

JOURNAL OF THE SENATE
OF THE
STATE OF VERMONT

ADJOURNED SESSION, 2014

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Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2014

TUESDAY, JANUARY 7, 2014

Pursuant to the provisions of the 2013 final adjournment joint resolution of the two Houses (J.R.S. 32), the Senate convened at the State House at Montpelier, on Tuesday, the seventh day of January, two thousand fourteen.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor Philip B. Scott.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark Pitton of Montpelier.

Pledge of Allegiance

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

Appointment to Committee of Conference

S. 41.

The President announced the appointment of

Senator Pollina

as a replacement for

Senator Ayer

as a member of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses upon House bill entitled:

An act relating to water and sewer service.

Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Campbell,

J.R.S. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 8, 2014, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

By Senator Campbell,

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 15, 2014, at two o'clock in the afternoon to receive the budget message of the Governor.

By Senator Campbell,

J.R.S. 35. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 28, 2014, or Saturday, March 1, 2014, it be to meet again no later than Tuesday, March 11, 2014.

By Senators Baruth and Benning,

J.R.S. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 10, 2014, it be to meet again no later than Tuesday, January 14, 2014.

Joint Resolution Referred

J.R.S. 37.

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

By Senator Pollina,

J.R.S. 37. Joint resolution requesting the United States Congress to pass the Homeowners Flood Insurance Affordability Act.

Whereas, the National Flood Insurance Act of 1968 was enacted to provide previously unavailable flood insurance protection to property owners, and

Whereas, the National Flood Insurance Program continues to provide important and necessary property coverage for home and business owners throughout parishes, counties, and communities nationwide, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 was signed into law on July 6, 2012 and calls for a revision of the flood insurance rate maps, and

Whereas, such revised flood insurance rate maps do not include the discounts granted by the current rate maps to property owners who have taken action to mitigate property damage by installing and maintaining flood control features, in conformity with the most current federal law available to them, and in conformity with current flood insurance rate maps, and

Whereas, countless property owners have built and purchased homes and businesses in accordance with the current flood rate insurance maps that, under the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, will soon enter obsolescence, and

Whereas, the act also includes provisions, located in Section 207 of the act, that eliminate the “grandfathering” of homes that were built after the existing flood insurance rate maps in accordance with then existing laws, and

Whereas, by purchasing homes and businesses in accordance with the provisions of the former flood rate insurance maps and by investing in previously owned property to install flood mitigation features, property owners relied on their strict compliance with federal and state law to protect their purchases and investments, and

Whereas, in light of the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, the reliance on existing flood insurance rate maps that those property owners demonstrated is now to their personal and financial detriment, and

Whereas, the passage of the Biggert-Waters Flood Insurance Reform Act of 2012 substantially and immediately devalued the investments made in all properties endowed with flood damage mitigation measures and to properties receiving subsidized insurance premium rates, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 also includes provisions that permit the National Flood Insurance Program to increase premium rates for many policyholders, and

Whereas, the elimination of these discounts combined with the certainty of general premium rate increases will result in a premium increase of up to 25 percent per year for certain property owners over the next four years, and

Whereas, under the changes to the National Flood Insurance Program caused by the Biggert-Waters Flood Insurance Reform Act of 2012, property owners will struggle to pay exorbitant amounts of money or will lose their flood insurance, and

Whereas, a change in the ability of property owners to insure their homes from flood damage without bearing the burden of such a violent rise in cost may lead to financial distress for residents and property owners around this State and the entire nation, and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act of 2012, will affect the entire nation's real estate market and the nation's banking and mortgage industry, and

Whereas, the premium increases to communities and property owners who made their best efforts to comply with federal law by building property in accordance with soon-to-be-outdated flood insurance rate maps will affect consumer confidence and the entire nation's economy, and

Whereas, on October 29, 2013, H.R. 3370 and SB 1610, the Homeowner Flood Insurance Affordability Act of 2013, were introduced in the respective houses of Congress to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 provides that an affordability study be conducted by the Federal Emergency Management Agency (FEMA) on the impact of rate increases, and

Whereas, the Homeowner Flood Insurance Affordability Act of 2013 would delay the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 that provide for the increase of premium fees for policyholders of the National Flood Insurance Program, in order to prevent the unduly hazardous effects it will have on home and business owners who invested in property prior to the adoption of the new federal legislation and flood insurance rate maps, and

Whereas, Representative Maxine Waters (D. Calif), coauthor of the Biggert-Waters Flood Insurance Reform Act, released a statement saying she is "outraged by the increased costs of flood insurance premiums that have resulted from the Biggert-Waters Act. I certainly did not intend for these types of outrageous premiums to occur for any homeowner," and

Whereas, Waters, ranking member of the House Committee on Financial Services, said she is committed to fixing the “unintended consequences” of the 2012 law and passing legislation to delay most rate changes for three years “to give FEMA the opportunity to ensure its maps are accurate and allow Congress to make certain rates are affordable,” *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly supports and urges the United States Congress to pass the Homeowners Flood Insurance Affordability Act currently pending before Congress as H.R. 3370 and SB 12610, which will delay the implementation of the National Flood Insurance Program changes until two years after the Federal Emergency Management Agency completes the affordability study on the impact of the rate increases, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the Federal Emergency Management Agency 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.

Joint Resolution Referred

J.R.H. 13.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution relating to federal affordable housing policy

Whereas, in 2011, the private Bipartisan Policy Center established a Commission on Housing, which was charged with “examining what the appropriate role of government should be in helping to shape the future housing landscape in an increasingly diverse society,” and

Whereas, the Commission’s four co-chairs were former U.S. Senate Majority Leader George J. Mitchell, former U.S. Senator Christopher S. Bond, former U.S. Senator and Secretary of Housing and Urban Development (HUD) Mel Martinez, and former U.S. HUD Secretary Henry Cisneros, and

Whereas, on February 25, 2013, the Commission issued its report entitled *Housing America’s Future: New Directions for National Policy* (report), and

Whereas, on May 1, 2013, Commission member Nan Roman testified before the Vermont House Committee on General, Housing and Military Affairs and presented highlights of the report, and

Whereas, the Commission has developed a series of findings that would increase resources for effective programs in Vermont, including the low-income housing tax credit and rural development programs, and

Whereas, in her testimony, Nan Roman noted a number of Vermont initiatives as programs with promise, including the development of the SASH model (support and services at home) for citizens aging in place, and the role of land trusts, and

Whereas, the report proposed (1) focusing rental assistance on the lowest income citizens and making the assistance universally available in an effort to combat and alleviate homelessness; and (2) a significant HUD investment in public housing which according to HUD's own accounting system has been underfunded for many years, and

Whereas, Vermont has established housing policies which focus on placing development in town and village centers, the rehabilitation of our historic buildings, and serving our lowest income citizens, and

Whereas, according to 10 V.S.A § 302, the creation of affordable housing is a policy goal of the Vermont Housing and Conservation Board, and this policy goal through the Board's Trust Fund has promoted the preservation of housing stock and made home purchasing available to Vermonters, and

Whereas, the current federal budget crisis requires bipartisan housing policy solutions, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the National Conference of State Legislatures seek a federal consensus on housing policy as recommended in the report of the Bipartisan Policy Center's Commission on Housing, and be it further

Resolved: That the General Assembly encourages the Vermont Congressional Delegation to participate in the building of a bipartisan consensus on a federal housing policy, including reallocating funds to pay for increased federal financial support for affordable housing, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the National Conference of State Legislatures, the Vermont Congressional Delegation, the Vermont Housing and Conservation Board, and Housing Vermont.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Economic Development, Housing and General Affairs.

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:

Lezak, Anne of Burlington - Member of the Board of Libraries, - from July 1, 2013, to February 28, 2017.

To the Committee on Education.

MacIver, Morgan of Plainfield - Member of the State Board of Education, - from July 1, 2013, to June 30, 2015.

To the Committee on Education.

Flynn, Sarah of Burlington - Member of the Community High School of Vermont Board, - from October 9, 2013, to February 28, 2015.

To the Committee on Education.

Vachon, Brian of Middlesex - Member of the Community High School of Vermont Board, - from November 5, 2013, to February 28, 2014.

To the Committee on Education.

Holcombe, Rebecca of Norwich - Secretary of the Agency of Education, - from January 2, 2014, to February 28, 2015.

To the Committee on Education.

Briglin, Timothy of Thetford Center - Member of the Vermont Economic Progress Council, - from July 18, 2013, to March 31, 2017.

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

Nesbitt, Thomas of Waterbury Center - Member of the Plumbers' Examining Board, - from October 9, 2013, to February 28, 2017.

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

Gentile, Betsy of Brattleboro - Member of the Vermont Economic Progress Council, - from July 18, 2013, to March 31, 2017.

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

Keane, Michael of North Bennington - Member of the Vermont Economic Progress Council, - from July 18, 2013, to March 31, 2017.

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

Lintermann, Mary of Stowe - Member of the Vermont Economic Progress Council, - from July 18, 2013, to March 31, 2017.

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

Smith, Rachel of St. Albans - Member of the Vermont Economic Progress Council, - from July 18, 2013, to March 31, 2017.

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

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

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

Flanagan, Edward F. of Montpelier - Member of the Vermont State Lottery Commission, - from September 4, 2013, to February 29, 2016.

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

Gucciardi, Mary Anne of South Burlington - Member of the Employment Security Board, - from September 4, 2013, to February 28, 2019.

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

Kenney II, Frederick S. of Jericho – Executive Director of the Vermont Economic Progress Council, - from June 26, 2013, to March 31, 2015.

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

Burkhardt, Frederick of South Burlington - Member of the Vermont Educational and Health Buildings Financing Agency, - from June 7, 2013, to January 31, 2014.

To the Committee on Finance.

Morrissey, Jeanne A. of Richmond - Member of the Vermont Housing Finance Agency, - from June 26, 2013, to January 31, 2017.

To the Committee on Finance.

Cheney, Margaret of Norwich - Member of the Public Service Board, - from October 1, 2013, to February 28, 2019.

To the Committee on Finance.

Sanders, Jane of Burlington - Member of the Vermont Economic Development Authority, - from October 9, 2013, to June 30, 2019.

To the Committee on Finance.

Kimel, David of St. Albans - Member of the Vermont Municipal Bond Bank, - from February 1, 2014, to January 31, 2016.

To the Committee on Finance.

Valente, John of Rutland - Member of the Board of Medical Practice, - from February 1, 2014, to January 31, 2016.

To the Committee on Health and Welfare.

Ogorzalek, Edward T. of Rutland - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2014, to January 31, 2020.

To the Committee on Finance.

Linsley, Kenneth R. of Danville - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2014, to January 31, 2020.

To the Committee on Finance.

Potvin, James of Mt. Holly - Member of the Vermont Educational and Health Buildings Financing Agency, - from February 1, 2014, to January 31, 2020.

To the Committee on Finance.

Jefferson, Shirley A. of South Royalton - Member of the State Police Advisory Commission, - from July 1, 2013, to June 30, 2017.

To the Committee on Government Operations.

Pallito, Patti of Richmond - Member of the State Police Advisory Commission, - from July 1, 2013, to June 30, 2017.

To the Committee on Government Operations.

Boyde, Glenn of Colchester - Member of the State Police Advisory Commission, - from August 7, 2013, to June 30, 2017.

To the Committee on Government Operations.

Dupre, Paul of Barre - Commissioner of the Department of Mental Health, - from July 1, 2013, to February 28, 2015.

To the Committee on Health and Welfare.

Potter, Alexandra S. of Starksboro - Member of the Vermont Tobacco Evaluation and Review Board, - from July 1, 2013, to June 30, 2016.

To the Committee on Health and Welfare.

Russo-DeMara, Ellamarie of Sharon - Member of the State Board of Health, - from June 26, 2013, to February 28, 2019.

To the Committee on Health and Welfare.

Gobeille, Alfred J. of Shelburne - Member of the Green Mountain Care Board, - from August 1, 2013, to September 30, 2018.

To the Committee on Health and Welfare.

Reyes, Michael Anthony of Rutland - Member of the Children and Family Council for Prevention Programs, - from August 7, 2013, to February 29, 2016.

To the Committee on Health and Welfare.

Rambur, Betty of South Burlington - Member of the Green Mountain Care Board, - from August 15, 2013, to September 30, 2015.

To the Committee on Health and Welfare.

Wilson, Sharon of Duxbury - Member of the Human Services Board, - from September 4, 2013, to February 28, 2019.

To the Committee on Health and Welfare.

Avila, Maria Mercedes of Burlington - Member of the Children and Family Council for Prevention Programs, - from September 4, 2013, to February 28, 2015.

To the Committee on Health and Welfare.

Celentano, Katharine of New York - Member of the Children and Family Council for Prevention Programs, - from October 9, 2013, to February 28, 2015.

To the Committee on Health and Welfare.

Sullivan, Linda of Dorset - Member of the Children and Family Council for Prevention Programs, - from October 9, 2013, to February 28, 2015.

To the Committee on Health and Welfare.

Ritvo, Marjorie of Montpelier - Member of the State Board of Health, - from October 9, 2013, to February 28, 2019.

To the Committee on Health and Welfare.

McClain, Sarah H. of Lincoln - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Lecours, Leo of Jericho - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Hayward, Robert of Shelburne - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Reich, Harvey of Mendon - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Plavin, Joshua of Randolph - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Burgee, Gary of Randolph - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Bernstein, Richard of Jericho - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Drew, Michael A. of Rutland - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Jenkins, David A. of Burlington - Member of the Board of Medical Practice, - from January 1, 2014, to December 31, 2018.

To the Committee on Health and Welfare.

Amestoy, Katherine L. of Burlington - Member of the Human Services Board, - from December 30, 2013, to February 28, 2017.

To the Committee on Health and Welfare.

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission, - from November 1, 2013, to October 31, 2016.

To the Committee on Institutions.

Shouldice, Heather of Calais - Member of the Capitol Complex Commission, - from November 1, 2013, to October 31, 2016.

To the Committee on Institutions.

Crawford, Geoffrey W. of Burlington - Associate Justice of the Supreme Court, - from October 16, 2013, to March 31, 2017.

To the Committee on Judiciary.

Shems, Ron of Moretown - Chair, Natural Resources Board - February 1, 2013, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Davies, William Boyd of Orleans - Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2017.

To the Committee on Natural Resources and Energy.

Fallar, Gail of Tinmouth - Alternate Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2017.

To the Committee on Natural Resources and Energy.

Haynes, Charles of East Montpelier - Alternate Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Illick, Martha of Charlotte - Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Powden, Patricia Moulton of South Londonderry - Alternate Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2016.

To the Committee on Natural Resources and Energy.

Sargent, Donald of Colchester - Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2014.

To the Committee on Natural Resources and Energy.

Smith, Denise of St. Albans - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from June 7, 2013, to February 28, 2015.

To the Committee on Natural Resources and Energy.

Wikel, Elizabeth of Walden - Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Wolcott, Julie of Enosburg Falls - Alternate Member of the Natural Resources Board, - from June 7, 2013, to January 31, 2014.

To the Committee on Natural Resources and Energy.

MacDonald, Alex of Lincoln - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from September 4, 2013, to February 28, 2015.

To the Committee on Natural Resources and Energy.

Lang, Lisa of Waitsfield - Member of the Travel Information Council, - from August 7, 2013, to February 28, 2015.

To the Committee on Transportation.

Bostwick, Kyle of Hinesburg - Member of the Travel Information Council, - from July 18, 2013, to February 8, 2015.

To the Committee on Transportation.

LaBarge, John of South Hero - Member of the Travel Information Council, - from July 18, 2013, to February 28, 2015.

To the Committee on Transportation.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 170.

By Senator Sears,

An act relating to proof of financial responsibility and of driver licensure, and relating to driver education and training.

To the Committee on Transportation.

S. 171.

By Senator Sears,

An act relating to credit toward a sentence for time spent in custody.

To the Committee on Judiciary.

S. 172.

By Senators Benning, McAllister, McCormack, Rodgers, Starr and Zuckerman,

An act relating to motorcycle helmets.

To the Committee on Transportation.

S. 173.

By Senator Benning,

An act relating to the purchase of health insurance outside the Exchange.

To the Committee on Finance.

S. 174.

By Senator Sears,

An act relating to the evidentiary rules governing proceedings concerning a child or person with a mental illness or developmental disability who is a victim of an offense involving bodily injury or serious bodily injury.

To the Committee on Judiciary.

S. 175.

By Senator Collins,

An act relating to permitting a student to remain enrolled in a Vermont public school after moving to a new school district.

To the Committee on Education.

S. 176.

By Senator White,

An act relating to identifying electric vehicles.

To the Committee on Transportation.

S. 177.

By Senators Sears and White,

An act relating to nonjudicial discipline.

To the Committee on Government Operations.

S. 178.

By Senator Collins,

An act relating to prohibiting the possession of firearms and other dangerous or deadly weapons on any school property.

To the Committee on Judiciary.

S. 179.

By Senators Sears and Ayer,

An act relating to postconviction eligibility for Reach Up benefits.

To the Committee on Health and Welfare.

S. 180.

By Senator Sears,

An act relating to criminal threatening.

To the Committee on Judiciary.

S. 181.

By Senators Ashe and Mullin,

An act relating to service of malt beverages by the glass.

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

S. 182.

By Senator Benning,

An act relating to isolation distances for potable water supply and wastewater systems.

To the Committee on Natural Resources and Energy.

S. 183.

By Senators Ayer and Sears,

An act relating to precursor drugs of methamphetamine.

To the Committee on Health and Welfare.

S. 184.

By Senators Sears, Ashe and Benning,

An act relating to eyewitness identification policy.

To the Committee on Judiciary.

S. 185.

By Senator White,

An act relating to in-state residential facilities providing special education services.

To the Committee on Education.

S. 186.

By Senator Collins,

An act relating to increasing the monetary limitation in Small Claims Court.

To the Committee on Judiciary.

S. 187.

By Senator Collins,

An act relating to funding career technical education.

To the Committee on Education.

S. 188.

By Senator White,

An act relating to notice requirements for exhuming human remains.

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

S. 189.

By Senator White,

An act relating to the Open Meeting Law.

To the Committee on Government Operations.

S. 190.

By Senator Mullin,

An act relating to the tax sale of blighted property.

To the Committee on Finance.

S. 191.

By Senator Mullin,

An act relating to setbacks and screening for solar generation plants.

To the Committee on Natural Resources and Energy.

S. 192.

By Senator Pollina,

An act relating to the Vermont Pay it Forward, Pay Back College Affordability Program.

To the Committee on Education.

S. 193.

By Senator Pollina,

An act relating to establishing an interim Public Retirement Plan Study Committee.

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

S. 194.

By Senator Mullin,

An act relating to posting aggregated immunization rates.

To the Committee on Health and Welfare.

S. 195.

By Senators Benning, Kitchel and Sears,

An act relating to increasing the penalties for second or subsequent convictions for disorderly conduct, and creating a new crime of aggravated disorderly conduct.

To the Committee on Judiciary.

S. 196.

By Senator Rodgers,

An act relating to the regulation of net metering systems.

To the Committee on Finance.

S. 197.

By Senators Pollina and Fox,

An act relating to agency error in the 3SquaresVT Program.

To the Committee on Health and Welfare.

S. 198.

By Senator Rodgers,

An act relating to radar-controlled obstruction lighting on wind turbines.

To the Committee on Finance.

S. 199.

By Senator White,

An act relating to amending laws relating to lobbyists.

To the Committee on Government Operations.

S. 200.

By Senator White,

An act relating to prohibiting certain employment after a member of the General Assembly or an elected or appointed official in the Executive Branch leaves public office.

To the Committee on Government Operations.

S. 201.

By Senator Hartwell,

An act relating to siting review by the Public Service Board.

To the Committee on Natural Resources and Energy.

S. 202.

By Senator Hartwell,

An act relating to the energy efficiency charge.

To the Committee on Natural Resources and Energy.

S. 203.

By Senator Hartwell,

An act relating to establishing the Office of Energy Siting Counsel.

To the Committee on Finance.

S. 204.

By Senators Pollina, Ayer, French, McCormack, White and Zuckerman,

An act relating to the establishment of the 10 Percent for Vermont Program.

To the Committee on Finance.

S. 205.

By Senator Hartwell,

An act relating to disposable plastic carryout bags.

To the Committee on Natural Resources and Energy.

S. 206.

By Senator Hartwell,

An act relating to enhanced public advocacy in Public Service Board proceedings.

To the Committee on Finance.

S. 207.

By Senator Hartwell,

An act relating to the traffic criterion of Act 250.

To the Committee on Natural Resources and Energy.

S. 208.

By Senator Hartwell,

An act relating to solid waste management.

To the Committee on Natural Resources and Energy.

S. 209.

By Senator Hartwell,

An act relating to the complete streets laws.

To the Committee on Transportation.

S. 210.

By Senators MacDonald, Campbell, Doyle, McCormack, Pollina, Rodgers, Starr and Zuckerman,

An act relating to fencing along limited access facilities.

To the Committee on Transportation.

S. 211.

By Senator Hartwell,

An act relating to permitting of sewage holding and pumpout tanks for public buildings.

To the Committee on Natural Resources and Energy.

S. 212.

By Senators Baruth, MacDonald and McCormack,

An act relating to prohibiting the handheld use of a portable electronic device while driving.

To the Committee on Transportation.

S. 213.

By Senator Baruth,

An act relating to an employee's use of benefits.

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

S. 214.

By Senator Snelling,

An act relating to integrating planning for land use and designated centers.

To the Committee on Natural Resources and Energy.

S. 215.

By Senator Snelling,

An act relating to administering, implementing, and financing water quality improvement in Vermont.

To the Committee on Natural Resources and Energy.

