

H. 490.

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

To the Committee on Appropriations.

Consideration Resumed; Bill Passed**S. 29.**

Consideration was resumed on Senate bill entitled:

An act relating to election day registration.

Thereupon, pending the question, Shall the bill be amended as moved by Senator Degree?, Senator Degree requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending third reading of the bill?, Senator Degree moved to amend the bill as follows:

First: In Sec. 2, 17 V.S.A. § 2144(b)(1), at the end of the subdivision, by inserting the following: Along with such an application, the person shall present to the presiding officer a valid photo identification and any one of the following documents that contains the person's current name and residential address: a copy of a current utility bill, a copy of a current bank statement, a copy of a paycheck, or a copy of a government check or any other government document.

Second: In Sec. 2, 17 V.S.A. § 2144(b)(2), in the first sentence after the following: "The presiding officer shall review all applications" by inserting the following: and accompanying photo identification and documentation

Which was disagreed to on a roll call, Yeas 7, Nays 21.

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Collamore, Degree, Flory, McAllister, Mullin, Westman.

Those Senators who voted in the negative were: Ashe, Balint, Baruth, Bray, Campbell, Campion, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators absent and not voting were: Ayer, Doyle.

Thereupon, the bill was read the third time and passed.

Bill Amended; Bill Passed**S. 102.**

Senate bill entitled:

An act relating to forfeiture of property associated with an animal fighting exhibition.

Was taken up.

Thereupon, pending third reading of the bill, Senators Sirotkin, Bray and Pollina moved to amend the bill by striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. 18 V.S.A. § 4247 is amended to read:

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the ~~state treasurer~~ State Treasurer under this subchapter, the ~~state treasurer~~ State Treasurer shall, no sooner than 90 days of the date the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter 13.

(b) The proceeds from the sale of forfeited property shall be used first to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

(1)(A) Fifty percent shall be distributed among:

- (i) the Office of the Attorney General;
- (ii) the Office of the Defender General;
- (iii) the Department of State's Attorneys and Sheriffs; and
- (iv) State and local law enforcement agencies.

(B) The Governor's Criminal Justice and Substance Abuse Cabinet is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may only reimburse the prosecutor and law enforcement agencies that participated in the enforcement effort resulting in the forfeiture for expenses incurred, including actual expenses for involved personnel. The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the Treasurer shall forward the allocated amounts to the appropriate agency's operating funds.

(2) The remaining 50 percent shall be deposited in the General Fund.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered

S. 55.

Senator Lyons, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to creating a flat rate for Vermont's estate tax and creating an estate tax exclusion amount that matches the federal amount.

Reported recommending that the bill be amended as follows:

First: In Sec. 4 (Vermont gross estate in 2017), by striking out the words "one year" before "of death" and inserting in lieu thereof the words two years

Second: In Sec. 5 (Vermont gross estate in 2019), by striking out the words "one year" before "of death" and inserting in lieu thereof the words three years

Third: In Sec. 6 (effective dates), in subsection (a), by striking out the following: "retroactively on January 1, 2015" and inserting in lieu thereof the following: on January 1, 2016 and by striking out the following: "December 31, 2014" and inserting in lieu thereof the following: December 31, 2015

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 recommendations of amendment were severally agreed to, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 123.

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

An act relating to mobile home parks, habitability standards, and compliance.

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. 10 V.S.A. § 6205 is amended to read:

§ 6205. ENFORCEMENT; PENALTIES

(a) ~~Any person who violates or fails to comply with this chapter or with any conditions, restrictions, or limitations contained in a permit issued under~~

~~this chapter shall be fined not more than \$1,000.00 or imprisoned for not more than six months, or both~~ A mobile home park owner who violates or fails to comply with a provision of this chapter violates 9 V.S.A. § 2453.

~~(b) The superior court for the county in which a violation of this chapter occurs shall have jurisdiction, on application by the department in the case of violations of sections 6236-6243 of this title, to enjoin and restrain the violation, but any election by the department to proceed under this subsection shall not limit or restrict the authority of the state to prosecute for the offense under subsection (a) of this section~~ If a mobile home park owner violates this chapter, the Department shall have the authority:

(1) to impose an administrative penalty of up to \$5,000.00 per violation;

(2) to bring a civil action for damages or injunctive relief, or both, in the Superior Court for the unit in which a violation occurred; and

(3) to refer a violation to the Attorney General or State's Attorney for enforcement pursuant to subsection (a) of this section.

~~(c)(1)~~ (1) A leaseholder may bring an action against the park owner for a violation of sections 6236-6243 of this title.

~~(2)~~ (2) The action shall be filed in ~~superior court~~ Superior Court for the unit in which the alleged violation occurred.

~~(3)~~ (3) No action may be commenced by the leaseholder unless the leaseholder has first notified the park owner of the violation by certified mail at least 30 days prior to bringing the action.

~~(4)~~ (4) During the pendency of an action brought by a leaseholder, the leaseholder shall pay rent in an amount designated in the lease, or as provided by law, which rental amount shall be deposited in an escrow account as directed by the ~~court~~ Court.

Sec. 2. 10 V.S.A. chapter 153, subchapter 3 is amended to read:

Subchapter 3. Habitability

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§ 6262. PARK OWNER OBLIGATIONS; WARRANTY OF HABITABILITY; RULES

(a) In any lot rental agreement, the park owner shall be deemed to covenant and warrant to deliver over and maintain, throughout the period of the tenancy, premises which are safe, clean, and fit for human habitation. This warranty requires the park owner to provide adequate and reliable utility services, including safe electrical service, potable water, and sewage disposal to a location on each lot from which these utilities can be connected to the mobile

home. The warranty also requires the park owner to assure that the roads, common areas, and facilities within the mobile home park are safe and fit for the purpose for which they were reasonably intended.

(b) The ~~department~~ Department, in cooperation with the ~~agency of natural resources, the department of public safety and the department of health~~ Agency of Natural Resources, the Department of Public Safety, and the Department of Health, shall, by rule, adopt standards for safety, cleanliness and fitness for human habitation regarding the rental of a mobile home lot within a mobile home park.

(c) No rental agreement shall contain any provision by which the leaseholder waives the protections of the implied warranty of habitability. Any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

§ 6263. HABITABILITY; LEASEHOLDER REMEDIES

(a)(1) If the mobile home park owner fails to comply with the obligation of habitability, the park owner shall be deemed to have notice of the noncompliance if the park owner receives actual notice of the noncompliance from the leaseholder, a governmental entity, or a qualified independent inspector.

(2) If the park owner has received notice from any of those sources and fails to make repairs within a reasonable time and the noncompliance materially affects health and safety, the leaseholder may pursue any of the following remedies:

(1)(A) ~~Withhold~~ withhold payment of lot rent during the period of the noncompliance-;

(2)(B) ~~Obtain~~ obtain injunctive relief-;

(3)(C) ~~Recover~~ recover damages, costs, and reasonable ~~attorney~~ attorney's fees-; or

(4)(D) ~~Terminate~~ terminate the rental agreement on reasonable notice.

(b)(1) For purposes of subdivision (a)(2) of this section, a mobile home park owner's failure to maintain the roads within a mobile home park in a condition that reasonably ensures access by emergency vehicles shall be deemed noncompliance that materially affects health and safety.

(2) This subsection does not require a mobile home park owner to create a new road or other improvement, or to modify an existing road or other improvement, within an existing mobile home park.

(c) The remedies under this section are not available to a leaseholder if the noncompliance was caused by the negligent or deliberate act or omission of the leaseholder or of a person on the premises with the leaseholder's consent.

§ 6264. MINOR DEFECTS; REPAIR AND DEDUCT

(a)(1) If the park owner fails to repair a minor defect or noncompliance with this chapter or noncompliance with a material provision of the rental agreement within 30 days of receipt of written notice, the leaseholder may repair the defect or noncompliance and deduct from the rent the actual and reasonable cost, not to exceed one-half of one month's lot rent.

(2) No major work on water, sewer, or electrical systems may be performed under this section.

(3) The leaseholder shall provide the owner with written notice of the cost of the repair or service when the cost is deducted from the rent.

(4) The leaseholder shall be responsible for any damage caused by the repair or attempts to repair.

(b) The remedies under this section are not available to a leaseholder if the noncompliance was caused by the negligent or deliberate act or omission of the leaseholder or a person on the premises with the leaseholder's consent.

Sec. 3. 10 V.S.A. § 6237 is amended to read:

§ 6237. EVICTIONS

* * *

(e) A judgment order of eviction pursuant to this section shall provide that a leaseholder shall sell a mobile home or remove a mobile home from the mobile home park:

(1) within three months from the date of execution of a writ of possession pursuant to 12 V.S.A. chapter 169; or

(2) within another period ordered by the court in its discretion.

(f) A leaseholder evicted pursuant to this section shall continue to be responsible for lot rent that accrues until the mobile home is sold or removed from the mobile home park.

(g) A park owner shall serve notice of eviction proceedings pursuant to this section and 12 V.S.A. chapter 169 to the leaseholder and to any occupants known to the park owner residing in the mobile home.

Sec. 4. 10 V.S.A. § 6248 is amended to read:

§ 6248. ABANDONMENT OF MOBILE HOME IN MOBILE HOME PARK

(a) A resident or owner of a mobile home in a mobile home park shall be deemed to have abandoned the mobile home if all the following conditions exist:

(1)(A) ~~A~~ a reasonable person would believe that the mobile home is not occupied as a residence;:

~~(2)(B) The~~ the rent for the lot is at least 30 days delinquent; and

~~(3)(C) The~~ the park owner has attempted to contact the resident or owner at the resident or owner's home, last known place of employment, and last known mailing address without success; or

(2) the owner of the mobile home has been evicted from the mobile home park pursuant to 10 V.S.A. § 6237 and the owner has failed to remove or sell the mobile home within three months after the execution of a writ of possession pursuant to 12 V.S.A. chapter 169 or as otherwise ordered by the court in the ejectment action.

~~(b) Abandonment of a mobile home shall be deemed to be a substantial violation of the lease terms and may result in immediate eviction proceedings.~~

~~(e)~~ A mobile home park owner may not commence an action pursuant to section 6249 of this title to sell an abandoned mobile home on which there are delinquent property taxes until 20 days after the date the park owner sends notice of the park owner's intent to commence the action to the town clerk and the tax collector of the town in which the mobile home is located by certified mail, return receipt requested.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, April 2, 2015.

THURSDAY, APRIL 2, 2015

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 42

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 478. An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

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. 98. An act relating to captive insurance companies.

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

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

J.R.S. 22. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Referred to Committee on Rules**S. 124.**

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to expanding the scope of practice of Level II certified law enforcement officers.

Bill Referred

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

H. 478.

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

To the Committee on Rules.

Bill Amended; Third Reading Ordered**S. 20.**

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

An act relating to establishing and regulating licensed dental practitioners.

Reported recommending that the bill be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 561 (definitions), by striking out subdivision (8) in its entirety and inserting in lieu thereof a new subdivision (8) to read as follows:

(8) “General supervision” means:

(A) For a dental practitioner with a Master’s degree or higher, a dentist’s supervision of a dental practitioner’s oral health care services that does not require the dentist to be on-site at the time those services are being performed, but that requires the dental practitioner to perform those services with the prior knowledge and consent of the dentist.

(B) For a dental practitioner with less than a Master’s degree:

(i) for the oral health care services set forth in subdivisions (b)(1)-(14), (16)-(19), and (34) of section 612 of this chapter, the supervision described in subdivision (8)(A) of this section; and

(ii) for all other oral health care services set forth in subsection 612(b) of this chapter that are not described in subdivision (i) of this subdivision (B), supervision that requires the dentist to authorize those services and remain on-site while the dental practitioner performs them.

Second: In Sec. 1, in 26 V.S.A. § 611 (license by examination), in subdivision (a)(3), after the following: “administered by an institution accredited” by inserting the following: by the Commission on Dental Accreditation

Third: In Sec. 1, following § 611 (license by examination), by inserting § 611a to read as follows:

§ 611a. LICENSE BY ENDORSEMENT

The Board may grant a license as a dental practitioner to an applicant who:

(1) is currently licensed in good standing to practice as a dental practitioner or dental therapist in any jurisdiction of the United States or Canada that has licensing requirements deemed by the Board to be at least substantially equivalent to those of this State;

(2) has met active practice requirements and any other requirements established by the Board by rule; and

(3) pays the application fee set forth in section 662 of this chapter.

Fourth: By adding two new sections to be numbered Secs. 2 and 3 to read as follows:

Sec. 2. AFFILIATION WITH THE STATE OF MINNESOTA

(a) License by endorsement. For the purposes of 26 V.S.A. § 611a (license by endorsement) in Sec. 1 of this act, a person licensed as a dental therapist in the State of Minnesota who has been certified by the Minnesota Board of Dentistry to practice as an advanced dental therapist shall be deemed to meet the requirements of 26 V.S.A. § 611a(1).

(b) Vermont State Colleges and University of Vermont.

(1) The Board of Trustees of the Vermont State Colleges shall and the Board of Trustees of the University of Vermont may explore the potential of entering into an affiliation agreement with colleges in the State of Minnesota that have an accredited dental therapy program so that the college credits of a Vermont State College student or a University of Vermont student can transfer into such a program in order for the student to attend the program.

(2) On or before January 1, 2017, those Boards of Trustees shall report to the Senate Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding the efforts of the Boards and any success in reaching an affiliation agreement with the State of Minnesota.

Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC DISTRIBUTION AND GENERAL SUPERVISION OF DENTAL PRACTITIONERS

No earlier than two years after the effective date of this act but on or before January 1, 2018, the Board of Dental Examiners shall report to the Senate Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding:

(1) Geographic distribution.

(A) The geographic distribution of licensed dental practitioners practicing in this State.

(B) The geographic areas of this State that are underserved by licensed dental practitioners.

(C) The Board's recommended incentives to promote the practice of licensed dental practitioners in underserved areas of this State, particularly those areas that are rural in nature and have high numbers of people living in poverty.

(2) General supervision. The Board's analysis of the effectiveness of the requirement that a dental practitioner be under the general supervision of a dentist as described in 26 V.S.A. § 561, and any recommendations for amendments to that general supervision requirement. In its report, the Board shall address whether a dental practitioner should be able to practice under less stringent supervision requirements and if so, under what conditions.

And by renumbering the remaining section (Effective Date) to be numerically correct.

And that when so amended the bill ought to pass.

Senator White, for the Committee on Government Operations, to which the bill was referred, reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. chapter 12 is amended to read:

CHAPTER 12. DENTISTS, DENTAL THERAPISTS, DENTAL
HYGIENISTS, AND DENTAL ASSISTANTS

Subchapter 1. General Provisions

§ 561. DEFINITIONS

As used in this chapter:

(1) "Board" means the ~~board of dental examiners~~ Board of Dental Examiners.

(2) "Director" means the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation.

(3) "Practicing dentistry" means an activity in which a person:

(A) undertakes by any means or method to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures;

(B) extracts human teeth or corrects malpositions of the teeth or jaws;

(C) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used or worn as substitutes for natural teeth or adjusts those structures, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist;

(D) administers general dental anesthetics;

(E) administers local dental anesthetics, except dental hygienists as authorized by ~~board~~ Board rule; or

(F) engages in any of the practices included in the curricula of recognized dental colleges.

(4) “Dental therapist” means an individual licensed to practice as a dental therapist under this chapter.

(5) “Dental hygienist” means an individual licensed to practice as a dental hygienist under this chapter.

~~(5)~~(6) “Dental assistant” means an individual registered to practice as a dental assistant under this chapter.

~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention.

(8) “General supervision” means the direct or indirect oversight of a dental therapist by a dentist, which need not be on-site.

§ 562. PROHIBITIONS

(a) No person may use in connection with a name any words, including “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters, signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that a person is a licensed dentist when not authorized under this chapter.

(b) No person may practice as a dentist, dental therapist, or dental hygienist unless currently licensed to do so under the provisions of this chapter.

(c) No person may practice as a dental assistant unless currently registered under the provisions of this chapter.

(d) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127.

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§ 565. DISPLAY OF LICENSE OR REGISTRATION

Every dentist, dental therapist, dental hygienist, and dental assistant shall display a copy of his or her current license or registration at each place of practice and in such a manner so as to be easily seen and read.

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Subchapter 2. Board of Dental Examiners

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§ 584. UNPROFESSIONAL CONDUCT

The ~~board~~ Board may refuse to give an examination or issue a license to practice dentistry, to practice as a dental therapist, or to practice dental hygiene or to register an applicant to be a dental assistant and may suspend or revoke any such license or registration or otherwise discipline an applicant, licensee, or registrant for unprofessional conduct. Unprofessional conduct means the following conduct and the conduct set forth in 3 V.S.A. § 129a by an applicant or person licensed or registered under this chapter:

* * *

Subchapter 3A. Dental Therapists

§ 611. LICENSE BY EXAMINATION

(a) Qualifications for examination. To be eligible for examination for licensure as a dental therapist, an applicant shall:

(1) have attained the age of majority;

(2) be a licensed dental hygienist;

(3) be a graduate of a dental therapist educational program administered by an institution accredited by the Commission on Dental Accreditation to train dentists or dental hygienists; and

(4) pay the application fee set forth in section 662 of this chapter and an examination fee established by the Board by rule.

(b) Completion of examination.

(1) An applicant for licensure meeting the qualifications for examination set forth in subsection (a) of this section shall pass a comprehensive, competency-based clinical examination approved by the Board and administered independently of an institution providing dental therapist education. An applicant shall also pass an examination testing the applicant's knowledge of the Vermont laws and rules relating to the practice of dentistry approved by the Board.

(2) An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as established by the Board by rule.

(c) The Board may grant a license to an applicant who has met the requirements of this section.

§ 612. LICENSE BY ENDORSEMENT

The Board may grant a license as a dental therapist to an applicant who:

(1) is currently licensed in good standing to practice as a dental therapist in any jurisdiction of the United States or Canada that has licensing requirements deemed by the Board to be at least substantially equivalent to those of this State;

(2) has met active practice requirements and any other requirements established by the Board by rule; and

(3) pays the application fee set forth in section 662 of this chapter.

§ 613. PRACTICE; SCOPE OF PRACTICE

(a) A person who provides oral health care services, including prevention, evaluation, and assessment; education; palliative therapy; and restoration under the general supervision of a dentist within the parameters of a collaborative agreement as provided under section 614 of this subchapter shall be regarded as practicing as a dental therapist within the meaning of this chapter.

(b) In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

(1) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

(2) Periodontal charting, including a periodontal screening examination.

(3) Exposing radiographs.

(4) Dental prophylaxis.

(5) Prescribing, dispensing, and administering analgesics, anti-inflammatories, and antibiotics.

(6) Applying topical preventive or prophylactic agents, including fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

(7) Pulp vitality testing.

(8) Applying desensitizing medication or resin.

(9) Fabricating athletic mouthguards.

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- (10) Placement of temporary restorations.
 - (11) Fabricating soft occlusal guards.
 - (12) Tissue conditioning and soft reline.
 - (13) Interim therapeutic restorations.
 - (14) Changing periodontal dressings.
 - (15) Tooth reimplantation and stabilization.
 - (16) Administering local anesthetic.
 - (17) Administering nitrous oxide.
 - (18) Oral evaluation and assessment of dental disease.
 - (19) Formulating an individualized treatment plan, including services within the dental therapist's scope of practice and referral for services outside the dental therapist's scope of practice.
 - (20) Extractions of primary teeth.
 - (21) Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility of +3. A dental therapist shall not extract a tooth if it is unerupted, impacted, fractured, or needs to be sectioned for removal.
 - (22) Emergency palliative treatment of dental pain.
 - (23) Placement and removal of space maintainers.
 - (24) Cavity preparation.
 - (25) Restoring primary and permanent teeth, not including permanent tooth crowns, bridges, or denture fabrication.
 - (26) Placement of temporary crowns.
 - (27) Preparation and placement of preformed crowns.
 - (28) Pulpotomies on primary teeth.
 - (29) Indirect and direct pulp capping on primary and permanent teeth.
 - (30) Suture removal.
 - (31) Brush biopsies.
 - (32) Repairing defective prosthetic devices.
 - (33) Recementing permanent crowns.
 - (34) Mechanical polishing.

§ 614. COLLABORATIVE AGREEMENT

(a) Before a dental therapist may enter into his or her first collaborative agreement, he or she shall:

(1) complete 1,000 hours of direct patient care using dental therapy procedures under the direct supervision of a dentist; and

(2) receive a certificate of completion signed by that supervising dentist that verifies the dental therapist completed the hours described in subdivision (1) of this subsection.

(b) In order to practice as a dental therapist, a dental therapist shall enter into a written collaborative agreement with a dentist. The agreement shall include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the dental therapist, including the level of supervision required by the supervising dentist;

(3) age- and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the dental therapist;

(5) a plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(6) a quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for prescribing, administering, and dispensing medications, including the specific conditions and circumstances under which these medications may be dispensed and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including requirements for consultation prior to the initiation of care;

(9) supervision criteria of dental assistants and dental hygienists; and

(10) a plan for the provision of clinical resources and referrals in situations that are beyond the capabilities of the dental therapist.

(c)(1) The supervising dentist shall accept responsibility for all services authorized and performed by the dental therapist pursuant to the collaborative agreement.

(2) A supervising dentist shall be licensed and practicing in Vermont.

(3) A supervising dentist is limited to entering into a collaborative agreement with no more than two dental therapists at any one time.

(d)(1) A collaborative agreement shall be signed and maintained by the supervising dentist and the dental therapist.

(2) A collaborative agreement shall be reviewed, updated, and submitted to the Board on an annual basis or as soon as a change is made to the agreement.

§ 615. APPLICATION OF OTHER LAWS

(a) A dental therapist authorized to practice under this chapter shall not be in violation of section 562 of this chapter as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and under the collaborative agreement.

(b) A dentist who permits a dental therapist to perform a dental service other than those authorized under this chapter or by the Board by rule or any dental therapist who performs an unauthorized service shall be in violation of section 584 of this chapter.

§ 616. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

(a) A licensed dental therapist may supervise dental assistants and dental hygienists directly to the extent permitted in the collaborative agreement.

(b) At any one practice setting, a licensed dental therapist may have under his or her direct supervision no more than a total of two assistants, hygienists, or combination thereof.

§ 617. REFERRALS

(a) The supervising dentist is responsible for arranging for another dentist or specialist to provide any necessary services needed by a patient that are beyond the scope of practice of the dental therapist and which the supervising dentist is unable to provide.

(b) A dental therapist, in accordance with the collaborative agreement, shall refer patients to another qualified dental or health care professional to receive any needed services that exceed the scope of practice of the dental therapist.

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Subchapter 6. Renewals, Continuing Education, and Fees

§ 661. RENEWAL OF LICENSE

(a) Licenses and registrations shall be renewed every two years on a schedule determined by the ~~office of professional regulation~~ Office of Professional Regulation.

(b) No continuing education reporting is required at the first biennial license renewal date following licensure.

(c) The ~~board~~ Board may waive continuing education requirements for licensees who are on active duty in the ~~armed forces of the United States~~ U.S. Armed Forces.

(d) Dentists.

* * *

(e) Dental therapists. To renew a license, a dental therapist shall meet active practice requirements established by the Board by rule and document completion of no fewer than 20 hours of Board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(f) Dental hygienists. To renew a license, a dental hygienist shall meet active practice requirements established by the ~~board~~ Board by rule and document completion of no fewer than 18 hours of ~~board-approved~~ Board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

~~(f)~~(g) Dental assistants. To renew a registration, a dental assistant shall meet the requirements established by the ~~board~~ Board by rule.

§ 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Dentist	\$ 225.00
(B) <u>Dental therapist</u>	<u>\$ 185.00</u>
(C) Dental hygienist	\$ 150.00
(C) (D) Dental assistant	\$ 60.00

(2) Biennial renewal

(A) Dentist	\$ 355.00
(B) <u>Dental therapist</u>	\$ 225.00
(C) <u>Dental hygienist</u>	\$ 125.00
(C) (D) <u>Dental assistant</u>	\$ 75.00

(b) The licensing fee for a dentist, dental therapist, or dental hygienist or the registration fee for a dental assistant who is otherwise eligible for licensure or registration and whose practice in this ~~state~~ State will be limited to providing pro bono services at a free or reduced-fee clinic or similar setting approved by the ~~board~~ Board shall be waived.

* * *

Sec. 2. COMMISSION ON DENTAL ACCREDITATION; EFFECTIVE DATE

The provision set forth in Sec. 1 of this act, in 26 V.S.A. § 611(a)(3) (license by examination; graduate), that requires accreditation by the Commission on Dental Accreditation, shall take effect once that accreditation from the Commission becomes available.

Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC DISTRIBUTION OF DENTAL THERAPISTS

No earlier than two years after the effective date of this act but on or before January 1, 2020, the Board of Dental Examiners shall report to the Senate Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding:

(1) the geographic distribution of licensed dental therapists practicing in this State;

(2) the geographic areas of this State that are underserved by licensed dental therapists; and

(3) The Board's recommended incentives to promote the practice of licensed dental therapists in underserved areas of this State, particularly those areas that are rural in nature and have high numbers of people living in poverty.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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

An act relating to establishing and regulating dental therapists.

And that when so amended the bill ought to pass.

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported the same without recommendation.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senators Lyons and White moved to amend the recommendation of the Committee on Government Operations in Sec. 1, 26 V.S.A. § 611 (license by examination), in subsection (a) subdivision (3), following “Commission on Dental Accreditation to train dentists” by inserting the following: , dental therapists,

Which was agreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare be amended as recommended by the Committee on Government Operations as amended?, Senators Kitchel, Ashe, Lyons, and Starr moved that the recommendation of amendment of the Committee on Government Operations as amended be amended in Sec. 1, 26 V.S.A. § 613, subsection (b) (practice; scope of practice), by striking out the first sentence in its entirety and inserting in lieu thereof the following:

(b) Services performed by a dental therapist may only be performed in settings serving primarily low-income, uninsured, and underserved patients, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

..*

Thereupon, pending the question, Shall the report of the Committee Government Operations be amended as recommended by Senators Kitchel, Ashe, Lyons, and Starr?, Senator Kitchel requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare be amended as recommended by the Committee on Government Operations as amended?, Senators Kitchel, Ashe, Lyons, and Starr moved that the report of the Committee on Government Operations as amended be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), by striking out the introductory language of subsection (b) and inserting in lieu thereof the following:

(b) Services performed by a dental therapist may only be performed in practice settings or areas with a significant volume of low-income, uninsured, or underserved patients, as shall be determined by the Department of Health, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

Second: By striking out Sec. 4 (effective date) in its entirety and inserting in lieu thereof two new sections to read as follows:

Sec. 4. 26 V.S.A. § 613 is amended to read:

§ 613. PRACTICE; SCOPE OF PRACTICE

* * *

~~(b) Services performed by a dental therapist may only be performed in practice settings or areas with a significant volume of low income, uninsured, or underserved patients, as shall be determined by the Department of Health, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:~~

* * *

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2015 except for Sec. 4 (amending 26 V.S.A. § 613 (practice; scope of practice)), which shall take effect on July 1, 2020.

Which was agreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare be amended as recommended by the Committee on Government Operations as amended?, Senator Snelling moved that the report of the Committee on Government Operations as amended be amended by striking out Sec. 5 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 5. EFFECTIVE DATE

(a) This act shall not take effect unless the Secretary of State confirms in writing to the General Assembly that the Secretary of State's Office has received written notice from at least 25 dentists licensed in this State that those dentists would be willing to hire a licensed dental therapist.

(b) If the Secretary of State makes the written confirmation described in subsection (a) of this section, this act shall take effect on July 1, 2015 or on the

first day of the month following the month in which the Secretary makes that written confirmation, whichever is later.

Which was disagreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare be amended as recommended by the Committee on Government Operations as amended?, Senator Mullin moved that the report of the Committee on Government Operations as amended be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), by adding a new subsection to be subsection (c) to read:

(c) Prior to performing any oral health care services on a minor, a dental therapist shall provide notification to the minor's parent or guardian of the dental therapist's license type, and specifically notify that parent or guardian that the dental therapist is not a dentist.

Second: In Sec. 1, in 26 V.S.A. § 561 (definitions), by striking out in its entirety subdivision (8) (definition of "general supervision").

Third: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), in subsection (a), following "palliative therapy; and restoration under the", by striking out "general supervision" and inserting in lieu thereof direct supervision.

Fourth: In Sec. 1, in 26 V.S.A. § 614 (collaborative agreement), in subdivision (b)(2), by striking out ", including the level of supervision required by the supervising dentist".

Thereupon, pending the question, Shall the report of the Committee on Government Operations as amended be amended as recommended by Senator Mullin?, Senator Mullin asked that the question be divided. Thereupon, the *first* recommendation of amendment was disagreed to on a roll call, Yeas 7, Nays 21.

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

Roll Call

Those Senators who voted in the affirmative were: Benning, Collamore, Degree, Flory, McAllister, Mullin, Westman.

Those Senators who voted in the negative were: Ashe, Balint, Baruth, Bray, Campbell, Champion, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators absent and not voting were: Ayer, Doyle.

Thereupon, pending the question, Shall the report of the Committee on Government Operations as amended be amended as recommended by Senator Mullin in the *second, third* and *fourth* instances of recommendations of amendment was disagreed to.

Thereupon, the recommendation of amendment of the Committee on Health & Welfare was amended as recommended by the Committee on Government Operations as amended.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Health & Welfare, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 18, Nays 10.

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

Roll Call

Those Senators who voted in the affirmative were: Balint, Baruth, Benning, Bray, Campbell, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sirotkin, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Campion, Collamore, Degree, Flory, McAllister, Mullin, Sears, Snelling, Westman.

Those Senators absent and not voting were: Ayer, Doyle.

Bill Passed

S. 55.

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

An act relating to creating a flat rate for Vermont's estate tax and creating an estate tax exclusion amount that matches the federal amount.

Bill Passed in Concurrence with Proposal of Amendment

H. 123.

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

An act relating to mobile home parks, habitability standards, and compliance.

Proposal of Amendment; Third Reading Ordered**H. 86.**

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

An act relating to the Uniform Interstate Family Support Act.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 15B V.S.A. § 1801(c), by striking out the word “extradition” and inserting in lieu thereof the word rendition

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

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

Proposals of Amendment; Third Reading Ordered**H. 256.**

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

An act relating to disposal of property following an eviction, and fair housing and public accommodations.

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

First: By striking out Sec. 1, 12 V.S.A. § 4854a, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 12 V.S.A. § 4854a is amended to read:

§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord

being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property ~~five days~~ one day after the landlord is legally restored to possession of the dwelling unit or leased premises.

Second: By striking out Sec. 3, effective dates, in its entirety and inserting a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 shall take effect on July 1, 2015, and shall apply to ejectment actions beginning on or after that date.

(b) This section and Sec. 2 shall take effect on passage.

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

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

Committee Relieved of Further Consideration; Bill Committed

H. 310.

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

An act relating to limited liability companies,

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

Bill Called Up

S. 62.

Senate bill of the following title was called up by Senator Lyons, and, under the rule, placed on the Calendar for action the next legislative day:

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

Adjournment

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

FRIDAY, APRIL 3, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Taihaku of East Calais.

Message from the House No. 43

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 11. An act relating to the membership of the Commission on Alzheimer's Disease and Related Disorders.

H. 117. An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service.

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

S. 13. An act relating to the Vermont Sex Offender Registry.

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

Pages Honored

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

Eleanor Churchill of Richmond
Silas Conlon of Cornwall
Alexandra Contreras-Montesano of Burlington
Hannah Fleming of Chester
Calista Hanna of Barre City
Emily Haynes of Woodstock

Riley McFaun of Barre Town
Levi Mulligan of Calais
Eleanor Reilly of Warren
Lydia Rice of Berlin

Bills Referred

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

H. 11.

An act relating to the membership of the Commission on Alzheimer's Disease and Related Disorders.

To the Committee on Rules.

H. 117.

An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service.

To the Committee on Rules.

Consideration Resumed; Bill Amended; Third Reading Ordered

S. 62.

Consideration was resumed on Senate bill entitled:

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, Senator Lyons moved to amend the recommendation of amendment of the Committee on Health and Welfare as follows:

First: In Sec. 1, in 18 V.S.A. § 9731(a)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following: Only one interested individual may act as a surrogate at a time.

Second: In Sec. 1, in 18 V.S.A. § 9731(b)(5), following the word "order" by inserting the following: or to the treatment proposed to be provided or withdrawn pursuant to a DNR/COLST order

Third: In Sec. 1, in 18 V.S.A. § 9731(c)(2), by striking out the following: "then a surrogate shall be an interested individual who is:" and inserting in lieu thereof the following: then the patient's clinician shall make a reasonable attempt to notify all reasonably available interested individuals of the need for a surrogate to make a decision regarding whether to provide or withhold

consent for a DNR/COLST order. A surrogate shall be an interested individual who is:

Fourth: In Sec. 1, in 18 V.S.A. § 9731(d)(2), by striking out the following: “any interested individual” and inserting in lieu thereof the following: an interested person, as defined in 14 V.S.A. § 3061,

Which was agreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, as amended? was decided in the affirmative on a division of the Senate, Yeas 22, Nays 4.

Thereupon, third reading of the bill was ordered.

Bill Passed

S. 20.

Senate bill entitled:

An act relating to establishing and regulating licensed dental practitioners.

Was taken up.

Thereupon, the bill read the third time and passed on a roll call, Yeas 18, 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: Balint, Baruth, Benning, Bray, Campbell, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sirotkin, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Campion, Collamore, Flory, McAllister, Sears, Snelling, Westman.

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

Bills Passed in Concurrence with Proposals of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

H. 86. An act relating to the Uniform Interstate Family Support Act.

H. 256. An act relating to disposal of property following an eviction, and fair housing and public accommodations.

Appointments Confirmed

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

Ide, Robert of Peacham - Commissioner, Department of Motor Vehicles - March 1, 2015, to February 28, 2017.

Minter, Sue of Waterbury Center - Secretary, Agency of Transportation - March 1, 2015, to February 28, 2017.

Moulton, Patricia of Montpelier - Secretary, Agency of Commerce and Community Development - March 1, 2015, to February 28, 2017.

MacKay, Noelle of Shelburne - Commissioner, Department of Housing and Community Development - March 1, 2015, to February 28, 2017.

Noonan, Annie of Montpelier - Commissioner, Department of Labor - March 1, 2015, to February 28, 2017.

Pallito, Andrew of Jericho - Commissioner, Department of Corrections - March 1, 2015, to February 28, 2017.

Obuchowski, Michael of Montpelier - Commissioner, Department of Buildings and General Services - March 1, 2015, to February 28, 2017.

Spellman, Maribeth of Richmond - Commissioner, Department of Human Resources - March 1, 2015, to February 28, 2017.

Holcombe, Rebecca of Norwich - Secretary, Agency of Education - March 1, 2015, to February 28, 2017.

Chen, Harry, M.D. of Burlington - Commissioner of Department of Health - March 1, 2015, to February 28, 2017.

Schatz, Kenneth of South Burlington - Commissioner, Department of Children and Families - March 1, 2015, to February 28, 2017.

Wehry, Susan of Burlington - Commissioner, Department of Disabilities, Aging and Independent Living - March 1, 2015, to February 28, 2017.

Dupre, Paul of Barre - Commissioner, Department of Mental Health - March 1, 2015, to February 28, 2017.

Reardon, James of Essex Junction - Commissioner, Department of Finance and Management - March 1, 2015, to February 28, 2017.

Appointments Postponed

The following Gubernatorial appointments were separately reported by the Committees to which they were referred and upon motion of Senator Ashe were postponed:

Costantino, Steven of Providence, RI - Commissioner, Department of Vermont Health Access - February 17, 2015, to February 28, 2017.

Johnson, Justin of Barre - Commissioner, Agency of Administration - March 1, 2015, to February 28, 2017.

Message from the House No. 44

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 35. An act relating to improving the quality of State waters.

H. 361. An act relating to making amendments to education funding, education spending, and education governance.

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

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

H.C.R. 89. House concurrent resolution congratulating Aliah Curry on her record breaking career on the Norwich University women's basketball team.

H.C.R. 90. House concurrent resolution recognizing the centennial anniversary of the Vermont Workers' Compensation Act.

H.C.R. 91. House concurrent resolution congratulating Alexander (AJ) Ginnis on winning a bronze medal in the men's slalom at the 2015 Junior World Championships.

H.C.R. 92. House concurrent resolution designating March as Women's History Month in Vermont.

H.C.R. 93. House concurrent resolution designating April 2015 as the Month of the Military Child in Vermont.

H.C.R. 94. House concurrent resolution congratulating the 2014 Proctor High School Phantoms Division IV championship girls' soccer team.

H.C.R. 95. House concurrent resolution congratulating the Cabot School on winning the Teach for the Planet Innovation Challenge.

H.C.R. 96. House concurrent resolution congratulating the 2015 Proctor High School Phantoms Division IV championship boys' basketball team.

H.C.R. 97. House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II championship boys' basketball team.

H.C.R. 98. House concurrent resolution recognizing the American Traffic Safety Association and its Foundation for their outstanding public awareness, education, and training programs with respect to safety in highway work zones and designating March 30–April 3, 2015 as Vermont Work Zone Awareness Week.

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

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Hebert and others,

By Senators Collamore, Cummings, Doyle, McAllister and Pollina,

H.C.R. 89.

House concurrent resolution congratulating Aliah Curry on her record breaking career on the Norwich University women's basketball team.

By Representative Botzow and others,

By Senators Sirotkin, Baruth, MacDonald and Mullin,

H.C.R. 90.

House concurrent resolution recognizing the centennial anniversary of the Vermont Workers' Compensation Act.

By Representative Jewett and others,

H.C.R. 91.

House concurrent resolution congratulating Alexander (AJ) Ginnis on winning a bronze medal in the men's slalom at the 2015 Junior World Championships.

By Representative Burke and others,

H.C.R. 92.

House concurrent resolution designating March as Women's History Month in Vermont.

By Representative Head and others,

H.C.R. 93.

House concurrent resolution designating April 2015 as the Month of the Military Child in Vermont.

By Representative Potter and others,

H.C.R. 94.

House concurrent resolution congratulating the 2014 Proctor High School Phantoms Division IV championship girls' soccer team.

By Representative Toll,

By Senators Cummings, Doyle and Pollina,

H.C.R. 95.

House concurrent resolution congratulating the Cabot School on winning the Teach for the Planet Innovation Challenge.

By Representative Potter and others,

H.C.R. 96.

House concurrent resolution congratulating the 2015 Proctor High School Phantoms Division IV championship boys' basketball team.

By Representative Clarkson and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 97.

House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II championship boys' basketball team.

By House Committee on Transportation,

By Senate Committee on Transportation,

H.C.R. 98.

House concurrent resolution recognizing the American Traffic Safety Association and its Foundation for their outstanding public awareness, education, and training programs with respect to safety in highway work

zones and designating March 30–April 3, 2015 as Vermont Work Zone Awareness Week.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 7, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 22.

TUESDAY, APRIL 7, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

Joint Senate Resolution Adopted on the Part of the Senate

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

By Senators Baruth and Benning,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 10, 2015, it be to meet again no later than Tuesday, April 14, 2015.

Bills Referred

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

H. 35.

An act relating to improving the quality of State waters.

To the Committee on Rules.

H. 361.

An act relating to making amendments to education funding, education spending, and education governance.

To the Committee on Rules.

Bill Passed**S. 62.**

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

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

Bill Amended; Third Reading Ordered**S. 138.**

Senate committee bill entitled:

An act relating to promoting economic development.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Snelling for the Committee on Natural Resources and Energy, to which the bill was referred reported recommending that the bill be amended as follows:

First: By striking out Secs. 30–34 in their entirety and inserting in lieu thereof new Secs. 30–37 to read as follows:

Sec. 30. [Deleted.]

Sec. 31. [Deleted.]

Sec. 32. [Deleted.]

Sec. 33. ACT 250; IMPLEMENTATION OF SETTLEMENT PATTERNS CRITERION

(a) The General Assembly finds that:

(1) 2014 Acts and Resolves No. 147, Sec. 2 amended 10 V.S.A. § 6086(a)(9)(L) (Criterion 9L) to become a settlement patterns criterion.

(2) Effective on October 17, 2014, the Board adopted a procedure to implement Criterion 9L (the Criterion 9L Procedure).

(b) The General Assembly determines that additional opportunity for public comment on the Criterion 9L Procedure, as well as additional education and improved guidance, would be beneficial in implementing the criterion.

(1) The Board shall review the Criterion 9L Procedure in full collaboration with ACCD and ANR.

(A) Prior to proposing any revisions, the Board shall solicit input from affected parties and the public, including planners, developers, municipalities, environmental advocacy organizations, regional planning

commissions, regional development corporations, and business advocacy organizations such as State and regional chambers of commerce.

(B) If the Board makes revisions, it shall adopt them in the form of a procedure under 3 V.S.A. chapter 25.

(2) ACCD shall work with the NRB and ANR to develop outreach material on Criterion 9L, including illustrative examples of appropriate development design, and implement a training plan on the criterion for local elected officials, municipal boards, State and regional organizations and associations, environmental groups, consultants, and developers.

Sec. 34. [Deleted.]

Sec. 35. 24 V.S.A. § 4471(e) is amended to read:

(e) ~~Vermont—neighborhood~~ Neighborhood development area. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel shall not be subject to appeal if the determination is that a proposed residential development within a designated downtown development district, designated growth center, ~~or~~ designated Vermont neighborhood, or designated neighborhood development area seeking conditional use approval will not result in an undue adverse effect on the character of the area affected, ~~as provided in~~ under subdivision 4414(3)(A)(ii) of this title.

Sec. 36. 10 V.S.A. § 6086(a)(9)(B) is amended to read:

(B) Primary agricultural soils. A permit will be granted for the development or subdivision of primary agricultural soils only when it is demonstrated by the applicant that, in addition to all other applicable criteria, either, the subdivision or development will not result in any reduction in the agricultural potential of the primary agricultural soils; or:

(i) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; ~~and~~

(ii) except in the case of an application for a project located in a designated ~~growth-center~~ area listed in subdivision 6093(a)(1) of this title, there are no lands other than primary agricultural soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; ~~and~~

(iii) except in the case of an application for a project located in a designated ~~growth-center~~ area listed in subdivision 6093(a)(1) of this title, the subdivision or development has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining

primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and

(iv) suitable mitigation will be provided for any reduction in the agricultural potential of the primary agricultural soils caused by the development or subdivision, in accordance with section 6093 of this title and rules adopted by the Natural Resources Board.

Sec. 37. 10 V.S.A. § 6310 is added to read:

§ 6310. CONSERVATION EASEMENT HOLDER; NONMERGER

If a holder of a conservation easement is or becomes the owner in fee simple of property subject to the easement, the easement shall continue in effect and shall not be extinguished.

Second: After Sec. 37, by striking out “Sec. 35–39. [Reserved]” and inserting in lieu thereof the following: Secs. 38–39. [Reserved]

And that when so amended the bill ought to pass.

Senator Ashe, for the Committee on Finance, to which the bill was referred, reported recommending that the bill be amended as follows:

First: By striking out Secs. 1–4 (Vermont employment growth incentive); 20 (angel investor tax credit; millennial enterprise zone tax credit); and 21 (down payment assistance program) in their entirety.

Second: By striking out Secs. 50–57 (fortified wines) in their entirety and inserting in lieu thereof new Secs. 50–61 to read as follows:

Sec. 50. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(15) “Manufacturer’s or rectifier’s license”: a license granted by the Liquor Control Board that permits the holder to manufacture or rectify ~~spirituous liquors~~ spirits or fortified wines for export and sale to the Liquor Control Board, or malt beverages and vinous beverages for export and sale to bottlers or wholesale dealers. This license permits a manufacturer of vinous beverages or fortified wines to receive from another manufacturer licensed in or outside this ~~state~~ State bulk shipments of vinous beverages to rectify with the licensee’s own product, provided that the vinous beverages or fortified wines produced by a Vermont manufacturer may contain no more than 25 percent imported vinous beverage. The Liquor Control Board may grant to a licensed manufacturer or rectifier a first-class restaurant or cabaret license or

first- and third-class restaurant or cabaret license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer's premises, which, for the purposes of a manufacturer of malt beverages, includes up to two licensed establishments that are located on the contiguous real estate of the holder of the manufacturer's license, provided the manufacturer owns or has direct control over those establishments. A manufacturer of malt beverages who also holds a first-class restaurant or cabaret license may serve to a customer malt beverage by the glass, not to exceed eight glasses at one time and not to exceed four ounces in each glass. The Liquor Control Board may grant to a licensed manufacturer or a rectifier of malt beverages a second-class license permitting the licensee to sell alcoholic beverages to the public anywhere on the manufacturer's or rectifier's premises. A licensed manufacturer or rectifier of vinous beverages may serve, with or without charge, at an event held on premises of the licensee or the vineyard property, spirits and vinous and malt beverages, provided the licensee gives the Department written notice of the event, including details required by the Department, at least five days before the event. Any beverages not manufactured by the licensee and served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer or the Liquor Control Board.

* * *

(19) "Second-class license": a license granted by the control commissioners permitting the licensee to export malt or vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted. The Liquor Control Board may grant a second-class licensee a fortified wine permit that permits the licensee to export and to sell fortified wines to the public for consumption off the licensed premises.

(20) "Spirits" or "spirituous liquors": beverages that contain more than one percent of alcohol obtained by distillation, by chemical synthesis, or through concentration by freezing; ~~and~~ vinous beverages containing more than ~~16~~ 23 percent of alcohol; ~~and all vermouths of any alcohol content~~; malt beverages containing more than 16 percent of alcohol or more than six percent of alcohol if the terminal specific gravity thereof is less than 1.009; in each case measured by volume at 60 degrees Fahrenheit.

* * *

(22) "Third-class license": a license granted by the Liquor Control Board permitting the licensee to sell ~~spirituous liquors~~ spirits and fortified wines for consumption only on the premises for which the license is granted.

(23) "Vinous beverages": all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit, ~~except that all vermouths shall be purchased and retailed by and through the Liquor Control Board as authorized in chapters 5 and 7 of this title.~~

* * *

(28) "Fourth-class license" or "farmers' market license": the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt ~~or beverages,~~ vinous beverages, fortified wines, or spirits to sell by the unopened container and distribute, by the glass, with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell its product to no more than five additional manufacturers or rectifiers. A fourth-class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits or fortified wine with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

* * *

(38) "Fortified wines": vinous beverages, including those to which spirits have been added during manufacture, containing at least 16 percent alcohol but no more than 23 percent alcohol by volume at 60 degrees Fahrenheit, and all vermouths containing no more than 23 percent alcohol by volume at 60 degrees Fahrenheit.

Sec. 51. 7 V.S.A. § 104 us amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall have supervision and management of the sale of ~~spirituous liquors~~ spirits and fortified wines within the State in accordance with the provisions of this title, and through the Commissioner of Liquor Control shall:

* * *

Sec. 52. 7 V.S.A. § 107 is amended to read:

§ 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

The ~~commissioner of liquor control~~ Commissioner of Liquor Control shall:

* * *

(2) Make regulations subject to the approval of the ~~board~~ Board governing the hours during which such agencies shall be open for the sale of ~~spirituous liquors, spirits and fortified wines and~~ governing the qualifications and, department, and salaries of the agencies' employees ~~therein and the salaries thereof.~~

(3) Make regulations subject to the approval of the ~~board~~ Board governing:

(A) the prices at which ~~spirituous liquors~~ spirits shall be sold ~~in such~~ by local agencies, ~~and the method of for their delivery thereof,~~ and the quantities of ~~spirituous liquors to~~ spirits that may be sold to any one person at any one time; ~~and~~

(B) the minimum prices at which fortified wines shall be sold by local agencies and second-class licensees that hold fortified wine permits, the method for their delivery, and the quantities of fortified wines that may be sold to any one person at any one time.

(4) Supervise the quantities and qualities of ~~spirituous liquor~~ spirits and fortified wines to be kept as stock in ~~such local agency~~ agencies and make regulations subject to the approval of the ~~board~~ Board regarding the filling of requisitions therefor on the ~~commissioner of liquor control~~ Commissioner of Liquor Control.

(5) Purchase through the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services ~~spirituous liquors~~ spirits and fortified wines for and in behalf of the ~~liquor control board~~ Liquor Control Board, supervise the storage thereof and the distribution to local agencies, druggists ~~and~~ licensees of the third class, ~~and holders of fortified wine permits,~~ and make regulations subject to the approval of the ~~board~~ Board regarding the sale and delivery from ~~such~~ the central storage plant.

* * *

Sec. 53. 7 V.S.A. § 110 is amended to read:

§ 110. SPECIAL BRANDS; PURCHASE BY COMMISSIONER OF LIQUOR CONTROL

If any person shall desire to purchase any class, variety, or brand of ~~spirituous liquor~~ spirits or fortified wine which any local agency or fortified wine permit holder does not have in stock, the ~~commissioner of liquor control~~ Commissioner of Liquor Control shall order the same through the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the ~~liquor control board~~ Liquor Control Board.

