife for the following projects:

(A) general infrastructure projects: \$1,000,000.00

(B) Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: \$25,000.00

* * *

Appropriation – FY 2014 \$13,772,550.00

Appropriation – FY 2015 ~~\$7,881,732.00~~ \$9,242,929.00

Total Appropriation – Section 11 ~~\$21,654,282.00~~ \$23,015,479.00

Sec. 7. 2013 Acts and Resolves No. 51, Sec. 12 is amended to read:

Sec. 12. MILITARY

(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department of Military for land acquisition, new construction, maintenance, ADA compliance, and renovations at state armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of ~~\$500,000.00~~ \$550,000.00 is appropriated in FY 2015 for the purpose described in subsection (a) of this section.

Appropriation – FY 2014 \$750,000.00

Appropriation – FY 2015 \$550,000.00

Total Appropriation – Section 12 ~~\$1,250,000.00~~ \$1,300,000.00

Sec. 8. 2013 Acts and Resolves No. 51, Sec. 13 is amended to read:

Sec. 13. PUBLIC SAFETY

* * *

(f) The sum of \$36,000.00 is appropriated in FY 2015 to the Department of Public Safety to provide evidence storage units for the Vermont State Police to acquire accreditation through the Commission on Accreditation for Law Enforcement (CALEA) at existing barracks not yet renovated: \$36,000.00

(g) The sum of \$50,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services to contract with an independent third party to develop, in consultation with all interested stakeholders, an operational governance and planning model for the operation, financial integrity, and maintenance of the Robert H. Wood Criminal Justice and Fire Service Training Center in Pittsford. On or before January 15, 2015, the Department of Buildings and General Services shall submit this plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions: \$50,000.00

Appropriation – FY 2014		\$3,600,000.00
Appropriation – FY 2015	\$3,400,000.00	<u>\$3,486,000.00</u>
Total Appropriation – Section 13	\$7,000,000.00	<u>\$7,086,000.00</u>

Sec. 9. 2013 Acts and Resolves No. 51, Sec. 17 is amended to read:

Sec. 17. VERMONT VETERANS' HOME

* * *

(e) The sum of \$435,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services for the Vermont Veterans' Home to be used to match federal funds for kitchen renovations. The amount appropriated in this subsection shall be used in conjunction with the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 19(b) to the Department of Buildings and General Services for the Vermont Veterans' Home to design an upgrade of the kitchen and dietary storage areas to be code compliant and to improve the food preparation and delivery systems.

<u>Appropriation – FY 2014</u>		<u>\$1,216,000.00</u>
<u>Appropriation – FY 2015</u>		<u>\$435,000.00</u>
Total Appropriation – Section 17	\$1,216,000.00	<u>\$1,651,000.00</u>

Sec. 10. 2013 Acts and Resolves No. 51, Sec. 18a is amended to read:

Sec. 18a. ENHANCED 911 PROGRAM

* * *

~~(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section. [Repealed.]~~

* * *

Total Appropriation – Section 18a	\$20,000.00	<u>\$10,000.00</u>
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Sec. 11. 2013 Acts and Resolves No. 51, Sec. 19 is amended to read:

Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

* * *

(e) The following sums are reallocated to defray expenditures authorized in this act:

<u>(1) of the amount appropriated in 1991 Acts and Resolves No. 93, Sec. 11 (drinking water supply projects):</u>		<u>\$5,062.78</u>
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(2) of the amount appropriated in 2002 Acts and Resolves No. 149, Sec. 15 (State's Attorneys and Sheriffs, case management software system):

\$54,877.31

(3) of the amount appropriated in 2004 Acts and Resolves No. 121, Sec. 10 (Fish and Wildlife, species recovery plan):

\$82.63

(4) of the amount appropriated in 2005 Acts and Resolves No. 43, Sec. 9 (State-owned dams, maintenance):

\$0.19

(5) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 10 (State-owned dams, maintenance):

\$18,934.32

(6) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 3 (Health and Public Safety Lab):

\$985.58

(7) of the amount appropriated in 2007 Acts and Resolves, No. 52, Sec. 3 (Health and Public Safety Lab):

\$93,006.05

(8) of the amount appropriated in 2008 Acts and Resolves No. 200, Sec. 3 (co-location of Health and Forensic Lab):