S. 216.

By Senator Sears,

An act relating to enhanced penalties for possession of a weapon or use of force or threat in commission of a burglary.

To the Committee on Judiciary.

S. 217.

By Senators Baruth, Benning, MacDonald, McCormack, Mullin, Pollina and Starr,

An act relating to the Open Meeting Law and minutes of certain executive sessions.

To the Committee on Government Operations.

S. 218.

By Senator White,
An act relating to temporary employees.
To the Committee on Government Operations.

S. 219.

By Senator Cummings,
An act relating to sober houses.
To the Committee on Health and Welfare.

S. 220.

By Senator Mullin,
An act relating to amending the workers' compensation law, establishing a registry of sole contractors, increasing the funds available to the Department of Tourism and Marketing for advertising, and regulating legacy insurance transfers.

To the Committee on Finance.

S. 221.

By Senator Ashe,
An act relating to providing statutory purposes for tax expenditures.
To the Committee on Finance.

S. 222.

By Senators Sears and Snelling,
An act relating to the transfer of investigator positions from the Department of Human Resources to the Agency of Human Services.
To the Committee on Health and Welfare.

S. 223.

By Senator Mullin,
An act relating to regulating the making of pension loans.
To the Committee on Finance.

S. 224.

By Senator Snelling,

An act relating to the shorelands of the lakes of the State.

To the Committee on Natural Resources and Energy.

S. 225.

By Senator White,

An act relating to early retirement allowance.

To the Committee on Government Operations.

S. 226.

By Senator Baruth,

An act relating to service of malt and vinous beverages by libraries.

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

S. 227.

By Senator Rodgers,

An act relating to the surface water level of Seymour Lake.

To the Committee on Natural Resources and Energy.

S. 228.

By Senators Rodgers and Starr,

An act relating to the livestock disease testing of red deer.

To the Committee on Agriculture.

S. 229.

By Senator Rodgers,

An act relating to the collection of mandated recyclables.

To the Committee on Natural Resources and Energy.

S. 230.

By Senator Rodgers,

An act relating to a nonresident permit to train dogs to pursue black bear.

To the Committee on Natural Resources and Energy.

S. 231.

By Senator Rodgers,
An act relating to registering land as posted against hunting and fishing.
To the Committee on Natural Resources and Energy.

S. 232.

By Senator Galbraith,
An act relating to the use of neonicotinoid pesticides.
To the Committee on Agriculture.

S. 233.

By Senator Campbell,
An act relating to workers' compensation medical examination.
To the Committee on Finance.

S. 234.

By Senators Mullin and Ashe,
An act relating to Medicaid coverage for home telemonitoring services.
To the Committee on Health and Welfare.

S. 235.

By Senator Mullin,
An act relating to improving the oral health of Vermonters.
To the Committee on Health and Welfare.

S. 236.

By Senator Mullin,
An act relating to prescription refill synchronization.
To the Committee on Health and Welfare.

S. 237.

By Senator Ashe,
An act relating to civil forfeiture proceedings in cases of animal cruelty.
To the Committee on Judiciary.

S. 238.

By Senators Bray and Lyons,
An act relating to the taxation of natural gas infrastructure.
To the Committee on Finance.

S. 239.

By Senators Lyons, Mullin, Ashe and Pollina,
An act relating to the regulation of toxic substances.
To the Committee on Health and Welfare.

S. 240.

By Senator White,
An act relating to privatization contracts.
To the Committee on Government Operations.

S. 241.

By Senator Mullin,
An act relating to binding arbitration for State employees.
To the Committee on Government Operations.

S. 242.

By Senator MacDonald,
An act relating to authorizing the Public Service Board to regulate materials recovery recycling facilities.
To the Committee on Finance.

S. 243.

By Senator Galbraith,
An act relating to limiting the campaign contributions of businesses and partnerships.
To the Committee on Government Operations.

S. 244.

By Senator MacDonald,
An act relating to the numbering of exit signs on the interstate highway system within Vermont.
To the Committee on Transportation.

S. 245.

By Senator Galbraith,

An act relating to credit report disclosure and error prevention.

To the Committee on Judiciary.

S. 246.

By Senator Kitchel,

An act relating to the exemption for municipally owned lakeshore land in another town.

To the Committee on Finance.

S. 247.

By Senator White,

An act relating to the regulation of medical marijuana dispensaries.

To the Committee on Health and Welfare.

S. 248.

By Senator Snelling,

An act relating to a single license for barbers and cosmetologists.

To the Committee on Government Operations.

S. 249.

By Senators Galbraith, Hartwell and Mullin,

An act relating to lowering education property tax rates for low spending towns.

To the Committee on Finance.

S. 250.

By Senator Mullin,

An act relating to limiting mail-in rebates.

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

S. 251.

By Senator Nitka,

An act relating to the deferral of property taxes for taxpayers 65 years of age and over.

To the Committee on Finance.

S. 252.

By Senator Galbraith,

An act relating to financing for Green Mountain Care.

To the Committee on Finance.

S. 253.

By Senator Nitka,

An act relating to gradually increasing the mandatory age of school attendance.

To the Committee on Education.

S. 254.

By Senator Galbraith,

An act relating to transitional financing of Green Mountain Care.

To the Committee on Finance.

S. 255.

By Senators Fox, Ayer, Baruth, Cummings, French, Lyons, McCormack, Pollina, White and Zuckerman,

An act relating to paid absence from work for health care and safety.

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

S. 256.

By Senator Campbell,

An act relating to the solemnization of a marriage by a Judicial Bureau hearing officer.

To the Committee on Government Operations.

S. 257.

By Senator Sears,

An act relating to energy assistance program fees.

To the Committee on Finance.

S. 258.

By Senators Flory and McAllister,

An act relating to fiscal notes for bills that would affect the expenditures or revenues of the State or a municipality.

To the Committee on Government Operations.

S. 259.

By Senator Sears,

An act relating to adjusting the base education amount.

To the Committee on Education.

S. 260.

By Senator Flory,

An act relating to malt and vinous beverage tastings.

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

S. 261.

By Senator Flory,

An act relating to electrical installations.

To the Committee on Government Operations.

S. 262.

By Senator Flory,

An act relating to unemployment record disclosure and child support.

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

S. 263.

By Senators Sears and Kitchel,

An act relating to the authority of assistant judges in child support contempt proceedings.

To the Committee on Judiciary.

S. 264.

By Senator Sears,

An act relating to technical corrections to civil and criminal procedure statutes.

To the Committee on Judiciary.

S. 265.

By Senator Starr,

An act relating to the application of foreign law in the State of Vermont.

To the Committee on Judiciary.

S. 266.

By Senators MacDonald and McCormack,

An act relating to workers' compensation wages.

To the Committee on Finance.

S. 267.

By Senators Sears and Fox,

An act relating to a study of staff secure residential programs and the Woodside Juvenile Rehabilitation Center.

To the Committee on Health and Welfare.

S. 268.

By Senator Ayer,

An act relating to employment contracts.

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

S. 269.

By Senators Kitchel and Lyons,

An act relating to business consumer protection and data security breaches.

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

S. 270.

By Senator Sears,

An act relating to the office of Attorney General.

To the Committee on Government Operations.

S. 271.

By Senator Fox,

An act relating to the reorganization of the Departments of Health, Mental Health, and Disabilities, Aging, and Independent Living.

To the Committee on Health and Welfare.

S. 272.

By Senator Sears,

An act relating to detention of public inebriates.

To the Committee on Judiciary.

S. 273.

By Senator Sears,

An act relating to modification of an order terminating parental rights.

To the Committee on Judiciary.

S. 274.

By Senator Sears,

An act relating to confidentiality of arrest information concerning a minor.

To the Committee on Judiciary.

S. 275.

By Senator Sears,

An act relating to the Court's jurisdiction over youthful offenders.

To the Committee on Judiciary.

S. 276.

By Senator Flory,

An act relating to rulemaking by the Judicial Nominating Board.

To the Committee on Judiciary.

S. 277.

By Senators Ashe, Campbell and Sears,

An act relating to the use of video conferencing in an emergency relief from abuse hearing and storage of firearms surrendered pursuant to a relief from abuse order.

To the Committee on Judiciary.

S. 278.

By Senators Zuckerman and Pollina,

An act relating to a livable wage for employees of the Vermont State Colleges and the University of Vermont.

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

S. 279.

By Senator Zuckerman,

An act relating to voter registration forms.

To the Committee on Government Operations.

S. 280.

By Senator Sears,

An act relating to filling out-of-state narcotics prescriptions.

To the Committee on Health and Welfare.

S. 281.

By Senator Mullin,

An act relating to vision riders and a choice of providers for vision and eye care services.

To the Committee on Health and Welfare.

S. 282.

By Senator Sears,

An act relating to bail condition related to release.

To the Committee on Judiciary.

S. 283.

By Senator Sears,

An act relating to the changing of the name of the Vermont Criminal Information Center.

To the Committee on Judiciary.

S. 284.

By Senator Cummings,

An act relating to a certificate of birth for a foreign-born child adopted in Vermont.

To the Committee on Government Operations.

S. 285.

By Senator Sears,

An act relating to the furlough of offenders 65 years of age and older.

To the Committee on Institutions.

S. 286.

By Senator Sears,

An act relating to an assault of a correctional officer.

To the Committee on Judiciary.

S. 287.

By Senators Ayer, Sears and White,
An act relating to involuntary treatment and medication.
To the Committee on Judiciary.

S. 288.

By Senator Lyons,
An act relating to water quality improvement.
To the Committee on Natural Resources and Energy.

S. 289.

By Senator French,
An act relating to the liability of owners of genetically engineered seed.
To the Committee on Judiciary.

S. 290.

By Senator Hartwell,
An act relating to Vermont Strong plates.
To the Committee on Transportation.

S. 291.

By Senators Fox, Flory and Sears,
An act relating to the establishment of transition units at State correctional facilities.
To the Committee on Institutions.

S. 292.

By Senator Hartwell,
An act relating to siting of energy facilities.
To the Committee on Natural Resources and Energy.

S. 293.

By Senator Snelling,
An act relating to reporting on population-level outcomes and indicators and on program-level performance measures.
To the Committee on Government Operations.

S. 294.

By Senator White,

An act relating to data concerning instructional hours and associated costs.

To the Committee on Education.

S. 295.

By Senators Fox, Ashe, Flory, Sears and Snelling,

An act relating to pretrial services, risk assessments, and criminal justice programs.

To the Committee on Judiciary.

S. 296.

By Senators Sears, Ashe, Flory, Fox and Snelling,

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

To the Committee on Institutions.

S. 297.

By Senators Sears, Ashe and Benning,

An act relating to the recording of custodial interrogations in homicide and sexual assault cases.

To the Committee on Judiciary.

S. 298.

By Senator Collins,

An act relating to writs of possession.

To the Committee on Judiciary.

S. 299.

By Senator Fox,

An act relating to service of malt beverages by the glass.

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

S. 300.

By Senator McAllister,

An act relating to substance abuse testing and treatment for recipients of public assistance.

To the Committee on Health and Welfare.

S. 301.

By Senators Galbraith, Ashe, Ayer, Baruth, Cummings, Fox, McCormack and White,

An act relating to raising the Vermont minimum wage.

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

S. 302.

By Senator McAllister,

An act relating to waiving the energy efficiency charge.

To the Committee on Natural Resources and Energy.

S. 303.

By Senator Flory,

An act relating to a noncustodial parent's access to records and information.

To the Committee on Judiciary.

S. 304.

By Senator Collins,

An act relating to public school principals and nonrenewal of contracts.

To the Committee on Education.

S. 305.

By Senator Flory,

An act relating to qualifications of judicial officers and judicial selection.

To the Committee on Judiciary.

S. 306.

By Senator Zuckerman,

An act relating to regulation and taxation of marijuana.

To the Committee on Judiciary.

S. 307.

By Senator Flory,

An act relating to the assessment of Vermont's public benefit structure.

To the Committee on Health and Welfare.

S. 308.

By Senators Baruth, Collins and Nitka,

An act relating to regulating precious metal dealers.

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

S. 309.

By Senator Snelling,

An act relating to emergency involuntary procedures.

To the Committee on Health and Welfare.

S. 310.

By Senator Hartwell,

An act relating to allocating clean energy development fund proceeds.

To the Committee on Natural Resources and Energy.

S. 311.

By Senator Hartwell,

An act relating to economic development and prosperity for Vermonters.

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

S. 312.

By Senators Lyons and Mullin,

An act relating to extended producer responsibility.

To the Committee on Natural Resources and Energy.

S. 313.

By Senators Zuckerman and Pollina,

An act relating to a tax credit for donations made to socially responsible small farms.

To the Committee on Finance.

S. 314.

By Senator Mazza,

An act relating to miscellaneous amendments to laws related to motor vehicles.

To the Committee on Transportation.

S. 315.

By Senators Ashe, Bray, Fox, Lyons, McCormack and Zuckerman,

An act relating to decriminalizing the performance of abortions in Vermont and recognizing the right to have an abortion.

To the Committee on Judiciary.

Bill Referred

House bill of the following title was read the first time and referred:

H. 112.

An act relating to the labeling of food produced with genetic engineering.

To the Committee on Agriculture.

Message from the House No. 1

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. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 8, 2014.

WEDNESDAY, JANUARY 8, 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. 2

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 resolutions originating in the Senate of the following titles:

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

J.R.S. 35. Joint resolution relating to Town Meeting adjournment.

J.R.S. 36. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Rules Suspended; Bill Recommitted

Senator White moved that the rules be suspended and that Senate bill entitled:

S. 55. An act relating to increasing efficiency in state government finance and lending operations.

be recommitted to the Committee on Government Operations,

Which was agreed to.

Committee Relieved of Further Consideration; Bill Committed**S. 247.**

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration of Senate bill entitled:

An act relating to the regulation of medical marijuana dispensaries,

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

Recess

On motion of Senator Campbell the Senate recessed until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 33. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

The Senate repaired to the hall of the House.

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

Committee Relieved of Further Consideration; Bills Committed**H. 297.**

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

An act relating to duties and functions of the Department of Public Service, and the bill was committed to the Committee on Finance.

H. 441.

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

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

and the bill was committed to the Committee on Judiciary.

H. 483.

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

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code,

and the bill was committed to the Committee on Finance.

H. 543.

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

An act relating to records and reports of the Auditor of Accounts,
and the bill was committed to the Committee on Government Operations.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 9, 2014.

THURSDAY, JANUARY 9, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

Committee Relieved of Further Consideration; Bills Committed**S. 71.**

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

An act relating to expanding prohibitions related to odometer and clock meter readings,

and the bill was committed to the Committee on Transportation.

S. 241.

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of Senate bill entitled:

An act relating to binding arbitration for State employees,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice tomorrow:

S. 316.

By the Committee on Education,

An act relating to child care providers.

Adjournment

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

FRIDAY, JANUARY 10, 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 House No. 3

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. 524. An act relating to making technical amendments to education laws.
And has severally concurred therein.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 82. An act relating to campaign finance law.

And has adopted the same on its part.

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

H.C.R. 173. House concurrent resolution congratulating Evan Russell on his golfing accomplishments.

H.C.R. 174. House concurrent resolution extending best wishes to Mable Fay on her 90th birthday.

H.C.R. 175. House concurrent resolution honoring Heinz Hester for his leadership in the development of an international student exchange program.

H.C.R. 176. House concurrent resolution congratulating the 2013 U-32 Raiders Division II boys' championship track and field team.

H.C.R. 177. House concurrent resolution commemorating the 50th anniversary of President Lyndon B. Johnson's declaration of the U.S. War on Poverty.

H.C.R. 178. House concurrent resolution recognizing January 9, 2014 as Homeless Awareness Day at the State House.

H.C.R. 179. House concurrent resolution congratulating the 2013 U-32 Raiders Division II girls' championship track and field team.

H.C.R. 180. House concurrent resolution congratulating Clara Emlen of Calais on being named the 2014 America's National Teenager.

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. 28. Senate concurrent resolution congratulating the Yankee Male Chorus on its 60th anniversary.

S.C.R. 29. Senate concurrent resolution congratulating Hastings Store on its centennial anniversary and Jane and Garey Larrabee on 40 years as the store's proprietors.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations

S. 316.

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 child care providers.

Senate 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 adopted on the part of the Senate:

By Senator White,

S.C.R. 28.

Senate concurrent resolution congratulating the Yankee Male Chorus on its 60th anniversary.

By Senator Kitchel,

By Representative Toll,

S.C.R. 29.

Senate concurrent resolution congratulating Hastings Store on its centennial anniversary and Jane and Garey Larrabee on 40 years as the store's proprietors.

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 adopted in concurrence:

By Representative Juskiewicz and others,

By Senator Flory,

H.C.R. 173.

House concurrent resolution congratulating Evan Russell on his golfing accomplishments.

By Representative Van Wyck and others,

H.C.R. 174.

House concurrent resolution extending best wishes to Mable Fay on her 90th birthday.

By Representative Lanpher and others,

By Senators Ayer and Bray,

H.C.R. 175.

House concurrent resolution honoring Heinz Hester for his leadership in the development of an international student exchange program.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 176.

House concurrent resolution congratulating the 2013 U-32 Raiders Division II boys' championship track and field team.

By Representative Taylor and others,

H.C.R. 177.

House concurrent resolution commemorating the 50th anniversary of President Lyndon B. Johnson's declaration of the U.S. War on Poverty.

By Representative Head and others,

H.C.R. 178.

House concurrent resolution recognizing January 9, 2014 as Homeless Awareness Day at the State House.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 179.

House concurrent resolution congratulating the 2013 U-32 Raiders Division II girls' championship track and field team.

By Representative Ancel,

By Senators Cummings, Doyle and Pollina,

H.C.R. 180.

House concurrent resolution congratulating Clara Emlen of Calais on being named the 2014 America's National Teenager.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 14, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 36.

TUESDAY, JANUARY 14, 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.

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. 38. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 17, 2014, it be to meet again no later than Tuesday, January 21, 2014.

Message from the House No. 4

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. 25. An act relating to public advocacy in utility matters.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until twelve o'clock and thirty minutes in the afternoon on Wednesday, January 15, 2014.

WEDNESDAY, JANUARY 15, 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. 5

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. 38. Joint resolution relating to weekend adjournment .

And has adopted the same in concurrence.

Senate Concurrent Resolution Adopted

Senate concurrent resolution of the following title was offered, read and adopted in concurrence:

By All Members of the Senate,

By All Members of the House,

S.C.R. 30. Senate concurrent resolution in memory of Senator and former Representative Sally Fox of South Burlington.

Whereas, Senator Sally Fox led an exemplary life dedicated to public service, including representing the citizens of Vermont in the General Assembly, and

Whereas, she was a native Nebraskan, graduated from the University of Wisconsin, earned a law degree at the State University of New York at Buffalo, and concluded her eastward journey when she settled in Vermont, and

Whereas, in 1986, Sally Fox's strong desire to engage in the public policy arena and work for a civil society that treated all Vermonters fairly and without prejudice inspired her to seek a seat in the House of Representatives, and

Whereas, for seven consecutive bienniums, Sally Fox was a House member from Essex, and strove to turn into legislation her deeply held beliefs in equity and social justice, and

Whereas, as a member of the House Committee on the Judiciary, Sally Fox played a leading role in the crafting and enactment of Act 220, establishing the Family Court, and she took great pride in witnessing this judicial innovation for addressing family-law-related matters, and

Whereas, as Chair of the House Committee on the Judiciary, Sally Fox focused her attention on improving the effectiveness and fairness of the State's criminal and juvenile justice systems, and she viewed her leadership in enacting Act 55 of 1991, which lowered the legal definition of an alcoholically impaired driver from a blood alcohol content level of 0.10 to 0.08, as a major contribution to highway safety in Vermont, and

Whereas, as Chair of the House Committee on Appropriations, she sought to preserve the social safety net protecting Vermonters, while still addressing the State's fiscal requirements, and

Whereas, the members of the House Democratic Caucus respected Sally Fox's ingenuity, initiative, and leadership skills, electing her its Deputy Majority Leader for the 1997–1998 Biennium, and

Whereas, after concluding her House membership in 2000, Sally Fox endeavored to improve the lives of Vermonters as Director of Family Court Operations, as Policy Director of Vermont Businesses for Social Responsibility, as the Coordinator for the City of Burlington's Offender Reentry Program, and as the Government Affairs Director for the Vermont State Colleges, and

Whereas, in 2010, Sally Fox won a Senate seat representing Chittenden County, and her new legislative duties included sitting on the Committees on Health and Welfare and on Appropriations and service on several joint committees, including cochairing the Mental Health Oversight Committee, and

Whereas, she was an active participant in a number of community organizations, and

Whereas, after battling a rare form of sarcoma, Sally Fox died on January 10, 2014, at the age of 62, leaving her husband, Michael Sirotkin, sons, Jacob and Jesse, and many friends and admirers among her legislative colleagues and throughout Vermont, and

Whereas, her presence will be missed in the Vermont State House, and the large outpouring of mourners at her funeral was a moving tribute to Senator Sally Fox and her passionate commitment to assisting Vermont's most vulnerable citizens, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly mourns the passing of Senator Sally Fox of South Burlington and extends its sincere condolences to her family, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to her husband and each of her sons.

Remarks by Lieutenant Governor Philip B. Scott

Prior to the adoption of a Senate concurrent resolution in tribute to Senator Sally G. Fox, the President Lieutenant Governor Philip B. Scott addressed the Senate, as follows:

“As I said last week, it was certainly a sad moment gaveling in Friday’s session and ending our first week – knowing that our colleague Senator Sally Fox wouldn’t be joining us in the Chamber again. No matter how many signs there are that the end is near, I don’t think there’s any way to fully prepare for the feelings that come when you lose someone – whether it’s someone you worked with, a friend, or a member of your family.