Sec. 54. 7 V.S.A. § 112 is amended to read:

§ 112. LIQUOR CONTROL FUND

The ~~liquor control fund~~ Liquor Control Fund is hereby established. It shall consist of all receipts from the sale of spirits, fortified wines, and other items by the ~~department of liquor control~~ Department of Liquor Control; fees paid to the ~~department of liquor control~~ Department of Liquor Control for the benefit of the ~~department~~ Department; all other amounts received by the ~~department of liquor control~~ Department of Liquor Control for its benefit; and all amounts ~~which that~~ are from time to time appropriated to the ~~department of liquor control~~ Department of Liquor Control.

Sec. 55. 7 V.S.A. § 222 is amended to read:

§ 222. FIRST- AND SECOND-CLASS LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING FOR FOOD SERVICE

With the approval of the Liquor Control Board, the control commissioners may grant the following licenses to a retail dealer for the premises where the dealer carries on business ~~the following~~:

* * *

(2) Upon making application ~~and~~, paying the license fee provided in section 231 of this title, and upon satisfying the Board that such premises are leased, rented, or owned by the retail dealer and are a safe, sanitary, and proper place from which to sell malt and vinous beverages, a second-class license ~~for the premises where such dealer shall carry on the business~~, which shall authorize such dealer to export malt and vinous beverages, and to sell malt and vinous beverages to the public from such premises for consumption off the premises ~~and upon satisfying the Board that such premises are leased, rented, or owned by such retail dealers and are safe, sanitary, and a proper place from which to sell malt and vinous beverages~~. A retail dealer carrying on business

in more than one place shall be required to acquire a second-class license for each place where ~~he or she shall so sell~~ the retail dealer sells malt and vinous beverages. No malt or vinous beverages shall be sold by a second-class licensee to a minor.

* * *

(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time.

(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time.

(C) The holder of a third-class license may serve a sampler flight of up to four ounces in the aggregate of ~~spirituous liquors~~ spirits or fortified wines to a single customer at one time.

(6) The Liquor Control Board may grant a fortified wine permit to a second-class licensee if the licensee files an application accompanied by the license fee as provided in section 231 of this title. The holder of a fortified wine permit may sell fortified wines to the public from the licensed premises for consumption off the premises. The Liquor Control Board shall issue no more than 150 fortified wine permits in any single year. The holder of a fortified wine permit shall purchase all fortified wines to be offered for sale to the public pursuant to the permit through the Liquor Control Board at a price equal to no more than 75 percent of the current retail price for the fortified wine established by the Commissioner pursuant to subdivision 107(3)(B) of this title.

Sec. 56. 7 V.S.A. § 224 is amended to read:

§ 224. ~~THIRD-CLASS~~ THIRD-CLASS LICENSES; OPEN CONTAINERS

(a) ~~The liquor control board~~ Liquor Control Board may grant to a person who operates a hotel, restaurant, cabaret, or club a license of the third class if the person files an application accompanied by the license fee as provided in section 231 of this title for the premises in which the business of the hotel, restaurant, cabaret, or club is carried on. The holder of a ~~third-class~~ third-class license may sell ~~spirituous liquors~~ spirits and fortified wines for consumption only on the premises covered by the license. The applicant for a ~~third-class~~ third-class license shall satisfy the ~~liquor control board~~ Liquor Control Board that the applicant is the bona fide owner or lessee of the premises and that the premises are operated for the purpose covered by the license.

* * *

(c) A person who holds a ~~third-class~~ third-class license shall purchase from the ~~liquor control board~~ Liquor Control Board all ~~spirituous liquors~~ spirits and fortified wines dispensed in accordance with the provisions of the ~~third-class~~ third-class license and this title.

Sec. 57. 7 V.S.A. § 225 is amended to read:

§ 225. EDUCATIONAL SAMPLING EVENT PERMIT

(a) The ~~liquor control board~~ Liquor Control Board may grant an educational sampling event permit to a person to conduct an event that is open to the public and at which malt beverages, vinous beverages, fortified wines, or ~~spirituous liquors~~ spirits, or all ~~three~~ four are served only for the purposes of marketing and educational sampling, provided the event is also approved by the local licensing authority. At least 15 days prior to the event, an applicant shall submit an application to the ~~department~~ Department in a form required by the ~~department~~ Department. The application shall include a list of the alcoholic beverages to be acquired for sampling at the event, and the application shall be accompanied by a fee in the amount required pursuant to section 231 of this title. No more than four educational sampling event permits shall be issued annually to the same person. An educational sampling event permit shall be valid for no more than four consecutive days. The permit holder shall ~~assure~~ ensure all the following:

* * *

(b) An educational sampling event permit holder:

* * *

(2) May transport malt beverages, vinous beverages, fortified wines, and ~~spirituous liquors~~ spirits to the event site, and those beverages may be served at the event by the permit holder or the holder's employees, volunteers, or representatives of a manufacturer, bottler, or importer participating in the event, provided they meet the server age and training requirements under this chapter.

(3) ~~[Deleted.]~~ [Repealed.]

* * *

(d) Taxes for the alcoholic beverages served at the event shall be paid as follows:

* * *

(3) Spirituous liquors: \$19.80 per gallon served.

(4) Fortified wines: \$19.80 per gallon served.

Sec. 58. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid:

* * *

(23) For a fortified wine permit, \$100.00.

* * *

Sec. 59. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITUOUS LIQUOR

(a) A tax is assessed on the gross revenue ~~on~~ from the ~~retail~~ sale of ~~spirituous liquor spirits and fortified wines~~ in the State of Vermont, ~~including fortified wine, sold by the Liquor Control Board; or sold by the retail sale of spirits and fortified wines in Vermont by~~ a manufacturer or rectifier of ~~spirituous liquor spirits or fortified wines~~, in accordance with the provisions of this title. The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the current year:

(1) if the gross revenue of the seller is \$500,000.00 or lower, the rate of tax is five percent;

(2) if the gross revenue of the seller is between \$500,000.00 and \$750,000.00, the rate of tax is \$25,000.00 plus 10 percent of the gross revenues over \$500,000.00;

(3) if the gross revenue of the seller is ~~over~~ \$750,000.00 or more, the rate of tax is 25 percent.

* * *

Sec. 60. STATUTORY REVISION

The Legislative Council, in its statutory revision capacity pursuant to 2 V.S.A. § 424, is authorized to correct instances of the words “spirituous liquors” and “spirits” appearing in Title 7 of the Vermont Statutes Annotated to “spirits and fortified wines” as necessary to implement the intent of the revisions to 7 V.S.A. § 2 in this act.

* * *

Sec. 61. STUDY; REPORT

(a) On or before January 15, 2018, the Commissioner of Liquor Control, in consultation with the holders of second-class licenses and fortified wine permits, shall evaluate whether the number of fortified wine permits issued pursuant to 7 V.S.A. § 222 is sufficient, and how the issuance of fortified wine

permits has affected the sales of fortified wines in Vermont and the variety of fortified wines available to Vermont consumers.

(b) The Commissioner of Liquor Control shall report to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding his or her findings on or before January 15, 2018. The Commissioner's report shall include a recommendation regarding the appropriate number of fortified wine permits to be issued pursuant to 7 V.S.A. § 222.

Third: By striking out Sec. 100 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 100 to read as follows:

Sec. 100. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

And that when so amended the bill ought to pass.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out Sec. 40 (tourism and marketing initiative) in its entirety.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy?, Senators Snelling, Balint, Baruth, Bray, Campion, Cummings, MacDonald, Mullin, and Rodgers, move to amend the recommendation of amendment of the Committee on Natural Resources & Energy by striking out Sec. 33 in its entirety and inserting in lieu thereof a new Sec. 33 to read as follows:

Sec. 33. ACT 250; IMPLEMENTATION OF SETTLEMENT PATTERNS CRITERION

(a) The General Assembly finds that:

(1) 2014 Acts and Resolves No. 147, Sec. 2 amended 10 V.S.A. § 6086(a)(9)(L) (Criterion 9L) to become a settlement patterns criterion. The purpose of the amendment was to guide and accomplish coordinated, efficient, and economic development in the State that is consistent with Vermont's historic settlement pattern of compact centers separated by rural countryside.

(2) Effective on October 17, 2014, the Natural Resources Board (NRB) adopted a procedure to implement Criterion 9L (the Criterion 9L Procedure).

(b) The General Assembly determines that additional opportunity for public comment on the Criterion 9L Procedure, as well as additional education and improved guidance, would be beneficial in implementing the criterion.

(1) The NRB shall review the Criterion 9L Procedure in full collaboration with the Agency of Commerce and Community Development (ACCD) and the Agency of Natural Resources (ANR).

(A) As part of this review, the NRB shall solicit input from affected parties and the public, including planners, developers, municipalities, environmental advocacy organizations, regional planning commissions, regional development corporations, and business advocacy organizations such as State and regional chambers of commerce.

(B) Based on this review, the NRB shall adopt revisions in the form of a procedure under 3 V.S.A. chapter 25.

(2) ACCD shall work with the NRB and ANR to develop outreach material on Criterion 9L, including illustrative examples of appropriate development design, and implement a training plan on the criterion for local elected officials, municipal boards, State and regional organizations and associations, environmental groups, consultants, and developers.

Which was agreed to.

Thereupon, the bill, was amended as recommended by the Committee on Natural Resources and Energy, as amended.

Thereupon, the bill, as amended was amended as recommended by the Committee on Finance.

Thereupon, the bill, as amended was amended as recommended by the Committee on Appropriations.

Thereupon, third reading of the bill was ordered.

Third Reading Ordered

H. 23.

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

An act relating to the Uniform Transfers to Minors Act.

Reported that the bill ought to passage 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.

House Proposals of Amendment Concurred In with Amendment

S. 98.

House proposals of amendment to Senate bill entitled:

An act relating to captive insurance companies.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, 8 V.S.A. § 6004, subsection (c), after the first sentence, by inserting the following: “The Commissioner shall issue a bulletin defining “marketable securities” for the purpose of this subsection.”

Second: By adding Sec. 6 to read as follows:

Sec. 6. 8 V.S.A. § 6036(d) is amended to read:

(d) A participant shall ~~insure only its own risks through a sponsored captive insurance company~~ not insure any risks other than its own and the risks of affiliated entities or of controlled unaffiliated entities.

Third: By striking out Sec. 8 in its entirety and by inserting in lieu thereof a new Sec. 8 (to be renumbered as Sec. 9) to read as follows:

Sec. 9. 8 V.S.A. § 6052(g) is added to read:

(g) This subsection establishes governance standards for a risk retention group.

(1) As used in this subsection:

(A) “Board of directors” or “board” means the governing body of a risk retention group elected by risk retention group members to establish policy, elect or appoint officers and committees, and make other governing decisions.

(B) “Director” means a natural person designated in the articles of the risk retention group or designated, elected, or appointed by any other manner, name, or title to act as a director.

(C) “Independent director” means a director who does not have a material relationship with the risk retention group. A person that is a direct or indirect owner of or subscriber in the risk retention group – or is an officer, director, or employee of such an owner and insured, unless some other position of such officer, director, or employee constitutes a “material relationship” – as contemplated under subdivision 3901(a)(4)(E)(ii) of the federal Liability Risk Retention Act, is considered to be “independent.” A director has a material relationship with a risk retention group if he or she, or a member of his or her immediate family:

(i) In any 12-month period, receives from the risk retention group, or from a consultant or service provider to the risk retention group, compensation or other item of value in an amount equal to or greater than five percent of the risk retention group’s gross written premium or two percent of the risk retention group’s surplus, as measured at the end of any fiscal quarter

falling in such 12-month period, whichever is greater. This provision also applies to compensation or items of value received by any business with which the director is affiliated. Such material relationship shall continue for one year after the item of value is received or the compensation ceases or falls below the threshold established in this subdivision, as applicable.

(ii) Has a relationship with an auditor as follows: Is affiliated with or employed in a professional capacity by a current or former internal or external auditor of the risk retention group. Such material relationship shall continue for one year after the affiliation or employment ends.

(iii) Has a relationship with a related entity as follows: Is employed as an executive officer of another company whose board of directors includes executive officers of the risk retention group, unless a majority of the membership of such other company's board of directors is the same as the membership of the board of directors of the risk retention group. Such material relationship shall continue until the employment or service ends.

(D) "Material service provider" includes a captive manager, auditor, accountant, actuary, investment advisor, attorney, managing general underwriter, or other person responsible for underwriting, determination of rates, premium collection, claims adjustment or settlement, or preparation of financial statements, whose aggregate annual contract fees are equal to or greater than five percent of the risk retention group's annual gross written premium or two percent of its surplus, whichever is greater. It does not mean defense counsel retained by a risk retention group, unless his or her annual fees are equal to or greater than five percent of a risk retention group's annual gross premium or two percent of its surplus, whichever is greater.

(2) The board of directors shall determine whether a director is independent; review such determinations annually; and maintain a record of the determinations, which shall be provided to the Commissioner promptly, upon request. The board shall have a majority of independent directors. If the risk retention group is reciprocal, then the attorney-in-fact is required to adhere to the same standards regarding independence as imposed on the risk retention group's board of directors.

(3) The term of any material service provider contract entered into with a risk retention group shall not exceed five years. The contract, or its renewal, requires approval of a majority of the risk retention group's independent directors. The board of directors has the right to terminate a contract at any time for cause after providing adequate notice, as defined in the terms of the contract.

(4) A risk retention group shall not enter into a material service provider contract without the prior written approval of the Commissioner.

(5) A risk retention group's plan of operation shall include written policies approved by its board of directors requiring the board to:

(A) provide evidence of ownership interest to each risk retention group member;

(B) develop governance standards applicable to the risk retention group;

(C) oversee the evaluation of the risk retention group's management, including the performance of its captive manager, managing general underwriter, or other person or persons responsible for underwriting, rate determination, premium collection, claims adjustment and settlement, or preparation of financial statements;

(D) review and approve the amount to be paid under a material service provider contract; and

(E) at least annually, review and approve:

(i) the risk retention group's goals and objectives relevant to the compensation of officers and service providers;

(ii) the performance of officers and service providers as measured against the risk retention group's goals and objectives;

(iii) the continued engagement of officers and material service providers.

(6) A risk retention group shall have an audit committee composed of at least three independent board members. A nonindependent board member may participate in the committee's activities, if invited to do so by the audit committee, but he or she shall not serve as a committee member. The Commissioner may waive the requirement of an audit committee if the risk retention group demonstrates to the Commissioner's satisfaction that having such committee is impracticable and the board of directors is able to perform sufficiently the committee's responsibilities. The audit committee shall have a written charter defining its responsibilities, which shall include:

(A) assisting board oversight of the integrity of financial statements, compliance with legal and regulatory requirements, and qualifications, independence, and performance of the independent auditor or actuary;

(B) reviewing annual and quarterly audited financial statements with management;

(C) reviewing annual audited financial statements with its independent auditor and, if it deems advisable, the risk retention group's quarterly financial statements as well;

(D) reviewing risk assessment and risk management policies;

(E) meeting with management, either directly or through a designated representative of the committee;

(F) meeting with independent auditors, either directly or through a designated representative of the committee;

(G) reviewing with the independent auditor any audit problems and management's response;

(H) establishing clear hiring policies applicable to the hiring of employees or former employees of the independent auditor by the risk retention group;

(I) requiring the independent auditor to rotate the lead audit partner having primary responsibility for the risk retention group's audit, as well as the audit partner responsible for reviewing that audit, so that neither individual performs audit services for the risk retention group for more than five consecutive fiscal years; and

(J) reporting regularly to the board of directors.

(7) The board of directors shall adopt governance standards, which shall be available to risk retention group members through electronic or other means, and provided to risk retention group members, upon request. The governance standards shall include:

(A) a process by which risk retention group members elect directors.

(B) director qualifications, responsibilities, and compensation;

(C) director orientation and continuing education requirements;

(D) a process allowing the board access to management and, as necessary and appropriate, independent advisors;

(E) policies and procedures for management succession; and

(F) policies and procedures providing for an annual performance evaluation of the board.

(8) The board of directors shall adopt a code of business conduct and ethics applicable to directors, officers, and employees of the risk retention group and criteria for waivers of code provisions, which shall be available to risk retention group members through electronic or other means, and provided to risk retention group members, upon request. Provisions of the code shall address:

(A) conflicts of interest;

(B) matters covered under the Vermont corporate opportunities doctrine;

(C) confidentiality;

(D) fair dealing;

(E) protection and proper use of risk retention group assets;

(F) standards for complying with applicable laws, rules, and regulations; and

(G) mandatory reporting of illegal or unethical behavior affecting operation of the risk retention group.

(9) The president or chief executive officer of a risk retention group shall promptly notify the Commissioner in writing of any known material noncompliance with the governance standards established in this subsection.

Fourth: By striking out Sec. 9 (effective date) in its entirety and by inserting in lieu thereof a new Sec. 9 (renumbered as Sec. 10) to read as follows:

Sec. 10. EFFECTIVE DATE; APPLICATION

This act shall take effect on passage. Sec. 9 (governance standards applicable to risk retention groups) shall apply to risk retention groups first licensed on or after the effective date of this act, and shall apply to all other risk retention groups one year after the effective date of this act.

And by renumbering the remaining sections to be numerically correct.

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

An act relating to captive insurance companies and risk retention groups.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Westman moved that the Senate concur in the House proposal of amendment with the following proposal of amendment thereto:

By striking out the *First* proposal of amendment in its entirety.

Which was agreed to.

Message from the House No. 45

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 367. An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process.

H. 492. An act relating to capital construction and State bonding.

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

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

H. 240. An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles.

And has severally concurred therein.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 8, 2015.

WEDNESDAY, APRIL 8, 2015

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. 367.

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process.

To the Committee on Rules.

H. 492.

An act relating to capital construction and State bonding.

To the Committee on Institutions.

Consideration Postponed

Senate bill entitled:

S. 138.

An act relating to promoting economic development.

Was taken up.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Mullin moved that consideration of the bill be postponed until Friday, April 10, 2015.

Bill Passed in Concurrence**H. 23.**

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

An act relating to the Uniform Transfers to Minors Act.

House Proposal of Amendment Concurred In with Amendment**S. 13.**

House proposal of amendment to Senate bill entitled:

An act relating to the Vermont Sex Offender Registry.

Was taken up.

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

Sec. 1. 13 V.S.A. § 5401(10)(B)(viii) is amended to read:

(viii) sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in ~~13 V.S.A. § 2635a~~ 13 V.S.A. § 2652;

Sec. 2. 13 V.S.A. § 5403 is amended to read:

§ 5403. REPORTING UPON CONVICTION TO DEPARTMENT OF PUBLIC SAFETY

(a) Upon conviction and prior to sentencing, the ~~court~~ Court shall order the sex offender to provide the ~~court~~ Court with the following information, which the ~~court~~ Court shall forward to the ~~department~~ Department forthwith:

- (1) name;
- (2) date of birth;
- (3) ~~general physical description~~;
- (4) current address;
- (~~5~~)(4) Social Security number;

- ~~(6)~~ fingerprints;
- ~~(7)~~ current photograph;
- ~~(8)~~(5) current employment; and

~~(9)~~(6) name and address of any postsecondary educational institution at which the sex offender is enrolled as a student.

(b) Within 10 days after sentencing, the ~~court~~ Court shall forward to the ~~department~~ Department:

(1) the sex offender's conviction record, including offense, date of conviction, sentence and any conditions of release or probation;

(2) an order issued pursuant to section 5405a of this title, on a form developed by the Court Administrator, that the defendant comply with Sex Offender Registry requirements.

(c) The Departments of Corrections and of Public Safety shall jointly develop a process for the Department of Corrections to notify the Department of Public Safety when an offender who is under Department of Corrections supervision is required to be placed on the Sex Offender Registry because of a conviction that occurred in another jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court. The report shall include the offense of which the defendant was convicted that requires the placement of his or her name on the Registry.

Sec. 3. 13 V.S.A. § 5405a is added to read:

§ 5405a. COURT DETERMINATION OF SEX OFFENDER REGISTRY REQUIREMENTS

(a)(1) The Court shall determine at sentencing whether Sex Offender Registry requirements apply to the defendant.

(2) If the State and the defendant do not agree as to the applicability of Sex Offender Registry requirements to the defendant, the State shall file a motion setting forth the Sex Offender Registry requirements applicable to the defendant within 10 days of the entry of a guilty plea. To the extent the defendant opposes the motion, the State and the defendant shall present evidence at the sentencing as to the applicability of Sex Offender Registry requirements to the defendant.

(b) The Court shall consider the following when determining under this section whether Sex Offender Registry requirements apply to the defendant:

- (1) the report issued pursuant to subsection 5403(c) of this title;

(2) the presentence investigation report regarding the offense for which the defendant is being sentenced;

(3) the Court's own judgment of conviction and any evidence that was presented at trial; and

(4) any other evidence admitted at sentencing and deemed relevant by the Court to the defendant's registry status.

(c) The State shall bear the burden of proving by a preponderance of the evidence the applicability of Sex Offender Registry requirements to the defendant under this section.

(d) Within 10 days after the sentencing or the presentation of evidence pursuant to subdivision (a)(2) of this section, the Court shall issue an order determining whether Sex Offender Registry requirements apply to the defendant. The order shall include:

(1) the offense of which the defendant was convicted that requires the placement of his or her name on the Sex Offender Registry;

(2) any prior convictions that affect:

(A) the defendant's Sex Offender Registry Status;

(B) the length of time that the defendant is required to register as a sex offender; or

(C) whether information regarding the defendant is required to be electronically posted on the Internet under section 5411a of this title;

(3) the length of time that the defendant is required to register as a sex offender;

(4) whether the defendant is designated as a sexually violent predator under section 5405 of this title;

(5) whether the defendant was immediately released or remanded to the custody of the Department of Corrections; and

(6) whether information regarding the defendant is required to be electronically posted on the Internet under section 5411a of this title.

Sec. 4. 13 V.S.A. § 5407 is amended to read:

§ 5407. SEX OFFENDER'S RESPONSIBILITY TO REPORT

* * *

(f) A person required to register as a sex offender under this subchapter shall continue to comply with this section for the life of that person, except during periods of incarceration, if that person:

* * *

(2) has been convicted of a sexual assault as defined in section 3252 of this title or aggravated sexual assault as defined in section 3253 of this title, or a comparable offense in another jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court; however, if a person convicted under section 3252 is not more than six years older than the victim of the assault and if the victim is 14 years of age or older, then the offender shall not be required to register for life if the age of the victim was the basis for the conviction;

* * *

Sec. 5. 13 V.S.A. § 5416 is added to read:

§ 5416. PERSONS SUBJECT TO ERRONEOUS SEX OFFENDER REGISTRY REQUIREMENTS; PETITION TO CORRECT

(a) A person may petition the Court for an order declaring that the person has been inadvertently subject to erroneous Sex Offender Registry requirements and directing the Department of Public Safety to correct the error. The petitioner shall provide notice of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter.

(b) A petition filed under this section shall include:

(1) the Court's order issued under subdivision 5403(b)(2) of this title to comply with Sex Offender Registry requirements, if available; and

(2) the factual basis for the petitioner's allegation that he or she was subject to an erroneous sex offender registry requirement.

(c) The Court shall grant a petition filed under this section if it finds that the petitioner has demonstrated by a preponderance of the evidence that he or she was by Court order subject to an erroneous sex offender registry requirement. As used in this subsection, "erroneous sex offender registry requirement" includes the person's name being erroneously placed on the Sex Offender Registry or the Internet Sex Offender Registry, or the person being erroneously subject to lifetime registration under subsection 5407(f) of this title.

(d) If a petition filed under this section is granted, the Court shall enter an order declaring that the person had been inadvertently subject to erroneous Sex Offender Registry requirements. The Court shall provide the order to the Department of Public Safety and direct the Department to take any action necessary to correct the error, including, if appropriate, removing the person's name from the Sex Offender Registry and the Internet Sex Offender Registry.

(e)(1) If the Court denies a petition filed under this section, no further petition shall be filed by the person with respect to the alleged error.

(2) This subsection shall not apply if the petition is based on:

(A) newly discovered evidence;

(B) an expungement order issued under chapter 230 of this title;

(C) a successful petition under chapter 182 of this title (innocence protection); or

(D) a successful petition for postconviction relief.