\$13,163.00

(9) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 1 (State buildings, major maintenance and various projects):

\$24,914.89

(10) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Fish hatcheries, biosecurity):

\$38.27

(11) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Montpelier flood control):

\$42,273.30

(12) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Statewide, major maintenance):

\$11,656.44

(13) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Waterbury, State office complex, fire alarm panels and door holders):

\$38,590.72

(14) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Bennington State Office Building, geothermal energy project):

\$96,277.59

(15) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 8 (Austine School, Holton Hall, renovations):

\$11,962.03

(16) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Ecosystem restoration and protection):

\$7,000.00

(17) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Lamprey Control Project):

\$0.40

-
- (18) of the amount appropriated in 2010 Acts and Resolves No. 161,
Sec. 12 (Montpelier flood control): \$175,201.00
- (19) of the amount appropriated in 2010 Acts and Resolves No. 161,
Sec. 12 (Water pollution control projects): \$0.01
- (20) of the amount appropriated in 2010 Acts and Resolves No. 161,
Sec. 14 (Waterbury, Public Safety headquarters, repairs): \$11,757.61
- (21) of the amount appropriated in 2010 Acts and Resolves No. 161,
Sec. 26 (Springfield, municipal water system): \$200,000.00
- (22) of the amount appropriated in 2010 Acts and Resolves No. 161,
Sec. 20 (Center for Crime Victim Services): \$344.31
- (23) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (Statewide buildings, reuse and planning): \$32,497.59
- (24) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (Statewide buildings, statewide contingency): \$1,473.51
- (25) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (Statewide buildings, major maintenance): \$53,676.67
- (26) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (State buildings, 120 State Street, restroom renovations): \$1,960.39
- (27) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (State buildings, St. Albans, Northwest Correctional Facility,
maintenance shop): \$5,360.00
- (28) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (State buildings, statewide, engineering and architectural costs):
\$95,639.98
- (29) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 12 (ecosystem restoration and protection): \$12,468.06
- (30) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 12 (Department of Forest, Parks, and Recreation, projects): \$64.47
- (31) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 20 (Center for Crime Victim Services): \$4,270.00
- (32) of the amount appropriated in 2011 Acts and Resolves No. 40,
Sec. 2 (State House committee rooms): \$7,337.97
- (33) of the amount appropriated in 2012 Acts and Resolves No. 104,
Sec. 7 (Regional economic development grants): \$2,000.00

(34) of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 9 (Review of Vermont State Police facilities): 30,602.86

Total Reallocations and Transfers – Section 19 ~~\$5,728,049.74~~ \$6,781,529.67

Sec. 12. 2013 Acts and Resolves No. 51, Sec. 20 is amended to read:

Sec. 20. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

* * *

(c) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$5,842,992.21 that were previously authorized but unissued under 2013 Acts and Resolves No. 51, Sec. 20(a) for FY 2014 for the purpose of funding the appropriations of this act.

Total Revenues – Section 20 ~~\$167,503,320.00~~ \$173,346,312.21

Sec. 13. 2013 Acts and Resolves No. 51, Sec. 21 is amended to read:

Sec. 21. SALE OF BUILDING 617 IN ESSEX; USE OF PROCEEDS

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 ~~to provide additional funding for the Waterbury State Office Complex and such amount shall be appropriated in FY 2015 to Sec. 2(c)(10) of this act.~~

* * * Policy * * *

* * * Buildings and General Services * * *

Sec. 14. 2012 Acts and Resolves No. 104, Sec. 1(a) is amended to read:

(a) Damage to ~~state-owned~~ State-owned assets and infrastructure caused by Tropical Storm Irene on August 28, ~~2012~~ 2011 made necessary some of the reallocations and appropriations contained in this act.

Sec. 15. ART IN STATE BUILDINGS PROGRAM; REVIEW OF GUIDELINES AND PROCEDURES

(a) The Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall evaluate the effectiveness of the current guidelines and procedures for the Art in State Buildings Program, including the use of program terms and whether modified or new guidelines or procedures are required.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation described in subsection (a) of this section.