“After attending Sally’s service on Sunday, I now find myself with feelings of regret – possibly a missed opportunity.

“I came away realizing I didn’t know Senator Fox as well as I should have – and I left feeling as though I met a whole other side of her. I now look forward to hearing from you and getting to know her a bit more through your reflections. I hope we can honor her legacy by taking the time to get to know each other better rather than remaining only acquaintances.”

Pending the question, Shall the Senate adopt the Senate concurrent resolution on it’s part?, the following remarks were delivered and, in the discretion of the President, were entered into the Journal, and are as follows:

Remarks by Senator William T. Doyle

“My very best memory of Senator Fox was working with her for a period of one year planning the Eastern Regional Conference of the Council of State Governments 1999 Annual Meetings. The Conference was held in Burlington for four days in August of 1999. Senator Fox was involved in every major decision, the first one being to engage Jeanne Kennedy to manage the Conference. Senator Fox was a very gracious hostess; gracious to the participants and guests young and old.

“The Conference was opened by Lt. Governor Doug Racine who welcomed everyone to Vermont and by Mayor Peter Clavelle who welcomed everyone to Burlington. Governor Howard Dean was in attendance and gave the keynote address. Also in attendance was Burlington Mayor Clavelle who also made opening comments. Other invited speakers included Chris Matthews, host of CNBC “Hard Ball” and Mara Liasson from National Public Radio. One of the most interesting comments was when Senator Fox was talking to Chris Matthews, she told him, “You are too conservative to be a Democrat.”

“The conference opening social evening was held at Shelburne Farms and was attended by nearly 900 conference attendees, their spouses and many of their children. A very important part of the conference was having an excellent program for the children. Speaking of Legislators, over half of the members of the Vermont House and Senate participated in the Conference.

“James Douglas, who was State Treasurer at that time, moderated a panel on the 2000 Election. Panelists included William Kristol, Editor and Publisher of the “Weekly Standard” and Chris Matthews. Chris Graff moderated a panel on Economic Deregulation and was also involved in the fundraising for the Conference. Senator Helen Reihle moderated a panel on Managed Care and one of the panelists was Rep. Paul Poirier. Senator Elizabeth Ready moderated a panel on Smart Growth. Deborah Markowitz who was Secretary of State moderated a panel on Civic Engagement.

“Senator Fox was a remarkable person, gifted in many areas but I will always remember her contributions to the 1999 Eastern Regional Conference.”

Remarks by Senator Peter W. Galbraith

“Mr. President:

“Since her death Friday, Senator Sally Fox has been described as the voice in Montpelier of those who had no voice: the poor, the sick, those with disabilities. I do not think that description was quite right, at least for the time I knew Sally.

“For one thing, she was soft spoken and, in the last two years, her voice was weaker. But, mostly, I feel the description understates Sally’s contribution. Yes, she spoke on behalf of the voiceless but, more importantly, she got things accomplished that directly benefited thousands of less well off Vermonters.

“Even in her short time here, Sally Fox had real accomplishments, and none bigger than working with Senator Ayer to secure the passage of Act 48, Vermont’s landmark health legislation to establish a system of universal, publicly financed health care legislation. In my mind’s eye, I think of Sally with her roll call sheet checking with Senators on how they might vote on amendments, and, no doubt, working on the persuadable and not wasting time on those with fixed opinions. And her devotion to helping Vermonters continued literally to the very end of her life. On Friday, Senator Ayer told me that Sally had pushed hard to schedule a meeting of the Health Care Committee on mental health issues for December 30.

“I have also thought about how we might honor Sally Fox. Our words are nice but I think what mattered to her was deeds: a budget that makes sure that the most vulnerable Vermonters have the services they need, quality mental health services, more money in the pockets of low wage working families, and universal access to health care. Our continued work toward these goals is undoubtedly the best memorial to Sally Fox.”

Remarks by Senator Richard J. McCormack

“Sally Fox was an exemplary public servant; motivated by compassion, fiercely committed, diligent and competent by virtue of her intelligence, her comprehensive knowledge and her good collegial relationships. Her passing leaves an empty space in our state’s civic life that will not be readily filled.

“Personally I mourn the loss of a good friend. Her passing leaves a sad, empty space in me that will not be readily filled.”

Remarks by Senator Ann E. Cummings

“I first encountered, and encountered is the correct word, Sally over 20 years ago. I was still serving in local government and was thrilled to receive an invitation to hear Bill Clinton speak at a rally on the Burlington water front. There was a huge crowd and I ended up standing near the vivacious young woman. I had no idea who she was. In fact, it would be several years before I found out. But she caught my attention. She was talking to someone next to her about her work on the Appropriations Committee and how her dining room table was covered with reports she had to read and how she hoped this rally didn’t run overtime because she had to pick up her boys. She seemed totally alive, engaged and happy. Suffice it to say, I don’t remember a word Bill Clinton said that day. But I remember Sally.”

Remarks by Senator Timothy R. Ashe

“I have many important personal remembrances of Sally, but I didn’t think I could physically talk about them today. Some of them are a bit off-color and one doesn’t want to miss the moment. So instead I offer a few observations about my Senate memories of Sally.

“Sally’s first day in the Senate got off to quite a start. For those of you not a part of the Chittenden delegation you may not appreciate the sometimes delicate negotiations of seat assignments. Traditionally seniority is the basis for selection then the new members pick from what’s left. Sally being the strategic thinker, one used to the somewhat more orderly nature of the House experience, set to work making sure she’d end up with Seat No. 10, which she hoped to sit in because it had been the Senate seat of her long-time close friend Doug Racine. After working we incumbents over, she had the seat lined up. So, on swearing in day back in 2011, Sally arrived ready to occupy Seat 10, only to find Senator Hinda Miller’s belongings laid out on the Seat 10 desk. Sally, somewhat exasperatedly, asked Hinda why she was there when she’d agreed not to sit there. Hinda, who many of us know as a spiritual person from her time in the Senate, told Sally her numerologist had told her 10 was becoming an important number in her life and that she’d decided to claim

Senate 10 after all. Sally sought to enlist me in the outrage, but instead of sympathy I flashed a grin and said ‘You’re in the Senate now, Sally, this is how we roll.’ She reached out in mock strangulation for the first but not last time.

“But Sally, as we all know, was a quick study when it came to this building. From the outset on Health and Welfare and on Finance, Sally was no freshman. On Finance Sally sat between Rich Westman and me. Having been a leader in the House Sally was used to being in the know. Since she wasn’t in the leadership or a Chair, Sally just worked harder to know what was going on. I know this because she would e-mail me prolifically to check in on everything I was working on. And she was insistent on finding out what was going on. Looking through some old e-mails from Sally, many of them signed off with expressions like ‘will you please call me?’ ‘are you going to call me back’ and similar themes as she tried to pick up intel from me, my personal favorite was ‘paranoidly yours’.

“2012 brought bad health news to Sally and I still remember how painful it was to take that Saturday morning call in my home office to hear the news from Sally. I told Sally during that conversation, and I’m glad I did, that I was not going to treat her like a patient, always asking after her health and I never did. We continued our relationship as colleagues and friends, always with Sally’s health in the background but never blocking our working on Sally’s and my passions and in the Senate. She continued helping me in so many ways during this difficult time for her.

“I was very honored and proud in 2013 to drive Sally to the State House on her first day back in the Senate. It was for me a feeling that signaled a deeper relationship with Sally and me.

“Every close relationship has a moment when it goes from what Lieutenant Governor Scott referred to as an acquaintance type of relationship to something more than that. That drive was the moment for me with Sally. I hope that Sally thought of me as a borrowed little brother. It was that moment she became my borrowed big sister.”

Remarks by Senator Richard A. Westman

“Sally's history in many ways is the history of this building over the last 25 years. Her service here, a husband that worked here, a son that was a Page and sons that clearly effected how she viewed policy toward children and teens. She wanted all kids to have the chance to excel like her kids.

“I was privileged to have shared much of that history.

“Already, as I turn corners I see Sally. Both in places and in the people I see.

“Two examples:

“I stopped at the Inn at Essex the other day and I'll never go in the place again and not think of her. We were for years chair and vice chair of Appropriations, and met there for breakfast on a regular basis. Meeting there became a regular thing even after the Appropriations years. I worked at VSAC and Sally worked for the State Colleges and there was lots to talk about.

“I was reminded yesterday at the Education Funding symposium at Saint Mike's about this. When Sally chaired the Appropriations Committee we didn't always do what the Administration liked with the budget and for a period of time when we voted on things a member of the Administration would come in with his arms folded and stand in front of the door. She felt he was trying to intimidate her and the committee and she wasn't having it... Everyone on the 5th floor heard about it including that person who by the way could have been intimidating physically to some, but not Sally. I saw that person yesterday at the symposium.

“As, I'm putting this together at the coffee shop this morning a woman we used to work with quite closely from the children's forum walked in to buy coffee. She had given us both awards for our service to kids in those years... Interesting...

“Sally lived her life with a strong compass as to what she believed. She didn't like it when things got in her way and she wasn't afraid.

“As we have all said she was a strong and successful advocate for people especially children and teens....

“Finally, here in the Senate she was literally my eyes and ears as she was for Michael at home apparently. I can't read without reading glasses now and three years ago when I sat next to Sally on the Finance Committee she looked at me and said where are your glasses? She new full well I had lost them again. She said, ‘here is a pair don't put them in your mouth and don't get them dirty. I'll want to use them’. I also frequently forgot the cord to my phone and she always keep two cords-one in Health and Welfare and one in finance and then in Appropriations in the afternoon. I was told not to lose them. Michael and Jesse told me she did the same for Michael every evening.

“As an aside it's interesting to me that we both moved from the Finance Committee to Appropriations together here in the Senate. We spent a lot of time together working out money issues....

“I'll miss my big sister but she'll always be there around unsuspecting corners and particularly around this building.”

Remarks of Senator M. Jane Kitchel

“We grieve the loss of our widely respected and beloved friend and colleague, Senator Sally Fox. At this same time we also celebrate her remarkable achievements in a life that was cut too short. Over many years, I have had the privilege of working with Senator Fox beginning when she was Chair of the House Appropriations Committee where I spent many hours before her in the witness chair. We shared many common goals, but needless to say our approaches and thinking on how to achieve them diverged on more than one occasion. This past year was a special one for me because Senator Fox served with me on the Committee on Appropriations. Her passion for government to be a positive and helpful presence in the lives of all Vermonters, particularly those who are the most vulnerable and marginalized among us, never failed. Her institutional knowledge, her keen intellect, her courage and her love of the Vermont Legislature were her very special qualities.

“There is an empty chair at the Appropriations table. We shall miss Senator Fox’s radiant smile that could light up the room, her perspective, her knowledge and her constructive presence as we undertake our work each day. Senator Fox has left us for a better place and it is because of her more than three decades of public service that she has left us all in a better place.”

Remarks of Senator Diane B. Snelling

“Sally and I became friend during the 2010 Chittenden County Senate campaign. We were an unlikely duo big and little but we quickly discovered many areas of common interest and values. I was delighted we became seat mates. I convinced her to have Seat Number 9 on the floor and in Appropriations. We bonded further over fidelity to process and the dancing piggies I drew to entertain her. Michael, Jesse and Jacob, thank you for your brave remarks on Sunday. Listening to you, it was hard not to think of losing my father in 1991 at age 64. In the 23 years since my Dad died I have found that an amazing thing has happened: many times friends and strangers have stopped to share wonderful stories and memories of him with me. I know you will experience similar gifts and I hope those stories will be comforting and sustaining throughout your lives. I’m going to miss Sally very much and I am grateful for all the gifts I have received from her.”

Remarks of Senator Mark A. MacDonald

“My first service in the Vermont House began during the Special Session in July 1983. Hot humid weather caused the requirement to wear jackets be waived for members and for Pages.

“The Special Session lasted four days. During those days I thought Sally was a Page. Imagine my surprise following adjournment on day four to see Sally having a drink with legislative counsel staff at the Thrush patio!

“Sally was elected to the House a few years later. In the late 80’s the House featured a myriad of occupations. Among the several teachers and many farmers were a clown, a couple of authors, and only one lawyer, Sally.

“Sally was appointed chair of the Judiciary and some good natured ribbing followed:

“Sally, you were the only lawyer. The speaker had to appoint the only member qualified”.

“Not so”, Sally responded, “he could have appointed the clown.”

“A term or two later, Sally was appointed chair of Appropriations. This time there was no ribbing about experience or competence, an appointment well earned.

“I won’t extend these remarks to cover the many reasons we loved Sally. Mike, Jacob, and Jesse did so Sunday far better than we could here today.”

Remarks of Senator Joseph C. Benning

“My first introduction to Sally Fox was not as a legislator, it was as a lawyer working in what was then a very different Superior Court. Occasionally Sally and I would face off against each other in the courtroom. I like to believe that we retained a mutual respect for each other, even when our clients had major differences.

“I got to know her better when she was engaged in transforming the judiciary as we knew it, seeking to install a family court component into what could best be described as a stodgy old system that was ill equipped to deal with the explosion of litigants in family law cases. It was then I learned she was not a person who was motivated by glory or fame; she was genuinely desirous of helping those not getting a fair shake from the system. Her tireless efforts helped bring about a major change in one of Vermont’s branches of government, a testament to her passion and strength.

“When I was first elected to the senate I attended an orientation seminar in which Sally was a presenter. I was struck by one thing she told us Senate neophytes that, looking back, seems so prophetic and so sad at the same time. She told us to be prepared for the fact that at least one Senate colleague would pass away during our time here. I suspect it was her way of saying that we should cherish our time with each other, since none of us knows when our time

will end. None of us would have expected that Sally herself would be the first to demonstrate that our time here is indeed limited.

“Oddly enough my last conversation with Sally occurred in the same context as our first meeting. Two lawyers, now Senators, sparring over the legal parameters of the Senate’s sexual harassment policy. Sally helped write the existing policy almost twenty years ago. Looking back, I regret that that was how we ended our relationship, although in fairness neither of us knew that would be the last time we spoke. I have every reason to believe that, had we seen each other again, we’d have simply laughed off our previous discussion, we’d arrive at a consensus for the benefit of moving forward, and I would have had a chance to see her smile once again. I hope she’s smiling now.”

Remarks of Senator David E. Zuckerman

“Today’s moment of silence at the opening of our session prompted my story/memory of Senator Fox.

“When I first joined the House of Representatives in 1997 I was astounded that we had a religious opening to the day. Having grown up knowing that we have a system that separates church and state I left the floor with visible agitation re: this issue.

“Senator Fox was one of the first that I encountered in the hallway. While she indicated that she agreed with me, she grabbed my arms in her hands and told me to pick my battles and not to put myself in a box my first day.

“Needless to say I took her advice, as you all know I push few issues, but I have to say, I am not so sure she took her own advice.

“Sally took on many large and important issues and did not shrink back from taking on more and more.

“She was tenacious in the best sense of the word.”

Remarks of Senator Anthony Pollina

“The best way to honor Sally Fox is to emulate her. Act as Sally would with caring and compassion, willing to stand up, for our vulnerable neighbors.

“Let Sally’s legacy be our strength and do the same in her honor.”

Remarks of Senator Virginia V. Lyons

“There isn’t much more to say than has already been so beautifully expressed about Senator Sally Fox. She was a friend and colleague. We commuted together to the State House sharing many conversations – one of the last about the sexual harassment policy previously mentioned. We will miss her soft voice with its powerful and passionate message of caring. Sally’s

messages were insightful and meaningful. They were especially important to those who were without housing, who were hungry, who needed mental health support or those who were simply young and vulnerable, deserving and needing protection.

“Sally’s obituary portrays a life worth living of someone we will miss. She was determined and courageous to the end. How many times did she say, “Tell me what I missed yesterday – did we do anything to Reach Up or mental health? I had to go to Boston for another Doctor’s appointment”. That was it, she missed what was going on here as much as we will miss her contribution to our decision making about people and the budget.

“Ironically for all the caring that Sally gave to others – in the end she needed significant hospice care. Her obituary indicates two organizations to which we can donate to honor her life. Please give your donations to The Vermont Cancer Network and/or Voices for Vermont Children. You can give these to Rebecca or Connor in the Pro Tem’s office or to Senator Baruth. In this way we can honor Sally as a Senate.”

Remarks of Senator John Campbell

“It would be difficult to find a more passionate advocate and champion for those who were among our most vulnerable citizens---the young, the elderly and the disabled. As a Chittenden County state senator she fought tirelessly to ensure that all Vermonters had access to quality health care, that those who suffered from mental illness were not forgotten and that our children were provided with every opportunity to succeed.

“I had the opportunity to speak with Judge Amy Davenport, a great friend of Sally. She spoke to me of the creation of the Family Court and how much of a critical and significant role Sally played in its establishment. Sally had spoken with Judge Davenport in 1989 about the idea of creating a Family Court and from there dedicated an immense amount of her time and effort to make it happen. She never gave up, even in the face of opposition to the idea, and in the end her hard work and dedication was what made the difference.

“While Sally’s physical presence may be absent from the Vermont State Senate, her spirit will live on and provide us with guidance and support.”

Thereupon, the pending question, Shall the Senate adopt the resolution on this part?, was decided in the affirmative.

Recess

On motion of Senator Campbell the Senate recessed until 1:55 P.M.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the hall of the House.

Having returned therefrom, at two o'clock and fifty minutes in the afternoon, the President assumed the Chair.

Third Reading Ordered**S. 272.**

Senator Nitka, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to detention of public inebriates.

Reported that the bill ought to pass.

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 Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, January 16, 2014.

THURSDAY, JANUARY 16, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Committee Relieved of Further Consideration; Bill Committed**S. 220.**

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

An act relating to amending the workers' compensation law, establishing a registry of sole contractors, increasing the funds available to the Department of

Tourism and Marketing for advertising, and regulating legacy insurance transfers,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

Bill Referred to Committee on Appropriations

H. 198.

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 Legacy Insurance Management Act.

Report of Committee of Conference; Point of Order; Report of Committee of Conference Accepted and Adopted on the Part of the Senate

S. 82.

Senator White, 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 Senate bill entitled:

An act relating to campaign finance law.

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. FINDINGS

The General Assembly finds that:

(1) Article 7 of Chapter I of the Vermont Constitution affirms the central principle “That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; . . .”

(2) To carry out this central principle that the government is for the common benefit of the whole people of Vermont, candidates need to be responsive to the community as a whole and not to a small portion which may be funding the candidate’s electoral campaign.

(3) Because of the small size of Vermont communities and the personal nature of campaigning in Vermont, a key feature of Vermont electoral campaigns is the personal connection between candidates and voters. Limiting contributions to candidates encourages this connection by giving candidates an incentive to conduct grassroots campaigns that reach many constituents and many donors, rather than relying on just a few people to fund their campaigns.

(4) Unduly large campaign contributions reduce public confidence in the electoral process and increase the risk and the appearance that candidates and elected officials may be beholden to contributors and not act in the best interests of all Vermont citizens.

(5) In Vermont, contributions greater than the amounts specified in this act are considered by the General Assembly, candidates, and elected officials to be unduly large contributions that have the ability to corrupt and create the appearance of corrupting candidates and the democratic system.

(6) When a person is able to make unduly large contributions to a candidate, there is a risk of voters losing confidence in our system of representative government because voters may believe that a candidate will be more likely to represent the views of persons who make those contributions and less likely to represent views of their constituents and Vermont citizens in general. This loss of confidence may lead to increased voter cynicism and a lack of participation in the electoral process among both candidates and voters.

(7) Lower limits encourage candidates to interact and communicate with a greater number of voters in order to receive contributions to help fund a campaign, rather than to rely on a small number of large contributions. This interaction between candidates and the electorate helps build a greater confidence in our representative government and is likely to make candidates more responsive to voters.

(8) Different limits on contributions to candidates based on the office they seek are necessary in order for these candidates to run effective campaigns. Moreover, since it generally costs less to run an effective campaign for nonstatewide offices, a uniform limit on contributions for all offices could enable contributors to exert undue influence over those nonstatewide offices.

(9) In Vermont, candidates can raise sufficient monies to fund effective, competitive campaigns from contributions no larger than the amounts specified in this act.

(10) Exempting certain activities of political parties from the definition of what constitutes a contribution is important so as to not overly burden collective political activity. These activities, such as using the assistance of

volunteers, preparing party candidate listings, and hosting certain campaign events, are part of a party's traditional role in assisting candidates to run for office. Moreover, these exemptions help protect the right to associate in a political party.

(11) Political parties play an important role in electoral campaigns and must be given the opportunity to support their candidates. Their historic role in American elections makes them different from political committees. For that reason, it is appropriate to limit contributions from political committees without imposing the same limits on political parties.

(12) If independent expenditure-only political committees are allowed to receive unlimited contributions, they may eclipse political parties. This would be detrimental to the electoral system because such committees can be controlled by a small number of individuals who finance them. In contrast, political parties are created by a representative process of delegates throughout the State.

(13) Large independent expenditures by independent expenditure-only political committees can unduly influence the decision-making, legislative voting, and official conduct of officeholders and candidates through the committees' positive or negative advertising regarding their election for office. It also causes officeholders and candidates to act in a manner that either encourages independent expenditure-only committees to support them or discourages those committees from attacking them. Thus, candidates can become beholden to the donors who make contributions to these independent expenditure-only committees. However, the current legal landscape regarding the constitutionality of imposing limits on contributions to independent expenditure-only political committees is uncertain. Therefore, under this act, the General Assembly will impose limits on contributions to independent expenditure-only political committees if the final disposition of a case before the U.S. Court of Appeals for the Second Circuit or the U.S. Supreme Court holds that limits on contributions to independent expenditure-only political committees are constitutional.