Sec. 6. 2009 Acts and Resolves No. 58, Sec. 28 is amended to read:

Sec. 28. EFFECTIVE DATE

This act shall take effect on July 1, 2009, except as follows:

~~(1) that Secs. 22 and 26 of this act shall take effect on July 2, 2009.~~

~~(2) Sec. 14 of this act shall take effect July 1, 2010, provided that Sec. 14 shall not take effect until the state auditor, in consultation with the department of public safety and the department of information and innovation technology, has provided a favorable performance audit regarding the Internet sex offender registry to the senate and house committees on judiciary, the house committee on corrections and institutions, and the joint committee on corrections oversight.~~

Sec. 7. REPEAL

2009 Acts and Resolves No. 58, Sec. 14 (electronic posting of offender addresses on Sex Offender Registry) is repealed.

Sec. 8. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The Department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

(1) the offender's name and any known aliases;

(2) the offender's date of birth;

(3) a general physical description of the offender;

(4) a digital photograph of the offender;

(5) the offender's town of residence;

(6) the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:

(A) the Department determines that all the information to be electronically posted about the offender is correct; and

(B)(i) the offender has been designated as high-risk by the Department of Corrections pursuant to section 5411b of this title;

(ii) the offender has not complied with sex offender treatment;

(iii) there is an outstanding warrant for the offender's arrest;

(iv) the offender is subject to the registry for a conviction of a sex offense against a child under 13 years of age; or

(v) the offender's name has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;

~~(6)~~(7) the date and nature of the offender's conviction;

~~(7)~~(8) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local department of corrections office in charge of monitoring the sex offender;

~~(8)~~(9) whether the offender complied with treatment recommended by the department of corrections;

~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable; and

~~(10)~~(11) the reason for which the offender information is accessible under this section.

* * *

~~(d) An offender's street address shall not be posted electronically.~~ The identity of a victim of an offense that requires registration shall not be released.

* * *

Sec. 9. EFFECTIVE DATES

(a) This act shall take effect on July 1, 2015, except as provided in subsection (b) of this section.

(b) Sec. 8 of this act shall take effect on the later of the following dates:

(1) The date that the Department of Public Safety and the Department of Corrections certify to the House and Senate Committees on Judiciary that they

have fully implemented the recommendations of the Vermont State Auditor's Report dated July 14, 2014.

(2)(A) The date that the Department of Public Safety reports to the General Assembly that it has employed an attribute sampling plan that uses a 95 percent confidence level (five percent risk of over-reliance), five percent tolerable deviation rate, and an expected error rate of zero to demonstrate that the Sex Offender Registry has:

(i) no critical errors; and

(ii) an error rate of ten percent or less for errors that are not critical errors.

(B) As used in this subsection, "critical error" means one of the following errors:

(i) An offender's name should be on the Sex Offender Registry or the Internet Sex Offender Registry but it is not.

(ii) An offender's name should not be on the Sex Offender Registry or the Internet Sex Offender Registry but it is.

(iii) There is an error in the offender's address.

(iv) An offender's name is scheduled to be posted on the Sex Offender Registry or the Internet Sex Offender Registry for an incorrect length of time.

(3) The date that the State Auditor provides a report to the House and Senate Committees on Judiciary finding that the Department of Public Safety has complied with subdivision (b)(2) of this section.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Sears moved that the Senate concur in the House proposal of amendment with an amendment as follows:

In Sec. 9, (Effective Dates), subsection (b), by striking out subdivision (3) in its entirety.

Which was agreed to.

Bill Called Up

S. 139.

Senate bill of the following title was called up by Senator Lyons, and, under the rule, placed on the Calendar for action tomorrow:

An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, April 9, 2015.

THURSDAY, APRIL 9, 2015

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. 46

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 23. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the Governor

A message was received from His Excellency, the Governor, by Susan Allen, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the ninth day of April, 2015 he approved and signed a bill originating in the Senate of the following title:

S. 6. An act relating to technical corrections to civil and criminal procedure statutes.

Bills Introduced

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

S. 146.

By Senators Rodgers and Starr,

An act relating to the exemption of materials needed to make tree bark mulch from Vermont's sales and use tax.

To the Committee on Finance.

S. 147.

By Senators Rodgers and Starr,

An act relating to the exemption tree bark mulch intended for resale from Vermont's sales and use tax.

To the Committee on Finance.

Bills Referred

H. 35.

House bill entitled:

An act relating to improving the quality of State waters.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Natural Resources & Energy.

H. 268.

House bill entitled:

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Government Operations.

H. 361.

House bill entitled:

An act relating to making amendments to education funding, education spending, and education governance.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Education.

H. 478.

House bill entitled:

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

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Government Operations.

Bill Amended; Third Reading Ordered**S. 139.**

Senate committee bill entitled:

An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

Having appeared on the Calendar for notice for one day, was taken up.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out Sec. 5 (Prospective Payment for Home Health Services), Sec. 6 (Health Care Oversight Committee), Sec. 7 (Mental Health Oversight Committee), Sec. 8 (Long-Term Care Evaluation Task Force), and Sec. 13 (Appropriation) in their entirety and renumbering the remaining sections of the bill to be numerically correct.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Appropriations was agreed to.

Thereupon, pending the question, Shall the bill be read the third time?, Senator Pollina moved to amend the bill as follows:

First: In Sec. 12, 18 V.S.A. § 1776 by amending subsection (b) to read as follows:

(b) Additional chemicals of concern to children. The Commissioner may by rule add additional chemicals to the list of chemicals of high concern to children, provided that the Commissioner of Health, on the basis of ~~the weight~~ evaluation of credible, scientific evidence, has determined that a chemical proposed for addition to the list meets both of the following criteria in subdivisions (1) and (2) of this subsection:

* * *

Second: In Sec. 12, 18 V.S.A. § 1776(d) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) The Commissioner, ~~upon the recommendation of~~ after consultation with the Chemicals of High Concern to Children Working Group, may adopt a rule to regulate the sale or distribution of a children's product containing a chemical of high concern to children upon a determination that:

(A) ~~children will be exposed to a chemical of high concern to children in the children's product~~ there is reasonable risk of exposure of children to the chemical of high concern; and

~~(B) there is a probability that, due to the degree of exposure or frequency of exposure of a child to a chemical of high concern to children in a children's product, exposure could cause or contribute to one or more of the adverse health impacts listed under subdivision (b)(1) of this section one or more safer and technically and economically feasible alternatives to the chemical of high concern to children are available.~~

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Flory, Benning, Degree, Mazza, McAllister, Rodgers, Sears, and Starr moved to amend the bill by striking out Secs. 11 and 12 (chemicals of high concern to children) in their entirety.

Which was agreed to on a division of the senate, Yeas 16, Nays 15.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

Thereupon third reading of the bill was ordered.

Adjournment

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

FRIDAY, APRIL 10, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Appointments Confirmed

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

Smith, Megan of Mendon - Commissioner, Department of Tourism and Marketing - March 1, 2015, to February 28, 2017.

Costantino, Steven of Providence - Commissioner, Department of Vermont Health Access - February 17, 2015, to February 28, 2017.

Johnson, Justin of Barre - Commissioner, Agency of Administration - March 1, 2015, to February 28, 2017.

Recess

On motion of Senator Campbell the Senate recessed until 11:55 A.M.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Consideration Interrupted by Recess**S. 138.**

Consideration was resumed on Senate bill entitled:

An act relating to promoting economic development.

Thereupon, pending the question, Shall the bill be read the third time? Senator Collamore and Balint moved to amend the bill by adding a new section to be numbered Sec. 22 to read as follows:

Sec. 22. SALES AND USE TAX HOLIDAY

Notwithstanding the provisions of 32 V.S.A. § 9771 and 24 V.S.A. § 138, a sales and use tax or local option sales tax shall not be imposed or collected on sales to individuals for personal use items or tangible personal property at a sales price of \$2,000.00 or less on August 29, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Collamore and Balint?, Senator Sears moved that the bill be committed to the Committee on Appropriations.

Thereupon, Senator Campbell, moved that the Senate recess until 1:00 P.M.

Afternoon

The Senate was called to order by the President.

Consideration Resumed; Bill Amended; Bill Passed

Thereupon, pending the question, Shall the bill be committed to the Committee on Appropriations as moved by Senator Sears?, Senator Sears requested and was granted leave to withdraw his motion.

Thereupon, the pending question, Shall the bill be amended as recommended by Senator Collamore and Balint?, was disagreed to on a roll call, Yeas 9, Nays 21.

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

Roll Call

Those Senators who voted in the affirmative were: Balint, Benning, Collamore, Degree, Doyle, Flory, McAllister, Mullin, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Campbell, Campion, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Thereupon, pending the question, Shall the bill be read third time?, Senator Westman moved to amend the bill in Sec. 50, 7 V.S.A. § 2, (definitions) by striking out subdivision (28) in its entirety and inserting in lieu thereof two new subdivisions (27) and (28) to read as follows:

(27) “Special events permit”: a permit granted by the Liquor Control Board permitting a person holding a manufacturer’s or rectifier’s license to sell by the glass or by unopened bottle spirits, fortified wines, malt beverages, or vinous beverages manufactured or rectified by the license holder at an event open to the public that has been approved by the local licensing authority. For the purposes of tasting only, the permit holder may distribute, with or without charge, beverages manufactured by the permit holder by the glass no more than two ounces per product and eight ounces total of malt beverages or vinous beverages and no more than one ounce in total of spirits or fortified wines to each individual. No more than ~~36~~ 104 special events permits may be issued to a holder of a manufacturer’s or rectifier’s license during a year. A special event permit shall be valid for the duration of each public event or four days, whichever is shorter. Requests for a special events permit, accompanied by the fee as required by subdivision 231(13) of this title, shall be submitted to the Department of Liquor Control at least five days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer’s or rectifier’s ~~36~~ 104 special-event-permit limitation.

(28) “Fourth-class license” or “farmers’ market license”: the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt ~~or beverages~~, vinous beverages, fortified wines, or spirits to sell by the unopened container and distribute; by the glass, with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers’ market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell its product to no more than five additional manufacturers or

rectifiers. A fourth-class licensee may distribute by the glass no more than two ounces of malt beverages or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits or fortified wine with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A fourth class licensee may distribute by the glass up to four mixed drinks containing a combined total of no more than one ounce of spirits or fortified wine to each retail customer for consumption only on the manufacturer's premises. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Campbell, McAllister, Benning, and Degree moved to amend the bill by adding a new section to be numbered Sec. 63 to read as follows:

Sec. 63. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

(a) A Except as otherwise provided in subsection (b) of this section, a person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

* * *

(b) Subsection (a) of this section shall not apply to a person licensed under 18 U.S.C. chapter 44 who is also registered as a Special Occupational Taxpayer under the National Firearms Act of 1934, for the purpose of manufacturing, joint production, calibration, integration, incorporation, testing, permanent and temporary export, permanent and temporary import, research and development, repair, or sale of silencers in accordance with federal, State, and local law.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read the third time?, Senators Flory and Mazza moved to amend the bill by adding a new section to be numbered Sec. 65 to read as follows:

Sec. 65. 32 V.S.A. § 5930ii is amended to read:

§ 5930ii. RESEARCH AND DEVELOPMENT TAX CREDIT

(a) A taxpayer of this State shall be eligible for a credit against the tax imposed under this chapter in an amount equal to ~~27~~ 30 percent of the amount of the federal tax credit allowed in the taxable year for eligible research and

development expenditures under 26 U.S.C. § 41(a) and which are made within this State.

(b) Any unused credit available under subsection (a) of this section may be carried forward for up to 10 years.

(c) Each year, on or before January 15, the Department of Taxes shall publish a list containing the names of the taxpayers who have claimed a credit under this section during the most recent completed calendar year.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Flory and Mazza?, Senator Flory requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending the question, Shall the bill be read third time?, Senators Westman, Ashe, Ayer, and Lyons moved to amend the bill by adding a Sec. 66 to read as follows:

Sec. 66. PREWRITTEN SOFTWARE ACCESSED REMOTELY

Charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the purchaser or any related company shall not be considered tangible personal property under 32 V.S.A. § 9701(7).

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Mullin moved to amend the amend the bill as follows:

First: By adding new sections to be numbered Secs. 71–74 to read as follows:

Sec. 71. 32 V.S.A. § 5930a(c)(2) is amended to read:

(2) The new jobs should make a net positive contribution to employment ~~in the area, and meet or exceed the prevailing compensation level including wages and benefits, for the particular employment sector~~ consistent with the applicable wage threshold for the labor market area. The new jobs should offer benefits and opportunities for advancement and professional growth consistent with the employment sector.

Sec. 72. 32 V.S.A. § 5930b is amended to read:

§ 5930b. VERMONT EMPLOYMENT GROWTH INCENTIVE

(a) Definitions. As used in this section:

* * *

(24) “Wage threshold” means the minimum annualized Vermont gross wages and salaries paid, as determined by the Council, but not less than:

(A) 60 percent above the minimum wage at the time of application; in order for a new job to be a qualifying job under this section; or

(B) 40 percent above the State minimum wage at the time of application for a businesses located in a labor market area of this State in which the unemployment rate is greater than the average unemployment rate for the State.

(25) “Labor market area” means a labor market area as designated by the Vermont Department of Labor.

(b) Authorization process.

(1) A business may apply to the Vermont Economic Progress Council for approval of a performance-based employment growth incentive to be paid out of the business’s withholding account upon approval by the Department of Taxes pursuant to the conditions set forth in this section. Businesses shall not be permitted to deduct approved incentives from withholding liability payments otherwise due. In addition to any other information that the Council may require in order to fulfill its obligations under section 5930a of this title, an employment growth incentive application shall include all the following information:

(A) application base number of jobs;

(B) total jobs at time of application;

(C) application base payroll;

(D) total payroll at time of application;

(E) jobs target for each year in the award period;

(F) payroll target for each year in the award period;

(G) capital investment target for each year in the award period; and

(H) a statement signed by the president or chief executive officer or equivalent acknowledging that to the extent the applicant fails to meet the minimum capital investment by the end of the award period, any incentives remaining to be earned shall be limited, and any incentives taken shall be subject to complete or partial reversal, pursuant to subdivisions (c)(10) and (11) of this section.

(2) The Council shall review each application in accordance with section 5930a of this title, except that the Council may provide for an initial approval pursuant to the conditions set forth in subsection 5930a(c), followed

by a final approval at a later date, before December 31 of the calendar year in which the economic activity commences.

(3) Except as provided in subdivision (5) of this subsection, the value of the incentives will be dependent upon the net fiscal benefit resulting from projected qualifying payroll and qualifying capital investment. An incentive ratio shall be applied to the net fiscal benefit generated by the cost-benefit model in order to determine the maximum award the Council may authorize for each application it approves. The Council may establish a threshold for wages in excess of, but not less than, the wage threshold, as defined in subsection (a) of this section for individual applications the Council wishes to approve. The Council shall calculate an incentive percentage for each approved application as follows:

Authorized award amount ÷ the five-year sum of all payroll targets

(4) An approval shall specify: the application base jobs at the time of the application; total jobs at time of application; the application base payroll; total payroll at time of application; the incentive percentage; the wage threshold; the payroll thresholds; a job target for each year of the award period; a payroll target for each year of the award period; a capital investment target for each year of the award period and description sufficient for application of subdivisions (c)(10) and (11) of this section of the nature of qualifying capital investment over the award period upon which approval shall be conditioned; and the amount of the total award. The Council shall provide a copy of each approval to the Department of Taxes along with a copy of the application submitted by that applicant.

(5)(A) Notwithstanding subdivision (3) of this subsection, the Council may authorize incentives in excess of net fiscal benefit multiplied by the incentive ratio ~~not to exceed an annual authorization established by law for awards to businesses located in a labor market area in which the unemployment rate is greater than the average unemployment rate for the State or in which the average annual wage is below the average annual wage for the State.~~

(B)(i) Except as provided in subdivision (5)(B)(ii) of this subsection, the total amount of employment growth incentives the Vermont Economic Progress Council is authorized to approve under subdivision (5)(A) of this subsection shall not exceed \$1,000,000.00 from the General Fund.

(ii) The Council shall have the authority to exceed the cap imposed in subdivision (5)(B)(i) of this subsection upon application to and approval by the Emergency Board.

(c) Claiming an employment growth incentive.

* * *

(6)(A) A business whose application is approved and, in the first, second, or third year of the award period, fails to meet or exceed its payroll target and one out of two of its jobs and capital investment targets may not claim incentives in that year. To the extent such business reaches its first, second, or third year award period targets within the succeeding two calendar year reporting periods immediately succeeding year one, two, or three of the award period, or within the extended period if an extension is granted under subdivision (B) of this subdivision (6), whichever is applicable, such business may claim incentives in five-year installments as provided in subdivisions (1) through (4) of this subsection. A business which fails to meet or exceed its payroll target and one of its two jobs and capital investment targets within this time frame shall forfeit all authority under this section to earn and claim incentives for award period year one, two, or three, as applicable, and any future award period years. The Department of Taxes shall notify the Vermont Economic Progress Council that the first, second, or third year award period targets have not been met within the prescribed period, and the Council shall rescind authority for the business to earn incentives for the activity in year one, two, or three, as applicable, and any future award period years.

(B)(i) Notwithstanding subdivision (6)(A) of this subsection, if a business determines that it may not reach its first or second year award period targets within the succeeding two calendar year reporting periods due to facts or circumstances beyond its control, the business may request that the Council extend the period to meet the targets for another two reporting periods, reviewed annually, for award year one, and one reporting period for award year two.

(ii) The Council may grant an extension pursuant to this subdivision (B) if it determines that the business failed to meet its targets due to facts or circumstances beyond the control of the business and that there is a reasonable likelihood the business will meet the award period targets within the extension period.

(iii) If the Council grants an extension pursuant to this subdivision (B), the Council shall re-calculate the value of the incentive using the cost-benefit model and adjust the amount of the award as is necessary to account for the extension of the award period.

* * *

(h) Enhanced training incentive. Notwithstanding any provision of law to the contrary, the Council may award an enhanced training incentive as follows:

(1) A business whose incentive application is approved may elect to claim an enhanced training incentive at any time during the award period by:

(A) notifying the Council of its intent to pursue an enhanced training incentive and dedicate its incentive funds to training through the Vermont Training Program or a Workforce Education and Training Fund program; and

(B) applying for a grant from the Vermont Training Program or the Workforce Education and Training Fund to perform training for new employees who hold qualifying jobs.

(2) If the business successfully completes new employee training pursuant to the terms of its training grant and uses incentive funds to cover a 25 percent share of the training costs, the Agency of Commerce and Community Development, or the Department of Labor, as applicable, shall disburse grant funds for on-the-job training of not more than 75 percent of wages for each employee in training, or not more than 75 percent of trainer expense upon successful completion of training hours.

(3) The Department of Taxes shall reimburse the Agency or the Department for 25 percent of the wages or trainer expense incurred by the Vermont Training Program or the Workforce Education and Training Fund pursuant to subdivision (2) of this subsection.

(4) If the business successfully completes its training and meets or exceeds its payroll target and either its jobs target or capital investment target, the Council shall approve the enhanced training incentive and notify the Department of Taxes.

(5) Upon notification by the Council, the Department of Taxes shall disburse to the business a payment in an amount equal to the business's cost for training and the cost of the reimbursement to the Vermont Training Program or the Workforce Education and Training Fund for training expenses pursuant to subdivision (3) of this subsection. The Department shall disburse the remaining value of the incentive award in annual installments pursuant to subdivision (c)(2) of this section.

(6)(A) If, during the utilization period for the incentive paid pursuant to this subsection (h), the business fails to maintain the qualifying jobs or qualifying payroll established in the award year, or does not reestablish qualifying jobs or qualifying payroll to 100 percent of the award year level, the Department of Taxes shall recapture the enhanced incentive pursuant to subsection (d) of this section.

(B) The amount of recapture shall equal the sum of the installments that the Department would have disbursed if it had paid the incentive in five-year installments pursuant to subdivision (c)(2) of this section for the

years during the utilization period that the qualifying jobs or qualifying payroll were not maintained.

(i) Overall gross cap on total employment growth incentive and education tax incentive authorizations.

(1) For any calendar year, the total amount of employment growth incentives the Vermont Economic Progress Council is authorized to approve under this section and property tax stabilizations under 32 V.S.A. § 5404a(a) shall not exceed \$10,000,000.00 from the General Fund and Education Fund combined each year.

(2) The Council shall have the authority to exceed the cap imposed in subdivision (1) of this subsection upon application to and approval by the Emergency Board.

Sec. 73. 2006 Acts and Resolves No. 184, Sec. 11 is amended to read:

Sec. 11. ~~VEGI; ANNUAL CALENDAR YEAR CAPS~~

~~(a) Net negative awards cap. Notwithstanding any other provision of law, in any calendar year, the annual authorization for the total net fiscal cost of Vermont employment growth incentives that the Vermont economic progress council or the economic incentive review board may approve under 32 V.S.A. § 5930b(b)(5) shall not exceed \$1,000,000.00 from the general fund.~~

~~(b) Restrictions to labor market area. Employment growth incentives within the annual authorization amount in subsection (a) of this section shall be granted solely for awards to businesses located in a labor market area of this state in which the rate of unemployment is greater than the average for the state or in which the average annual wage is below the average annual wage for the state. For the purposes of this section, a "labor market area" shall be as determined by the department of labor.~~

~~(c) Overall gross cap on total employment growth incentive and education tax incentive authorizations. For any calendar year, the total amount of employment growth incentives the Vermont economic progress council or the economic incentive review board is authorized to approve under 32 V.S.A. § 5930b and property tax stabilizations and allocations under 32 V.S.A. § 5404a(a) and (c) shall not exceed \$10,000,000.00 from the general fund and education fund combined each year. This maximum annual amount may be exceeded by the Vermont economic progress council upon application to and approval by the Emergency Board. [Repealed.]~~

Sec. 74. 10 V.S.A. § 531(d) is amended to read:

(d) In order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, the Secretary of Commerce and Community Development shall:

(1) consult with the Commissioner of Labor regarding whether the grantee has accessed, or is eligible to access, other workforce education and training resources;

(2) disburse grant funds only for training hours that have been successfully completed by employees; provided that, except for an award under an enhanced training incentive as provided in 32 V.S.A. § 5930b(h), a grant for on-the-job training shall either provide not more than 50 percent of wages for each employee in training, or not more than 50 percent of trainer expense, but not both, and further provided that training shall be performed in accordance with a training plan that defines the subject of the training, the number of training hours, and how the effectiveness of the training will be evaluated; and

(3) use funds under this section only to supplement training efforts of employers and not to replace or supplant training efforts of employers.

Second: By striking out Sec. 100 in its entirety and inserting in lieu thereof a new Sec. 100 to read as follows:

Sec. 100. EFFECTIVE DATES

(a) Except as otherwise provided in subsection (b) of this section, this act shall take effect on July 1, 2015.

(b) Notwithstanding 1 V.S.A. § 214, other than 32 V.S.A. § 5930b(c) (extension of time to meet first or second year award targets), Secs. 71–74 (Vermont Employment Growth Incentive provisions) shall take effect retroactively as of January 1, 2015.

Which was agreed to on a roll call, Yeas 29, Nays 1.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

The Senator who voted in the negative was: Sirotkin.

Thereupon, pending the question, Shall the bill be read the third time?, Senator Campbell moved to amend the bill by striking out Sec. 63 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 63 to read as follows:

Sec. 63. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

(a) A Except as otherwise provided in subsection (b) of this section, a person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

* * *

(b) Subsection (a) of this section shall not apply to a licensed manufacturer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer pursuant to 26 U.S.C. § 5802, for the purpose of manufacturing, joint production, calibration, integration, incorporation, testing, permanent and temporary export, permanent and temporary import, research and development, repair, or sale of silencers in accordance with federal, State, and local law.

Which was agreed to.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 30, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Bill Passed

S. 139.

Senate bill entitled:

An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

Was taken up.

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

First: By adding a new section to be numbered Sec. 11 to read as follows:

Sec. 11. 18 V.S.A. § 1774 is amended to read:

§ 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING GROUP

(a) Creation. A Chemicals of High Concern to Children Working Group (Working Group) is created within the Department of Health for the purpose of providing the Commissioner of Health advice and recommendations regarding implementation of the requirements of this chapter.

(b) Membership.