Sec. 16. 2012 Acts and Resolves No. 104, Sec. 2(f) is amended to read:

(f)(1) Option B of the of the Freeman, French, Freeman report published on March 9, 2012 aligns closely with the ~~general assembly's~~ General Assembly's vision for the Waterbury Complex. However, the ~~general assembly~~ General Assembly believes that Option B could be modified to achieve a cost savings to Vermonters. On or before June 1, 2012, the ~~department of buildings and general services~~ Department of Buildings and General Services shall present a modified design proposal, including proposals under subdivision (4) of this subsection (f) to the ~~house committee on corrections and institutions~~ House Committee on Corrections and Institutions, the ~~senate committee on institutions~~ Senate Committee on Institutions, and the ~~special committee~~ Special Committee described in this subsection.

* * *

(4) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to take certain actions before formal approval of the design. Therefore, notwithstanding 29 V.S.A. § 152(a)(6), 165, or 166 or any other provision of law, in addition to producing a design, permitting, and applying for federal aid, upon passage of this act, the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services may:

(A) lease, sell, lease purchase, subdivide, redevelop for State use, or donate the following buildings within the Waterbury Complex in their current condition: Stanley and Wasson, 121 South Main Street, 123 South Main Street, 5 Park Row, 43 Randall Street, and their improvements.

* * *

Sec. 17. 2011 Acts and Resolves No. 40, Sec. 26(c) is amended to read:

(c) ~~The commissioner of buildings and general services is authorized to sell the Vermont health laboratory at 195 Colchester Avenue in Burlington pursuant to 29 V.S.A. § 166.~~ The Commissioner of Buildings and General Services is authorized to do any or all of the following with respect to the Vermont health laboratory located at 195 Colchester Avenue in Burlington:

(1) investigate all potential uses of the land and building, including redeveloping the land, provided that it is consistent with existing deed covenants; and

(2) enter into agreements and execute any necessary documentation to release or extinguish any of the existing deed covenants.

Sec. 18. REPEAL; USE AND DEVELOPMENT OF STATE FACILITIES AND LAND; SPRINGFIELD CORRECTIONAL FACILITY

2010 Acts and Resolves No. 161, Sec. 26(c)(2)(improvements and upgrades to the municipal water system at the Springfield Correctional Facility) is repealed.

Sec. 19. 2013 Acts and Resolves No. 51, Sec. 25 is amended to read:

Sec. 25. BATTLE OF CEDAR CREEK AND WINCHESTER MEMORIALS

(a) The Commissioner of Buildings and General Services is authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the placement of a Vermont historical roadside marker at the Cedar Creek Battlefield in Virginia, and the relocation design and replication of the Battle of Winchester Memorial to at its original location on the Third Winchester Battlefield in Virginia, and. The Department of Buildings and General Services, or its agent, shall supervise the installation of the roadside marker and the Memorial.

(b) The Commissioner of Buildings and General Services is further authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the completion of the projects described in subsection (a) of this section for reimbursement to the Civil War Trust, the State of Virginia, and the United States Veterans Administration for any capital expenses associated with the completion of these projects, the Cedar Creek Battlefield Foundation, and any other entity engaged by the Department of Buildings and General Services to assist with the roadside marker or the Memorial.

(c) As used in this section, Capital capital expenses associated with the placement of the roadside marker or the relocation replication of the Memorial may include site acquisition, planning, design, transportation of the Memorial, and any other reasonably related costs.

Sec. 20. SALISBURY CHURCH

The General Assembly finds that the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury, and described in the warranty deed dated December 8, 1980 between Alan S. Farwell and the Salisbury

Congregational United Church of Christ, has little or no value to the State of Vermont, and would require additional operational funds to maintain or sell. Therefore, notwithstanding 32 V.S.A. § 5, the General Assembly:

(1) disclaims any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury; and

(2) authorizes the Commissioner of Buildings and General Services to execute a quitclaim deed to transfer any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury to the Salisbury Congregational United Church of Christ.