(14) In order to provide the electorate with information regarding who seeks to influence their votes through campaign advertising; to make campaign financing more transparent; to aid voters in evaluating those seeking office; to deter actual corruption and avoid its appearance by exposing contributions and expenditures to the light of publicity; and to gather data necessary to detect violations of contributions limits, it is imperative that Vermont increase the frequency of campaign finance reports and include more information in electioneering communications.

(15) Increasing identification information in electioneering communications will enable the electorate to evaluate immediately the speaker's message and will bolster the sufficiently important interest in permitting Vermonters to learn the sources of significant influence in our State's elections.

(16) Limiting contributions to political committees and political parties prevents persons from hiding behind these entities when making election-related expenditures. It encourages persons wishing to fund communications to do so directly in their own names. In this way, limiting contributions to political committees and political parties is another method of fostering greater transparency. When a person makes an expenditure on electioneering communications in the person's own name, that name, rather than that of a political committee or a political party to which the person contributed, appears on the face of the communication. This provides the public with immediate information as to the identity of the communication's funder.

(17) The General Assembly is aware of reports of potential corruption in other states and in federal politics. It is important to enact legislation that will prevent corruption here and maintain the electorate's confidence in the integrity of Vermont's government.

(18) This act is necessary in order to implement more fully the provisions of Article 8 of Chapter I of the Constitution of the State of Vermont, which declares "That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution."

Sec. 2. REPEAL

17 V.S.A. chapter 59 (campaign finance) is repealed.

Sec. 3. 17 V.S.A. chapter 61 is added to read:

CHAPTER 61. CAMPAIGN FINANCE

Subchapter 1. General Provisions

§ 2901. DEFINITIONS

As used in this chapter:

(1) "Candidate" means an individual who has taken affirmative action to become a candidate for State, county, local, or legislative office in a primary, special, general, or local election. An affirmative action shall include one or more of the following:

(A) accepting contributions or making expenditures totaling \$500.00 or more;

(B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that the individual seeks an elected position as a State, county, or local officer or a position as Representative or Senator in the General Assembly.

(2) "Candidate's committee" means the candidate's campaign staff, whether paid or unpaid.

(3) "Clearly identified," with respect to a candidate, means:

(A) the name of the candidate appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(4) "Contribution" means a payment, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates in any election. As used in this chapter, "contribution" shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate;

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse;

(E) the use by a candidate or volunteer of his or her own personal property, including offices, telephones, computers, and similar equipment;

(F) the use of a political party's offices, telephones, computers, and similar equipment;

(G) the payment by a political party of the costs of preparation, display, or mailing or other distribution of a party candidate listing;

(H) documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this title, lists of registered voters, and voter identification information created, obtained, or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party or to another political party;

(I) compensation paid by a political party to its employees whose job responsibilities are not for the specific and exclusive benefit of a single candidate in any election;

(J) compensation paid by a political party to its employees or consultants for the purpose of providing assistance to another political party;

(K) campaign training sessions provided to three or more candidates;

(L) costs paid for by a political party in connection with a campaign event at which three or more candidates are present; or

(M) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention or depict a clearly identified candidate.

(5) “Election” means the procedure whereby the voters of this State or any of its political subdivisions select a person to be a candidate for public office or to fill a public office or to act on public questions including voting on constitutional amendments. Each primary, general, special, or local election shall constitute a separate election.

(6) “Electioneering communication” means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass e-mails.

(7) “Expenditure” means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates. As used in this chapter, “expenditure” shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate; or

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse.

(8) "Four-year general election cycle" means the 48-month period that begins 38 days after a general election for a four-year-term office.

(9) "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the person who made the contribution apparent by unambiguous reference.

(10) "Independent expenditure-only political committee" means a political committee that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures.

(11) "Mass media activity" means a television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office.

(12) "Party candidate listing" means any communication by a political party that:

(A) lists the names of at least three candidates for election to public office;

(B) is distributed through public advertising such as broadcast stations, cable television, newspapers, and similar media or through direct mail, telephone, electronic mail, a publicly accessible site on the Internet, or personal delivery;

(C) treats all candidates in the communication in a substantially similar manner; and

(D) is limited to:

(i) the identification of each candidate, with which pictures may be used;

(ii) the offices sought;

(iii) the offices currently held by the candidates;

(iv) the party affiliation of the candidates and a brief statement about the party or the candidates' positions, philosophy, goals, accomplishments, or biographies;

(v) encouragement to vote for the candidates identified; and

(vi) information about voting, such as voting hours and locations.

(13) "Political committee" or "political action committee" means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee.

(14) "Political party" means a political party organized under chapter 45 of this title and any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof, and shall be considered a single, unified political party. The national affiliate of the political party shall be considered a separate political party.

(15) "Public question" means an issue that is before the voters for a binding decision.

(16) "Single source" means an individual, partnership, corporation, association, labor organization, or any other organization or group of persons which is not a political committee or political party.

(17) "Telephone bank" means more than 500 telephone calls of an identical or substantially similar nature that are made to the general public within any 30-day period.

(18) "Two-year general election cycle" means the 24-month period that begins 38 days after a general election.

§ 2902. EXCEPTIONS

The definitions of "contribution," "expenditure," and "electioneering communication" shall not apply to:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication that has not been paid for or such facilities are not owned or controlled by any political party, committee, or candidate; or

(2) any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and if all candidates in the race have an equal opportunity to promote their candidacies through the station.

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund the unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation.

(c) In addition to the other penalties provided in this section, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

§ 2904. CIVIL INVESTIGATION

(a)(1) 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 chapter or of any rule or regulation made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a State's Attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for his or her information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a State's Attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause

of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address. Such notice shall include a statement that a knowing and intentional violation of subchapters 2 through 4 of this chapter is subject to criminal prosecution.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a State's Attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule or regulation made pursuant to this chapter.

(6) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place; conceals, withholds, or destroys; or mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to such notice or mistakes or conceals any information shall be fined not more than \$5,000.00.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender the material, the Attorney General or a State's Attorney may file, in the Superior Court in the county in which the person resides or has his or her principal place of business or in Washington County if the person is a nonresident or has no principal place of business in this State, and serve upon the person a petition for an order of the court for the enforcement of this section.

(2) Whenever any petition is filed under this section, the court shall have jurisdiction to hear and determine the matter so presented and to enter any order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt of the court.

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the Superior Court in the county in which the aggrieved person resides. Except for cases the court considers to be of greater importance, proceedings before Superior Court as authorized by this section shall take precedence on the docket over all other cases.

§ 2905. ADJUSTMENTS FOR INFLATION

(a) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two two-year general election cycles. Increases shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(b) On or before the first two-year general election cycle beginning after the general election held in 2016, the Secretary of State shall calculate and publish on the online database set forth in section 2906 of this chapter each adjusted monetary amount that will apply to those two two-year general election cycles. On or before the beginning of each second subsequent two-year general election cycle, the Secretary of State shall publish the amount of each adjusted monetary amount that shall apply for that two-year general election cycle and the next two-year general election cycle.

§ 2906. CAMPAIGN DATABASE; CANDIDATE INFORMATION WEB PAGE

(a) Campaign database. For each election, the Secretary of State shall develop and continually update a publicly accessible campaign database which shall be made available to the public through the Secretary of State's home page online service or through printed reports from the Secretary of State in response to a public request within 14 days of the date of the request. The database shall contain:

(1) at least the following information for all candidates for statewide, county, and local office and for the General Assembly:

(A) for candidates receiving public financing grants, the amount of each grant awarded; and

(B) the information contained in any reports submitted pursuant to subchapter 4 of this chapter;

(2) an Internet link to campaign finance reports filed by Vermont's candidates for federal office;

(3) the adjustments for inflation made to monetary amounts as required by this chapter; and

(4) any photographs, biographical sketches, and position statements submitted to the Secretary of State pursuant to subsection (b) of this section.

(b) Candidate information web page.

(1) Any candidate for statewide office and any candidate for federal office qualified to be on the ballot in this State may submit to the Secretary of State a photograph, biographical sketch, and position statement of a length and format specified by the Secretary of State for the purposes of preparing a candidate information web page within the website of the Secretary of State.

(2) Without making any substantive changes in the material presented, the Secretary of State shall prepare a candidate information web page on the Secretary of State's website, which includes the candidates' photographs, biographies, and position statements; a brief explanation of the process used to obtain candidate submissions; and, with respect to offices for which public financing is available, an indication of which candidates are receiving Vermont campaign finance grants and which candidates are not receiving Vermont campaign finance grants.

(3) The Secretary of State shall populate the candidate information web page by posting each candidate's submission no later than three business days after receiving the candidate's submission.

§ 2907. ADMINISTRATION

The Secretary of State shall administer this chapter and shall perform all duties required under this chapter. The Secretary of State may employ or contract for the services of persons necessary for performance of these duties.

Subchapter 2. Registration and Maintenance Requirements

§ 2921. CANDIDATES; REGISTRATION; CHECKING ACCOUNT; TREASURER

(a) Each candidate who has made expenditures or accepted contributions of \$500.00 or more in an election cycle shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first, stating his or her full name and address; the office the candidate is seeking; the

name and address of the bank in which the candidate maintains his or her campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her spouse.

(b) All expenditures by a candidate shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the candidate under subsection (a) of this section, or, if under \$250.00, the candidate may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the candidate for at least two years from the end of the election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the candidate.

(c) As used in this section, "election cycle" means:

(1) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(2) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election.

§ 2922. POLITICAL COMMITTEES; REGISTRATION; CHECKING ACCOUNT; TREASURER

(a) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more stating its full name and address; the name and address of the bank in which it maintains its campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by

the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

§ 2923. POLITICAL PARTIES; REGISTRATION; CHECKING ACCOUNTS; TREASURER

(a)(1) Each political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle shall register with the Secretary of State within 10 days of reaching the \$1,000.00 threshold. In its registration, the party shall state its full name and address, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(2) A political party may permit any subsidiary, branch, or local unit of the political party to maintain its own checking account. If a subsidiary, branch, or local unit of a political party is so permitted, it shall file with the Secretary of State within five days of establishing the checking account its full name and address, the name of the political party, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political party or its subsidiary, branch, or local unit shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political party, subsidiary, branch, or local unit under subsection (a) of this section, or if under \$250.00, the political party, subsidiary, branch, or local unit may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political party, subsidiary, branch, or local unit for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political party, subsidiary, branch, or local unit.

(c) A political party or its subsidiary, branch, or local unit whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political party, subsidiary, branch, or local unit. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

§ 2924. CANDIDATES; SURPLUS CAMPAIGN FUNDS; NEW CAMPAIGN ACCOUNTS

(a) A candidate who has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use, other than to reduce personal campaign debts or as otherwise provided in this chapter.

(b) Surplus funds in a candidate's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund;

(4) rolled over into a new campaign or be carried forward for surplus maintenance as provided in subsection (d) of this section; or

(5) liquidated using a combination of the provisions set forth in subdivisions (1)–(4) of this subsection.

(c) The “final report” of a candidate shall indicate the amount of the surplus and how it has been liquidated.

(d)(1)(A) A candidate who chooses to roll over any surplus into a new campaign for public office shall close out his or her former campaign by converting all debts and assets to the new campaign.

(B) A candidate who does not intend to be a candidate in a subsequent election but who chooses to carry forward any surplus shall maintain that surplus by closing out his or her former campaign and converting all debts and assets to surplus maintenance.

(2) The candidate may use his or her former campaign's treasurer and bank account for the new campaign under subdivision (1)(A) of this subsection or the maintenance of surplus under subdivision (1)(B) of this subsection. A candidate shall be required to file a new bank designation form only if there has been a change in the treasurer or the location of the campaign account.

§ 2925. POLITICAL COMMITTEES; SURPLUS CAMPAIGN FUNDS

(a) A member of a political committee that has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use.

(b) Surplus funds in a political committee's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund; or

(4) liquidated using a combination of the provisions set forth in subdivisions (1)–(3) of this subsection.

(c) The “final report” of a political committee shall indicate the amount of the surplus and how it has been liquidated.

Subchapter 3. Contribution Limitations§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

(1)(A) A candidate for State Representative or for local office shall not accept contributions totaling more than:

(i) \$1,000.00 from a single source; or

(ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for State Senator or for county office shall not accept contributions totaling more than:

(i) \$1,500.00 from a single source; or

(ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

(i) \$4,000.00 from a single source; or

(ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

(A) \$4,000.00 from a single source;

(B) \$4,000.00 from a political committee; or

(C) \$4,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

(A) \$10,000.00 from a single source;

(B) \$10,000.00 from a political committee; or

(C) \$60,000.00 from a political party.

(6) A single source shall not contribute more than an aggregate of:

(A) \$40,000.00 to candidates; and

(B) \$40,000.00 to political committees.

(b) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under this section.

(c) As used in this section:

(1) For a candidate described in subdivisions (1)–(3) of subsection (a), an “election cycle” means:

(A) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(B) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election.

(2) For a political committee, political party, or single source described in subdivisions (4)–(6) of subsection (a), an “election cycle” means a two-year general election cycle.

§ 2942. EXCEPTIONS

The contribution limitations established by this subchapter shall not apply to contributions to a political committee made for the purpose of advocating a position on a public question, including a constitutional amendment.

§ 2943. LIMITATIONS ADJUSTED FOR INFLATION

The contribution limitations contained in this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.

(b) As used in this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.

(d)(1) As used in this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if all of the following apply:

(A) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(B) the expenditure was made for:

(i) invitations and any postage for those invitations to invite voters to the event; or

(ii) any food or beverages consumed at the event and any related supplies thereof; and

(C) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(2) For the purposes of this subsection:

(A) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a “related expenditure made on the candidate’s behalf”; and

(B) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the court shall schedule the petition for hearing. Except as to cases the court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the court shall be prima facie evidence in any proceedings brought for violation of this chapter.

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.

§ 2945. ACCEPTING CONTRIBUTIONS

(a) A candidate, political committee, or political party accepts a contribution when the contribution is deposited in the candidate’s, committee’s, or party’s campaign account or five business days after the candidate, committee, or party receives it, whichever comes first.

(b) A candidate, political committee, or political party shall not accept a monetary contribution in excess of \$100.00 unless made by check, credit or debit card, or other electronic transfer.

§ 2946. CANDIDATE'S ATTRIBUTION TO PREVIOUS CYCLE

A candidate's expenditures related to a previous campaign and contributions used to retire a debt of a previous campaign shall be attributed to the earlier campaign.

§ 2947. CONTRIBUTIONS FROM A CANDIDATE

This subchapter shall not be interpreted to limit the amount a candidate may contribute to his or her own campaign.

§ 2948. PROHIBITION ON TRANSFERRING CONTRIBUTIONS

A candidate, political committee, or political party shall not accept a contribution which the candidate, political committee, or political party knows is not directly from the contributor but was transferred to the contributor by another person for the purpose of transferring the same to the candidate, political committee, or political party or otherwise circumventing the provisions of this chapter. It shall be a violation of this chapter for a person to make a contribution with the explicit or implicit understanding that the contribution will be transferred in violation of this section.

§ 2949. USE OF TERM "CANDIDATE"

As used in this subchapter, the term "candidate" includes the candidate's committee, except in regard to the provisions of section 2947 of this subchapter.

Subchapter 4. Reporting Requirements; Disclosures§ 2961. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

(a)(1) The Secretary of State shall provide on the online database set forth in section 2906 of this chapter digital access to the form that he or she provides for any report required by this chapter. Digital access shall enable any person required to file a report under this chapter to file the report by completing and submitting the report to the Secretary of State online.

(2) The Secretary of State shall maintain on the online database all reports that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each report and the ability to search those data elements as soon as a report is filed.

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database.

§ 2962. REPORTS; GENERAL PROVISIONS

(a) Any report required to be submitted to the Secretary of State under this chapter shall contain the statement "I hereby certify that the information

provided on all pages of this campaign finance disclosure report is true to the best of my knowledge, information, and belief” and places for the signature of the candidate or the treasurer of the candidate, political committee, or political party.

(b) Any person required to file a report under this chapter shall provide the information required in the Secretary of State’s reporting form. Disclosure shall be limited to the information required to administer this chapter.

(c) All reports filed under this chapter shall be retained in an indexed file by the Secretary of State and shall be subject to the examination of any person.

§ 2963. CAMPAIGN REPORTS; SECRETARY OF STATE; FORMS; FILING

(a) The Secretary of State shall prescribe and provide a uniform reporting form for all campaign finance reports. The reporting form shall be designed to show the following information:

(1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed;

(2) the total amount of all contributions of \$100.00 or less and the total number of all such contributions;

(3) each expenditure listed by amount, date, to whom paid, for what purpose; and

(A) if the expenditure was a related campaign expenditure made on a candidate’s behalf:

(i) the name of the candidate or candidates on whose behalf the expenditure was made; and

(ii) the name of any other candidate or candidates who were otherwise supported or opposed by the expenditure; or

(B) if the expenditure was not a related campaign expenditure made on a candidate’s behalf but was made to support or oppose a candidate or candidates, the name of the candidate or candidates;

(4) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period; and

(5) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period.

(b)(1) The form shall require the reporting of all contributions and expenditures accepted or spent during the reporting period and during the campaign to date and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven.

(2) Contributions and expenditures for the reporting period and for the campaign to date also shall be totaled in an appropriate place on the form. The total of contributions shall include a subtotal of nonmonetary contributions and a subtotal of all monetary contributions.

(3) The form shall contain a list of the required filing times so that the person filing may designate for which time period the filing is made.

(4) Contributions accepted and expenditures spent after 5:00 p.m. on the third day prior to the filing deadline shall be reported on the next report.

§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 15; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

(iv) on October 1, October 15, and November 1; and

(v) two weeks after the general election.

(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(A) in the first three years of the four-year general election cycle, on July 15; and

(B) in the fourth year of the four-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

(iv) on October 1, October 15, and November 1; and

(v) two weeks after the general election.

(b)(1) A political committee or a political party which has accepted contributions or made expenditures of \$1,000.00 or more during the local election cycle for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall file with the Secretary of State campaign finance reports regarding that local election 30 days before, 10 days before, and two weeks after the local election.

(2) As used in this subsection, “local election cycle” means:

(A) in the case of a local election, the period that begins 38 days after the local election prior to the one for which the contributions or expenditures were made and ends 38 days after the local election for which the contributions or expenditures were made, and includes any primary or run-off election related to that local election; or

(B) in the case of a special local election, the period that begins on the date the special local election was ordered and ends 38 days after that special local election, and includes any special primary or run-off election related to that special local election.

(c) The failure of a candidate, political committee, or political party to file a report under this section shall be deemed an affirmative statement that a report is not required of the candidate, political committee, or political party under this section.

§ 2965. FINAL REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES

(a) At any time, but not later than December 15th following the general election, each candidate required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(b) At any time, a political committee or a political party may file a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of its campaign activities.

§ 2966. REPORTS BY CANDIDATES NOT REACHING MONETARY REPORTING THRESHOLD

(a) Each candidate for State office, the General Assembly, or a two-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle.

(b) Each candidate for a four-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle.

§ 2967. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE AND THE GENERAL ASSEMBLY

(a) In addition to any other reports required to be filed under this chapter, a candidate for State office or for the General Assembly who accepts a monetary contribution in an amount over \$2,000.00 within 10 days of a primary or general election shall report the contribution to the Secretary of State within 24 hours of receiving the contribution.

(b) A report required by this section shall include the following information:

(1) the full name, town of residence, and mailing address of the contributor; the date of the contribution; and the amount contributed; and

(2) the amount contributed or loaned by the candidate to his or her own campaign.

§ 2968. CAMPAIGN REPORTS; LOCAL CANDIDATES

(a) Each candidate for local office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, and two weeks after the local election.

(b) Within 40 days after the local election, each candidate for local office required to report under the provisions of subsection (a) of this section shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and a liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(c) The failure of a local candidate to file a campaign finance report under this section shall be deemed an affirmative statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not accepted contributions or made expenditures of \$500.00 or more since the last local election for that office.

§ 2969. REPORTING OF SURPLUS MAINTENANCE BY FORMER CANDIDATES

A former candidate who has maintained surplus by carrying it forward as provided in subdivision 2924(d)(1)(B) of this chapter but who is not otherwise required to file campaign reports under this chapter shall file a report of the amount of his or her surplus and any liquidation of it two weeks after each general election until liquidation of all surplus has been reported.

§ 2970. CAMPAIGN REPORTS; OTHER ENTITIES; PUBLIC QUESTIONS

(a) Any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which makes expenditures of \$1,000.00 or more during the election cycle for the purpose of advocating a position on a public question in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

(b) As used in this section, “election cycle” means:

(1) in the case of a public question in a general or local election, the period that begins 38 days after the general or local election prior to the one in which the public question is posed and ends 38 days after the general or local election in which the public question is posed; or

(2) in the case of a public question in a special election, the period that begins on the date the special election for the public question was ordered and ends 38 days after that special election.

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity

totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The report shall include all of the information required under subsection (b) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

§ 2972. IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently

and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

(1) An electioneering communication transmitted through radio and paid for by a candidate does not need to contain the candidate's address.

(2) An electioneering communication paid for by a person acting as an agent or consultant on behalf of another person, candidate, political committee, or political party shall clearly designate the name and mailing address of the person, candidate, political committee, or political party on whose behalf the communication is published or broadcast.

(b) If an electioneering communication is a related campaign expenditure made on a candidate's behalf as provided in section 2944 of this chapter, then in addition to other requirements of this section, the communication shall also clearly designate the candidate on whose behalf it was made by including language such as "on behalf of" such candidate.