(1) The Working Group shall be composed of the following members who, except for ex officio members, shall be appointed by the Governor after consultation with the Commissioner of Health:

(A) the Commissioner of Health or designee, who shall be the chair of the Working Group;

(B) the Commissioner of Environmental Conservation or designee;

(C) the State toxicologist or designee; and

(D) ~~a representative of a public interest group in the State with experience in advocating for the regulation of toxic substances; a scientist or other accredited professional with expertise or knowledge of the toxicity or health effects of chemicals.~~

~~(E) a representative of an organization within the State with expertise in issues related to the health of children or pregnant women;~~

~~(F) one representative of businesses in the State that use chemicals in a manufacturing or production process or use chemicals that are used in a children's product manufactured in the State;~~

~~(G) a scientist with expertise regarding the toxicity of chemicals; and~~

~~(H) a representative of the children's products industry with expertise in existing state and national policies impacting children's products.~~

~~(2)(A) In addition to the members of the Working Group appointed under subdivision (1) of this subsection, the Governor may appoint up to three additional adjunct members.~~

~~(B) An adjunct member appointed under this subdivision (2) shall have expertise or knowledge of the chemical or children's product under review or shall have expertise or knowledge in the potential health effects of the chemical at issue.~~

~~(C) Adjunct members appointed under this subdivision (2) shall have the same authority and powers as a member of the Working Group appointed under subdivision (1) of this subsection (b).~~

~~(3)(2) The members member of the Working Group appointed under subdivision (1)(D) of this subsection shall serve staggered a three-year terms term. The Governor may remove members a member of the Working Group who fail fails to attend three consecutive meetings and may appoint replacements a replacement. The Governor may reappoint members a member to serve more than one term.~~

* * *

Second: By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. EFFECTIVE DATES

(a) Secs. 1 and 2 (pharmacy benefit managers), 9 and 10 (reports), and this section shall take effect on passage.

(b) Secs. 3 and 4 (notice of hospital observation status) and 11 (chemicals of concern to children working group) shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Pollina?, Senator Flory raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the recommendation of amendment offered by Senator Pollina was not germane to the bill and therefore could not be considered by the Senate. Pending a ruling by the President, Senator Flory withdrew her point of order. Thereupon, Senator Pollina requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending third reading of the bill, Senators Mullin and Campbell moved to amend the bill as follows:

First: By inserting two new sections to be numbered Secs. 5 and 6 and a reader assistance heading to read as follows:

* * * Immunizations * * *

Sec. 5. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in ~~the~~ a child care facility without a required immunization:

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine;~~or.~~

(3) If the person or, in the case of a minor, the person's parent or guardian annually provides a signed statement to the school or child care facility on a form created by the ~~Vermont department of health~~ Department that the person, parent, or guardian:

(A) holds religious beliefs ~~or philosophical convictions~~ opposed to immunization; and

(B) has reviewed ~~and understands~~ evidence-based educational material provided by the ~~department of health~~ Department regarding immunizations, including:

(i) information about the risks of adverse reactions to immunization;

~~(C)~~(ii) ~~understands~~ information that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

~~(D)~~(iii) ~~understands~~ information that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

* * *

Sec. 6. 18 V.S.A. § 1124 is amended to read:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the ~~Vermont department of health~~ Department shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the ~~department~~ Department shall include the number of medical, ~~philosophical~~, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

* * *

Second: In Sec. 14, effective dates, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Secs. 3 and 4 (notice of hospital observation status) and 5 and 6 (removing philosophical exemption for immunizations) shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Mullin and Campbell?, Senator Flory raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the recommendation of amendment offered by Senators Mullin and Campbell was *not germane* to the bill and therefore could not be considered by the Senate.

Thereupon, the President *sustained* the point of order, ruled the amendment offered by Senators Mullin and Campbell was *not germane* and could not be considered by the Senate.

Thereupon, Senator White moved that the rules be suspended and that the Senate be allowed to consider a non-germane amendment.

Which was disagreed to.

Thereupon, the bill was read the third time and passed.

Third Readings Ordered

H. 128.

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

An act relating to the use of results-based accountability common language in Vermont law.

Reported that the bill ought to pass in concurrence.

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

H. 320.

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

An act relating to technical corrections.

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.

Message from the House No. 47

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 8. Joint resolution relating to military suicides.

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

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

H. 123. An act relating to mobile home parks, habitability standards, and compliance.

H. 256. An act relating to disposal of property following an eviction, and fair housing and public accommodations.

And has severally concurred therein.

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

H.C.R. 99. House concurrent resolution congratulating Drew Duffy on winning the super-G title at the 2015 U.S. Alpine Championships.

H.C.R. 100. House concurrent resolution congratulating the 2015 Essex Union High School Division I championship boys' ice hockey team.

H.C.R. 101. House concurrent resolution honoring volunteer curator Jim Davidson and the Rutland Historical Society.

H.C.R. 102. House concurrent resolution congratulating the 2014 U-32 High School boys' track and field Division II championship team.

H.C.R. 103. House concurrent resolution congratulating Michael Law on his induction into the Vermont Principals' Association Hall of Fame.

H.C.R. 104. House concurrent resolution congratulating the 2014 Harwood Union High School Highlanders Division II championship girls' and boys' cross country teams.

H.C.R. 105. House concurrent resolution congratulating the 2015 Mill River Union High School Minutemen Division II championship girls' basketball team.

H.C.R. 106. House concurrent resolution honoring Bob Mark as an extraordinary music educator and outstanding classical violinist.

H.C.R. 107. House concurrent resolution congratulating the 2014 Mill River Union High School Minutemen Division II championship baseball team.

H.C.R. 108. House concurrent resolution expressing appreciation for the economic and health benefits that the yoga industry provides to Vermonters.

H.C.R. 109. House concurrent resolution congratulating the Lund Family Center on its 125th anniversary.

H.C.R. 110. House concurrent resolution honoring John Kerrigan on his exemplary high school coaching and teaching career at Harwood Union High School.

H.C.R. 111. House concurrent resolution commending the final Farmers Night Civil War Sesquicentennial anniversary presentation and the outstanding work of the Vermont Civil War Sesquicentennial Commission.

H.C.R. 112. House concurrent resolution congratulating the winning teams in the 2015 Junior Iron Chef Vermont statewide youth culinary competition.

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

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

S.C.R. 15. Senate concurrent resolution congratulating the General Federation of Women's Clubs on its 125th anniversary.

And has adopted the same in concurrence.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was adopted on the part of the Senate:

By Senators Nitka, Campbell and McCormack,

By Representative Devereux,

S.C.R. 15.

Senate concurrent resolution congratulating the General Federation of Women's Clubs on its 125th anniversary.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Jewett and others,

H.C.R. 99.

House concurrent resolution congratulating Drew Duffy on winning the super-G title at the 2015 U.S. Alpine Championships.

By Representative Myers and others,

H.C.R. 100.

House concurrent resolution congratulating the 2015 Essex Union High School Division I championship boys' ice hockey team.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 101.

House concurrent resolution honoring volunteer curator Jim Davidson and the Rutland Historical Society.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 102.

House concurrent resolution congratulating the 2014 U-32 High School boys' track and field Division II championship team.

By Representative Donahue and others,
By Senators Cummings, Doyle and Pollina,

H.C.R. 103.

House concurrent resolution congratulating Michael Law on his induction into the Vermont Principals' Association Hall of Fame.

By Representative Stevens and others,
By Senators Cummings, Doyle and Pollina,

H.C.R. 104.

House concurrent resolution congratulating the 2014 Harwood Union High School Highlanders Division II championship girls' and boys' cross country teams.

By Representative Potter and others,

H.C.R. 105.

House concurrent resolution congratulating the 2015 Mill River Union High School Minutemen Division II championship girls' basketball team.

By Representative Bartholomew and others,
By Senators Campbell, McCormack and Nitka,

H.C.R. 106.

House concurrent resolution honoring Bob Mark as an extraordinary music educator and outstanding classical violinist.

By Representative Potter and others,

H.C.R. 107.

House concurrent resolution congratulating the 2014 Mill River Union High School Minutemen Division II championship baseball team.

By Representative Gonzalez and others,

H.C.R. 108.

House concurrent resolution expressing appreciation for the economic and health benefits that the yoga industry provides to Vermonters.

By Representative Keenan and others,

By Senator Campion,

H.C.R. 109.

House concurrent resolution congratulating the Lund Family Center on its 125th anniversary.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 110.

House concurrent resolution honoring John Kerrigan on his exemplary high school coaching and teaching career at Harwood Union High School.

By Representative Devereux and others,

H.C.R. 111.

House concurrent resolution commending the final Farmers Night Civil War Sesquicentennial anniversary presentation and the outstanding work of the Vermont Civil War Sesquicentennial Commission.

By Representative Manwaring and others,

H.C.R. 112.

House concurrent resolution congratulating the winning teams in the 2015 Junior Iron Chef Vermont statewide youth culinary competition.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 14, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 23.

TUESDAY, APRIL 14, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mary Lewis Webb of White River Junction.

Pledge of Allegiance

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

Bill Referred to Committee on Finance**H. 488.**

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 State's Transportation Program and miscellaneous changes to laws related to transportation.

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. 24. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 17, 2015, it be to meet again no later than Tuesday, April 21, 2015.

Joint Resolution Referred**J.R.H. 8.**

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

Joint resolution relating to military suicides.

Whereas, according to a January 1, 2016, report in the publication *Military Times*, of the military personnel who committed suicide in 2013, nearly two-thirds had seen a doctor within three months before taking their own lives, but fewer than one-half had a mental health diagnosis, and fewer than one-third expressed any intention to hurt themselves, and

Whereas, according to an August 2014 dispatch from the U. S. Department of Veterans Affairs (VA), 8,000 veterans commit suicide annually, and this averages to 22 per day, and

Whereas, the General Assembly acknowledges and appreciates the VA's efforts to increase its resources for mental health counseling and support, including working to improve access to these services for veterans who live more than 40 miles from a VA medical center, and

Whereas, the VA has a toll-free military crisis line (1-800-273-8255) that is accessible to service members and families for suicide prevention purposes, and

Whereas, despite the VA's and the U.S. Department of Defense's (DOD) suicide prevention efforts, including Congress' recent adoption of the Clay Hunt Suicide Prevention for American Veterans Act, the veterans suicide rate remains far too high and may even increase as more men and women in the U.S. Armed Forces return from Afghanistan, and

Whereas, military families have expressed concerns about the delays in obtaining mental health counseling appointments and brand-name prescriptions, and

Whereas, the DOD's anti-stigma campaign, "Real Warriors, Real Battles, Real Strength," brings successfully treated people out of the shadows to share their experiences, explain effective treatments for mental health concerns, and illustrate that seeking treatment will not harm a person's military career, and is promoted on a website, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the need for public awareness of the military suicide and veteran suicide rate, and be it further

Resolved: That the General Assembly supports the continuing efforts of the VA, DOD, and many other organizations to address mental health issues, and be it further

Resolved: That the General Assembly suggests that the following additional federal policy options be considered:

- (1) establishing a peer support outreach program for veterans;
- (2) reviewing the process for troops who receive unfavorable discharges, possibly because of behavioral problems related to PTSD/TBI; and
- (3) training mental health counselors around military acronyms and situations specific to military life to help the veteran feel more comfortable when being treated for a mental health issue, and be it further

Resolved: That the General Assembly suggests that the Vermont National Guard increase educational efforts related to mental health care services in order to reduce both the existing stigma among military personnel and veterans to seek mental health assistance and to lower future suicide rates, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Secretary of Veterans Affairs Robert A. McDonald, U.S. Secretary of Defense Ash Carter, the Vermont Congressional Delegation, Commissioner of Mental Health Paul Dupre, and Vermont Adjutant General Major General Steven A. Cray.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Government Operations.

Senate Resolution Amended; Third Reading Ordered

S.R. 7.

Senator Campion, for the Committee on Natural Resources & Energy, to which was referred Senate resolution entitled:

Senate resolution relating to climate change.

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

Whereas, according to the United Nations Intergovernmental Panel on Climate Change, the “warming in the climate system is unequivocal,” and “human influence on the climate system is clear,” and

Whereas, heat-trapping particles in the atmosphere, also known as greenhouse gases, absorb heat and cause temperatures in the atmosphere to increase, and, according to the World Resources Institute, the combustion of fossil fuels (for uses including transportation, electricity, heat, industrial processes, cement production, oil refining, and more) accounts for 77 percent of the global greenhouse gas emissions by humans globally, and

Whereas, 10 V.S.A. § 578 explicitly sets forth the goal of the State of Vermont to reduce greenhouse gas pollution as follows:

It is the goal of the State to reduce emissions of greenhouse gases from within the geographic boundaries of the State and those emissions outside the boundaries of the State that are caused by the use of energy in Vermont in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gases from the 1990 baseline by:

- (1) 25 percent by January 1, 2012;
- (2) 50 percent by January 1, 2028;
- (3) if practicable using reasonable efforts, 75 percent by January 1, 2050, and

Whereas, in 2013, the Department of Public Service reported to the General Assembly that as of 2011, Vermont’s greenhouse gas emissions were almost unchanged from the State’s 1990 emissions, and

Whereas, consequently, the State has already failed to meet its statutory goal of a 25 percent reduction in greenhouse gas pollution, and

Whereas, an analysis of state data from the National Climatic Data Center shows that in Vermont, during the years 1948–2011, there was an 84 percent increase in extreme precipitation, and

Whereas, extreme storms and so-called hundred-year floods have already caused hundreds of millions of dollars in damage in this decade alone, and University of Vermont researchers have said Tropical Storm Irene is a “harbinger of what’s to come,” and

Whereas, non fossil-fuel energy generation and conservation technologies reduce greenhouse gas emissions as well as help Vermonters save money and become more energy self-sufficient, and

Whereas, failure to identify accurately any problem precludes the development of effective solutions, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont recognizes that climate change is a real and present danger to health and well-being of all Vermonters, that human activities make a substantive contribution to climate change, and that it is imperative Vermont fulfill its stewardship responsibilities, as expressed in the State’s statutory goals for reduced greenhouse gas emissions, by taking steps now to reduce its reliance on fossil fuels, *and be it further*

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

And that when so amended the resolution ought to be adopted.

Thereupon, the Senate resolution was read the second time by title only pursuant to Rule 43 and the recommendation of amendment was agreed to.

Thereupon, third reading of the Senate resolution was ordered on a roll call, Yeas 23, Nays 5.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Bray, Campbell, Campion, Cummings, Degree, Doyle, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: *Benning, Collamore, Flory, McAllister, Rodgers.

Those Senators absent and not voting were: Ayer, Kitchel.

*Senator Benning explained his vote as follows:

“Mr. President:

“I do believe the climate is changing and I do believe that humans have exacerbated that situation. But I do not believe this body should grandstand with meaningless resolutions, which ultimately only serve as a fodder for political and advocacy organizations to extract dollars from their followers.

“By forcing us into categories, these proclamations resolutions position us into making decisions based on passion and emotion, rather than careful and deliberative thought. We in the Senate should strive to be above all that. Accordingly, I did not vote for this resolution.”

Proposals of Amendment; Third Reading Ordered

H. 304.

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

An act relating to making miscellaneous amendments to Vermont’s retirement laws.

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

First: By inserting a new section to be numbered Sec. 11 to read as follows:

Sec. 11. 3 V.S.A. § 462 is amended to read:

§ 462. REEXAMINATION OF DISABILITY BENEFICIARY

* * *

(b) Should the medical board report and certify to the retirement board that any disability beneficiary has a residual functional capacity which might enable the beneficiary to return to work, and should the retirement board reasonably conclude that the beneficiary is engaged in or is, as a result of specific findings made by a certified vocational counselor, able to engage in a gainful occupation paying more than the difference between the beneficiary’s retirement allowance and his or her average final compensation at retirement, the beneficiary’s pension shall be reduced to an amount which, together with his or her annuity and the amount earnable by him or her, shall equal the beneficiary’s average final compensation at retirement, adjusted for inflation each year following retirement on the same basis as for beneficiaries as provided in section 470 of this title. ~~Should the beneficiary’s earning capacity be later changed, his or her pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary~~

~~together with his or her annuity, equals the beneficiary's average final compensation at retirement. For the purposes of this subsection, "retirement allowance" shall mean the allowance payable without modification as provided in section 468 of this title, provided that:~~

(1) The retirement board shall provide written notice and an opportunity to be heard to the beneficiary prior to any reduction of the beneficiary's pension under this subsection (b).

(2) If the beneficiary has engaged in a gainful occupation subsequent to receiving disability retirement, the retirement board in its discretion may reject in whole or in part a vocational assessment of the beneficiary's ability to engage in a more gainful occupation and may rely in whole or in part on evidence of the beneficiary's actual earnings in determining the amount earnable by the beneficiary. In addition, if the retirement board's determination is based in whole or in part on a vocational assessment of ability to engage in a gainful occupation, the beneficiary shall be notified of his or her entitlement to the same reemployment rights as are available to State employees under the existing collective bargaining agreement entered into between the State and the applicable bargaining representative, or extension of such contractual benefits. Such rights shall commence as of the date of the determination and shall be based upon the reemployment rights the beneficiary would have had at the time he or she retired from State service. The reduction of pension amount will be held in abeyance until the reemployment rights have expired. In the event that the beneficiary is subsequently reemployed by the State, the beneficiary's retirement allowance shall cease, effective on the date when reemployment commences. In the event that the beneficiary is not subsequently reemployed by the State, the reduction of the beneficiary's pension shall commence the month following the month in which the beneficiary's reemployment rights expired.

(3) In the event that a beneficiary's pension has been reduced and should the beneficiary's earning capability later change, his or her pension may be further modified; provided that no reemployment rights shall be afforded to the beneficiary in connection with any later change and provided further that the new pension amount, together with the amount earnable by him or her, shall not exceed the beneficiary's average final compensation at retirement, adjusted for inflation.

(4) As used in this subsection, "retirement allowance" shall mean the allowance payable without modification as provided in section 468 of this title.

(c) Every recipient of disability benefits shall, annually on a date determined by the retirement board, file with the State Treasurer a statement certifying, under penalty of perjury and in such form as the retirement board

shall prescribe, the full amount of his or her earnings from earned income during the preceding calendar year. The State Treasurer may request, and the beneficiary shall provide within 60 days of such request, additional financial information and records pertinent to the beneficiary's earned income. The beneficiary's statement and accompanying forms and schedules, and any other financial information and records provided by the beneficiary to the State Treasurer shall be confidential. In the event that a beneficiary fails to submit the certification or any required or requested financial information or records pertinent to the beneficiary's earned income, the beneficiary's retirement allowance shall be suspended until all such information and records have been submitted, and in the event that the failure continues for one year, all the beneficiary's rights in and to his or her pension and any pending reemployment rights under this section may be revoked by the board. Notwithstanding any provision of this section to the contrary, if the beneficiary's earned income for the preceding year exceeded the difference between the beneficiary's retirement allowance and his or her average final compensation at retirement, the beneficiary shall refund the portion of the preceding year's retirement allowance that is equal to the amount of the reduction specified in subsection (b), and the refund amount may be offset against the beneficiary's monthly pension benefits. Prior to suspension or revocation of the beneficiary's retirement allowance, reemployment rights, or inception of any offset under this subsection (c), the retirement board shall provide the beneficiary with written notice and an opportunity to be heard.

Second: By inserting a new section to be numbered Sec. 12 to read as follows:

Sec. 12. 3 V.S.A. § 463 is amended to read:

§ 463. REINSTATEMENT

(a) ~~Should a disability beneficiary be restored to service and should his or her annual earnable compensation then or at any time thereafter be equal to or greater than his or her average final compensation at retirement,~~ or should any other beneficiary be restored to service, his or her retirement allowance shall cease, and the beneficiary shall again become a member of the retirement system, ~~and he or she shall contribute thereafter at the same rate he or she paid prior to retirement.~~ Anything in this subchapter to the contrary notwithstanding, upon his or her subsequent retirement, he or she shall be credited with all the service creditable to him or her at the time of his or her former retirement. However, if such beneficiary is restored to membership after the attainment of ~~the age of 55 years~~ of age, his or her pension upon subsequent retirement shall not exceed the sum of the pension which he or she was receiving immediately prior to his or her last restoration to membership

and the pension that may have accrued on account of membership service since his or her last restoration to membership, provided that the rate percent of his or her total pension on his or her subsequent retirement shall not exceed the rate he or she would have received had he or she remained in service during the period of prior retirement.

* * *

Third: By renumbering Sec. 11 (effective date) to be Sec. 13.

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

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

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 128. An act relating to the use of results-based accountability common language in Vermont law.

H. 320. An act relating to technical corrections.

Third Readings Ordered

H. 268.

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

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

Reported that the bill ought to pass in concurrence.

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

H. 310.

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

An act relating to limited liability companies.

Reported that the bill ought to pass in concurrence.

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

H. 478.

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

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

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.

Consideration Postponed

J.R.S. 10.

Senator Baruth, for the Committee on Economic Development, Housing & General Affairs, to which was referred joint Senate resolution entitled:

Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont.

Reported that the joint resolution ought to be adopted.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and pending the question, Shall the joint resolution be read the third time?, Senator Snelling moved that the bill be ordered to lie.

Which was disagreed to.

Thereupon, pending the question, Shall the joint resolution be read the third time?, Senator McAllister moved that consideration of the resolution be postponed until Thursday, April 16, 2015.

Which was agreed to.

Proposals of Amendment; Third Reading Ordered

H. 98.

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

An act relating to reportable disease registries and data.

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

First: In Sec. 3, 18 V.S.A. § 1129, in subsection (b), in the fourth sentence, by striking out the following: “as defined in 16 V.S.A. § 1691a”

Second: In Sec. 3, 18 V.S.A. § 1129, by adding a new subsection to be subsection (g) to read as follows:

(g) As used in this section, “administrator” means an individual licensed under 16 V.S.A. chapter 5, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a school system or school program. “Administrator” also means an individual employed by an approved or recognized independent school the majority of whose assigned time is devoted to those duties.

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

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

Proposal of Amendment; Third Reading Ordered

H. 270.

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

An act relating to definitions for pretrial screenings and assessments.

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

By adding two new sections to be numbered Secs. 2 and 3 to read as follows:

Sec. 2. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

* * *

(d)(1) In consideration of the assessment and screening, the court may order the person to comply with any of the following conditions:

(A) meet with a pretrial monitor on a schedule set by the court;

(B) participate in a clinical assessment by a substance abuse or mental health treatment provider; and

(C) comply with any level of treatment or recovery support recommended by the provider;

~~(D) provide confirmation to the pretrial monitor of the person's attendance and participation in the clinical assessment and any recommended treatment; and~~

~~(E) provide confirmation to the pretrial monitor of the person's compliance with any other condition of release.~~

* * *

Sec. 3. 12 V.S.A. § 701 is amended to read:

§ 701. SUMMONS

(a) Any law enforcement officer authorized to serve criminal process or a ~~state's attorney~~ State's Attorney may summon a person who commits an offense to appear before a ~~district or superior court~~ District or Superior Court by a summons in such form as prescribed by the ~~court administrator~~ Court Administrator, stating the time when, and the place where, the person shall appear, signed by the enforcement officer or ~~state's attorney~~ State's Attorney and delivered to the person.

(b) When an individual accepts a precharge services contract, the State's Attorney may issue a new citation ordering the individual to court in the event the individual fails to comply with the terms of the contract. The pretrial monitor may provide the citation to the individual at the time the individual accepts the precharge contract. This shall be considered effective service.

(c) A person so summoned shall appear at the time and place stated in the summons delivered to him or her. A person who does not so appear shall be fined not more than \$100.00 or be imprisoned not more than 90 days, or both.

~~(e)~~(d) A person who does not so appear in response to a summons for a traffic offense as defined in ~~section 23 V.S.A. § 2201 of Title 23~~ shall be fined not more than \$100.00.

And by renumbering the remaining section to be numerically correct.

After passage, the title of the bill is to be amended to read:

An act relating to pretrial screenings and assessments.

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

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

Message from the House No. 48

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

Mr. President:

I am directed to inform the Senate that:

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

S. 115. An act relating to expungement of convictions based on conduct that is no longer criminal.

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

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

H. 86. An act relating to the Uniform Interstate Family Support Act.

And has concurred therein.

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

S. 98. An act relating to captive insurance companies.

And has concurred therein.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 15, 2015.

WEDNESDAY, APRIL 15, 2015

The Senate was called to order by the President.

Devotional Exercises

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

**Message from the Governor
Appointments Referred**

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

Goldstein, Joan of Royalton - Commissioner of the Economic Development, Department of, - from April 20, 2015, to February 28, 2017.

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

Cloud, Dominic of Essex - Member of the Natural Resources Board, - from April 9, 2015, to January 31, 2019.

To the Committee on Natural Resources & Energy.

Coen, David of Shelburne - Member of the Transportation Board, - from April 9, 2015, to February 29, 2016.

To the Committee on Transportation.

Wasik, Mary Jean of Pittsford - Member of the Human Services Board, - from April 9, 2015, to February 28, 2021.