Sec. 21. 2009 Acts and Resolves No. 43, Sec. 25 is amended to read:

Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

* * *

~~(e) Pursuant to 29 V.S.A. § 166(b), the commissioner of buildings and general services is authorized to subdivide land at the former Weeks school in Vergennes in order to sell the Arsenal and Fairbanks buildings. The commissioner may use proceeds from the sale to enhance the value of the remaining former Weeks school property. [Repealed.]~~

* * *

Sec. 22. WEEKS SCHOOL; VERGENNES; MASTER PLAN

(a) The Commissioner of Buildings and General Services shall contract with an independent third party to develop a master plan for the former Weeks School property located in the City of Vergennes and the Town of Ferrisburgh. In developing the master plan, the independent third party shall consult with the City of Vergennes, the Town of Ferrisburgh, local and regional organizations, and affected State agencies and landowners. The master plan shall include an evaluation of whether the property may be subdivided and sold, and for what purposes it may be used.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall provide an update on the plan described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 23. 29 V.S.A. § 157 is amended to read:

§ 157. FACILITIES CONDITION ANALYSIS

(a) The Commissioner of Buildings and General Services shall:

* * *

(2) conduct a facilities condition analysis each year of ~~20~~ ten percent of the building area and infrastructure under the Commissioner's jurisdiction so that within ~~five~~ ten years all property is assessed. At the end of the ~~five~~ ten years, the process shall begin again. The analysis conducted pursuant to this subsection shall include the thermal envelope of buildings and a report on the annual energy consumption and energy costs and recommendations for reducing energy consumption.

(b) The Commissioner may use up to two percent of the funds appropriated to the Department of Buildings and General Services for major maintenance and planning for the purpose described in subsection (a) of this section.

Sec. 24. FACILITIES CONDITIONS ANALYSIS; USE OF FY 2015 FUNDS

The Commissioner of Buildings and General Services may use the funds appropriated to the Department of Buildings and General Services for major maintenance and planning and allocated to conducting a facilities conditions analysis under 29 V.S.A. § 157(b) for Sec. 27(a)(2) of this act.

Sec. 25. DEDICATION OF SENATOR SALLY FOX CONFERENCE AREA IN THE WATERBURY STATE OFFICE COMPLEX

(a) Purposes. It is the intent of the General Assembly to honor the work of the late Senator Sally Fox, who served in the Vermont House of Representatives from 1986 to 2000 and in the Vermont Senate from 2010 to 2014. She spent her entire career working on human services policy issues and was widely recognized as one of Vermont's leading advocates for the clients of the Agency of Human Services.

(b) Dedication. In acknowledgement of Senator Fox's years of public service to the State of Vermont and the countless hours she dedicated to working on human services policy in the former Waterbury State Office Complex, the Commissioner of Buildings and General Services and the Secretary of Human Services shall name one of the main conference areas or conference rooms at the new office space of the Agency of Human Services in the Waterbury State Office Complex in the name of Senator Fox.

* * * Security * * *

Sec. 26. CAPITOL COMPLEX SECURITY; WORKING GROUP; REVIEW

(a) Creation. There is created a working group for the purpose of assessing security in the Capitol Complex. The Working Group may authorize or retain consultant services to conduct a review and prepare a report on security in the Capitol Complex, including reviewing current security arrangements and governance options, and identifying possible security enhancements. Any

consultants retained pursuant to this subsection shall work through the Joint Fiscal Office under the direction of the Chair of the Working Group.

(b) Membership.

(1) The Working Group shall be composed of the following members:

(A) the Lieutenant Governor;

(B) the Commissioner of Buildings and General Services or designee;

(C) a representative of the Capitol Police;

(D) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(E) the Sergeant at Arms; and

(F) the Court Administrator or designee.

(2) The Lieutenant Governor shall be the Chair of the Working Group and shall convene meetings.

(3) The Working Group shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(4) The Joint Fiscal Office, in consultation with the Speaker of the House and the Committee on Committees, shall hire one or more consultants to undertake the security review authorized by this section.

(c) Funding. The working group is authorized to use funds appropriated in Sec. 1(c)(17) of this act to retain consultant services pursuant to subsection (a) of this section. It is the intent of the General Assembly that any remaining funds shall be reallocated to the FY 2016 Capital Construction Act for the purpose of implementing the recommendations contained in the security report. Any remaining funds shall only be appropriated to implement a recommendation with authorization of the General Assembly.

* * * Capital Planning and Finance * * *

Sec. 27. LONG-TERM CAPITAL PLAN

(a) The Commissioner of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2(c)(2) to develop a long-term capital plan for space utilization in the Capitol Complex and in State-owned and leased buildings in surrounding areas. The plan shall include:

(1) an evaluation of the full and efficient occupancy of State-owned and leased buildings;

(2) a facilities conditions analysis of up to ten percent of the total building square footage within the Capitol Complex, as may be required; and

(3) an evaluation of the space needs of the State Auditor.