(c) In addition to the identification requirements in subsections (a) and (b) of this section, an electioneering communication paid for by or on behalf of a political committee or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that committee or party since the beginning of the two-year general election cycle in which the electioneering communication was made to the date on which the expenditure for the electioneering communication was made. For the purposes of this subsection, a political committee or political party shall be treated as having made an expenditure if the committee or party or person acting on behalf of the committee or party has executed a contract to make the expenditure.

(d) The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year general election cycle, a cumulative amount of no more than \$150.00 on those electioneering communications, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO, TELEVISION, OR INTERNET COMMUNICATIONS

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the

person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person and the name and title of the principal officer of the person.

Subchapter 5. Public Financing Option

§ 2981. DEFINITIONS

As used in this subchapter:

(1) "Affidavit" means the Vermont campaign finance affidavit required under section 2982 of this chapter.

(2) "General election period" means the period beginning the day after the primary election and ending the day of the general election.

(3) "Primary election period" means the period beginning the day after primary petitions must be filed under section 2356 of this title and ending the day of the primary election.

(4) "Vermont campaign finance qualification period" means the period beginning February 15 of each even-numbered year and ending on the date on which primary petitions must be filed under section 2356 of this title.

§ 2982. FILING OF VERMONT CAMPAIGN FINANCE AFFIDAVIT

(a) A candidate for the office of Governor or Lieutenant Governor who intends to seek Vermont campaign finance grants from the Secretary of State Services Fund shall file a Vermont campaign finance affidavit on the date on or before which primary petitions must be filed, whether the candidate seeks to enter a party primary or is an independent candidate.

(b) The Secretary of State shall prepare a Vermont campaign finance affidavit form, informational materials on procedures and financial requirements, and notification of the penalties for violation of this subchapter.

(c)(1) The Vermont campaign finance affidavit shall set forth the conditions of receiving grants under this subchapter and provide space for the candidate to agree that he or she will abide by such conditions and all expenditure and contribution limitations, reporting requirements, and other provisions of this chapter.

(2) The affidavit shall also state the candidate's name, legal residence, business or occupation, address of business or occupation, party affiliation, if any, the office sought, and whether the candidate intends to enter a party primary.

(3) The affidavit shall also contain a list of all the candidate's qualifying contributions together with the name and town of residence of the contributor and the date each contribution was made.

(4) The affidavit may further require affirmation of such other information as deemed necessary by the Secretary of State for the administration of this subchapter.

(5) The affidavit shall be sworn and subscribed to by the candidate.

§ 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

(a) A person shall not be eligible for Vermont campaign finance grants if, prior to February 15 of the general election year during any two-year general election cycle, he or she becomes a candidate by announcing that he or she seeks an elected position as Governor or Lieutenant Governor or by accepting contributions totaling \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more.

(b) A candidate who accepts Vermont campaign finance grants shall:

(1) not solicit, accept, or expend any contributions except qualifying contributions, Vermont campaign finance grants, and contributions authorized under section 2985 of this chapter, which contributions may be solicited, accepted, or expended only in accordance with the provisions of this subchapter;

(2) deposit all qualifying contributions, Vermont campaign finance grants, and any contributions accepted in accordance with the provisions of section 2985 of this chapter in a federally insured noninterest-bearing checking account; and

(3) not later than 40 days after the general election, deposit in the Secretary of State Services Fund, after all permissible expenditures have been paid, the balance of any amounts remaining in the account established under subdivision (2) of this subsection.

§ 2984. QUALIFYING CONTRIBUTIONS

(a) In order to qualify for Vermont campaign finance grants, a candidate for the office of Governor or Lieutenant Governor shall obtain during the Vermont campaign finance qualification period the following amount and number of qualifying contributions for the office being sought:

(1) for Governor, a total amount of no less than \$35,000.00 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50.00 each; or

(2) for Lieutenant Governor, a total amount of no less than \$17,500.00 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50.00 each.

(b) A candidate shall not accept more than one qualifying contribution from the same contributor and a contributor shall not make more than one qualifying contribution to the same candidate in any Vermont campaign finance qualification period. For the purpose of this section, a qualified individual contributor means an individual who is registered to vote in Vermont. No more than 25 percent of the total number of qualified individual contributors may be residents of the same county.

(c) Each qualifying contribution shall indicate the name and town of residence of the contributor and the date accepted and be acknowledged by the signature of the contributor.

(d) A candidate may retain and expend qualifying contributions obtained under this section. A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions and may expend the remaining qualifying contributions during the primary and general election periods. Amounts expended under this subsection shall be considered expenditures for purposes of this chapter.

§ 2985. VERMONT CAMPAIGN FINANCE GRANTS; AMOUNTS; TIMING

(a)(1) The Secretary of State shall make grants from the Secretary of State Services Fund in separate grants for the primary and general election periods to candidates who have qualified for Vermont campaign finance grants under this subchapter.

(2) To cover any campaign finance grants to candidates who have qualified under this subchapter, the Secretary of State shall report to the Commissioner of Finance and Management, who shall anticipate receipts to the Services Fund and issue warrants to pay for those grants. The Commissioner shall report any such anticipated receipts and warrants issued under this subdivision to the Joint Fiscal Committee on or before December 1 of the year in which the warrants were issued.

(b) Whether a candidate has entered a primary or is an independent candidate, Vermont campaign finance grants shall be in the following amounts:

(1) For Governor, \$150,000.00 in a primary election period and \$450,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions.

(2) For Lieutenant Governor, \$50,000.00 in a primary election period and \$150,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions;

(3) A candidate who is an incumbent of the office being sought shall be entitled to receive a grant in an amount equal to 85 percent of the amount listed in subdivision (1) or (2) of this subsection.

(c) In an uncontested general election and in the case of a candidate who enters a primary election and is unsuccessful in that election, an otherwise eligible candidate shall not be eligible for a general election period grant. However, such candidate may solicit and accept contributions and make expenditures as follows: contributions shall be subject to the limitations set forth in subchapter 3 of this chapter, and expenditures shall be limited to an amount equal to the amount of the grant set forth in subsection (b) of this section for the general election for that office.

(d) Grants awarded in a primary election period but not expended by the candidate in the primary election period may be expended by the candidate in the general election period.

(e) Vermont campaign finance grants for a primary election period shall be paid to qualifying candidates within the first 10 business days of the primary election period. Vermont campaign finance grants for a general election period shall be paid to qualifying candidates during the first 10 business days of the general election period.

§ 2986. MONETARY AMOUNTS ADJUSTED FOR INFLATION

The monetary amounts contained in sections 2983–2985 of this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

Sec. 4. 17 V.S.A. § 2971 is amended to read:

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

~~(d)(1) In addition to the reporting requirements of this section, an independent expenditure only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.~~

~~(2) The report shall include all of the information required under subsection (b) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report. [Repealed.]~~

Sec. 5. EVALUATION OF 2014 PRIMARY AND GENERAL ELECTIONS

The House and Senate Committees on Government Operations shall evaluate the 2014 primary and general elections to determine the effect of the implementation of this act.

Sec. 6. SECRETARY OF STATE; REPORT; CORPORATIONS AND LABOR UNIONS; SEPARATE SEGREGATED FUNDS

(a) By December 15, 2014, the Secretary of State shall report to the Senate and House Committees on Government Operations regarding any impact on his or her office and on corporations and labor unions if corporations and labor unions were required to establish separate segregated funds in order to make

contributions to candidates, political committees, and political parties as provided in 2 U.S.C. § 441b and related federal law.

(b) The report shall include an analysis of what entities would be subject to the requirement described in subsection (a) of this section and how those entities would otherwise be able to use their general treasury funds in relation to political activity.

Sec. 7. INTERIM REPORTING; METHOD OF REPORTING

(a) Prior to and until the effective date of 17 V.S.A. § 2961 (submission of reports to the Secretary of State) in Sec. 3 of this act, as the effective date is provided in Sec. 8(a)(1) of this act, a person shall file reports required under Sec. 3 of this act by any of the following methods:

(1) by filing an original paper copy of a required report with the Secretary of State; or

(2) by sending to the Secretary of State a copy of the report by facsimile; or

(3) by attaching a PDF copy of the form to an e-mail and by sending the e-mail to campaignfinance@sec.state.vt.us.

(b)(1) Reports filed by a candidate, political committee, or political party under subsection (a) of this section shall contain the signature of the candidate or his or her treasurer or the treasurer of the political committee or political party. The treasurer shall be the same treasurer as provided by the candidate, political committee, or political party under 17 V.S.A. §§ 2921–2923 in Sec. 3 of this act.

(2) All other reports filed under subsection (a) of this section shall contain the signature of the person filing the report.

(c)(1) Prior to the effective date of 17 V.S.A. § 2961 (submission of reports to the Secretary of State) in Sec. 3 of this act, the Secretary of State may provide on the online database digital access to campaign finance report forms as described in 17 V.S.A. § 2961.

(2) Notwithstanding the provisions of subsection (a) of this section, if the Secretary of State provides digital access to report forms on the online database as set forth in subdivision (1) of this subsection, a person required to file a report under Sec. 3 of this act may file reports digitally on the online database, as an alternative to the methods provided in subsection (a), until the effective date of 17 V.S.A. § 2961.

(d) The Secretary of State shall ensure that any campaign finance report filed with his or her office prior to the effective date of 17 V.S.A. § 2961 is accessible through his or her office.

Sec. 8. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage, except that:

(1) in Sec. 3 of this act, 17 V.S.A. § 2961 (submission of reports to the Secretary of State) shall take effect on January 15, 2015;

(2) in Sec. 3 of this act, 17 V.S.A. § 2941 (limitations of contributions), except subdivision (a)(6) (aggregate limits on contributions from a single source), shall take effect on January 1, 2015;

(3) in Sec. 3 of this act, 17 V.S.A. § 2941(a)(6) (limitations of contributions; aggregate limits on contributions from a single source) shall not take effect any sooner than January 1, 2015 and until the final disposition, including all appeals, of *McCutcheon v. Federal Election Commission*, No. 12cv1034 (D.D.C. Sept. 28, 2012) is determined, and shall not take effect at all if that final disposition holds that aggregate limits on contributions from single sources are unconstitutional.

(4) Sec. 4 of this act, amending 17 V.S.A. § 2971 (report of mass media activities), shall not take effect unless and until the final disposition of a case before the U.S. Court of Appeals for the Second Circuit or the U.S. Supreme Court holds that limits on contributions to independent expenditure-only political committees are constitutional.

(b) The provisions of 17 V.S.A. § 2941(a)(4) (limitations of contributions; limits on contributions to political committees) in Sec. 3 of this act shall not apply to independent expenditure-only political committees, except that those provisions shall apply to independent expenditure-only political committees if the final disposition of a case before the U.S. Court of Appeals for the Second Circuit or the U.S. Supreme Court holds that limits on contributions to independent expenditure-only political committees are constitutional.

(c) As used in this section, “independent expenditure-only political committee” shall have the same meaning as in Sec. 3, 17 V.S.A. § 2901(10), of this act.

JEANETTE K. WHITE
ELDRED FRENCH
RICHARD A. WESTMAN

Committee on the part of the Senate

DEBBIE G. EVANS
LINDA J. MARTIN
MICHEL A. CONSEJO

Committee on the part of the House

Thereupon, Senator Galbraith immediately raised a *point of order* on the ground that the Committee of Conference failed to adhere to the requirements of Sec. 771.2 of Mason's Manual of Legislative Procedure, as the provisions relating to the size of maximum campaign donations was beyond the amounts in the Senate bill, and in the House proposal of amendment, and therefore the Committee of Conference did not confine itself to the differences between the two houses and thus the report in its entirety was objectionable and could not be considered by the Senate.

The President *overruled* the point of order.

****During debate of the measure, Senator Baruth addressed the Chair explaining Senator Campbell's absence, and on motion of Senator Ayer, his remarks were ordered enter in the Journal, and are as follows:

"Mr. President:

"I want to alert the body that Senator Campbell's wife Katherine is undergoing some necessary surgery today – necessary but not life-threatening surgery – and we send her our best wishes. The Senator from Windsor, very properly, is at his wife's side, and will miss our discussion today on the Campaign Finance Conference Committee report. But he wanted there to be no mistake: Senator Campbell asked me to convey to you that this is an important debate, and a crucial piece of legislation, and if he could be here, he would strongly support this pending agreement between the House and the Senate – for all of the reasons that the Chair of Government Operations has made clear. It's Senator Campbell's hope that the Senate will act today to create a workable, defensible legal framework in an area that is of great concern to us all."

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call, Yeas 20, Nays 8.

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: Ayer, Baruth, Bray, Collins, Cummings, Flory, French, Hartwell, Kitchel, Lyons, MacDonald,

Mazza, McAllister, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Benning, Doyle, *Galbraith, McCormack, Mullin, Nitka, Pollina.

Those Senators absent and not voting were: Campbell, *Fox (deceased).

*Senator Galbraith explained his vote as follows:

“I support campaign finance reform but this bill is not that. Vermont’s current system of campaign finance is opaque and this bill does nothing to change that. Privately-held corporations, LLCs, unregistered partnerships, organizations, and associations can all contribute to Vermont candidates and there is no way the public can find out who owns the corporation, who are the partners of an unregistered partnership, and who is in the organization or association. A name on a campaign finance report is not transparency if no one can find out who is behind the name.

“This bill increases the amount a single donor can give to a political party (if giving to both the national and state party) from \$2,000 under current law to \$20,000. Political parties can make unlimited contributions to Vermont candidates. It is entirely lawful for a wealthy donor to use a political party as a pass through so to evade the lower limits on direct contributions. Under this bill a donor—making use of corporate entities controlled by the donor--can give hundreds of thousands of dollars to his preferred candidate, all perfectly legally. A bill that allows this is not campaign finance reform.”

Bill Passed

S. 272.

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

An act relating to detention of public inebriates

Third Reading Ordered

S. 256.

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

An act relating to the solemnization of a marriage by a Judicial Bureau hearing officer.

Reported that the bill ought to pass.

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

House Proposal of Amendment Concurred In**S. 25.**

House proposal of amendment to Senate bill entitled:

An act relating to public advocacy in utility matters.

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:

* * * Department of Public Service Advocacy * * *

Sec. 1. 30 V.S.A. § 2(f) is added to read:

(f) In performing its duties under this section, the Department shall give heightened consideration to the interests of ratepayer classes who are not independently represented parties in proceedings before the Board, including residential, low-income, and small business consumers, as well as other consumers whose interests might otherwise not be adequately represented but for the Department's advocacy.

Sec. 2. DEPARTMENT OF PUBLIC SERVICE; REPORT ON CONSUMER REPRESENTATION

On or before July 1, 2014, the Commissioner shall submit a report to the General Assembly which includes an analysis of how the Department, in performing its duties under 30 V.S.A. § 2, determines the interests of the consuming public and of the State and ensures adequate representation of the interests of those consumers whose interests might not otherwise be adequately represented in matters before the Board, including residential, low-income, and small business consumers. The report shall include a description of how the Department assesses whether the interests of different ratepayer classes – such as residential, low-income, and small business – are in conflict and, if so, how such conflicts are resolved. In addition, the Commissioner shall evaluate how representation of the interests of residential, low-income, and small business consumers has occurred in past proceedings and describe ways in which the Department might more effectively represent those interests in future proceedings. The report also shall describe improvements in the Department's processes related to the integration of the roles and responsibilities of the Director for Public Advocacy and the Director for Consumer Affairs and Public Information, particularly with respect to representation of the consuming public and the interests of the State. In conducting this analysis, the Commissioner shall consult with residential and small business ratepayers,

advocacy groups for low-income, residential, and small business ratepayers, and any other person or entity as determined by the Commissioner.

* * * Electronic Filings and Case Management * * *

Sec. 3. 30 V.S.A. § 11(a) is amended to read:

(a) The forms, pleadings, and rules of practice and procedure before the ~~board~~ Board shall be prescribed by it. The ~~board~~ Board shall promulgate and adopt rules which include, among other things, provisions that:

(1) A utility whose rates are suspended under the provisions of section 226 of this title shall, within 30 days from the date of the suspension order, file with the ~~board~~ Board ~~10 copies of~~ all exhibits it intends to use in the hearing thereon together with the names of witnesses it intends to produce in its direct case and a short statement of the purposes of the testimony of each witness. Except in the discretion of the ~~board~~ Board, a utility shall not be permitted to introduce into evidence in its direct case exhibits which are not filed in accordance with this rule.

* * *

Sec. 4. 30 V.S.A. § 11a is added to read:

§ 11a. ELECTRONIC FILING AND ISSUANCE

(a) As used in this section:

(1) “Confidential document” means a document containing information for which confidentiality has been asserted and that has been filed with the Board and parties in a proceeding subject to a protective order duly issued by the Board.

(2) “Document” means information inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form.

(3) “Electronic filing” means the transmission of documents to the Board by electronic means.

(4) “Electronic filing system” means a board-designated system that provides for the electronic filing of documents with the Board and for the electronic issuance of documents by the Board. If the system provides for the filing or issuance of confidential documents, it shall be capable of maintaining the confidentiality of confidential documents and of limiting access to confidential documents to individuals explicitly authorized to access such confidential documents.

(5) “Electronic issuance” means:

(A) the transmission by electronic means of a document that the Board has issued, including an order, proposal for decision, or notice; or

(B) the transmission of a message from the Board by electronic means informing the recipients that the Board has issued a document, including an order, proposal for decision, or notice, and that it is available for viewing and retrieval from an electronic filing system.

(6) "Electronic means" means any Board-authorized method of electronic transmission of a document.

(b) The Board by order, rule, procedure, or practice may:

(1) provide for electronic issuance of any notice, order, proposal for decision, or other process issued by the Board, notwithstanding any other service requirements set forth in this title or in 10 V.S.A. chapter 43;

(2) require electronic filing of documents with the Board;

(3) for any filing or submittal to the Board for which the filing or submitting entity is required to provide notice or a copy to another State agency under this title or under 10 V.S.A. chapter 43, waive such requirement if the State agency will receive notice of and access to the filing or submittal through an electronic filing system; and

(4) for any filing, order, proposal for decision, notice, or other process required to be served or delivered by first-class mail or personal delivery under this title or under 10 V.S.A. chapter 43, waive such requirement to the extent the required recipients will receive the filing, order, proposal of decision, notice, or other process by electronic means or will receive notice of and access to the filing, order, proposal of decision, notice, or other process through an electronic filing system.

(c) Any order, rule, procedure, or practice issued under subsection (b) of this section shall include exceptions to accommodate parties and other participants who are unable to file or receive documents by electronic means.

(d) Subsection (b) of this section shall not apply to the requirements for service of citations and notices in writing as set forth in sections 111(b), 111a(i), and 2804 of this title.

* * * Participation in Federal Proceedings * * *

Sec. 5. 30 V.S.A. § 2(b) is amended to read:

(b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~ Department, through the ~~director for public advocacy~~ Director for Public Advocacy, shall represent the interests of the people of the ~~state~~ State, unless

otherwise specified by law. In any hearing, the ~~board~~ Board may, if it determines that the public interest would be served, request the ~~attorney general~~ Attorney General or a member of the Vermont ~~bar~~ Bar to represent the public or the ~~state~~ State. In addition, the Department may intervene, appear, and participate in Federal Energy Regulatory Commission proceedings, Federal Communications Commission proceedings, or other federal administrative proceedings on behalf of the Vermont public.

* * * Coordination of Energy Planning * * *

Sec. 6. 30 V.S.A. § 202 is amended to read:

§ 202. ELECTRICAL ENERGY PLANNING

(a) The ~~department of public service~~ Department of Public Service, through the ~~director for regulated utility planning~~ Director for Regulated Utility Planning, shall constitute the responsible utility planning agency of the ~~state~~ State for the purpose of obtaining for all consumers in the ~~state~~ State proper utility service at minimum cost under efficient and economical management consistent with other public policy of the ~~state~~ State. The ~~director~~ Director shall be responsible for the provision of plans for meeting emerging trends related to electrical energy demand, supply, safety, and conservation.

(b) The ~~department~~ Department, through the ~~director~~ Director, shall prepare an electrical energy plan for the ~~state~~ State. The ~~plan~~ Plan shall be for a 20-year period and shall serve as a basis for ~~state~~ State electrical energy policy. The ~~electric energy plan~~ Electric Energy Plan shall be based on the principles of “least cost integrated planning” set out in and developed under section 218c of this title. The ~~plan~~ Plan shall include at a minimum:

(1) an overview, looking 20 years ahead, of statewide growth and development as they relate to future requirements for electrical energy, including patterns of urban expansion, statewide and service area economic growth, shifts in transportation modes, modifications in housing types, and design, conservation, and other trends and factors which, as determined by the ~~director~~ Director, will significantly affect ~~state~~ State electrical energy policy and programs;

(2) an assessment of all energy resources available to the ~~state~~ State for electrical generation or to supply electrical power, including, among others, fossil fuels, nuclear, hydro-electric, biomass, wind, fuel cells, and solar energy and strategies for minimizing the economic and environmental costs of energy supply, including the production of pollutants, by means of efficiency and emission improvements, fuel shifting, and other appropriate means;

(3) estimates of the projected level of electrical energy demand;

(4) a detailed exposition, including capital requirements and the estimated cost to consumers, of how such demand shall be met based on the assumptions made in subdivision (1) of this subsection and the policies set out in subsection (c) of this section; and

(5) specific strategies for reducing electric rates to the greatest extent possible in Vermont over the most immediate ~~five-year~~ six-year period, for the next succeeding ~~five-year~~ six-year period, and long-term sustainable strategies for achieving and maintaining the lowest possible electric rates over the full 20-year planning horizon consistent with the goal of maintaining a financially stable electric utility industry in Vermont.