To the Committee on Health & Welfare.

Bailey, Richard of Hyde Park - Member of the Transportation Board, - from April 9, 2015, to February 28, 2018.

To the Committee on Transportation.

O'Rourke, Robert Joseph of Rutland - Member of the Vermont Racing Commission, - from April 9, 2015, to January 31, 2021.

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

Peterson, Barrett of Williston - Member of the State Board of Health, - from April 1, 2015, to February 28, 2021.

To the Committee on Health & Welfare.

Courtney, Elizabeth of Montpelier - Alternate Member of the Natural Resources Board, - from April 9, 2015, to January 31, 2016.

To the Committee on Natural Resources & Energy.

Kaczynski, Michelle of Winooski - Member of the Children and Family Council for Prevention Programs, - from April 9, 2015, to February 29, 2016.

To the Committee on Health & Welfare.

Brayton, Kathryn Searles of Essex Junction - Member of the Children and Family Council for Prevention Programs, - from April 9, 2015, to February 28, 2018.

To the Committee on Health & Welfare.

Naud, Mark of South Hero - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from April 9, 2015, to February 28, 2018.

To the Committee on Natural Resources & Energy.

Bills Introduced

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

S. 148.

By Senator Benning,

An act relating to electric generation facilities and municipal and regional recommendations.

To the Committee on Finance.

S. 149.

By Senators Pollina, Benning and McCormack,

An act relating to the interstate Health Care Compact.

To the Committee on Health & Welfare.

Proposal of Amendment; Third Reading Ordered

H. 141.

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

An act relating to the Organ and Tissue Donation Working Group.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, subsection (f), by striking out "2017" and inserting in lieu thereof 2020

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

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

Proposal of Amendment; Consideration Postponed

H. 98.

House bill entitled:

An act relating to reportable disease registries and data.

Was taken up.

Thereupon, pending third reading of the bill, Senators Campbell, Mullin, and Sears moved that the Senate propose to the House to amend the bill by adding two new sections to be numbered Secs. 3 and 4 to read as follows:

Sec. 3. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in ~~the~~ a child care facility without a required immunization:

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; ~~or,~~

(3) If the person or, in the case of a minor, the person's parent or guardian annually provides a signed statement to the school or child care facility on a form created by the ~~Vermont department of health~~ Department that the person, parent, or guardian:

(A) holds religious beliefs ~~or philosophical convictions~~ opposed to immunization; and

(B) has reviewed ~~and understands~~ evidence-based educational material provided by the ~~department of health~~ Department regarding immunizations, including:

(i) information about the risks of adverse reactions to immunization;

~~(C)~~(ii) ~~understands~~ information that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

~~(D)~~(iii) ~~understands~~ information that there are persons with special health needs attending schools and child care facilities who are unable to be

vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

* * *

Sec. 4. 18 V.S.A. § 1124 is amended to read:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the ~~Vermont department of health~~ Department shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the ~~department~~ Department shall include the number of medical, ~~philosophical~~, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

* * *

And by renumbering the existing Secs. 3 and 4 to be Secs. 5 and 6, respectively.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senators Campbell, Mullin and Sears?, Senator Sears moved that the consideration on the bill be postponed until, Wednesday, April 22, 2015, which was agreed to.

Bill Passed in Concurrence

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

H. 268.

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

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

H. 270.

House bill entitled:

An act relating to definitions for pretrial screenings and assessments.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the Senate proposal of amendment by striking out the following: "July 1, 2015" and inserting in lieu thereof the following: passage

Which was agreed to.

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

Bill Passed in Concurrence with Proposal of Amendment

H. 304.

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

An act relating to making miscellaneous amendments to Vermont's retirement laws.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 310. An act relating to limited liability companies.

H. 478. An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

Senate Resolution Amended; Resolution Adopted

S.R. 7.

Senate resolution entitled:

Senate resolution relating to climate change.

Was taken up.

Thereupon, pending third reading of the Senate resolution, Senator Bray moved to amend the Senate resolution by striking out the *Fifth Whereas* clause in its entirety and inserting in lieu thereof the following:

Whereas, consequently, the State has yet to meet its statutory goal of 25 percent reduction in greenhouse gas pollution, and

Which was agreed to.

Thereupon, the Senate resolution was read the third time and adopted on a roll call, Yeas 25, Nays 5.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Degree, Doyle, Kitchel, Lyons,

MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Flory, McAllister, Rodgers.

Committee Relieved of Further Consideration; Bill Committed

H. 25.

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

An act relating to natural burial grounds,
and the bill was committed to the Committee on Government Operations.

Message from the House No. 49

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

Mr. President:

I am directed to inform the Senate that:

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

S. 71. An act relating to governance of the Vermont State Colleges.

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

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

J.R.S. 24. 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, April 16, 2015.

THURSDAY, APRIL 16, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Patrick Fitzsimons of White River Junction.

Bill Referred to Committee on Appropriations**H. 20.**

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 licensed alcohol and drug abuse counselors as participating providers in Medicaid.

Bill Referred to Committee on Finance**H. 35.**

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 improving the quality of State waters.

**Message from the Governor
Appointment Referred**

A message was received from the Governor, by Susan Allen, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to committee as indicated:

Groveman, Jon of Marshfield - Chair of the Natural Resources Board, - from February 9, 2015, to February 28, 2017.

To the Committee on Natural Resources & Energy.

Message from the Governor

A message was received from His Excellency, the Governor, by Susan Allen, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the tenth day of April, 2015 he approved and signed a bill originating in the Senate of the following title:

S. 2. An act relating to the establishment of a State Latin Motto.

Bill Passed in Concurrence with Proposal of Amendment

H. 141.

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

An act relating to the Organ and Tissue Donation Working Group.

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

S. 115.

House proposal of amendment to Senate bill entitled:

An act relating to expungement of convictions based on conduct that is no longer criminal.

Was taken up.

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

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

* * *

(4) “Qualifying crime” means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief; ~~or~~

(C) a violation of section 2501 of this title related to grand larceny; or

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title.

Sec. 2. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD, POSTCONVICTION; PROCEDURE

(a)(1) A person ~~who was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence~~ may file a petition with the Court requesting expungement or sealing of the criminal history record related to the conviction. ~~The State's Attorney or Attorney General shall be the respondent in the matter. if:~~

(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence; or

(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(2) The State's Attorney or Attorney General shall be the respondent in the matter.

(3) The Court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the Court, and the Court shall issue the petitioner a certificate and provide notice of the order in accordance with this section.

* * *

(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(A) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.

(B) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.

(C) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(D) The person successfully completed a term of public service or programming, independent of any service or programming ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:

(i) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;

(ii) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing; or

(iii) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing.

(E) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.

(F) The Court finds that expungement of the criminal history record serves the interest of justice.

(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, the Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(1) At least one year has elapsed since the completion of any sentence or supervision for the offense, whichever is later.

(2) Any restitution ordered by the Court has been paid in full.

(3) The Court finds that expungement of the criminal history record serves the interest of justice.

(f) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:

(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.

(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

(g) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the Court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Benning, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Third Reading Ordered**H. 73.**

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

An act relating to the corporate governance structure of insurers.

Reported that the bill ought to pass in concurrence.

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

Proposal of Amendment; Third Reading Ordered**H. 51.**

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

An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 4, 8 V.S.A. § 3696, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Notwithstanding any other provision of law to the contrary, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the Commissioner shall acknowledge such official as the supervisor. However, the Commissioner shall make a determination or acknowledgment as to the appropriate supervisor for such group pursuant to subsection (b) of this section in the event of a material change in the group that results in:

(1) the group's insurers domiciled in Vermont holding the largest share of the group's premiums, assets, or liabilities; or

(2) Vermont becoming the place of domicile of the top-tiered insurers in the insurance holding company system of the group.

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

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

Committee Relieved of Further Consideration; Bill Committed

H. 25.

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

An act relating to natural burial grounds,

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

Adjournment

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

FRIDAY, APRIL 17, 2015

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 entitled:

H. 11. An act relating to the membership of the Commission on Alzheimer's Disease and Related Disorders.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Health & Welfare.

Bill Passed in Concurrence with Proposal of Amendment

H. 51.

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

An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

Bill Passed in Concurrence

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

H. 73. An act relating to the corporate governance structure of insurers.

Third Reading Ordered**H. 483.**

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

An act relating to home improvement fraud.

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.

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:

Kenney, Frederick, II of Jericho - Executive Director, Vermont Economic Progress Council - April 1, 2015, to March 31, 2017.

Morse, Stephan of Newfane - Member, Vermont Economic Progress Council - April 1, 2015, to March 31, 2019.

Straffin, Shawn of West Burke - Member, Vermont Economic Progress Council - April 1, 2015, to March 31, 2019.

Message from the House No. 50

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

Mr. President:

I am directed to inform the Senate that:

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

H.C.R. 113. House concurrent resolution in memory of Caryl June Stewart.

H.C.R. 114. House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II girls' and boys' championship Nordic skiing teams.

H.C.R. 115. House concurrent resolution congratulating the 2015 Woodstock Union High School girls' and boys' State championship alpine skiing teams.

H.C.R. 116. House concurrent resolution in memory of Gary Michael Carey of Colchester.

H.C.R. 117. House concurrent resolution congratulating Windsor High School on winning the first 3D Vermont championship.

H.C.R. 118. House concurrent resolution honoring the 10th Annual Rock, Rattle & Drum Pow Wow.

H.C.R. 119. House concurrent resolution recognizing the value of public-private academic partnerships such as 3D Vermont.

H.C.R. 120. House concurrent resolution congratulating the 2015 Rutland Senior High School Division I and New England coed team cheerleading champions.

H.C.R. 121. House concurrent resolution designating April 14, 2015, as Equal Pay Day in Vermont.

H.C.R. 122. House concurrent resolution commemorating the 70th anniversary of the conclusion of World War II.

H.C.R. 123. House concurrent resolution congratulating Dismas House of Rutland on its 25th anniversary and its commemorative dinner honorees.

H.C.R. 124. House concurrent resolution congratulating Brian Godfrey on being named the 2014 Vermont Elementary Physical Education Teacher of the Year.

H.C.R. 125. House concurrent resolution congratulating the Housing Trust of Rutland County on its conversion of the former Watkins School in Rutland City to affordable senior housing.

H.C.R. 126. House concurrent resolution designating October 1–4, 2015, as “The Wall That Heals” Days in Vermont.

H.C.R. 127. House concurrent resolution congratulating the 2014 Vermont recipients of the Girl Scout Silver and Gold Awards.

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

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative O'Sullivan and others,

By Senators Ashe, Collamore, Kitchel, Lyons, Mazza, McCormack, Pollina, Sirotkin, Snelling and Zuckerman,

H.C.R. 113.

House concurrent resolution in memory of Caryl June Stewart.

By Representative Clarkson and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 114.

House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II girls' and boys' championship Nordic skiing teams.

By Representative Clarkson and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 115.

House concurrent resolution congratulating the 2015 Woodstock Union High School girls' and boys' State championship alpine skiing teams.

By Representative Brennan and others,

By Senator Mazza,

H.C.R. 116.

House concurrent resolution in memory of Gary Michael Carey of Colchester.

By Representative Sweaney and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 117.

House concurrent resolution congratulating Windsor High School on winning the first 3D Vermont championship.

By Representative Morris and others,

By Senators Sears, Campion and Nitka,

H.C.R. 118.

House concurrent resolution honoring the 10th Annual Rock, Rattle & Drum Pow Wow.

By Representative Christie and others,
By Senators Campbell, McCormack and Nitka,

H.C.R. 119.

House concurrent resolution recognizing the value of public-private academic partnerships such as 3D Vermont.

By Representative Fagan and others,
By Senators Collamore, Flory and Mullin,

H.C.R. 120.

House concurrent resolution congratulating the 2015 Rutland Senior High School Division I and New England coed team cheerleading champions.

By Representative Burke and others,

H.C.R. 121.

House concurrent resolution designating April 14, 2015, as Equal Pay Day in Vermont.

By All Members of the House,

H.C.R. 122.

House concurrent resolution commemorating the 70th anniversary of the conclusion of World War II.

By Representative Russell,

H.C.R. 123.

House concurrent resolution congratulating Dismas House of Rutland on its 25th anniversary and its commemorative dinner honorees.

By Representative O'Brien,

H.C.R. 124.

House concurrent resolution congratulating Brian Godfrey on being named the 2014 Vermont Elementary Physical Education Teacher of the Year.

By Representative Russell,

H.C.R. 125.

House concurrent resolution congratulating the Housing Trust of Rutland County on its conversion of the former Watkins School in Rutland City to affordable senior housing.

By Representative Myers and others,

H.C.R. 126.

House concurrent resolution designating October 1–4, 2015, as “The Wall That Heals” Days in Vermont.

By Representative O'Brien,

H.C.R. 127.

House concurrent resolution congratulating the 2014 Vermont recipients of the Girl Scout Silver and Gold Awards.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 21, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 24.

TUESDAY, APRIL 21, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted the Father Dwight Baker of Northfield.

Pledge of Allegiance

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

Joint Senate Resolution Recommitted

J.R.S. 10.

Senator Mullin moved to recommitted Joint Senate resolution entitled:

Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont.

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

Thereupon, pending the question, Shall the joint resolution be recommitted to the Committee on Economic Development, Housing and General Affairs?, Senator Sirotkin moved that the joint resolution be ordered to lie.

Which was disagreed to.

Thereupon, the question, Shall the joint resolution be recommitted to the Committee on Economic Development, Housing and General Affairs? was agreed to.

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. 25. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 24, 2015, it be to meet again no later than Tuesday, April 28, 2015.

Bill Referred to Committee on Appropriations

H. 488.

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 State's Transportation Program and miscellaneous changes to laws related to transportation.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 150.

By Senator White,

An act relating to the Vermont Spay Neuter Incentive Program.

To the Committee on Government Operations.

Proposals of Amendment; Third Reading Ordered

H. 241.

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

An act relating to rulemaking on emergency involuntary procedures.

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

First: In Sec.1, subsection (a), subdivisions (1) and (2)(B), by striking out the words “as a nurse practitioner” after Vermont Board of Nursing where it twice appears

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 18 V.S.A. § 7251 is amended to read:

§ 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

The General Assembly adopts the following principles as a framework for reforming the mental health care system in Vermont:

* * *

(9) Individuals with a psychiatric disability or mental condition who are in the custody or temporary custody of the Commissioner of Mental Health and who receive treatment in an acute inpatient hospital unit, intensive residential recovery facility, or a secure residential recovery facility shall be afforded ~~at least the same rights and protections as those individuals cared for at the former Vermont State Hospital~~ that reflect evidence-based best practices aimed at reducing the use of emergency involuntary procedures.

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

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

Bill Passed in Concurrence

H. 483.

House bill entitled:

An act relating to home improvement fraud.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin, moved that the Senate propose to the House to amend the bill as follows:

In Sec. 1, 13 V.S.A. § 2029(b)(1)(B)(i), after the word “payment”, by inserting the words for any uncompleted work

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Sirotkin?, Senator Sirotkin requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, the bill was read the third time and passed in concurrence.

Message from the House No. 51

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

Mr. President:

I am directed to inform the Senate that:

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

S. 141. An act relating to possession of firearms.

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 Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 22, 2015.

WEDNESDAY, APRIL 22, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deadra Ashton of Tunbridge.

Bill Referred to Committee on Appropriations**H. 11.**

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 membership of the Commission on Alzheimer's Disease and Related Disorders.

Bills Introduced

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

S. 151.

By Senator Westman,

An act relating to Medicaid reimbursement for ambulance and emergency medical treatment services.

To the Committee on Health & Welfare.

S. 152.

By Senator White,

An act relating to whistleblower protection for State employees.

To the Committee on Judiciary.

**Consideration Resumed; Proposal of Amendment; Bill Passed in
Concurrence with Proposal of Amendment**

H. 98.

Consideration was resumed on House bill entitled:

An act relating to reportable disease registries and data.

Was taken up.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senators Campbell, Mullin and Sears?, Senator Zuckerman moved to amend the proposal of amendment of Senators, Campbell, Mullin and Sears by adding a new section to be numbered Sec. 3 to read as follows:

Sec. 3. REPEAL; PHILOSOPHICAL EXEMPTION

The philosophical exemption to immunization shall be repealed when the Centers for Disease Control and Prevention determines that there is a reliable DNA swab test to check for the genetic predisposition to an allergic reaction to various immunization ingredients.

And by renumbering the existing Sec. 3 to be Sec. 4.

Which was disagreed to.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as moved by Senators Campbell, Mullin and Sears?, Senator Cummings moved to commit the bill to the Committee on Education.

Thereupon, pending the question, Shall the bill be committed to the Committee on Education?, Senator Cummings requested and was granted leave to withdraw the motion to commit.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as moved by Senators Campbell, Mullin and Sears?, was agreed to on a division of the Senate, Yeas 18, Nays 11.

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

House Proposals of Amendment Concurred In

S. 71.

House proposals of amendment to Senate bill entitled:

An act relating to governance of the Vermont State Colleges.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, in 16 V.S.A. chapter 72, by striking out § 2185 (determination of residency for tuition purposes) in its entirety and inserting in lieu thereof the following:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements.

(b) Any member of the U.S. Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

Second: In Sec. 1, in 16 V.S.A. § 2171, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) There is created as a part of the educational system of the State of Vermont a public corporation to be known as “Vermont State Colleges,” which Colleges” or any other name that the Board of Trustees, established under section 2172 of this chapter, selects at a meeting duly warned for that purpose, provided that the word “Vermont” shall appear in the selected name. The Corporation shall plan, supervise, administer, and operate facilities for education at the postsecondary level supported in whole or in substantial part with State funds; however, while the Corporation shall maintain cooperative relations with the University of Vermont and State Agricultural College, nothing in this chapter shall give the ~~corporation~~ Corporation any responsibility for the planning, supervision, administration, or operation of the University.

Third: By adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. EFFECT OF AMENDMENT

In Sec. 1 of this act, 16 V.S.A. § 2171(a) is amended by authorizing the Board of Trustees established under 16 V.S.A. § 2172 to select a different name for the Corporation presently known as “Vermont State Colleges.”

Notwithstanding any name that the Board of Trustees selects for the Corporation pursuant to 16 V.S.A. § 2171(a):

(1) All legal instruments executed in the name of the Vermont State Colleges or in any subsequent name selected under 16 V.S.A. § 2171(a) shall be legally binding on the Corporation.

(2) All statutory references to “Vermont State Colleges” shall mean the Corporation created under 16 V.S.A. § 2171(a).

And by renumbering the remaining sections to be numerically correct.

Thereupon, pending the question, Shall the Senate concur in the House proposals of amendment?, Senator Ashe moved that the Senate concur in the House proposals of amendment with the following amendment thereto:

By striking out the *second* and *third* House proposals of amendment.

Which was disagreed to on a division of the Senate, Yeas 7, Nays 18.

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

Bill Passed in Concurrence with Proposal of Amendment

H. 241.

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

An act relating to rulemaking on emergency involuntary procedures.

Proposal of Amendment; Third Reading Ordered

H. 105.

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

An act relating to disclosure of sexually explicit images without consent.

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

Sec. 1. 13 V.S.A. § 2605 is amended to read:

§ 2605. VOYEURISM

(a) As used in this section:

* * *

(6) “Sexual conduct” shall have the same meaning as in section 2821 of this title.

(7) “Surveillance” means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

(7)(8) “View” means the intentional looking upon another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or a device designed or intended to improve visual acuity.

* * *

(e) No person shall intentionally photograph, film, or record in any format a person without that person’s knowledge and consent while that person is in a place where a person has a reasonable expectation of privacy and that person is engaged in a sexual act as defined in section 3251 of this title conduct.

* * *

Sec. 2. 13 V.S.A. § 2606 is added to read:

§ 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT CONSENT

(a) As used in this section:

(1) “Disclose” includes transfer, publish, distribute, exhibit, or reproduce.

(2) “Harm” means physical injury, financial injury, or serious emotional distress.

(3) “Minor” means a person less than 18 years of age.

(4) “Nude” means any one or more of the following uncovered parts of the human body:

(A) genitals;

(B) pubic area;

(C) anus; or

(D) post-pubescent female nipple.

(5) “Sexual conduct” shall have the same meaning as in section 2821 of this title.

(6) “Visual image” includes a photograph, film, videotape, recording, or digital reproduction.

(b)(1) A person violates this section if he or she knowingly discloses a visual image of an identifiable person who is nude or who is engaged in sexual

conduct, without his or her consent, with the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a reasonable person to suffer harm. A person may be identifiable from the image itself or information offered in connection with the image. Consent to recording of the visual image does not, by itself, constitute consent for disclosure of the image. A person who violates this subdivision (1) shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(2) A person who violates subdivision (1) of this subsection with the intent of disclosing the image for financial profit and causes harm to the person depicted shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(c) A person who maintains an Internet website, online service, online application, or mobile application that contains a visual image of an identifiable person who is nude or who is engaged in sexual conduct shall not solicit or accept a fee or other consideration to remove, delete, correct, modify, or refrain from posting or disclosing the visual image if requested by the depicted person.

(d) This section shall not apply to:

(1) Images involving voluntary nudity or sexual conduct in public or commercial settings or in a place where a person does not have a reasonable expectation of privacy.

(2) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment.

(3) Disclosures of materials that constitute a matter of public concern.

(4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or information services or telecommunications services, as defined in 47 U.S.C. § 153, for content solely provided by another person. This subdivision shall not preclude other remedies available at law.

(e)(1) A plaintiff shall have a private cause of action against a defendant who knowingly discloses, without the plaintiff's consent, an identifiable visual image of the plaintiff while he or she is nude or engaged in sexual conduct and the disclosure causes the plaintiff harm.

(2) In addition to any other relief available at law, the Court may order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the image. The Court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.

Sec. 3. 9 V.S.A. chapter 117 is redesignated to read:

CHAPTER 117. INTERNET SALES COMMERCE

Sec. 4. 9 V.S.A. § 4191 is added to read:

§ 4191. REMOVAL OF BOOKING PHOTOGRAPHS FROM THE INTERNET; FEES PROHIBITED

(a) As used in this section, “booking photograph” means any photograph taken by a law enforcement office or other authorized person pursuant to 20 V.S.A. chapter 117.

(b) A person who posts or otherwise disseminates a booking photograph on the Internet shall not solicit or accept a fee or other consideration to remove, delete, correct, modify, or refrain from posting or disseminating the booking photograph if requested by the depicted person.

(c) A person who violates subsection (b) of this section shall be assessed a civil penalty of not more than \$1,000.00 for the first violation and not more than \$2,500.00 for each subsequent violation.

(d) A person who sustains damages or injury as a result of a violation of this section may bring an action in Superior Court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney’s fees. The Court may issue an award for the person’s actual damages or \$500.00 for a first violation, or \$1,000.00 for each subsequent violation, whichever is greater. This subsection shall not limit any other claims a person who sustains damages or injury as a result of a violation of this section may have under applicable law.

(e) This section shall not be construed to limit a person’s liability under any other law.

Sec. 5. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(26) Violations of 9 V.S.A. § 4191 relating to the solicitation or acceptance of a fee to remove a booking photograph from the Internet.

* * *

Sec. 6. 20 V.S.A. § 2358(b)(1) and (2), as amended by 2014 Acts and Resolves No. 141, Sec. 5, are amended to read:

(1) Level I certification.

(A) An applicant for certification as a Level I law enforcement officer shall first complete an off-site training program prior to entering and completing Level I basic training. Level I basic training shall include training to react to the circumstances described in subdivision (B) of this subdivision (1).

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council by rule, except that a Level I officer may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain or arrest an individual ~~whom~~ who the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain or arrest an individual ~~whom~~ who the officer reasonably believes has committed a felony under Vermont law.

(ii) If a Level I officer reacts to any of the circumstances described in subdivision (i) of this subdivision (B), he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

(2) Level II certification.

(A) An applicant for certification as a Level II law enforcement officer shall first complete Level II basic training and may then become certified in a specialized practice area as set forth in subdivision (B)(ii) of this subdivision (2). Level II basic training shall include training to respond to calls regarding alleged crimes in progress and to react to the circumstances described in subdivision (B)(iii) of this subdivision (2).