(b) The Commissioner of Buildings and General Services shall present the results of the long-term capital plan described in subsection (a) of this section as part of the ten-year capital plan required by 32 V.S.A. § 701a.

Sec. 28. 32 V.S.A. § 701a(d) is amended to read:

~~(d) On or before ~~October~~ January 15, each entity to which spending authority has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session shall submit to the ~~Department of Buildings and General Services~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions a report on the ~~status~~ current fund balances of each authorized project with unexpended funds. ~~The report shall follow the form provided by the Department of Buildings and General Services and shall include details regarding how much of the appropriation has been spent, how much of the appropriation is unencumbered, actual progress in meeting the goals of the project, and any impediments to completing the project on time and on budget. The Department may request additional or clarifying information regarding each project. On or before January 15, the Department shall present the information collected to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.~~~~

Sec. 29. CAPITAL PLANNING CAPABILITIES

(a) The Commissioner of Buildings and General Services and the Commissioner of Finance and Management, in consultation with the Joint Fiscal Office, shall evaluate options for the State's capital planning capabilities in order to improve transparency and accountability for authorized capital construction projects and opportunities to develop a long-term statewide capital planning application in accordance with 32 V.S.A. § 701a.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall present the results of the evaluation described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 30. FIT-UP COSTS; DEFINITION AND PROCEDURES

On or before July 15, 2014, the Commissioner of Buildings and General Services shall develop and implement procedures for defining and allocating responsibility for fit-up costs in future construction of State-owned buildings and leased space.

* * * Administration * * *

Sec. 31. 3 V.S.A. § 2293(b) is amended to read:

(b) Development Cabinet. A Development Cabinet is created, to consist of the Secretaries of the Agencies of Administration, ~~of Natural Resources, of Commerce and Community Affairs, of Transportation, and~~ of Agriculture, Food and Markets, ~~of Commerce and Community Development, of Education, of Natural Resources, and of Transportation~~. The Governor or the Governor's designee shall chair the Development Cabinet. The Development Cabinet shall advise the Governor on how best to implement the purposes of this section, and shall recommend changes as appropriate to improve implementation of those purposes. The Development Cabinet may establish interagency work groups to support its mission, drawing membership from any agency or department of State government. Any interagency work groups established under this subsection shall evaluate, test the feasibility of, and suggest alternatives to economic development proposals, including proposals for public-private partnerships, submitted to them for consideration. The Development Cabinet shall refer to appropriate interagency workgroups any economic development proposal that has a significant impact on the inventory or use of State land or buildings.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 32. 24 V.S.A. § 5608 is added to read:

§ 5608. AGRICULTURAL FAIRS AND FIELD DAYS CAPITAL PROJECTS COMPETITIVE GRANTS PROGRAM

(a) Grant guidelines. The following guidelines shall apply to capital grants made for Vermont agricultural fairs and field days projects pursuant to this section:

(1) Grants shall be competitively awarded to capital projects that relate to Vermont agricultural fairs and field days operating a minimum of three consecutive, eight-hour days per year.

(2) A project for which a grant is awarded shall have a minimum useful life of 20 years and shall be completed within three years of the execution of a contract to perform work authorized by the grant.

(3) A grant recipient shall contribute matching funds or in-kind services in an amount equal to 15 percent or more of the value of the grant.

(b) There is established an Agricultural Fairs and Field Days Capital Program Advisory Committee to administer and coordinate grants made pursuant to this section. The Committee shall include:

(1) two members appointed by the Secretary of Agriculture, Food and Markets;

(2) one member appointed by the Commissioner of Forests, Parks and Recreation;

(3) two members appointed by the Vermont Fair and Field Days Association;

(4) one member appointed by the Vermont Department of Tourism and Marketing;

(5) one member of the Vermont Senate appointed by the Committee on Committees; and

(6) one member of the Vermont House of Representatives appointed by the Speaker of the House.

(c) Administration.

(1) The Advisory Committee created in subsection (b) of this section shall have the authority to award grants in its sole discretion; provided, however, that the Committee may consider whether to award partial awards to all applicants that meet Program criteria established by the Committee.