(c) In developing the ~~plan~~ Plan, the ~~department~~ Department shall take into account the protection of public health and safety; preservation of environmental quality; the potential for reduction of rates paid by all retail electricity customers; the potential for reduction of electrical demand through conservation, including alternative utility rate structures; use of load management technologies; efficiency of electrical usage; utilization of waste heat from generation; and utility assistance to consumers in energy conservation.

(d) In establishing plans, the ~~director~~ Director shall:

(1) Consult with:

- (A) the public;
- (B) Vermont municipal utilities;
- (C) Vermont cooperative utilities;
- (D) Vermont investor-owned utilities;
- (E) Vermont electric transmission companies;
- (F) environmental and residential consumer advocacy groups active in electricity issues;
- (G) industrial customer representatives;
- (H) commercial customer representatives;
- (I) the ~~public service board~~ Public Service Board;
- (J) an entity designated to meet the public's need for energy efficiency services under subdivision 218c(a)(2) of this title;
- (K) other interested ~~state~~ State agencies; and
- (L) other energy providers.

(2) To the extent necessary, include in the ~~plan~~ Plan surveys to determine needed and desirable plant improvements and extensions and coordination between utility systems, joint construction of facilities by two or more utilities, methods of operations, and any change that will produce better service or reduce costs. To this end, the ~~director~~ Director may require the submission of data by each company subject to supervision, of its anticipated electrical demand, including load fluctuation, supplies, costs, and its plan to meet that demand and such other information as the ~~director~~ Director deems desirable.

(e) The ~~department~~ Department shall conduct public hearings on the final draft and shall consider the evidence presented at such hearings in preparing the final ~~plan~~ Plan. The ~~plan~~ Plan shall be adopted no later than January 1, ~~2004~~ 2016 and readopted in accordance with this section by every ~~sixth~~ January 1 thereafter, and shall be submitted to the ~~general assembly~~ General Assembly each time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the submission to be made under this subsection.

(f) After adoption by the ~~department~~ Department of a final plan, any company seeking ~~board~~ Board authority to make investments, to finance, to site or construct a generation or transmission facility or to purchase electricity or rights to future electricity, shall notify the ~~department~~ Department of the proposed action and request a determination by the ~~department~~ Department whether the proposed action is consistent with the ~~plan~~ Plan. In its determination whether to permit the proposed action, the ~~board~~ Board shall consider the ~~department's~~ Department's determination of its consistency with the ~~plan~~ Plan along with all other factors required by law or relevant to the ~~board's~~ Board's decision on the proposed action. If the proposed action is inconsistent with the ~~plan~~ Plan, the ~~board~~ Board may nevertheless authorize the proposed action if it finds that there is good cause to do so. The ~~department~~ Department shall be a party to any proceeding on the proposed action, except that this section shall not be construed to require a hearing if not otherwise required by law.

(g) The ~~director~~ Director shall annually review that portion of a ~~plan~~ Plan extending over the next ~~five~~ six years. The ~~department~~ Department, through the ~~director~~ Director, shall ~~annually~~ biennially extend the ~~plan~~ Plan by ~~one~~ two additional ~~year~~ years; and from time to time, ~~but in no~~ and in any event less than every ~~five years~~ sixth year, institute proceedings to review a plan and make revisions, where necessary. The ~~five-year~~ six-year review and any interim revisions shall be made according to the procedures established in this section for initial adoption of the plan. The six-year review and any revisions made in connection with that review shall be performed contemporaneously

with readoption of the Comprehensive Energy Plan under section 202b of this title.

(h) The ~~plans~~ Plans adopted under this section ~~shall be submitted to the energy committees of the general assembly and~~ shall become the electrical energy portion of the ~~state energy plan~~ State Energy Plan.

(i) It shall be a goal of the ~~electrical energy plan~~ Electrical Energy Plan to assure, by 2028, that at least 60 MW of power are generated within the ~~state~~ State by combined heat and power (CHP) facilities powered by renewable fuels ~~or by nonqualifying SPEED resources~~, as defined in section 8002 of this title. In order to meet this goal, the ~~plan~~ Plan shall include incentives for development and strategies to identify locations in the ~~state~~ State that would be suitable for CHP. The ~~plan~~ Plan shall include strategies to assure the consideration of CHP potential during any process related to the expansion of natural gas services in the ~~state~~ State.

Sec. 7. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

(a) The ~~department of public service~~ Department of Public Service, in conjunction with other ~~state~~ State agencies designated by the ~~governor~~ Governor, shall prepare a ~~comprehensive state energy plan~~ State Comprehensive Energy Plan covering at least a 20-year period. The ~~plan~~ Plan shall seek to implement the ~~state~~ State energy policy set forth in section 202a of this title. The ~~plan~~ Plan shall include:

(1) A comprehensive analysis and projections regarding the use, cost, supply, and environmental effects of all forms of energy resources used within Vermont.

(2) Recommendations for ~~state~~ State implementation actions, regulation, legislation, and other public and private action to carry out the comprehensive energy plan.

(b) In developing or updating the ~~plan's~~ Plan's recommendations, the ~~department of public service~~ Department of Public Service shall seek public comment by holding public hearings in at least five different geographic regions of the ~~state~~ State on at least three different dates, and by providing notice through publication once a week and at least seven days apart for two or more successive weeks in a newspaper or newspapers of general circulation in the regions where the hearings will be held, and by delivering notices to all licensed commercial radio and television stations with transmitting facilities within the ~~state~~ State, plus Vermont Public Radio and Vermont Educational Television.

(c) The ~~department~~ Department shall adopt a ~~state energy plan~~ State Energy Plan ~~by no later than~~ on or before January 1, ~~1994~~ 2016 and shall readopt the Plan by every sixth January 1 thereafter. On adoption or readoption, the Plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to such submission.

(1) Upon adoption of the ~~plan~~ Plan, analytical portions of the ~~plan~~ Plan may be updated ~~annually~~ and published biennially.

(2) Every fourth year after the adoption or readoption of a Plan under this section, the Department shall publish the manner in which the Department will engage the public in the process of readopting the Plan under this section.

(3) The publication requirements of subdivisions (1) and (2) of this subsection may be met by inclusion of the subject matter in the Department's biennial report.

(4) The ~~plan's~~ Plan's implementation recommendations shall be updated by the ~~department~~ Department no less frequently than every ~~five~~ six years. These recommendations shall be updated prior to the expiration of ~~five~~ six years if the ~~general assembly~~ General Assembly passes a joint resolution making a request to that effect. If the ~~department~~ Department proposes or the ~~general assembly~~ General Assembly requests the revision of implementation recommendations, the ~~department~~ Department shall hold public hearings on the proposed revisions.

(d) ~~Any distribution~~ Distribution of the ~~plan~~ Plan to members of the ~~general assembly~~ General Assembly shall be in accordance with the provisions of 2 V.S.A. § 20(a)-(c).

Sec. 8. INTENT; RETROACTIVE APPLICATION

In enacting Secs. 6 (20-year Electric Plan) and 7 (Comprehensive Energy Plan), the General Assembly intends to set the readoption of these Plans by the Department of Public Service on a regular six-year cycle.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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

Adjournment

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

FRIDAY, JANUARY 17, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Carl Durham of Berlin.

Message from the House No. 6

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 joint resolutions of the following titles:

H.C.R. 181. House concurrent resolution congratulating Steven Bronstein of Marshfield on the selection of his menorah for depiction on the 2013 U.S. Postal Service Hanukkah Stamp.

H.C.R. 182. House concurrent resolution congratulating Luke Foley on being named the 2013 Vermont Teacher of the Year.

H.C.R. 183. House concurrent resolution honoring Brian Fitzgerald of Moretown for his conservation and environmental protection leadership.

H.C.R. 184. House concurrent resolution congratulating the 2013 Otter Valley Union High School Otters Division II championship baseball team.

H.C.R. 185. House concurrent resolution congratulating the 2013 Milton High School Yellowjackets Division II championship girls' soccer team.

H.C.R. 186. House concurrent resolution congratulating Norwich University on the inauguration of its new biomass heating plant.

H.C.R. 187. House concurrent resolution designating January 2014 as National Mentoring Month in Vermont.

H.C.R. 188. House concurrent resolution in memory of Representative Lawrence E. Townsend of Randolph.

H.C.R. 189. House concurrent resolution congratulating the Proctor High School 2013 Division IV girls' championship soccer team.

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

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

S.C.R. 30. Senate concurrent resolution in memory of Senator and former Representative Sally Fox of South Burlington.

S.C.R. 31. Senate concurrent resolution in memory of former Representative Arthur Williams of Fayston.

And has adopted the same in concurrence.

Bill Passed

S. 256.

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

An act relating to the solemnization of a marriage by a Judicial Bureau hearing officer

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 All Members of the Senate,

By All Members of the House,

S.C.R. 31.

Senate concurrent resolution in memory of former Representative Arthur Williams of Fayston.

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,

H.C.R. 181.

House concurrent resolution congratulating Steven Bronstein of Marshfield on the selection of his menorah for depiction on the 2013 U.S. Postal Service Hanukkah Stamp.

By Representative Grad and others,

H.C.R. 182.

House concurrent resolution congratulating Luke Foley on being named the 2013 Vermont Teacher of the Year.

By Representative Deen,

H.C.R. 183.

House concurrent resolution honoring Brian Fitzgerald of Moretown for his conservation and environmental protection leadership.

By Representatives Shaw and Carr,

By Senators Flory, French and Mullin,

H.C.R. 184.

House concurrent resolution congratulating the 2013 Otter Valley Union High School Otters Division II championship baseball team.

By Representative Turner and others,

H.C.R. 185.

House concurrent resolution congratulating the 2013 Milton High School Yellowjackets Division II championship girls' soccer team.

By Representative Grad and others,

H.C.R. 186.

House concurrent resolution congratulating Norwich University on the inauguration of its new biomass heating plant.

By Representative Gallivan and others,

H.C.R. 187.

House concurrent resolution designating January 2014 as National Mentoring Month in Vermont.

By All Members of the House,

By All Members of the Senate,

H.C.R. 188.

House concurrent resolution in memory of Representative Lawrence E. Townsend of Randolph.

By Representative Potter and others,

H.C.R. 189.

House concurrent resolution congratulating the Proctor High School 2013 Division IV girls' championship soccer team.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 21, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 38.

TUESDAY, JANUARY 21, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deadra Ashton of Tunbridge.

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. 39. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 24, 2014, it be to meet again no later than Tuesday, January 28, 2014.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 22, 2014.

WEDNESDAY, JANUARY 22, 2014

The Senate was called to order by the President.

Devotional Exercises

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

Joint Resolutions Placed on Calendar**J.R.S. 40.**

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

By Senator Campbell,

J.R.S. 40. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 20, 2014, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2014, and expiring on March 1, 2018. In case election of all such Trustees shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such Trustees are elected.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

J.R.S. 41.

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

By Senator Campbell,

J.R.S. 41. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2014.

Whereas, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

Whereas, if elections for multiple vacancies were to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 20, 2014, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or both of the two vacant positions, then voting shall continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of votes.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Message from the House No. 7

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. 593. An act relating to the Winooski School District Charter's term of office for the District Treasurer.

In the passage 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. 39. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 23, 2014.

THURSDAY, JANUARY 23, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Referred

House bill of the following title was read the first time and referred:

H. 593.

An act relating to the Winooski School District Charter's term of office for the District Treasurer.

To the Committee on Government Operations.

Joint Resolutions Adopted on the Part of the Senate

Joint Senate resolutions entitled:

J.R.S. 40. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 41. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2014.

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

Adjournment

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

FRIDAY, JANUARY 24, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

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-third day of January, 2014 he approved and signed a bill originating in the Senate of the following title:

S. 82. An act relating to campaign finance law.

Message from the House No. 8

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

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

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

H. 524. An act relating to making technical amendments to education 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.

Message from the House No. 9

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 the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 41. An act relating to water and sewer service.

And has adopted the same on its part.

The House has adopted joint resolutions of the following titles:

H.C.R. 190. House concurrent resolution congratulating the Twin Valley High School Wildcats 2013 Division IV championship boys' soccer team.

H.C.R. 191. House concurrent resolution honoring Dr. Fred Holmes and documentary filmmaker Bess O'Brien for their efforts to address youth opiate addiction in Vermont.

H.C.R. 192. House concurrent resolution honoring David Palmer for his public service in Central Vermont.

H.C.R. 193. House concurrent resolution congratulating the 2013 Essex High School Hornets championship boys' volleyball club.

H.C.R. 194. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship field hockey team.

H.C.R. 195. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship boys' track and field team.

H.C.R. 196. House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship girls' track and field team.

H.C.R. 197. House concurrent resolution congratulating the 2013 Woodstock Union High School Wasps Division III championship football team.

H.C.R. 198. House concurrent resolution congratulating Eileen Rossetti on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 199. House concurrent resolution congratulating Michael Coyle on his selection as the 2013 Washington West Supervisory Union Teacher of the Year.

H.C.R. 200. House concurrent resolution congratulating Meg Allison on being named a 2013 Vermont Outstanding Teacher.

H.C.R. 201. House concurrent resolution congratulating the Stowflake Mountain Resort & Spa on its golden anniversary.

H.C.R. 202. House concurrent resolution congratulating the Golden Eagle Resort on its 50th anniversary.

H.C.R. 203. House concurrent resolution recognizing the commitment of Cape Air to serving Rutland.

H.C.R. 204. House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

H.C.R. 205. House concurrent resolution congratulating Shelby Meunier of Swanton on her participation in the 2013 Macy's Thanksgiving Day Parade Great American Marching Band.

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

Rules Suspended; Bill Committed

S. 299.

Senate bill entitled:

An act relating to service of malt beverages by the glass.

Was taken up.

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

Which was agreed to.

Bill Referred

House bill of the following title was read the first time and referred:

H. 559.

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

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered

S. 260.

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

An act relating to malt and vinous beverage tastings.

Reported recommending that the bill be amended 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. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

Appointment Confirmed

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

The nomination of

Holcombe, Rebecca of Norwich - Secretary, Education, Agency of -
January 2, 2014, to February 28, 2015.

Was confirmed by the Senate on a roll call, Yeas 28, 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, Doyle, Flory, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, White, and Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Fox (deceased), Westman.

Appointment Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointment was confirmed by the Senate, without report given by the Committee to which it was referred and without debate:

Flynn, Sarah of Burlington - Member, Community High School of Vermont Board - October 9, 2013, to February 28, 2015.

Remarks of Senator Kitchel Journalized

Senator Kitchel rose to a point of personal privilege and delivered the following remarks, which, on motion of Senator Collins, were ordered entered in the Journal, and are as follows:

“Mr. President:

“Last year this Legislature approved funding to expand free school lunches to Vermont students from families of limited income who would otherwise have to pay a portion of the cost. This expansion of free lunches was a priority for our former colleague, Senator Sally Fox. Yesterday the Committee on Appropriations was provided testimony that as a result of this funding, for which Senator Fox was such a strong advocate, an additional 6000 Vermont students are now receiving free lunches. This is a just one example of Senator Fox’s legacy and her efforts to improve the lives of the children of this state.”

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 Manwaring and Moran,

H.C.R. 190.

House concurrent resolution congratulating the Twin Valley High School Wildcats 2013 Division IV championship boys’ soccer team.

By Representative Keenan and others,

By Senators Collins and McAllister,

H.C.R. 191.

House concurrent resolution honoring Dr. Fred Holmes and documentary filmmaker Bess O'Brien for their efforts to address youth opiate addiction in Vermont.

By Representative French and others,

By Senators MacDonald, Kitchel and McCormack,

H.C.R. 192.

House concurrent resolution honoring David Palmer for his public service in Central Vermont.

By Representative Myers and others,

H.C.R. 193.

House concurrent resolution congratulating the 2013 Essex High School Hornets championship boys' volleyball club.

By Representative Myers and others,

H.C.R. 194.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship field hockey team.

By Representative Myers and others,

H.C.R. 195.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship boys' track and field team.

By Representative Myers and others,

H.C.R. 196.

House concurrent resolution congratulating the 2013 Essex High School Hornets Division I championship girls' track and field team.

By Representative Myers and others,

H.C.R. 197.

House concurrent resolution congratulating David Ro on his tennis accomplishments at Essex High School.

By Representatives Grad and Greshin,

H.C.R. 198.

House concurrent resolution congratulating Eileen Rossetti on being named a 2013 Vermont Outstanding Teacher.

By Representative Grad and others,

H.C.R. 199.

House concurrent resolution congratulating Michael Coyle on his selection as the 2013 Washington West Supervisory Union Teacher of the Year.

By Representatives Grad and Greshin,

H.C.R. 200.

House concurrent resolution congratulating Meg Allison on being named a 2013 Vermont Outstanding Teacher.

By Representatives Scheuermann and Smith,

H.C.R. 201.

House concurrent resolution congratulating the Stoweflake Mountain Resort & Spa on its golden anniversary.

By Representatives Scheuermann and Smith,

H.C.R. 202.

House concurrent resolution congratulating the Golden Eagle Resort on its 50th anniversary.

By Representative Russell and others,

By Senators Flory, French and Mullin,

H.C.R. 203.

House concurrent resolution recognizing the commitment of Cape Air to serving Rutland.

By Representative Keenan and others,

H.C.R. 204.

House concurrent resolution recognizing the important health care contribution of nurse anesthetists in Vermont.

By Representatives Savage and Consejo,

By Senators Collins and McAllister,

H.C.R. 205.

House concurrent resolution congratulating Shelby Meunier of Swanton on her participation in the 2013 Macy's Thanksgiving Day Parade Great American Marching Band.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, January 28, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 39.

TUESDAY, JANUARY 28, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Dwight Baker of Northfield.

Pledge of Allegiance

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

Bill Referred to Committee on Finance

H. 526.

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 establishment of lake shoreland protection standards.

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. 42. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 31, 2014, it be to meet again no later than Tuesday, February 4, 2014.

Bill Passed

S. 260.

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

An act relating to malt and vinous beverage tastings

Proposal of Amendment; Third Reading Ordered

H. 198.

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

An act relating to the Legacy Insurance Management Act.

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. TITLE

This act shall be known as the “Legacy Insurance Management Act.”

Sec. 2. FINDINGS AND PURPOSE

(a) The Vermont General Assembly finds:

(1) Vermont is a competitive location for highly successful financial services firms as a result of its leadership in the field of captive insurance. Vermont’s ability to modernize key aspects of its insurance laws has been a key to the State’s success.

(2) The management of closed blocks of commercial insurance policies and reinsurance agreements has been a productive and successful sector of the insurance industry for decades in other jurisdictions.

(3) Vermont’s respected, sophisticated, and experienced insurance regulatory apparatus makes it an ideal jurisdiction to establish a non-admitted insurance and reinsurance management industry.

(4) A new non-admitted insurance and reinsurance management industry has the potential to attract investment, create well-paying jobs, and generate tax revenue for Vermont.

(b) The purpose of this act is to regulate the receipt and management by solvent Vermont companies of closed blocks of non-admitted commercial insurance policies and reinsurance agreements.

Sec. 3. 8 V.S.A. chapter 147 is added to read:

CHAPTER 147. LEGACY INSURANCE TRANSFERS

§ 7111. DEFINITIONS

As used in this chapter:

(1) “Assuming company” means a Vermont-domiciled company established specifically to acquire a closed block under a legacy insurance transfer plan approved by the Commissioner.

(2) “Closed block” means a block, line, or group of commercial non-admitted insurance policies or reinsurance agreements or both:

(A) which a transferring insurer has ceased to offer, write, or sell to new applicants;

(B) for which all policy periods have been fully expired for not less than 60 months;

(C) for which active premiums are no longer being paid; and

(D) which is not workers’ compensation, health, life, or any other personal line of insurance.

(3) “Comment period” means the 60-day period starting on the date notice is issued by an assuming company under subsection 7112(h) of this chapter. The Commissioner may, in his or her discretion, extend the comment period for up to an additional 30 days.

(4) “Commissioner” means the Commissioner of Financial Regulation.

(5) “Controlling party” means a person having “control” of an assuming company or transferring insurer. “Control” shall have the same meaning as in section 3681 of this title.

(6) “Department” means the Department of Financial Regulation.

(7) “Domicile regulator” means the primary insurance regulatory authority of the domicile jurisdiction of a transferring insurer.

(8) “Inward reinsurance agreement” means a contract of reinsurance between a transferring insurer and another insurance company with respect to which a transferring insurer is a party as the reinsurer.

(9) “Inward reinsurance counterparty” means an insurance company, other than the transferring insurer, that is a party to an inward reinsurance agreement as the reinsured.

(10) “Legacy insurance transfer” means the transfer of a closed block in accordance with the requirements of this chapter.

(11) “Legacy insurance transfer plan” or “plan” means a plan that sets forth all provisions and includes all documentation regarding a legacy insurance transfer required under subsection 7112(b) of this chapter.

(12) “Non-admitted insurance” means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a non-admitted insurer eligible to accept such insurance.

(13) “Non-admitted insurer” means, with respect to a state, an insurer not licensed to engage in the business of insurance in such state. The term does not include a risk retention group or a captive insurance company.

(14) “Outward reinsurance agreement” means a contract of reinsurance between a transferring insurer and another insurance company with respect to which a transferring insurer is a party as the reinsured.

(15) “Outward reinsurance counterparty” means an insurance company, other than the transferring insurer, that is a party to an outward reinsurance agreement as the reinsurer.

(16) “Party” means:

(A) the assuming company;

(B) the transferring insurer;

(C) with respect to any policy to be transferred under a plan, each policyholder;

(D) with respect to any inward reinsurance agreement to be transferred under a plan, each inward reinsurance counterparty; and

(E) any other person the Commissioner approves as a party with respect to such proceeding.