(B)(i) Except as provided in subdivisions (ii) and (iii) of this subdivision (B), the scope of practice of a Level II law enforcement officer shall be limited to investigating the following matters:

(I) 7 V.S.A. § 658 (sale or furnishing to minors; enabling consumption by minors);

(II) 13 V.S.A. chapter 7 (advertisements);

~~(H)(III)~~ (III) 13 V.S.A. chapter 8 (humane and proper treatment of animals);

(IV) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting fires), and 509 (attempts);

~~(III)~~(V) 13 V.S.A. chapter 19, subchapter 1 (riots);

~~(IV)~~(VI) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1025 (recklessly endangering another person), 1026 (disorderly conduct), and 1027 (disturbing peace by use of telephone or other electronic communications), 1030 (violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child), 1031 (interference with access to emergency services), 1042 (domestic assault), and 1062 (stalking);

~~(V)~~(VII) 13 V.S.A. chapter 35 (escape);

~~(VI)~~(VIII) 13 V.S.A. chapter 41 (false alarms and reports);

~~(VII)~~(IX) 13 V.S.A. chapter 45 (flags and ensigns);

~~(VIII)~~(X) 13 V.S.A. chapter 47 (frauds);

~~(IX)~~(XI) 13 V.S.A. chapter 49 (fraud in commercial transactions);

~~(X)~~(XII) 13 V.S.A. chapter 51 (gambling and lotteries);

~~(XI)~~(XIII) 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);

~~(XII)~~(XIV) 13 V.S.A. chapter 67 (public justice and public officers);

~~(XIII)~~(XV) 13 V.S.A. chapter 69 (railroads);

~~(XIV)~~(XVI) 13 V.S.A. chapter 77 (trees and plants);

~~(XV)~~(XVII) 13 V.S.A. chapter 81 (trespass and malicious injuries to property);

~~(XVI)~~(XVIII) 13 V.S.A. chapter 83 (vagrants);

~~(XVII)~~(XIX) 13 V.S.A. chapter 85 (weapons);

~~(XVIII)~~(XX) 18 V.S.A. §§ 4230(a), 4230c, and 4230d (marijuana possession);

(XXI) 18 V.S.A. § 4231(a) (cocaine possession);

(XXII) 18 V.S.A. § 4232(a) (LSD possession);

(XXIII) 18 V.S.A. § 4233(a) (heroin possession);

(XXIV) 18 V.S.A. § 4234(a) (depressant, stimulant, or narcotic drug possession);

(XXV) 18 V.S.A. § 4234a(a) (methamphetamine possession);
(XXVI) 18 V.S.A. § 4235(b) (hallucinogenic drug possession);
(XXVII) 18 V.S.A. § 4235a(a) (ecstasy possession);
(XXVIII) 18 V.S.A. § 4476 (drug paraphernalia offenses);
(XXIX) 21 V.S.A. § 692(c)(2) (criminal violation of stop-work order);

(XXX) any misdemeanor set forth in Title 23 of the Vermont Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13 (drunken driving), 23 V.S.A. § 3207a (snowmobiling under the influence), 23 V.S.A. § 3323 (boating under the influence), or 23 V.S.A. § 3506(b)(8) (operating an all-terrain vehicle under the influence);

(XXXI) any motor vehicle accident that includes property damage and injuries, as permitted by the Council by rule;

(XXXII) any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;

~~(XIX)~~(XXXIII) municipal ordinance violations;

~~(XX)~~(XXXIV) any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and

~~(XXI)~~(XXXV) any matter within the scope of practice of a Level I law enforcement officer.

(ii) In addition to the scope of practice permitted under subdivision (i) of this subdivision (B), a Level II law enforcement officer may also practice in additional areas approved in writing by the Council based on a special certification or training approved by the Council ~~pursuant to rules adopted by the Council.~~

(iii) Notwithstanding the limitations set forth in subdivisions (i) and (ii) of this subdivision (B), a Level II officer may respond to calls regarding alleged crimes in progress and may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain or arrest an individual ~~whom~~ who the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain or arrest an individual ~~whom~~ who the officer reasonably believes has committed a felony under Vermont law.

(iv) If a Level II officer responds to calls regarding alleged crimes in progress or reacts to any of the circumstances described in subdivision (iii) of this subdivision (B) and that response or reaction is outside the scope of his or her scope of practice, he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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

An act relating to disclosure of sexually explicit images without consent, charging fees for removing booking photographs from the Internet, and expanding the scope of practice of Level II certified law enforcement officers.

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

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

Proposals of Amendment; Third Reading Ordered

H. 120.

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

An act relating to creating a Vermont false claims act.

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

First: In Sec. 1, in 32 V.S.A. § 631(c)(3), by striking out the words “the false claims law” and inserting in lieu thereof the words this subchapter

Second: In Sec. 1, in 32 V.S.A. § 632(b)(3), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words be made in accordance with the Rules of Civil Procedure

Third: In Sec. 1, in 32 V.S.A. § 633(c), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words be made in accordance with the Rules of Civil Procedure

Fourth: In Sec. 1, in 32 V.S.A. § 635(a), by striking out both instances of the following: “subsection (b) of this section” and inserting in lieu thereof in both instances the following: subsection 632(b) of this chapter

Fifth: In Sec. 1, in 32 V.S.A. § 636(b), by inserting after the word “administrative” the words civil money penalty

Sixth: In Sec. 1, in 32 V.S.A. § 639(a)(2), by striking out the following: “circumstances, but in no event more than 10 years after the date on which the violation is committed; whichever occurs last.” and inserting in lieu thereof the following: circumstances, but in no event more than 10 years after the date on which the violation is committed; whichever occurs last.

Seventh: In Sec. 1, in 32 V.S.A. § 639, by inserting a new subsection (d) to read as follows:

(d) Notwithstanding any other general or special law, rule of procedure or rule of evidence to the contrary, a final judgment rendered in favor of the State in any criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 632 of this chapter.

Eighth: In Sec. 2, by striking out the catchline (effective date) and inserting in lieu thereof a new catchline to read: EFFECTIVE DATES and by inserting after the word “passage” the following: , except for 32 V.S.A. § 639(b) which shall take effect on March 15, 2016

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary?, Senator Sears moved to substitute the proposals of amendment of the Committee on Judiciary with proposals of amendment as follows:

First: In Sec. 1, in 32 V.S.A. § 631(c)(3), by striking out the words “the false claims law” and inserting in lieu thereof the words this subchapter

Second: In Sec. 1, in 32 V.S.A. § 632(b)(3), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words in accordance with the Rules of Civil Procedure

Third: In Sec. 1, in 32 V.S.A. § 633(c), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words in accordance with the Rules of Civil Procedure

Fourth: In Sec. 1, in 32 V.S.A. § 635(a), by striking out the following: “subsection (b) of this section” where it twicely appears and inserting in lieu thereof the following: subsection 632(b) of this chapter

Fifth: In Sec. 1, in 32 V.S.A. § 636(b), after the word “administrative” by inserting the words civil money penalty

Sixth: In Sec. 1, in 32 V.S.A. § 639(a)(2), by striking out the following: “circumstances, but in no event more than 10 years after the date on which the violation is committed; whichever occurs last.” and inserting in lieu thereof the following: circumstances, but in no event more than 10 years after the date on which the violation is committed; whichever occurs last.

Seventh: In Sec. 1, in 32 V.S.A. § 639, by inserting a new subsection to be subsection (d) to read as follows:

(d) Notwithstanding any other general or special law, rule of procedure or rule of evidence to the contrary, a final judgment rendered in favor of the State in any criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 632 of this chapter.

Eighth: In Sec. 2, by striking out the catchline (effective date) and inserting in lieu thereof a new catchline to read: EFFECTIVE DATES and after the word “passage” by inserting the following: , except for 32 V.S.A. § 639(b) which shall take effect on March 15, 2016

Which was agreed to.

Thereupon, the proposals of amendment, as substituted, were collectively agreed to, 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, April 23, 2015.

THURSDAY, APRIL 23, 2015

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

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

Message from the House No. 52

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

Mr. President:

I am directed to inform the Senate that:

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

H. 270. An act relating to definitions for pretrial screenings and assessments.

H. 304. An act relating to making miscellaneous amendments to Vermont's retirement laws.

And has severally concurred therein.

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

J.R.S. 25. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on the 16th day of April 2015, he approved and signed bills originating in the House of the following titles:

H. 23. An act relating to the Uniform Transfers to Minors Act.

H. 123. An act relating to mobile home parks, habitability standards, and compliance.

H. 256. An act relating to disposal of property following an eviction, and fair housing and public accommodations.

Message from the House No. 53

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on the 27th day of January 2015, he approved and signed a bill originating in the House of the following title:

H. 15. An act relating to approval of amendments to the charter of the Town of Colchester.

The Governor has informed the House that on the 25th day of February, 2015, he approved and signed bills originating in the House of the following titles:

H. 10. An act relating to approval of amendments to the charter of the Town of Barre.

H. 16. An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

The Governor has informed the House that on the 12th day of March 2015, he approved and signed bills originating in the House of the following titles:

H. 7. An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

H. 17. An act relating to identification and notification of Public Records Act exemptions in administrative rules.

H. 82. An act relating to fiscal year 2015 budget adjustments.

H. 194. An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

Rules Suspended; Bill Committed

H. 361.

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

An act relating to making amendments to education funding, education spending, and education governance.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Education, Senator Cummings 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 Education *intact*,

Which was agreed to.

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

H. 105.

House bill entitled:

An act relating to disclosure of sexually explicit images without consent.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment in Sec. 2, 13 V.S.A. § 2606(a) by striking out subdivision (3) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Which was agreed to.

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

Bill Passed in Concurrence with Proposals of Amendment

H. 120.

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

An act relating to creating a Vermont false claims act.

Proposal of Amendment; Third Reading Ordered

H. 488.

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

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

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

* * * Transportation Program; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's proposed fiscal year 2016 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2016 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

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

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

(3) The table heading "As Proposed" means the Transportation Program referenced in subsection (a) of this section; the table heading "As Amended" means the amendments as made by this act; the table heading "Change" means the difference obtained by subtracting the "As Proposed" figure from the "As

Amended” figure; and the term “change” or “changes” in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading.

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

* * * Personnel-related Savings * * *

Sec. 2. FISCAL YEAR 2016 PERSONNEL-RELATED SAVINGS

In addition to all other reductions in spending authority under this act, overall fiscal year 2016 Transportation Program spending is reduced by \$1,500,000.00 in transportation funds, to be achieved through a combination of personnel, labor, or consultant cost savings identified by the Secretary.

* * * Program Development – Funding * * *

Sec. 3. PROGRAM DEVELOPMENT – FUNDING

(a) Spending authority in Program Development in fiscal year 2016 is modified in accordance with this section. Among projects selected in the Secretary’s discretion in accordance with subsection (b) of this section, the Secretary shall:

(1) increase project spending authority in the total amount of \$3,514,996.00 in transportation funds;

(2) reduce project spending authority in the total amount of \$6,600,000.00 in TIB funds; and

(3) reduce project spending authority in the total amount of \$12,340,016.00 in federal funds.

(b) In exercising his or her discretion to select projects on which spending will be reduced, the Secretary shall not delay a project that otherwise would proceed in fiscal year 2016, unless the full amount of the reduction required under subsection (a) of this section cannot be achieved from project savings or unforeseen delays that prevent a project from proceeding in fiscal year 2016. If a project that otherwise would have proceeded in fiscal year 2016 is delayed, the Secretary shall promptly notify:

(1) the House and Senate Committees on Transportation when the General Assembly is in session; or

(2) the Joint Transportation Oversight Committee and the Joint Fiscal Committee Office when the General Assembly is not in session.

* * * Contingent Spending Authority * * *

Sec. 3a. CONTINGENT SPENDING AUTHORITY; DELAYED PROJECTS AND PAVING PROGRAM PROJECTS OR ACTIVITIES

(a) As used in this section:

(1) The phrase “net balance” means an overall positive balance consisting of either the sum of any unreserved monies in the Transportation Fund and TIB Fund remaining at the end of fiscal year 2015, or the overall positive balance in either Fund at the end of fiscal year 2015 after subtracting any deficit in the other Fund.

(2) The phrase “net increase” means an overall increase in forecasted revenues under the July 2015 consensus revenue forecast over the January 2015 consensus revenue forecast for fiscal year 2016, consisting of either the sum of forecasted increases in Transportation Fund and TIB Fund revenues, or an overall increase in forecasted revenues after subtracting a forecasted downgrade in either Fund.

(b) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if any net balance exists at the end of fiscal year 2015, or if there is a net increase in the July 2015 consensus revenue forecast, up to a total amount of \$3,000,000.00 of the net balance and the net increase, and up to a total amount of \$12,000,000.00 in matching federal funds, is authorized for expenditure and is hereby appropriated to be used on a project that otherwise would be required to be delayed under Sec. 3 of this act.

(c) If the full amount of any net balance and net increase is not expended under subsection (a) of this section, the remaining amount is authorized for expenditure and is hereby appropriated to advance Paving Program projects or to increase Statewide Paving Program activities in the Transportation Program adopted under this act.

(d) If the Agency expends funds under the authority of this section, it shall notify the House and Senate Committees on Transportation when the General Assembly is in session, or the Joint Transportation Oversight Committee when the General Assembly is not in session.

* * * Maintenance Program * * *

Sec. 4. MAINTENANCE PROGRAM

(a) Total authorized spending in the Maintenance Program is amended as follows:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal services	43,784,445	43,784,445	0
Operating expenses	43,890,139	43,190,139	-700,000
Grants	95,000	95,000	0
Total	87,769,584	87,069,584	-700,000
<u>Sources of funds</u>			
State	83,169,447	82,469,447	-700,000
Federal	4,500,137	4,500,137	0
Interdep't transfer	100,000	100,000	0
Total	87,769,584	87,069,584	-700,000

(b) The reduction in authorized Maintenance Program spending under subsection (a) of this section shall be allocated among maintenance activities as specified by the Secretary.

* * * Town Highway Structures * * *

Sec. 5. TOWN HIGHWAY STRUCTURES

Spending authority for Town Highway Structures Program is amended to read:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	6,333,500	9,483,500	3,150,000
Total	6,333,500	9,483,500	3,150,000
<u>Sources of funds</u>			
State	6,333,500	9,483,500	3,150,000
Federal	0	0	0
Total	6,333,500	9,483,500	3,150,000

* * * Town Highway Bridge Program * * *

Sec. 6. TOWN HIGHWAY BRIDGE PROGRAM; PROJECT CANCELLATION

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project from the Town Highway Bridge Program candidate list: Fair Haven BO 1443() (scoping for BR2 on TH45).

* * * Rest Areas * * *

Sec. 7. REST AREAS PROGRAM; PROJECT CANCELLATION

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following Rest Areas Program project: Derby IM 091-3(8) (expansion of Derby I-91 rest area).

Sec. 8. REST AREAS PROGRAM; PROJECT ADDITION

The following project is added to the candidate list of the Rest Areas Program within the fiscal year 2016 Transportation Program: Derby IM 091-3 () (rehabilitation of Derby I-91 rest area).

* * * Central Garage * * *

Sec. 9. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2016, the amount of \$162,504.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Transportation Funding Analysis * * *

Sec. 10. AGENCY ANALYSIS OF TRANSPORTATION FUNDING

(a) The Agency shall identify and evaluate funding sources, other than motor vehicle fuel taxes, that will be sufficient to maintain the State's transportation system, accounting for State and federal policies that have and will continue to reduce motor vehicle fuel consumption. In conducting this analysis, the Agency shall:

(1) review current State and federal transportation funding sources and policies, as well as policies and trends that have and will continue to reduce motor vehicle fuel consumption;

(2) review and expand on the funding options contained in the report on transportation funding required by 2012 Acts and Resolves No. 153, Sec. 40; and

(3) review the actions of other states and provinces that have reduced or eliminated motor vehicle fuel taxes and replaced them with other funding sources.

(b) The Agency also shall identify and evaluate funding sources, other than local property taxes, to support the local share of increasing costs or the expansion of public transportation services statewide.

(c) The Agency shall deliver a written report of its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

* * * Study of Commuter Rail and Bus Service * * *

Sec. 11. STUDY OF MONTPELIER TO ST. ALBANS COMMUTER RAIL SERVICE, ALBANY TO BENNINGTON TO MANCHESTER BUS SERVICE

(a) The Agency shall study the financial and operational feasibility of a commuter rail service in the corridor between St. Albans, Essex Junction, and

Montpelier, with connecting service to Burlington, and shall report its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2017.

(b) The Agency shall study the expected benefits and costs to the State of Vermont, implementation steps, and timeline associated with various models for initiating and operating an Albany to Bennington to Manchester bus service, and shall report its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

* * * Review of Transportation Service Programs * * *

Sec. 12. REVIEW OF TRANSPORTATION SERVICE PROGRAM

(a) The Agency, in consultation with the Agency of Human Services and interested stakeholders, shall review the Elders and Persons with Disability Transportation Program (E&D Program). In carrying out its review, the Agency shall analyze:

(1) the gap between current and projected E&D Program resources and needs over a 10-year time frame, on regional and statewide levels;

(2) regional transportation service delivery models and their adequacy in meeting E&D Program participant needs;

(3) opportunities to achieve efficiencies by coordinating E&D Program and other human services transportation programs, and obstacles to achieving such efficiencies;

(4) challenges that exist for partner organizations to raise local matching funds for transportation services;

(5) the current and expected impact of Medicaid waiver programs on the E&D Program; and

(6) existing and emerging technology and the potential role it could play in increasing service to elders and persons with disabilities.

(b) The Agency shall submit a written report of its findings and any recommendations to the House and Senate Committees on Transportation on or before January 15, 2016.

* * * Authority of the Agency and Secretary * * *

Sec. 13. 5 V.S.A. § 204 is amended to read:

§ 204. POWERS OF AGENCY GENERALLY

(a) To carry out the purposes of this part, the Agency of Transportation shall have power, subject to subsection (b) of this section:

(1) To contract in the name of the State with individuals, firms, or corporations, with officials of a town, city, or village, with officials of a group of either or both of such governmental units, with officials of another state, or with officials or agencies of the federal government to carry out the purposes of this part.

(2) To receive, manage, use, or expend, for purposes directed by the donor, gifts, grants, or contributions of any name or nature made to the State for the promotion or development of aeronautics or for aeronautics facilities. The authority granted in this subdivision shall be subject to the provisions of 32 V.S.A. § 5.

* * *

Sec. 14. 5 V.S.A. § 206 is amended to read:

§ 206. ~~COOPERATION WITH UNITED STATES;~~ FEDERAL AND OTHER ~~MONEYS~~ MONIES RECEIVED; DEPOSIT, DESIGNATION, APPROPRIATION, AND DISBURSEMENT

(a) The ~~agency~~ Agency is authorized to cooperate with the government of the United States in the acquisition, construction, improvement, maintenance, and operation of airports and other navigation facilities in this ~~state~~ State, and to comply with the provisions of the laws or regulations of the United States for the expenditure of federal ~~moneys~~ monies upon airports and other air navigation facilities.

(b) ~~It~~ The Agency is authorized to accept, receive, and receipt for federal ~~moneys~~ monies and other ~~moneys~~ monies, either public or private, for and in behalf of this ~~state~~ State, appropriated to the Agency or that have been approved for receipt pursuant to 32 V.S.A. § 5 or 511.

(c) All ~~moneys~~ monies accepted for disbursement by the ~~agency~~ Agency pursuant to subsection (b) of this section shall be deposited in the ~~state treasury~~ State Treasury and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the ~~moneys~~ monies were made available, and held by the ~~state~~ State in trust for such purposes. ~~All moneys are hereby appropriated for the purposes for which they were made available, to~~ monies shall be expended for the purposes for which they were made available and in accordance with federal laws and regulations and with this chapter. The ~~agency~~ Agency is authorized, whether acting for this ~~state~~ State or as the agent of any of its municipalities, or when requested by the ~~United States~~ U.S. government or any agency or department of the ~~United States~~ U.S. government, to disburse such ~~moneys~~ monies for the designated purposes, but this shall not preclude any other authorized method of disbursement.

Sec. 15. 19 V.S.A. § 1502 is amended to read:

§ 1502. ~~COOPERATION WITH~~ COMPLIANCE WITH FEDERAL GOVERNMENT REQUIREMENTS; USE OF FEDERAL AID MONEY

(a) To effect the purposes of section 1501 of this title, the ~~agency~~ Agency may comply with federal rules and regulations, and may use so much of the funds appropriated to the Agency, or available to it pursuant to 32 V.S.A. § 5 or 511, for highway purposes as shall be necessary to secure aid from the federal government under the federal act specified in section 1501; and in addition may use ~~further~~ such sums as may be necessary for surveys, plans, specifications, estimates, and assistance necessary to carry out the provisions of this chapter.

(b) To carry out the transportation planning process required by the Intermodal Surface Transportation Efficiency Act of 1991 (the Act), ~~Pub. L. No. 102-240, § 1024, 105 Stat. 1914, 1955 (1991) (now codified at 23 U.S.C. § 134), as may be amended,~~ the ~~governor~~ Governor shall designate a metropolitan planning organization for any urbanized area of more than 50,000 population and may take other action necessary to ensure the ~~state's~~ State's compliance with the ~~federal act~~ Act and any federal regulations pertaining to the ~~aet~~ Act. A designation of a metropolitan planning organization shall remain in effect until revoked by the ~~governor~~ Governor.

Sec. 16. 19 V.S.A. chapter 1 is amended to read:

CHAPTER 1. STATE HIGHWAY LAW; GENERAL TRANSPORTATION PROVISIONS

* * *

§ 7. SECRETARY; POWERS AND DUTIES

(a) The Agency shall be under the direction and supervision of a Secretary, who shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor.

(b) The Secretary shall be responsible to the Governor and shall plan, coordinate, and direct the functions vested in the Agency in accord with the transportation policies established ~~by the Agency under section 10b~~ of this title.

(c) The Secretary may, with the approval of the Governor, transfer classified positions between the Department, Divisions, and other components of the Agency, subject only to personnel laws and rules.

(d) The Secretary shall determine the administrative, operational, and functional policies of the Agency and be accountable to the Governor for these

determinations. The Secretary shall exercise the powers and shall perform the duties required for the Agency's effective administration.

(e) In addition to other duties imposed by law, the Secretary shall:

- (1) administer the laws assigned to the Agency;
- (2) coordinate and integrate the work of the Agency;
- (3) supervise and control all staff functions; and

(4) whenever the Agency is developing preliminary plans for a new or replacement maintenance facility or salt shed, first conduct a review of all previously developed building plans and give priority to utilizing a common, uniform, preexisting design.

(f) The Secretary may, within the authority of relevant State and federal statutes and regulations:

(1) ~~within the authority of relevant State and federal statutes and regulations~~, transfer appropriations or parts of appropriations within or between the department, divisions, and sections;

(2) cooperate with the appropriate federal agencies and receive federal funds in support of programs within the Agency;

(3) submit plans and reports, and in other respects comply with federal laws and regulations which pertain to programs administered by the Agency;

(4) make rules consistent with the law for the internal administration of the Agency and its programs;

(5) create advisory councils or committees as he or she deems necessary within the Agency, and appoint the members for a term not exceeding his or hers. Councils or committees created pursuant to this subdivision may include persons who are not officers or employees of the Agency;

(6) provide training and instruction for ~~any~~ employees of the Agency at the expense of the Agency, and provide training and instruction for employees of Vermont municipalities. Where appropriate, the Secretary may provide training and instruction for municipal employees at the expense of the Agency;

(7) organize, reorganize, transfer, or abolish sections and staff function sections within the Agency; except however, the Secretary may not alter the number of highway districts without legislative approval.

(8) ~~[Deleted.]~~ [Repealed.]

* * *

* * * Middlebury Rail Tunnel Project * * *

Sec. 17. MIDDLEBURY RAIL TUNNEL PROJECT

Notwithstanding 5 V.S.A. § 3670(a) and (b), the Middlebury WCRS(23) Project (to replace the existing Merchants Row and Main Street bridges over the Vermont Railway line and to lower the grade of the Vermont Railway line) may be constructed without the prior approval of the Transportation Board to provide a minimum vertical clearance of 21' 0" over the highest track elevation, but only if the Agency, Vermont Railway, Inc., and any affected municipality agree in writing to the 21' 0" minimum vertical clearance.

* * * Potable Water Supply and Wastewater Systems Permits * * *

Sec. 18. 10 V.S.A. § 1974 is amended to read:

§ 1974. EXEMPTIONS

Notwithstanding any other requirements of this chapter, the following projects and actions are exempt:

* * *

(7) the subdivision of an unimproved or improved lot or campground where the subdivision results from a transfer of property for a highway or other transportation project that is authorized under the State's enacted Transportation Program or is an emergency project within the meaning of 19 V.S.A. § 10g(h), regardless of whether the State or the municipality has commenced any condemnation proceedings in connection with the project.