(2) The Agency of Agriculture, Food and Markets shall provide administrative and technical support to the Committee for purposes of administering grants awarded under this section.

* * * Agency of Agriculture, Food and Markets and
Agency of Natural Resources * * *

Sec. 33. LABORATORY; PROPOSAL

(a) On or before August 15, 2014, the Department of Buildings and General Services, the Agency of Agriculture, Food and Markets, and the Agency of Natural Resources shall submit a site location proposal for a shared laboratory to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. It is the intent of the General Assembly that when evaluating site locations, preference shall be given to State-owned property.

(b) With approval of the Speaker of the House and the President Pro Tempore, as appropriate, the House Committee on Corrections and Institutions and the Senate Committee on Institutions may meet up to one time when the General Assembly is not in session to evaluate the proposal described in subsection (a) of this section and make a recommendation on the site location to the Joint Fiscal Committee. The Committees shall notify the Commissioner of Buildings and General Services, the Secretary of Agriculture, Food and

Markets, and the Secretary of Natural Resources prior to holding a meeting pursuant to this subsection. Committee members shall be entitled to receive a per diem and expenses as provided in 2 V.S.A. § 406.

(c) The Joint Fiscal Committee shall review the recommendation of the Committees described in subsection (b) of this section at its September 2014 meeting. If the Joint Fiscal Committee so determines, it shall approve the proposal as recommended by the Committees.

(d) On or before December 1, 2014, the Department of Buildings and General Services, in consultation with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources, shall develop a detailed proposal on the site location recommended by the Committees if approved by the Joint Fiscal Committee. The proposal shall include programming, size, design, and preliminary cost estimates for a shared laboratory. The proposal shall also include an evaluation of the current Agency of Agriculture, Food and Markets and the Agency of Natural Resources programs located in the leased space at 322 Industrial Lane in Berlin. The Department of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2, as amended by Sec. 1 of this act, for any costs associated with the proposal.

(e) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates on the proposals described in subsections (a) and (d) of this section.

* * * Education * * *

Sec. 34. ENHANCED 911 PROGRAM; IMPLEMENTATION IN SCHOOL DISTRICTS

(a) The Enhanced 911 Board, in consultation with the Agency of Education, shall conduct a Statewide assessment in each school district to determine the needs for compliance with the Enhanced 911 Program.

(b) On or before January 15, 2015, the Enhanced 911 Board shall report the results of the assessment described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

* * * Human Services * * *

Sec. 35. 2013 Acts and Resolves No. 51, Sec. 40 is amended to read:

Sec. 40. SECURE RESIDENTIAL FACILITY

Pursuant to the Level 1 Psychiatric Care Evaluation required by the ~~Fiscal Year~~ fiscal year 2014 Appropriations Act, Sec. E.314.2, the Commissioner of

Buildings and General Services, in consultation with the Commissioners of Mental Health and Corrections, shall develop a proposal to establish a permanent secure residential facility no later than January 15, 2015.

Sec. 36. VERMONT PSYCHIATRIC CARE HOSPITAL; CERTIFICATE OF NEED; FEDERAL MATCH

The Commissioner of Buildings and General Services is authorized to transfer the sum of \$447,928.05 from the amount authorized in 2013 Acts and Resolves No. 51, Sec. 2(b)(15)(A) to the Agency of Human Services if State funding is required to match federal funds for eligible project costs required under the Certificate of Need for the Vermont Psychiatric Care Hospital.

* * * Judiciary * * *

Sec. 37. COUNTY COURTHOUSES; PLAN

(a) Pursuant to the restructuring of the Judiciary in 2009 Acts and Resolves No. 154, the Court Administrator and the Commissioner of Buildings and General Services shall evaluate the scope of the State's responsibility for maintaining county courthouses, including Americans with Disabilities Act (ADA) compliance and whether an emergency fund is necessary for construction or renovation projects at county courthouses.

(b) On or before January 15, 2015, the Judiciary shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation.

* * * Public Safety * * *

Sec. 38. 2013 Acts and Resolves No. 51, Sec. 48 is amended to read:

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal. In the event that land is identified for Troop B of the Vermont State Police, then the Department of Public Safety shall hold public meetings in the affected communities for public input on the proposal. The Department of Public Safety shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the results of the meeting when the General Assembly is in session, and the Chairs of the House Committee on Corrections and Institutions and the Senate

Committee on Institutions when the General Assembly is not in session. The General Assembly encourages the affected communities to contact the Department of Public Safety to review any proposals as they develop.