(17) “Plan summary” means a written statement of the key terms and provisions of a plan as required under subdivision 7112(b)(20) of this chapter.

(18) “Policy” means a contract of property and casualty insurance that is neither a contract of reinsurance nor a contract of workers’ compensation, health, life, or any other personal line of insurance.

(19) “Policyholder” means the person identified as the policyholder or first named in a policy.

(20) “Reinsurance agreement” means an inward reinsurance agreement or an outward reinsurance agreement.

(21) “Reinsurance agreement counterparty” means an inward reinsurance agreement counterparty or an outward reinsurance counterparty.

(22) “Transferring insurer” means a non-admitted insurer that is transferring a closed block to an assuming company under a legacy insurance transfer plan.

§ 7112. APPLICATION; FEE; PLAN

(a) An assuming company shall file a plan with the Commissioner and, at the time of filing, shall pay to the Commissioner the fee described in subdivision 7116(a)(1) of this chapter.

(b) A plan shall include the following:

(1) A list of all policies and inward reinsurance agreements in the closed block to be transferred under the plan.

(2) A list of all outward reinsurance agreements attaching to policies or inward reinsurance agreements in the closed block.

(3) A list of all policyholders and inward reinsurance counterparties to policies and inward reinsurance agreements in the closed block to be transferred under the plan.

(4) The identities of the transferring insurer and the assuming company and their respective controlling parties, if any.

(5) Certificates issued by the domicile regulator of the transferring insurer and, if applicable, of any controlling party that is a regulated insurance company, in each case attesting to the good standing of the transferring insurer and the controlling party under the insurance regulatory laws of the jurisdiction of their respective domiciles; or, if any such certificate is not obtainable under the laws or practices of a domicile regulator, as confirmed in a written opinion of qualified legal counsel, a certificate of an officer of the transferring insurer or the controlling party, as applicable, attesting to the foregoing.

(6) A letter of no objection, or the equivalent, from the domicile regulator of the transferring insurer confirming that the regulator has no objection to the transfer of the closed block under the plan; or, if any such certificate is not obtainable under the laws or practices of a domicile regulator, as confirmed in a written opinion of qualified legal counsel, a certificate of an officer of the transferring insurer or the controlling party, as applicable, attesting to the foregoing.

(7) A list of policies and inward reinsurance agreements in the closed block to be transferred under the plan, if any, which by their terms and

conditions prohibit assignment and assumption of the rights, liabilities, and obligations of the transferring insurer without the prior written consent of the respective policyholder or inward reinsurance counterparty, together with a statement describing such terms and conditions of any such policy or inward reinsurance agreement.

(8) The most recent audited financial statements and annual reports of the transferring insurer filed with its domicile regulator and such other financial information, if any, with respect to the transferring insurer or any controlling party of the transferring insurer, as the Commissioner may reasonably require.

(9) An actuarial study or opinion in a form satisfactory to the Commissioner that quantifies the liabilities to be transferred to the assuming company under the policies or inward reinsurance agreements in the closed block.

(10) A statement of the outward reinsurance agreement assets, if any, attaching to any policy or inward reinsurance agreement in the closed block.

(11) Provision, in form and substance reasonably satisfactory to the Commissioner that:

(A) any dispute resolution procedure under the plan shall not be inconsistent with the provisions of Title 9 of the United States Code; and

(B) any mediator, adjudicator, or court, if applicable, hearing any adjudication, proceeding, or appeal from any adjudication proceeding under the plan shall:

(i) not attempt to enforce any policy or reinsurance agreement in the closed block on terms different from those set forth in such policy or reinsurance agreement;

(ii) not apply the laws of this State to any insurer or reinsurer that is a party to any policy or inward reinsurance agreement in the closed block and not domiciled in the Vermont unless such policy or reinsurance agreement provides that Vermont law shall apply; and

(iii) apply the law applicable to any policy or reinsurance agreement in the closed block or, if such policy or reinsurance agreement has no choice of law provision, the law of the domicile jurisdiction of the policyholder or the ceding party, respectively, shall apply.

(12) Three years of pro-forma financial statements demonstrating the solvency of the assuming company.

(13) Officer's certificates of the transferring insurer and the assuming company attesting that each has obtained all required internal approvals and authorizations regarding the plan and completed all necessary and appropriate actions relating thereto.

(14) The form of notice to be provided under the plan to any policyholder or inward reinsurance counterparty in connection with any policy or inward reinsurance agreement in the closed block and how such notice shall be provided.

(15) The form of notice to be provided under the plan to any outward reinsurance counterparty attaching to any policy or inward reinsurance agreement in the closed block and how such notice shall be provided.

(16) A statement describing any pending dispute between the transferring insurer and any policyholder or inward reinsurance counterparty in connection with any policy or inward reinsurance agreement in the closed block or any disputed claim by a third party with respect to any policy or inward reinsurance agreement in the closed block.

(17) A statement describing the assuming company's proposed investment policies, officers, directors, key employees, and other arrangements regarding matters such as:

(A) any contemplated third-party claims management and administration arrangements;

(B) operations, management, and solvency relating to the closed block; and

(C) a detailed plan for annual or other periodic financial reporting to the Commissioner, including an annual financial audit with actuarial opinion.

(18) A statement from the assuming company consenting to the jurisdiction of the Commissioner with regard to ongoing oversight of operations, management, and solvency relating to the closed block, including the authority of the Commissioner to conduct examinations under section 7117 of this chapter and to set reasonable standards for oversight of the assuming company, including oversight standards relating to:

(A) material transactions with affiliates;

(B) adequacy of surplus; and

(C) dividends and other distributions, including limitations on extraordinary dividends.

(19) A statement from the assuming company submitting to the jurisdiction and authority of the Commissioner of Insurance, or the equivalent regulatory authority, in states in which policyholders or reinsurance counterparties reside, for the purposes of implementing each such state's Unfair Claims Settlement Practices Act, or its equivalent, if any, in such state's market conduct statutory framework; and confirmation of the delivery of such statements of submission.

(20) A plan summary which includes all information regarding the plan as reasonably required by the Commissioner.

(21) The statement described in subsection (c) of this section regarding the information and documents submitted as part of or with respect to a plan which are confidential.

(22) Any other information the Commissioner may reasonably require with respect to the plan in the exercise of his or her discretion.

(c) The plan shall include a statement of the information and documentation included in the plan that the assuming company or the transferring insurer may request be given confidential treatment, which in all cases shall include all information identifying policyholders and reinsurance counterparties and which may include any information that qualifies as a trade secret or other confidential research, development, or commercial information of the transferring insurer or the assuming company. The Commissioner, subject to the exercise of his or her reasonable discretion, shall determine whether the information designated in such statement qualifies for confidential treatment and therefore shall be exempt from public inspection and copying under the Public Records Act. Any information qualifying for confidential treatment shall not be subject to subpoena and shall not be made public by the Commissioner or by any other person; provided, however, the Commissioner may in his or her discretion grant access to such information to public officers having jurisdiction over the regulation of insurance in any other state or country, to public officers of a foreign or alien financial regulatory authority, or to state or federal law enforcement officers pursuant to a validly issued subpoena or search warrant; provided that such officers receiving the information agree in writing to hold it in a manner consistent with this subsection.

(d) Within 10 business days of the date the application is filed and the fee payable under subsection (a) of this section is paid in full, the Commissioner shall notify the assuming company whether the plan is complete. In his or her discretion, the Commissioner may extend the 10-business-day application review period for an additional 10 business days. With the written consent of

the assuming company, the application review period may be extended beyond 20 business days.

(e) Upon submission of a plan, the assuming company shall have a continuing obligation to notify the Commissioner promptly and in a full and accurate manner of any material change to information in the plan.

(f) If the Commissioner notifies the assuming company that the plan is not complete, the Commissioner shall specify any modifications, supplements, or amendments to the plan that are required, and any additional information or documentation with respect to the plan that must be provided to the Commissioner before the Commissioner issues the notice referenced in subsection (d) of this section.

(g) If the Commissioner notifies the assuming company that the plan is complete, the Commissioner shall set a date, time, and place for a hearing on the plan as required under subsection (m) of this section.

(h) Within 30 days of the date the Commissioner notifies the assuming company under subsection (g) of this section that the plan is complete, the assuming company shall cause notice to be provided, in the form and manner specified in the plan, to all policyholders and reinsurance counterparties listed in the plan. The notice shall:

(1) comply with the plan and the provisions of 3 V.S.A. § 809(b);

(2) include the plan summary;

(3) describe the effect of the plan and the transfer on each policyholder and reinsurance counterparty and on his or her respective policy or reinsurance agreement, as applicable;

(4) state the right of each policyholder or inward reinsurance counterparty to:

(A) accept or object to the plan, together with a description of the means by which a policyholder or inward reinsurance counterparty may expressly accept or object to the plan and the effect of such acceptance or objection;

(B) file written comments on the plan with the Commissioner; and

(C) appear and present evidence on the plan at the hearing;

(5) describe the terms and conditions under which a policyholder or inward reinsurance counterparty shall be deemed to have accepted the plan;

(6) specify the date, time, and place of the hearing on the plan;

(7) include all other information reasonably required by the Commissioner; and

(8) be published in two newspapers of general nationwide circulation on two separate occasions, as determined by the Commissioner.

(i) During the comment period:

(1) any party may file written comments on the plan with the Commissioner;

(2) any policyholder or inward reinsurance counterparty may, by delivery of such notice in accordance with the terms and conditions of the plan and prior to the expiration of the comment period, provide an express written notice that he or she accepts or objects to the plan; and

(3) the assuming company shall file with the Commissioner such additional documentation and information regarding the plan as the Commissioner may reasonably require.

(j) In the event that, prior to the expiration of the comment period, any policyholder or inward reinsurance counterparty provides express written notice that he or she objects to the plan and specifies the policy or agreement with respect to which such objection is made, the assuming company shall, not later than 15 days after the end of the comment period, submit to the Commissioner either:

(1) an amended list of policies and reinsurance agreements in the plan, excluding such policyholder or inward reinsurance counterparty and its respective policy or inward reinsurance agreement from the plan; or

(2) an express written notice from such policyholder or inward reinsurance counterparty accepting the plan and consenting to the transfer having the full force and effect of a statutory novation of its respective policy or reinsurance agreement, as applicable, and withdrawing and rescinding its prior notice of objection.

(k) Except as provided in subsection 7114(f) of this chapter, any policyholder or inward reinsurance counterparty that, prior to the expiration of the comment period, has not provided express written notice objecting to the plan shall be deemed to have accepted the plan and the transfer shall have the full force and effect of a statutory novation of his or her respective policy or inward reinsurance agreement, as applicable.

(l) Notwithstanding any provision of this chapter to the contrary, if a policy or inward reinsurance agreement contains a provision prohibiting the transfer of the policy or inward reinsurance agreement without the consent of the policyholder or inward reinsurance counterparty, then such policy or inward

reinsurance agreement shall not be transferred under this chapter unless the applicable policyholder or inward reinsurance counterparty provides written consent to the proposed transfer.

(m) The hearing on the plan shall be held not later than 60 days after the end of the comment period. In his or her discretion, the Commissioner may postpone the hearing for an additional 10 days. With the written consent of the assuming company, the hearing may be postponed beyond 70 days. Each party participating in the hearing shall bear his or her own costs and attorney's fees.

§ 7113. PLAN REVIEW

(a) The Commissioner may retain an actuary to conduct an actuarial study quantifying the liabilities under insurance policies and reinsurance agreements to be transferred to the assuming company under the plan and is authorized to retain any other legal, financial, and examination services from outside the Department necessary to assist in plan review.

(b) In reviewing the plan, the Commissioner shall take into account all written comments filed with respect to the plan, all evidence taken at the hearing, and any other factors the Commissioner reasonably deems relevant with respect to the plan. In all cases, the Commissioner shall make findings with respect to each of the following:

(1) the solvency of the assuming company before and after the implementation of the proposed plan;

(2) the adequacy of the assuming company's proposals described in the statement required under subdivision 7112(b)(17) of this chapter;

(3) the adequacy of the assuming company's consent to jurisdiction required under subdivision 7112(b)(18) of this chapter;

(4) the ability of the assuming company to comply with all requirements of the policies and inward reinsurance agreements, including the capacity of the assuming company regarding the administration of claims in process on or after the effective date of the transfer;

(5) whether any outward reinsurance agreement relating to any policy or policies in the closed block will be adversely affected by the transfer;

(6) whether the plan materially adversely affects the interests of any party or outward reinsurance counterparty, including the interests of any policyholder or inward reinsurance counterparty who has accepted or has been deemed to have accepted the plan;

(7) whether policyholders or inward reinsurance counterparties, together with their respective insurance policies and inward reinsurance agreements, have been excluded from the plan as required under subsections 7112(j) and (l) of this chapter; and

(8) the fairness of the plan to all parties.

§ 7114. ORDER

(a) Within 30 days of the date the hearing is held on the plan, the Commissioner shall issue an order setting forth the amount of fees payable by the assuming company under subdivision 7116(a)(2) of this chapter, payable not later than 14 days after the date of such order. Upon receipt of such payment, the Commissioner shall within five days issue an order approving or disapproving the plan in whole or in part. Whenever it is not practicable to issue an order within 30 days, the Commissioner may extend such time up to an additional 30 days. If the order approves the plan, the order shall:

(1) include the terms and conditions of the Commissioner's oversight with regard to ongoing oversight of the operations, management, and solvency relating to the closed block and any specific standards that the assuming company will be required to comply with, including standards relating to:

(A) material transactions with affiliates;

(B) adequacy of surplus; and

(C) dividends and other distributions, including limitations on dividends;

(2) set forth the tax payable by the assuming company under subsection 7116(b) of this chapter, which tax shall be payable not later than 14 days after the date of such order;

(3) not be effective until such time as the costs and transfer tax described in this subsection have been paid in full.

(b) The Commissioner shall not approve a plan unless the Commissioner finds that the assuming company has:

(1) sufficient assets to meet its liabilities;

(2) sufficient procedures in place for the handling of claims;

(3) consented to sufficient regulatory oversight by the Department; and

(4) excluded from the plan any policy or agreement required to be excluded under subsections 7112(j) and (l) of this chapter.

(c) An order issued under subsection (a) of this section approving the plan shall have the full force and effect of a statutory novation with respect to all

policyholders and reinsurance counterparties and their respective policies and reinsurance agreements under the plan and shall provide that the transferring insurer shall have no further rights, obligations, or liabilities with respect to such policies and reinsurance agreements, and that the assuming company shall have all such rights, obligations, and liabilities as if it, instead of the transferring insurer, were the original party to such policies and reinsurance agreements.

(d) The Commissioner may issue any other orders he or she reasonably deems necessary to fully implement an order issued under subsection (a) of this section.

(e) No order issued under subsection (a) or (d) of this section shall be construed to modify or amend the terms of a policy or reinsurance agreement, other than with respect to matters specifically subject to modification or amendment under this chapter.

(f) If a policyholder or inward reinsurance counterparty provides express written notice that he or she objects to the plan after the comment period has expired, and provides evidence reasonably satisfactory to the Commissioner that he or she was not provided notice of the plan in the form and manner previously approved by the Commissioner, or if an outward reinsurance counterparty or other party provides express written notice that he or she objects to a plan, the Commissioner may not approve the plan with respect to such party unless the Commissioner determines that the plan:

(1) does not materially adversely affect the objecting party; and

(2) otherwise complies with the requirements of this chapter.

(g) At any time before the Commissioner issues the order described in subsection (a) of this section, the assuming company may file an amendment to the plan, subject to the Commissioner's approval.

(h) At any time before the Commissioner issues the order described in subsection (a) of this section, the assuming company may withdraw the plan without prejudice. Upon such withdrawal, however, the Commissioner shall issue an order setting forth the amount of fees payable by the assuming company under subdivision 7116(a)(2) of this chapter, payable not later than 14 days after the date of such order.

§ 7115. JURISDICTION; APPEALS

(a) The Commissioner shall have exclusive regulatory jurisdiction with respect to the review and approval or denial of any plan.

(b) Any party aggrieved by a final order of the Commissioner may appeal that order to the Vermont Supreme Court under 3 V.S.A. § 815.

§ 7116. FEE; COSTS; TRANSFER TAX

(a) To cover the costs of processing and reviewing a plan under this chapter, the assuming company shall pay to the Commissioner the following nonrefundable fees at the times set forth in subsections 7112(a) and 7114(a) of this chapter:

(1) an administrative fee in the amount of \$30,000.00; and

(2) the reasonable costs of persons retained by the Commissioner under subsection 7113(a) of this chapter.

(b) When a plan is approved, the assuming company shall pay the Commissioner a transfer tax equal to the sum of:

(1) one percent of the first \$100,000,000.00 of the gross liabilities transferred, including direct and assumed unpaid claims, losses, and loss adjustment expenses with no reductions for amounts ceded; and

(2) 0.5 percent of the gross liabilities transferred that exceed \$100,000,000.00, including direct and assumed unpaid claims, losses, and loss adjustment expenses with no reductions for amounts ceded.

(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 under section 80 of this title. The remaining 90 percent of the transfer tax shall be deposited directly into the general fund.

§ 7117. EXAMINATIONS

(a) The Commissioner has the authority to order any assuming company to produce any records, books, and papers in the possession of the assuming company or its affiliates necessary to ascertain the financial condition or legality of conduct of the assuming company.

(b) The Commissioner shall exercise his or her authority under subsection (a) of this section only if he or she has reason to believe the interests of the assuming company's policyholders may be adversely affected under the plan.

(c) The Commissioner may retain, at the assuming company's expense, attorneys, actuaries, accountants, and other experts not otherwise a part of the Commissioner's staff reasonably necessary to assist with an examination under this section. Any persons so retained shall be under the direction and control of the Commissioner and shall act in a purely advisory capacity.

(d) Each assuming company that produces records, books, and papers for examination under this section shall pay the expense of such examination.

§ 7118. APPLICABLE LAWS

(a) Chapter 157 (transfer and novation of insurance contracts) of this title shall not apply to any legacy insurance transfer under this chapter.

(b) In the event of any conflict between a provision of this chapter and any other provision of this title, such provision of this chapter shall control.

(c) A proposed legacy insurance transfer shall be a “contested case” under 3 V.S.A. chapter 25, except that a “party” shall be limited as defined in subdivision 7111(16) of this chapter.

§ 7119. ASSUMING COMPANY; BOARD; PRINCIPAL PLACE OF BUSINESS; REGISTERED AGENT

No assuming company shall be a party to a legacy insurance transfer under this chapter unless:

(1) its board of directors or committee of managers holds at least one meeting each year in this State;

(2) it maintains its principal place of business in this State; and

(3) it appoints a registered agent to accept service of process and to otherwise act on its behalf in this State; provided that whenever such registered agent cannot with reasonable diligence be found at the registered office of the assuming company, the Secretary of State shall be an agent of such assuming company upon whom any process, notice, or demand may be served.

§ 7120. POSTING OF PLANS ON WEBSITE

The Commissioner shall require that all plans filed with the Department are posted on the Department’s website, along with any other notice or other information the Commissioner deems appropriate, excluding any information designated as confidential under subsection 7112(c) of this chapter.

§ 7121. REGULATION OF ASSUMING COMPANIES AND SERVICE PROVIDERS

(a) An assuming company shall be subject to all rules adopted by the Commissioner under this chapter and also shall be subject to:

(1) chapter 145 (supervision, rehabilitation, and liquidation of insurers) of this title;

(2) the market conduct and unfair trade practices provisions of chapter 129 (insurance trade practices) of this title, as deemed applicable by the Commissioner; and

(3) in addition to the initial transfer tax required under subsection 7116(b) of this chapter, an annual renewal fee of \$300.00.

(b) An assuming company shall not be subject to the requirements of chapter 101, subchapter 9 (Property and Casualty Insurance Guaranty Association) of this title.

(c) The Commissioner may adopt rules regarding the provision of services to an assuming company by persons other than any director, officer, or employee of the assuming company with respect to the administration of policies and reinsurance agreements assumed by the assuming company under a legacy insurance transfer, including licensing or other requirements.

(d) The Commissioner may adopt any other rules necessary or appropriate to carry out the provisions of this chapter.

Sec. 4. 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 Finance with the following amendment thereto:

In Sec. 3, 8 V.S.A. § 7112, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c)(1) Information in the plan identifying policyholders and reinsurance counterparties shall be exempt from public inspection and copying under the Public Records Act.

(2) The plan shall include a statement of the information and documentation included in the plan that the assuming company or the transferring insurer requests be given confidential treatment. The Commissioner shall determine whether information designated in the statement, including any information designated as trade secrets, is exempt from public inspection and copying under the Public Records Act. If such information is exempt, it shall not be subject to subpoena and shall not be made public by the Commissioner or by any other person; provided, however, the Commissioner may in his or her discretion grant access to such information

to public officers having jurisdiction over the regulation of insurance in any other state or country, to public officers of a foreign or alien financial regulatory authority, or to state or federal law enforcement officers pursuant to a validly issued subpoena or search warrant; provided that such officers receiving the information agree in writing to hold it in a manner consistent with this subsection.

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?, Senators Mullin, Galbraith and Ashe moved to amend the proposal of amendment of the Committee on Finance, as amended, as follows:

First: In Sec. 3, 8 V.S.A. § 7112(b) (plan requirements), by striking out subdivision (5) in its entirety and by inserting in lieu thereof a new subdivision (5) to read as follows:

(5) Certificates issued by the domicile regulator of the transferring insurer and, if applicable, of any controlling party that is a regulated insurance company, in each case attesting to the good standing of the transferring insurer and the controlling party under the insurance regulatory laws of the jurisdiction of their respective domiciles; or, if any such certificate is not obtainable under the laws or practices of a domicile regulator, a certificate of the transferring insurer or the controlling party, as applicable, attesting to the foregoing, verified by oath of two of its executive officers.