Sec. 39. VERMONT STATE POLICE; SALE OF WEST BRATTLEBORO AND ROCKINGHAM BARRACKS

The Commissioner of Buildings and General Services is authorized to sell the West Brattleboro Troop Headquarters in the Town of West Brattleboro and the Rockingham Troop Headquarters in the Town of Rockingham. The net proceeds of any sale shall be reallocated to the Department of Public Safety for the purposes described in 2013 Acts and Resolves No. 51, Sec. 13(d).

* * * Energy Use on State Properties * * *

Sec. 40. ENERGY EFFICIENCY; STATE LEASES

The Commissioner of Buildings and General Services shall develop a set of criteria and guidelines to evaluate and, where appropriate, incorporate the use of energy efficiency measures, thermal energy conservation measures, and renewable energy resources in buildings and facilities leased by the State.

Sec. 41. 29 V.S.A. § 168 is amended to read:

§ 168. ~~STATE RESOURCE~~ ENERGY MANAGEMENT PROGRAM; REVOLVING FUNDS

(a) ~~Resource~~ State energy management program. ~~The~~

(1) There is established within the Department shall be responsible of Buildings and General Services an Energy Management Program for administering the interest of the State in all resource-conservation energy management measures in State buildings and facilities, including equipment replacement, studies, weatherization, and construction of improvements affecting the use of energy resources, the implementation of energy efficiency and conservation measures, and the use of renewable resources.

(2) The Energy Management Program shall be implemented through two revolving funds used to finance energy management measures in State buildings and facilities. Pursuant to subsections (b) and (c) of this section, the State Resource Management Revolving Fund shall provide revenue for implementation of resource conservation measures, and the Energy Revolving Fund shall provide funding for energy efficiency improvements and the use of renewable resources. The Commissioner of Buildings and General Services shall establish guidelines for the provision of funding for energy management measures through these revolving funds.

(3) All ~~resource conservation~~ energy management measures taken for the benefit of departments or agencies to which this section applies pursuant to this section shall, ~~beginning on July 1, 2004,~~ be made and executed by and in the name of the Commissioner.

(b) State Resource Management Revolving Fund.

(1) There is established a Resource Management Revolving Fund to provide revenue for implementation of resource conservation measures anticipated to generate a life cycle cost benefit to the State. All State agencies responsible for development and operations and maintenance of State infrastructure shall have access to the Resource Management Revolving Fund on a priority basis established by the Commissioner.

(2) The Fund shall consist of:

(A) ~~Monies monies~~ appropriated to the Fund, or which are paid to it under authorization of the Emergency Board;

(B) ~~Monies monies~~ saved by the implementation of resource management conservation measures; and

(C) ~~Fees fees~~ for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(D) ~~[Deleted.]~~ [Repealed.]

(3) Monies from the Fund shall be expended by the Commissioner for resource conservation measures anticipated to generate a life cycle cost benefit to the State and all necessary costs involved with the administration of State agency energy planning as determined by the Commissioner.

(4) The Commissioner shall establish criteria to determine eligibility for funding of resource conservation measures.

(5) Agencies or departments receiving funding shall repay the Fund through their regular operating budgets according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of ~~Buildings and General Services~~ shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(8) All balances remaining at the end of a fiscal year shall be carried over to the following year.

(c) Energy Revolving Fund.

(1) There is established an Energy Revolving Fund to finance energy efficiency improvements and the use of renewable resources in State buildings and facilities anticipated to generate a cost-savings to the State. State agencies and departments shall have access to the Energy Revolving Fund on a priority basis established by the Commissioner and the State Treasurer.

(2) The Fund shall consist of:

(A) monies appropriated to the Fund or which are paid to it under authorization of the Emergency Board;

(B) monies saved by the implementation of energy efficiency improvements and the use of renewable resources;

(C) any funds available through a credit facility maintained by the State Treasurer in accordance with subsection (d) of this section; and

(D) fees for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(3) Monies from the Fund shall be expended by the Commissioner for measures anticipated to generate a cost-savings to the State and costs involved with the administration of the State agency energy plan as determined by the Commissioner.

(4) The Commissioner and the State Treasurer shall establish criteria to determine eligibility for funding of energy efficiency improvements and the use of renewable resources, including returns of investment on terms acceptable to the State Treasurer.

(5) Agencies and departments receiving funding shall repay the Fund through their regular operating budget according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of Buildings and General Services shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(8) All balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of the credit facility established under subsection (d) of this section may be reinvested by the State Treasurer.

(d) Notwithstanding any other provision of law to the contrary, the State Treasurer, working in collaboration with the Department of Buildings and General Services, shall have the authority to establish a credit facility of up to \$8,000,000.00, on terms acceptable to the State Treasurer. The credit facility shall be used for the purpose of financing energy efficiency improvements and the use of renewable resources anticipated to generate a cost-savings to the State.

(e) As used in this section:

(1) "Energy efficiency improvement" shall mean a set of measures aimed at reducing the energy used by specific end-use devices and systems to provide light, heat, cooling, or other services without affecting the level of service provided. An energy efficiency project may also include energy conservation measures; that is, a reduction in energy consumption that corresponds with a reduction in service demand.

(2) "Renewables" shall have the same meaning as under 30 V.S.A. § 8002.

(3) "Resource conservation measures" shall mean a set of measures, including a study, product, process, or technology, aimed at reducing overall use or consumption of energy resources in State buildings or facilities. "Resource conservation measures" shall include energy efficiency improvements.

(f) Beginning on or before January 15, 2015 and annually thereafter, the Department of Buildings and General Service shall report to the Senate Committee on Institutions and the House Committee on Corrections and Institutions on the expenditure of funds from the State Resource Management Revolving Fund for resource conservation measures and the Energy Revolving Fund for energy efficiency improvements and the use of renewable resources. For each fiscal year, the report shall include a summary of each project receiving funding and the State's expected savings.

* * * Effective Date * * *

Sec. 42. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Westman, 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 Institutions with the following amendment thereto:

In Sec. 32, Agricultural Fairs and Field Days Capital Projects Competitive Grants Program, in subdivision (a)(2), by striking out “three” and inserting in lieu thereof two.

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

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

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

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 823.

Consideration was resumed on House bill entitled:

An act relating to encouraging growth in designated centers and protecting natural resources.

Thereupon, pending the question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senators Bray and MacDonald moved to amend the proposal of amendment of the Committee on Economic Development, Housing and General Affairs in the *Third* proposal of amendment, Sec. 2, 10 V.S.A. § 6086, in subdivision (a)(9)(L)(ii)(II), by striking out the words “located in” and inserting in lieu thereof the words confined to

Which was agreed to.

Thereupon, the pending question, Shall the recommendation of proposal of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Economic Development, Housing and General Affairs, as amended?, was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources, as amended?, was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Flory moved to amend the Senate proposal of amendment, as follows:

First: In Sec. 1, 10 V.S.A. § 6001 (definitions), after the fourth ellipsis, by striking out subdivision (16) in its entirety and inserting in lieu thereof a new subdivision (16) to read as follows:

(16) “Rural growth areas” means lands which are not natural resources referred to in subdivisions 6086(a)(1)(A) through (F), subdivision 6086(a)(8)(A) and subdivisions 6086(a)(9)(B), (C), (D), (E) and (K) of this title.

Second: In Sec. 1, 10 V.S.A. § 6001 (definitions), by striking out subdivision (36) (strip development) in its entirety

Third: In Sec. 2, 10 V.S.A. § 6086 (issuance of permit; conditions and criteria), in subdivision (a)(9), after the first ellipsis in that subdivision (9), by striking out subdivision (L) in its entirety and inserting in lieu thereof a new subdivision (L) to read as follows:

(L) Rural growth areas. A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) “impact of growth,” (G) “private utility service,” (H) “costs of scattered development” and (J) “public utility services” of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage.

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

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Flory, McAllister, Mullin, Rodgers, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Campbell, Collins, Cummings, Doyle, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Sirotkin, Snelling, White, Zuckerman.

The Senator absent and not voting was: Sears.

Thereupon, third reading of the bill was ordered.

Bill Passed in Concurrence with Proposal of Amendment

H. 740.

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

An act relating to transportation impact fees.