Second: In Sec. 3, 8 V.S.A. § 7112(b) (plan requirements), by striking out subdivision (6) in its entirety and by inserting in lieu thereof a new subdivision (6) to read as follows:

(6) A letter of no objection, or the equivalent, from the domicile regulator of the transferring insurer confirming that the regulator has no objection to the transfer of the closed block under the plan; or, if any such certificate is not obtainable under the laws or practices of a domicile regulator, a certificate of the transferring insurer or the controlling party, as applicable, attesting to the foregoing, verified by oath of two of its executive officers.

Third: In Sec. 3, 8 V.S.A. § 7112(b) (plan requirements), by striking out subdivision (11) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Fourth: In Sec. 3, 8 V.S.A. § 7111(17), by striking out the following: “subdivision 7112(b)(20)” and by inserting in lieu thereof the following: subdivision 7112(b)(19)

Fifth: In Sec. 3, 8 V.S.A. § 7113(b)(2), by striking out the following: “subdivision 7112(b)(17)” and by inserting in lieu thereof the following: subdivision 7112(b)(16)

Sixth: In Sec. 3, 8 V.S.A. § 7113(b)(3), by striking out the following: “subdivision 7112(b)(18)” and by inserting in lieu thereof the following: subdivision 7112(b)(17)

Seventh: In Sec. 3, 8 V.S.A. § 7112(h) (notice to policyholders and reinsurance counterparties), in the first sentence, after the following: the assuming company shall cause by adding the following: direct written

Which as agreed to.

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

Message from the House No. 10

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. 350. An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct.

H. 596. An act relating to the conversion of assets of a nonprofit hospital.

H. 655. An act relating to fiscal year 2014 budget adjustments.

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. 40. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 41. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2014.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, January 29, 2014.

WEDNESDAY, JANUARY 29, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Referred

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

H. 350.

An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct.

To the Committee on Government Operations.

H. 596.

An act relating to the conversion of assets of a nonprofit hospital.

To the Committee on Finance.

H. 655.

An act relating to fiscal year 2014 budget adjustments.

To the Committee on Appropriations.

House Proposals of Amendment to Senate Proposal of Amendment Concurred In

H. 524.

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

An act relating to making technical amendments to education laws.

Were taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: By striking out Sec. 34 (16 V.S.A. § 254; records check for educator licensure) in its entirety and inserting in lieu thereof the following:

Sec. 34. [Deleted.]

Second: By striking out Sec. 85 (16 V.S.A. § 706g; designation of union school districts) in its entirety and inserting in lieu thereof the following:

Sec. 85. [Deleted.]

Third: By striking out Sec. 105 (16 V.S.A. § 1045; driver training course) in its entirety and inserting in lieu thereof the following:

Sec. 105. [Deleted.]

Fourth: By striking out Secs. 109 (16 V.S.A. § 1049; Adult Diploma Program and General Education Development Program) and 110 (16 V.S.A. § 1049a; High School Completion Program) in their entirety and inserting in lieu thereof the following:

Sec. 109. [Deleted.]

Sec. 110. [Deleted.]

Fifth: By striking out Sec. 130 (16 V.S.A. § 1262a; grants for school meals) in its entirety and inserting in lieu thereof the following:

Sec. 130. [Deleted.]

Sixth: By striking out Sec. 135 (16 V.S.A. § 1431(b); concussion guidelines) in its entirety and inserting in lieu thereof the following:

Sec. 135. [Deleted.]

Seventh: By striking out Sec. 146 (16 V.S.A. § 1541a; career technical education) in its entirety and inserting in lieu thereof the following:

Sec. 146. [Deleted.]

Eighth: By striking out Secs. 215 and 216 (16 V.S.A. § 3224; treasurer's report; grammar school lands) in their entirety and inserting in lieu thereof the following:

Sec. 215. [Deleted.]

Sec. 216. [Deleted.]

Ninth: By striking out Sec. 229 (16 V.S.A. § 3851(c); definition of "eligible institution") in its entirety and inserting in lieu thereof the following:

Sec. 229. [Deleted.]

Tenth: By striking out Sec. 237 (16 V.S.A. § 4011; education payments) in its entirety and inserting in lieu thereof the following:

Sec. 237. [Deleted.]

Eleventh: By striking out Sec. 289 (33 V.S.A. § 703(b); membership of Alcohol and Drug Abuse Council) in its entirety and inserting in lieu thereof the following:

Sec. 289. [Deleted.]

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

Bill Passed in Concurrence with Proposal of Amendment

H. 198.

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

An act relating to the Legacy Insurance Management Act.

Third Reading Ordered

H. 593.

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

An act relating to the Winooski School District Charter's term of office for the District Treasurer.

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.

Rules Suspended; Bill Committed

S. 177.

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

An act relating to nonjudicial discipline.

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

Sec. 1. 20 V.S.A. chapter 39 (courts-martial) §§ 941–945 are designated as subchapter 1, which is added to read:

Subchapter 1. General Provisions

Sec. 2. 20 V.S.A. chapter 39 (courts-martial), subchapter 2 is added to read:

Subchapter 2. Nonjudicial Discipline

§ 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

(a)(1) A commanding officer may impose nonjudicial discipline upon a service member for minor military offenses without the intervention of a court-martial in accordance with the provisions of this subchapter.

(2) The commanding officer who intends to impose nonjudicial discipline upon a service member shall notify him or her of the following:

(A) the nature of the alleged offense;

(B) the commanding officer's intent to dispose of the matter by nonjudicial discipline; and

(C) any other nonjudicial discipline procedural rights established by regulation.

(3) As used in this section, "commanding officer" shall include an officer-in-charge.

(b) A commanding officer may impose upon enlisted members of the officer's command:

(1) an admonition;

(2) a reprimand;

(3) for members who are serving on full-time military orders in excess of 179 days, the forfeiture of up to seven days of pay and, for all others, up to four days of pay;

(4) a fine of not more than seven days' pay;

(5) a reduction to the next inferior pay grade, if the grade from which the member is demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(6) extra duties for not more than 14 days, which need not be consecutive; and

(7) restriction to certain specified limits, with or without suspension from duty, for not more than 14 days, which need not be consecutive.

(c) A commanding officer of the grade of major or above may impose upon enlisted members of the officer's command:

(1) any discipline authorized in subdivisions (b)(1), (2), and (3) of this section;

(2) for members who are serving on full-time military orders in excess of 179 days, the forfeiture of not more than one-half of one month's pay per month for up to two months, and, for all others, up to 14 days of pay;

(3) a fine of not more than one month's pay;

(4) a reduction to the lowest or any intermediate pay grade, if the grade from which the member is demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(5) for members who are serving on full-time military orders in excess of 179 days, the imposition of extra duties for up to 45 days which need not be consecutive, and, for all others, the imposition of extra duties for up to 14 days which need not be consecutive; and

(6) restriction to certain specified limits, with or without suspension from duty, for not more than 60 days, which need not be consecutive.

(d)(1) The Adjutant and Inspector General or an officer of a general or flag rank in command may impose:

(A) upon an officer or warrant officer of the officer's command, any discipline authorized in subdivisions (c)(1), (2), (3), and (6) of this section;

(B) upon an enlisted member of the officer's command, any discipline authorized in subsection (c) of this section.

(2) The Adjutant and Inspector General or an officer of a general or flag rank in command may delegate his or her powers under this subsection to a principle assistant who is a member of the Vermont National Guard.

(e) Whenever any disciplines imposed under this section are to be served consecutively, the total length of the combined discipline shall not exceed the authorized duration of the longest discipline in the combination, and there shall be an apportionment of disciplines so that no single discipline in the combination exceeds its authorized length.

(f)(1) The officer who imposes the discipline or his or her successor in command may at any time suspend, set aside, mitigate, or remit any part or amount of the discipline and restore all rights, privileges, and property

affected. The officer also may mitigate a reduction in grade to a forfeiture of pay or mitigate extra duties to a restriction to certain specified limits.

(2) The mitigated discipline shall not be for a greater period than the original discipline mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the discipline.

(g) Whenever a discipline of forfeiture of pay is imposed under this section, the forfeiture may apply to pay accruing before, on, or after the date that discipline is imposed.

§ 962. SERVICE MEMBERS SUBJECT TO NONJUDICIAL DISCIPLINE

(a) A service member subject to nonjudicial discipline under this subchapter shall, during the course of his or her disciplinary proceedings, have the right to:

(1) consult with a judge advocate or with private counsel at the service member's own expense;

(2) submit matters in extenuation, mitigation, or defense; and

(3) call and examine witnesses, to the extent witness are reasonably available.

(b)(1) Except as provided in subdivision (2) of this subsection, a service member subject to nonjudicial discipline shall have the right to demand a court-martial in lieu of nonjudicial discipline.

(2) A service member subject to nonjudicial discipline shall not have the right to demand a court-martial in lieu of nonjudicial discipline if the service member is notified by the commanding officer that the commanding officer does not intend to impose a restriction to certain specified limits, a fine, or extra duties if, after a hearing, the service member is found guilty of any offense with which he or she is charged.

(c)(1) A service member subject to nonjudicial discipline under this subchapter may elect to have his or her case heard before a nonjudicial discipline panel, described in section 963 of this subchapter.

(2) The service member shall have 24 hours from the commanding officer's notice of his or her intent to dispose of the matter by nonjudicial discipline to make an election for disposition by a nonjudicial panel, and shall have the right to consult with a judge advocate or with private counsel at the service member's own expense prior to making such a decision.

§ 963. NONJUDICIAL DISCIPLINE PANELS

(a) When a service member elects to have his or her case heard before a nonjudicial discipline panel as provided in section 962 of this subchapter, the panel shall be formed as follows:

(1) The panel shall consist of three members, appointed by the next higher authority of the commanding officer who seeks to impose the nonjudicial discipline.

(2) The members of the panel shall be officers who are senior to the service member requesting the panel. If it is an enlisted service member requesting the panel, there shall be at least one enlisted service member on the panel, but that enlisted service member must be senior to the enlisted service member requesting the panel.

(3) The senior member of the panel shall be the chair. The most junior member shall be the recorder and shall record summaries of the proceedings.

(4) If the nonjudicial discipline is being offered by a general officer, the panel shall consist of three members appointed by the Adjutant and Inspector General with the most senior member being the chair and the most junior member being the recorder, who shall record the summaries of the proceedings.

(b) The panel decision shall be by majority vote. The panel shall have the same authority and responsibility in conducting the proceeding and disposing of the matter, including imposing nonjudicial discipline, as has a commanding officer of the grade of major or above pursuant to this subchapter.

(c)(1) The panel shall forward its recommendation for disposition and imposition of discipline, if any, to the authority who appointed the panel under subsection (a) of this section.

(2)(A) The appointing authority may approve the recommended discipline or any part or amount as the appointing authority sees fit and may suspend, mitigate, or remit the recommended discipline as he or she deems appropriate.

(B) The appointing authority shall not approve any discipline in excess of that recommended by the panel.

§ 964. APPEALS FROM NONJUDICIAL DISCIPLINE DECISIONS

(a)(1) A service member disciplined under this subchapter who considers the discipline unjust or disproportionate to the offense may appeal to the next

superior authority within 15 days after the discipline is either announced or notice of the discipline is sent to the accused, as the commander under section 961 or the appointing authority under section 963 of this subchapter may determine.

(2) An appeal from the decision of an appointing authority under section 963 of this subchapter shall be taken directly to the next higher authority, unless the action is initiated by a general officer, in which case the Adjutant and Inspector General shall have the final decision.

(b) The appeal shall be promptly forwarded and decided, but the service member disciplined may, in the meantime, be required to undergo the discipline adjudged.

(c)(1) The superior authority may exercise the same powers with respect to the discipline imposed as may be exercised under section 961 or 963 of this subchapter by the officer who imposed the discipline, except that the superior authority shall not impose any discipline in excess of what was originally imposed.

(2) Before acting on an appeal, the authority may refer the case to a judge advocate for consideration and advice.

§ 965. EFFECT OF NONJUDICIAL DISCIPLINE

(a) The imposition and enforcement of nonjudicial discipline under this subchapter for any act or omission shall not be a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this subchapter.

(b) The fact that nonjudicial discipline has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of discipline to be adjudged in the event of a finding of guilty.

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.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, Senator Sears moved that Senate Rule 49 be suspended in order to commit the bill to the

Committee on Judiciary with the report of the Committee on Government Operations *intact*,

Which was agreed to.

Report of Committee of Conference Accepted and Adopted on the Part of the Senate

S. 41.

Senator Pollina, 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 Senate bill entitled:

An act relating to water and sewer service.

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. 24 V.S.A. § 5143 is amended to read:

§ 5143. DISCONNECTION OF SERVICE

* * *

(c) The tenant of a rental dwelling noticed for disconnection due to the delinquency of the ratepayer shall have the right to request and pay for continued service from the utility or reconnection of water and sewer service for the rental dwelling, which the utility shall provide. If any water and sewer charges or fees are included in the tenant's rent, the tenant may deduct the cost of any water and sewer service charges or fees paid to the municipality from his or her rent pursuant to 9 V.S.A. § 4459. Under such circumstances, the utility shall not require the tenant to pay any arrearage greater than one billing cycle.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

ANTHONY POLLINA
ELDRED FRENCH
JOSEPH C. BENNING

Committee on the part of the Senate

RONALD E. HUBERT

LINDA J. MARTIN

ANNE H. MOOK

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.

Message from the House No. 11

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

In the passage 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. 42. Joint resolution relating to weekend adjournment .

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 30, 2014.

THURSDAY, JANUARY 30, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Michael Caldwell of East Corinth.

Bill Referred

House bill of the following title was read the first time and referred:

H. 583.

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

To the Committee on Health and Welfare.

Bill Passed in Concurrence**H. 593.**

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

An act relating to the Winooski School District Charter's term of office for the District Treasurer.

Adjournment

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

FRIDAY, JANUARY 31, 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. 12

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

H. 577. An act relating to ski tramways.

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. 15. Joint resolution urging Congress to support H.R. 485, The National Nurse Act of 2013.

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

Message from the House No. 13

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. 563. An act relating to captive insurance laws and accreditation standards.

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

H. 702. An act relating to self-generation and net metering.

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. 27. An act relating to respectful language in the Vermont Statutes Annotated.

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

The House has adopted joint resolutions of the following titles:

H.C.R. 206. House concurrent resolution congratulating Green Mountain RSVP on its 40th anniversary of community service.

H.C.R. 207. House concurrent resolution congratulating the Rutland Gift-of-Life Marathon on establishing a new national one-day blood donation record.

H.C.R. 208. House concurrent resolution recognizing the role of registered nurses in the delivery of quality health care in Vermont.

H.C.R. 209. House concurrent resolution congratulating the *Vermont Cynic* on its 130th anniversary.

H.C.R. 210. House concurrent resolution congratulating the 2013 Woodstock Union High School Wasps Division III championship football team.

H.C.R. 211. House concurrent resolution in memory of Chet Briggs of Calais.

H.C.R. 212. House concurrent resolution recognizing the innovative cross-cultural mission of the Izdahar arts exchange organization.

H.C.R. 213. House concurrent resolution in memory of Margaret Hurley Franzen of Montpelier.

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

Committee Relieved of Further Consideration; Bill Committed**S. 281.**

On motion of Senator Ayer, the Committee on Health and Welfare was relieved of further consideration of Senate bill entitled:

An act relating to vision riders and a choice of providers for vision and eye care services,

and the bill was committed to the Committee on Finance.

Joint Resolution Referred**J.R.H. 15.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to support H.R. 485, The National Nurse Act of 2013.

Whereas, every day, nurses provide critical health care services to individuals in hospitals, clinics, nursing facilities, and doctors' offices, and as nurse practitioners, and

Whereas, our nation continues to face an epidemic of preventable conditions and chronic diseases, and

Whereas, nurses are crucial to the promotion of preventative care by helping to inform and educate the public, and

Whereas, thousands of nurses and nurse educators live and work in Vermont, and

Whereas, U.S. Representative Eddie Bernice Johnson of Texas introduced H.R. 485, also known as "The National Nurse Act of 2013," on February 4, 2013, and

Whereas, H.R. 485 designates the Chief Nurse Officer of the U.S. Public Health Services as the National Nurse for Public Health, and

Whereas, under H.R. 485, the National Nurse for Public Health shall perform the following duties:

“(1) Provide leadership and coordination of Public Health Service nursing professional affairs for the Office of the Surgeon General and other agencies of the Public Health Service, including providing representation for the Government of the United States at the Global Forum for Government Chief

Nursing and Midwifery Officers and serving as a member of the Federal Nursing Service Council.

“(2) Represent the Surgeon General and the agencies of Public Health Service in communications with groups and societies concerned with nursing issues at the local, State, national, and international levels.

“(3) Provide guidance and advice to the Surgeon General and the Nurse Professional Advisory Committee on matters such as standards, recruitment, retention, readiness, and career development of nurses employed by and contracted with agencies of the Public Health Service.

“(4) Conduct media campaigns and make personal appearances for purposes of paragraphs (5) through (7).

“(5) Provide guidance and leadership for activities to promote the public health, including encouraging nurses and other health professionals to be volunteers and developing projects that educate the public about and engage the public in prevention practices to achieve better health.

“(6) Provide guidance and leadership to encourage nurses to engage in furthering their education in order to conduct nursing research, increase the awareness of evidence-based practice, and educate future nurses.

“(7) Provide guidance and leadership for activities that will increase public safety and emergency preparedness,” and

Whereas, the National Nurse for Public Health will act to raise awareness of health issues, encourage volunteerism of nurses and other individuals, strengthen the relationship between government agencies and health-related national organizations, and participate in the identification of health priorities, thus raising the status and drawing attention to the importance of the nursing profession, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to support H.R. 485, known as “The National Nurse Act of 2013,” or similar legislation, designating the Chief Nurse Officer of the U.S. Public Health Service as the National Nurse for Public Health, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the members of the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Health and Welfare.

Bills Referred

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

H. 356.

An act relating to prohibiting littering in or on the waters of the State.
To the Committee on Natural Resources and Energy.

H. 563.

An act relating to captive insurance laws and accreditation standards.
To the Committee on Finance.

H. 577.

An act relating to ski tramways.
To the Committee on Economic Development, Housing and General Affairs.

H. 609.

An act relating to terminating propane service.
To the Committee on Economic Development, Housing and General Affairs.

H. 702.

An act relating to self-generation and net metering.
To the Committee on Finance.

Third Reading Ordered**S. 283.**

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to the changing of the name of the Vermont Criminal Information Center.

Reported that the bill ought to pass.

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

Bill Amended; Third Reading Ordered**S. 223.**

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

An act relating to regulating the making of pension loans.

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

Sec. 1. FINDINGS

It is the intent of the Vermont General Assembly to prohibit unlawful and predatory lending practices that target retirement pension proceeds. The General Assembly intends to ensure that practices which unfairly disrupt or interfere with retirees' abilities to manage their pension income will be treated as unlawful lending and will be subject to applicable Vermont State laws.

Sec. 2. 8 V.S.A. § 2245 is added to read:

§ 2245. PENSION LOANS

Any person who engages in the business of offering consideration in exchange for a secured interest in all or part of pension proceeds in the possession of a participant, beneficiary, or member of a pension plan, program, or system shall be deemed to be engaged in the business of making loans pursuant to subdivision 2201(a)(1) of this chapter and shall be subject to 9 V.S.A. chapters 4 and 63.

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.

Appointment Confirmed

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

Gobeille, Alfred J. of Shelburne - Chair, Green Mountain Care Board – August 1, 2013, to September 30, 2018.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Gucciardi, Mary Anne of South Burlington - Member, Employment Security Board - September 4, 2013, to February 28, 2019.

Lintermann, Mary of Stowe - Member, Vermont Economic Progress Council - July 18, 2013, to March 31, 2017.

Vachon, Brian of Middlesex - Member, Community High School of Vermont Board - November 5, 2013, to February 28, 2014.

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 Martin and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 206.

House concurrent resolution congratulating Green Mountain RSVP on its 40th anniversary of community service.

By Representative Terenzini and others,

By Senators Flory, French, Mullin, Benning, Cummings, Doyle, Mazza and Pollina,

H.C.R. 207.

House concurrent resolution congratulating the Rutland Gift-of-Life Marathon on establishing a new national one-day blood donation record.

By Representative Spengler and others,

By Senator Ayer,

H.C.R. 208.

House concurrent resolution recognizing the role of registered nurses in the delivery of quality health care in Vermont.

By Representative Rachelson and others,
By Senators Baruth, Snelling and Zuckerman,

H.C.R. 209.

House concurrent resolution congratulating the *Vermont Cynic* on its 130th anniversary.

By Representative Clarkson and others,
By Senators Campbell, McCormack and Nitka,

H.C.R. 210.

House concurrent resolution congratulating the 2013 Woodstock Union High School Wasps Division III championship football team.

By Representative Taylor and others,

H.C.R. 211.

House concurrent resolution in memory of Chet Briggs of Calais.

By Representative Stuart and others,

H.C.R. 212.

House concurrent resolution recognizing the innovative cross-cultural mission of the Izdahar arts exchange organization.

By Representative Hooper and others,
By Senator Cummings,

H.C.R. 213.

House concurrent resolution in memory of Margaret Hurley Franzen of Montpelier.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, February 4, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 42.

TUESDAY, FEBRUARY 4, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.