* * * Highway Division Director * * *

Sec. 19. 19 V.S.A. § 9(a) is amended to read:

(a) A director shall administer each division created within the ~~agency~~ Agency. The ~~secretary~~ Secretary shall appoint the directors, who shall be exempt from the classified service. The Director of the Highway Division shall be licensed as a professional engineer.

* * * Clean Water * * *

Sec. 20. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

* * *

(f) Each year, ~~\$200,000.00~~ \$1,100,000.00 of ~~the~~ Grant Program funds, or such lesser sum if all eligible applications amount to less than ~~\$200,000.00~~ \$1,100,000.00, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt

and sand shed projects. ~~Grant awards for eligible projects shall not exceed \$50,000.00 per project.~~ Regarding the balance of Grant Program funds, in evaluating applications for Transportation Alternatives grants, the Transportation Alternatives Grant Committee shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Transportation Alternatives Grant Committee.

* * *

Sec. 21. 19 V.S.A. § 306(i) is added to read:

(i) Monies disbursed from the Clean Water Fund established in 10 V.S.A. § 1388 for municipalities for environmental mitigation projects related to stormwater and highways shall be administered by the Agency through the Municipal Mitigation Grant Program. Grants provided to municipalities under the Program shall be matched by local funds sufficient to cover 20 percent of the project costs.

* * * State Highway Bridge Program; Causeway Scoping Study * * *

Sec. 22. STATE HIGHWAY BRIDGE PROGRAM

(a) The following project is added to the State Highway Bridge Program: Missisquoi Bay Causeway Scoping Study.

(b) Spending authority for the Missisquoi Bay Causeway Scoping Study is authorized as follows:

<u>FY 16</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	125,000	125,000
Construction	0	0	0
Total	0	125,000	125,000
<u>Sources of funds</u>			
State	0	0	0
TIB	0	0	0
Federal	0	100,000	100,000
Special	0	25,000	25,000
Total	0	125,000	125,000

* * * Motor Fuel Transportation Infrastructure Assessment * * *

Sec. 23. 23 V.S.A. § 3106 is amended to read:

§ 3106. IMPOSITION, RATE, AND PAYMENT OF TAX

(a)(1) Except for sales of motor fuels between distributors licensed in this State, which sales shall be exempt from the taxes and assessments authorized

under this section, unless exempt under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the Commissioner:

(A) a tax of \$0.121 upon each gallon of motor fuel sold by the distributor; and

(B) the following assessments, ~~which shall be levied on the tax-adjusted retail price of gasoline as defined herein:~~

(i) a motor fuel transportation infrastructure assessment ~~in the amount of that is the greater of:~~

(I) \$0.0396; or

(II) two percent of the tax-adjusted retail price upon each gallon of motor fuel sold by the distributor; and

(ii) a fuel tax assessment, which shall be used exclusively for transportation purposes and not be transferred from the Transportation Fund, that is the greater of:

(I) \$0.134 per gallon; or

(II) four percent of the tax-adjusted retail price or \$0.18 per gallon, whichever is less, upon each gallon of motor fuel sold by the distributor.

* * *

* * * Welcome Center and Airport Namings * * *

Sec. 24. 29 V.S.A. § 821(a) is amended to read:

(a) State buildings.

* * *

(11) "Senator James M. Jeffords Welcome Center" shall be the name of the Welcome Center in Bennington.

(12) "Northeast Kingdom International Airport" shall be the name of the Newport State Airport in Coventry.

* * * Process for Naming of Transportation Facilities * * *

Sec. 25. 10 V.S.A. § 152 is amended to read:

§ 152. AUTHORITY TO NAME ROADS AND GEOGRAPHIC LOCATIONS

The ~~board of libraries~~ Board of Libraries is hereby designated the ~~state~~ State agency to name ~~roads and~~ geographic locations including ~~but not limited to~~

mountains, streams, lakes, and ponds upon petition signed by not less than 25 interested persons or by petition of an administrative department of the ~~state~~ State.

Sec. 26. 10 V.S.A. § 153 is amended to read:

§ 153. PROCEDURE

When the ~~board~~ Board receives a petition to act under section 152 of this title it shall give reasonable notice to each administrative department of the ~~state~~ State having jurisdiction of the ~~road or~~ location to be named, and to each town in which the ~~road or~~ location lies of the time and place when it will hear all interested parties.

Sec. 27. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) The regulatory and quasi-judicial functions relating to transportation shall be vested in the ~~transportation board~~.

~~(b) Notwithstanding subsection (a) of this section,~~ Board, except that the duties and responsibilities of the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in ~~that individual~~ the Commissioner.

(b)(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming requests. The Board shall issue a decision, which shall be subject to review on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) The ~~board~~ Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or

a single ~~board~~ Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25 of Title 3, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single ~~board~~ Board member so appointed shall report his or her findings of fact in writing to the ~~board~~ Board. Any order resulting therefrom shall be rendered only by a majority of the ~~board~~ Board. Final orders of the ~~board~~ Board may be reviewed on the record by ~~the superior court~~ a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure.

* * *

* * * Byways Advisory Council; Scenic Roads and Byways * * *

Sec. 28. REPEAL

10 V.S.A. § 425 (Byways Advisory Council) is repealed.

Sec. 29. 19 V.S.A. chapter 25 is amended to read:

CHAPTER 25. SCENIC ROADS

§ 2501. STATE SCENIC ROADS AND BYWAYS; DESIGNATION AND DISCONTINUANCE

(a) On the recommendation of the Byways Advisory Council of the municipalities through which a proposed or existing State Scenic Road or Byway passes and of the regional planning commissions that serve such municipalities, the Transportation Board may designate or discontinue any State highway, or portion of a State highway, as a State Scenic Road or Byway, in accordance with standards adopted by the Board by rule. The Board shall hold a public hearing on the recommendation, giving notice thereof to the municipalities and regional planning commissions, the Secretary, and the Commissioner of Tourism and Marketing, and shall submit a copy of its findings and decision together with its findings to the Byways Advisory Council to these parties within 60 days after receipt of the recommendation. The hearing shall be held in the vicinity of the proposed scenic highway State Scenic Road or Byway.

(b) [Repealed.]

(c) A State Scenic Road or Byway shall not be reconstructed or improved unless the reconstruction or improvement is conducted in accordance with the Agency of Transportation's Vermont Design Standards, as amended. Signs along State Scenic Roads and Byways shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.

§ 2502. TOWN SCENIC ROADS; DESIGNATION AND DISCONTINUANCE

(a) On recommendation of the planning commission of a municipality, or on the initiative of the legislative body of a municipality, a legislative body may, after one public hearing warned for the purpose, designate or discontinue any town highway or portion of a town highway as a town scenic ~~highway road~~. Such action by the legislative body may be petitioned by the registered voters of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

(b) A town scenic road may be reconstructed or improved in a manner consistent with the ~~agency of transportation's~~ Agency's Vermont Design Standards, as amended. A class 1, 2, or 3 scenic ~~highway road~~ shall still be eligible to receive aid pursuant to the provisions of this title. Signs along town scenic roads shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.

(c) [Repealed.]

§ 2503. REGISTER

The ~~agency of transportation~~ Agency may annually publish a register containing a listing of all ~~state~~ State and locally designated scenic roads and byways. Any listing shall include the mileage of each road or byway and any special, natural, historical, or scenic attractions on the road or byway.

§ 2504. ADDITIONAL FUNDS

The ~~agency~~ Agency, and any qualifying municipality, ~~shall have within the authority to~~ of State and federal law, may accept and spend any funds made available to them for the purpose of enhancing or establishing designated scenic roads or byways.

§ 2505. RIGHTS OF ADJACENT LANDOWNERS

Nothing in this chapter shall preclude the rights of a landowner from developing property adjacent to a designated scenic road or byway, so long as the development is in accordance with existing law or ordinance.

* * * Utility Transmission System Plans; Notification of Public Meetings * * *

Sec. 30. 30 V.S.A. § 218c(d)(2) is amended to read:

(2) Prior to the adoption of any Transmission System Plan, a utility preparing a Plan shall host at least two public meetings at which it shall present a draft of the Plan and facilitate a public discussion to identify and evaluate nontransmission alternatives. The meetings shall be at separate locations within the State, in proximity to the transmission facilities involved or as otherwise required by the Board, and each shall be noticed by at least two

advertisements, each occurring between one and three weeks prior to the meetings, in newspapers having general circulation within the State and within the municipalities in which the meetings are to be held. Copies of the notices shall be provided to the Public Service Board, the Department of Public Service, any entity appointed by the Public Service Board pursuant to subdivision 209(d)(2) of this title, the Agency of Natural Resources, the Division for Historic Preservation, the Department of Health, ~~the Byways Advisory Council~~, the Agency of Transportation, the Attorney General, the chair of each regional planning commission, each retail electricity provider within the State, and any public interest group that requests, or has made a standing request for, a copy of the notice. A verbatim transcript of the meetings shall be prepared by the utility preparing the Plan, shall be filed with the Public Service Board and the Department of Public Service, and shall be provided at cost to any person requesting it. The Plan shall contain a discussion of the principal contentions made at the meetings by members of the public, by any State agency, and by any utility.

* * * Notice of Hearing on Petition for Certificate of Public Good * * *

Sec. 31. 30 V.S.A. § 248(a)(4) is amended to read:

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

(B) The Public Service Board shall hold technical hearings at locations which it selects.

(C) At the time of filing its application with the Board, copies shall be given by the petitioner to the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, Agency of Agriculture, Food and Markets, and to the ~~chairperson~~ chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located. ~~At the time of filing its application with the Board, the petitioner shall give the Byways Advisory Council notice of the filing.~~

* * *

* * * Property Transfer Tax Return; Exemption * * *

Sec. 32. 32 V.S.A. § 9606(d) is amended to read:

(d) The property transfer tax return shall not be required of properties qualified for the exemption stated in subdivision 9603(17) of this title, or

qualified for the exemption stated in subdivision 9603(2) of this title if the transfer is of an interest in property for highway purposes and the consideration for the transfer is \$10,000.00 or less. ~~A public utility~~ An entity acquiring such properties shall notify the listers of a municipality of the grantors, grantees, consideration, date of execution, and location of the ~~easement property~~ when it files for recording a deed ~~transferring a utility line easement~~ that does not require a transfer tax return under this subsection.

* * * Tax on Gains from the Sale or Exchange of Land; Exemption * * *

Sec. 33. 32 V.S.A. § 10002(q) is added to read:

(q) Also excluded from the definition of “land” is a transfer of property to the State of Vermont or a municipality for a project that is authorized under the State’s enacted Transportation Program or for an emergency project within the meaning of 19 V.S.A. § 10g(h), regardless of whether the State or the municipality has commenced any condemnation proceedings.

* * * Evaluation of Adopt a Park and Ride Program * * *

Sec. 34. EVALUATION OF ADOPT A PARK AND RIDE PROGRAM

The Agency shall evaluate the merits of implementing an Adopt a Park and Ride Program, whereby organizations volunteer to clean up litter at State Park and Ride facilities with permission of the Agency. On or before January 15, 2016, the Agency shall either begin to implement such a Program or report back to the House and Senate Committees on Transportation on the reasons it does not recommend implementing a Program.

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except that:

(1) Sec. 21 (administration of certain Clean Water Fund monies through the Municipal Mitigation Grant Program) shall take effect if and when the Clean Water Fund is established; and

(2) Secs. 25–27 (naming of State transportation facilities) shall take effect on March 1, 2016.

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

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

Senator Kitchel 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 Transportation with the following amendments thereto:

First: In Sec. 3a, in subsections (b) and (c), by striking out the words “and is hereby appropriated” in both subsections

Second: In Sec. 3a, in subsection (c), by striking out the words “subsection (a)” and inserting in lieu thereof the phrase subsection (b)

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

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

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

House Proposal of Amendment Concurred In

S. 141.

House proposal of amendment to Senate bill entitled:

An act relating to possession of firearms.

Was taken up.

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

Sec. 1. 13 V.S.A. § 4017 is added to read:

§ 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;
CONVICTION OF VIOLENT CRIME

(a) A person shall not possess a firearm if the person has been convicted of a violent crime.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(c) This section shall not apply to a person who is exempt from federal firearms restrictions under 18 U.S.C. § 925(c).

(d) As used in this section:

(1)(A) “Firearm” means:

(i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) the frame or receiver of any such weapon; or

(iii) any firearm muffler or firearm silencer.

(B) “Firearm” shall not include an antique firearm.

(2) “Antique firearm” means:

(A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

(B) Any replica of any firearm described in subdivision (A) of this subdivision (2) if the replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol which is designed to use black powder or a black powder substitute and which cannot use fixed ammunition. As used in this subdivision (C), “antique firearm” shall not include a weapon which incorporates a firearm frame or receiver, a firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(3) “Violent crime” means:

(A)(i) A listed crime as defined in subdivision 5301(7) of this title other than:

(I) lewd or lascivious conduct as defined in section 2601 of this title;

(II) recklessly endangering another person as defined in section 1025 of this title;

(III) operating a vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(IV) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(V) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or

(VI) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults; or

(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(B) An offense involving sexual exploitation of children in violation of chapter 64 of this title, or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing LSD); 4233 (b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin); 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(D) A conviction of possession with intent to distribute a controlled substance other than marijuana in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

Sec. 2. 20 V.S.A. § 2307 is amended to read:

§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM ABUSE ORDER; STORAGE; FEES; RETURN

* * *

(g)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of firearms, ammunition, or weapons stored under this section, the law enforcement agency or firearms dealer in possession of the items shall make

them available to the owner within three business days of receipt of the order and in a manner consistent with federal law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.

(2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the ~~court~~ Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall ~~include providing notice to the owner at least 21 days prior to the date of the sale via first class mail, certified restricted delivery~~ mean notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.

* * *

Sec. 3. REPORT; VERMONT GUN SHOP PROJECT

(a) On or before January 31, 2016, the Department of Mental Health shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on the establishment of a Vermont version of the New Hampshire Gun Shop Project. The Department may satisfy the reporting requirement by providing testimony on the issue to the committees identified in this subsection.

(b) For purposes of the report required by this section, the Department of Mental Health shall consult with:

- (1) the Vermont Suicide Prevention Coalition;
- (2) the Vermont Federation of Sportsmen’s Clubs, and other firearms owners organizations;
- (3) gun shop owners and other firearms retailers; and
- (4) any other parties that may assist in preparing the report.

Sec. 4. 13 V.S.A. § 4824 is added to read:

§ 4824. REPORTING; NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

(a) If the Court finds that a person is a person in need of treatment pursuant to section 4822 of this title, the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 5. 18 V.S.A. § 7103 is amended to read:

§ 7103. DISCLOSURE OF INFORMATION

(a) All certificates, applications, records, and reports, other than an order of a court made for the purposes of this part of this title, and directly or indirectly identifying a patient or former patient or an individual whose hospitalization or care has been sought or provided under this part, together with clinical information relating to such persons shall be kept confidential and shall not be disclosed by any person except insofar:

(1) as the individual identified, the individual's health care agent under section 5264 of this title, or the individual's legal guardian, if any ~~(or, or, if the individual is an unemancipated minor, his or her parent or legal guardian), guardian~~ shall consent in writing; ~~or~~

(2) as disclosure may be necessary to carry out any of the provisions of this part; ~~or~~

(3) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make disclosure would be contrary to the public interest; or

(4) as the disclosure is made to comply with the reporting requirements of section 7617a of this title or 13 V.S.A. § 4824.

* * *

Sec. 6. 18 V.S.A. § 7617a is added to read:

§ 7617a. REPORTING; NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

(a) If the Court issues a hospitalization order pursuant to subdivision 7617(b)(1) or (2) of this title or a nonhospitalization order pursuant to subdivision 7617(b)(3), the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding section 7103 of this title or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 7. 13 V.S.A. § 4825 is added to read:

§ 4825. PERSONS PROHIBITED BY FEDERAL LAW FROM POSSESSING FIREARMS DUE TO MENTAL ILLNESS; PETITION FOR RELIEF FROM DISABILITY

(a)(1) A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Family Division of the Superior Court for an order that the person be relieved from the firearms disability imposed by that

section. When the petition is filed the petitioner shall provide notice and a copy of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter. The petition shall be filed in the county where the offense or the adjudication occurred.

(2)(A) The Court shall grant a petition filed under this section without hearing if neither the State's Attorney nor the Attorney General files an objection within six months after receiving notice of the petition. If the Court grants the petition pursuant to this subdivision, the Court shall make findings and issue an order in accordance with this section.

(B) The Court shall grant the petition filed under this section without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the Court, and the Court shall make findings and issue an order in accordance with this section.

(b) In determining a petition filed under this section, unless the petition is granted pursuant to subdivision (a)(2) of this subsection, the Court shall consider:

(1) the circumstances regarding the firearms disabilities imposed on the person by 18 U.S.C. § 922(g)(4);

(2) the petitioner's record, including his or her mental health and criminal history records; and

(3) the petitioner's reputation, as demonstrated by character witness statements, testimony, or other character evidence.

(c)(1) The Court shall grant a petition filed under this section if it finds that the petitioner has demonstrated by a preponderance of the evidence that the person is no longer a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) As the terms are used in this subsection, a finding that the person is no longer a person in need of treatment shall also mean that granting the relief will not be contrary to the public interest.

(d) If a petition filed under this section is granted, the Court shall enter an order declaring that the basis under which the person was prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) no longer applies. The Court shall inform the Federal Bureau of Investigation, the U.S. Attorney General, and the National Instant Criminal Background Check System of its decision.

(e) If the Court denies the petition, the petitioner may appeal the denial to the Vermont Supreme Court. The appeal shall be on the record, and the Supreme Court may review the record de novo.

(f) If the Court denies a petition filed under this section, no further petition shall be filed by the person until at least one year after the order of the trial court, or of the Supreme Court if an appeal is taken, becomes final.

(g) At the time a petition is filed pursuant to this section, the respondent shall give notice of the petition to a victim of the offense, if any, who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the Court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(h) As used in this section, "reasonable effort" means attempting to contact the victim by first class mail at the victim's last known address and by telephone at the victim's last known telephone number.

Sec. 8. REPORTING; DEPARTMENT OF MENTAL HEALTH; COURT ADMINISTRATOR

(a) The Department of Mental Health shall report to the Court Administrator on or before October 1, 2015 the names of all persons under the custody of the Department who on that date are subject to a hospitalization order issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), a nonhospitalization order issued pursuant to 18 V.S.A. § 7617(b)(3), or an order that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822. The Court Administrator shall report the names provided pursuant to this section to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) Reports required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice

to the person who is the subject of the report that the person is not thereafter permitted to possess a firearm.

Sec. 9. REPORTS

(a) On or before January 15, 2018, the Court Administrator, in consultation with the Commissioner of Mental Health and the Executive Director of State's Attorneys and Sheriffs, shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on data compiled with respect to the legal requirements established by this act. The report shall include:

(1)(A) The number of persons reported to the National Instant Criminal Background Check System since October 1, 2015 pursuant to:

(i) 13 V.S.A. § 4824 (persons in custody of the Department of Mental Health as the result of an order issued under 13 V.S.A. § 4822); and

(ii) 18 V.S.A. § 7617a (persons in custody of the Department of Mental Health as the result of a hospitalization order issued under 18 V.S.A. § 7617(b)(1) or (2), or a nonhospitalization order issued under 18 V.S.A. § 7617(b)(3)); and

(B) with respect to each of the persons reported to the National Instant Criminal Background Check System pursuant to 13 V.S.A. § 4824 and 18 V.S.A. § 7617a since October 1, 2015, whether the person filed a petition for relief from disabilities pursuant to 13 V.S.A. § 4825, and whether the petition was granted, denied, or remains pending.

(2) The total number of petitions for relief from disabilities filed pursuant to 13 V.S.A. § 4825 since October 1, 2015, and the number of those petitions that were granted, denied, and remain pending.

(b) On or before January 15, 2018, the Executive Director of State's Attorneys and Sheriffs shall report to the Senate and House Committees on Judiciary the number of persons charged with violating 13 V.S.A. § 4017 since July 1, 2015, and the number of charges that resulted in conviction, dismissal, and acquittal.

Sec. 10. EFFECTIVE DATES; APPLICABILITY

(a) Secs. 1, 2, 3, 8, 9, and this section shall take effect on July 1, 2015.

(b) Secs. 4, 5, and 6 shall take effect on October 1, 2015, and shall apply to hospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), nonhospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(3), or orders that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822 issued on or after that date.

(c) Sec. 7 shall take effect on October 1, 2015.

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, APRIL 24, 2015

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 House No. 54

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

Mr. President:

I am directed to inform the Senate that:

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

S. 72. An act relating to binding arbitration for State employees.

S. 122. An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

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

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

S. 13. An act relating to the Vermont Sex Offender Registry.

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

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

H. 141. An act relating to the Organ and Tissue Donation Working Group.

And has severally concurred therein.

Message from the House No. 55

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 8. An act relating to the oversight of the transfer of military equipment to law enforcement agencies.

H. 187. An act relating to absence from work for health care and safety.

H. 280. An act relating to amending the State Board of Education rules on school lighting requirements.

H. 494. An act relating to approval of the adoption and codification of the charter of the Town of Weybridge.

H. 496. An act relating to approval of the adoption and codification of the charter of the Town of West Fairlee.

H. 499. An act relating to approval of the adoption and codification of the charter of the Town of Salisbury.

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

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

H. 51. An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

And has severally concurred therein.

The House has adopted joint resolutions of the following titles:

J.R.H. 13. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

J.R.H. 14. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

J.R.H. 16. Joint resolution relating to the approval of State land transactions.

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

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

H.C.R. 128. House concurrent resolution designating April 29, 2015, as National Walk@Lunch Day in Vermont.

H.C.R. 129. House concurrent resolution recognizing April, 2015, as Fair Housing Month in Vermont.

H.C.R. 130. House concurrent resolution honoring Judge Amy Marie Davenport in recognition of her many professional accomplishments.

H.C.R. 131. House concurrent resolution designating May 10–16, 2015 as Women’s Lung Health Week in Vermont.

H.C.R. 132. House concurrent resolution commemorating the 20th anniversary of the Clarendon Elementary School Peace Garden.

H.C.R. 133. House concurrent resolution congratulating the 2015 Mt. Saint Joseph Academy Mounties Division IV championship girls’ basketball team.

H.C.R. 134. House concurrent resolution congratulating the 2015 Mt. Saint Joseph Mounties Division II championship cheerleading team.

H.C.R. 135. House concurrent resolution honoring Burlington Police Chief Michael Schirling on his exemplary law enforcement career.

H.C.R. 136. House concurrent resolution honoring the Rutland Young Professionals and its networking activities.

H.C.R. 137. House concurrent resolution recognizing the important role of adoptions in Vermont family life.

H.C.R. 138. House concurrent resolution congratulating the 2015 Richford High School Rockets Division III championship girls’ basketball team.

H.C.R. 139. House concurrent resolution in memory of Susan Elizabeth Keese Pyatak of South Newfane.

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

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

S.C.R. 16. Senate concurrent resolution congratulating Raney Aronson-Rath on winning the 2015 Vermont Public Media Ambassador Award.

And has adopted the same in concurrence.

Joint Resolutions Placed on Calendar

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 authorizing the Green Mountain Boys State educational program to use the State House.

Whereas, the American Legion in Vermont sponsors the Green Mountain Boys State program, which provides an opportunity for boys in high school to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, and

Whereas, this is an invaluable educational experience that provides firsthand knowledge about the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State program on Thursday, June 25, 2015, from 8:00 a.m. to 4:30 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

J.R.H. 14.

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

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

Whereas, the American Legion Auxiliary in Vermont sponsors the Green Mountain Girls State program, which provides an opportunity for girls in high school to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the girls conduct a mock legislative session in the State House, and

Whereas, this is an invaluable educational experience that provides firsthand knowledge about the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State program on Wednesday, June 17, 2015, from 8:00 a.m. to 4:30 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont American Legion Auxiliary in Montpelier.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Joint Resolution Referred

J.R.H. 16.

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

Joint resolution relating to the approval of State land transactions.

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

That the Commissioner of Forests, Parks and Recreation is authorized to convey a nonexclusive easement along a road known locally as the “Swift Road” in the Proctor-Piper State Forest in Cavendish to the owners of lots designated as lots 16, 17, 18, 19, and 20 on the 2009 town of Cavendish tax map. The easement granted to these five lots shall be limited to forestry uses and to access not more than one seasonal recreational camp on each lot. All costs related to repairing, maintaining, and reconstructing the segment of Swift Road within the easement, and any associated structures within the easement, shall be the sole responsibility of the five lot owners; provided, however, that the five lot owners shall not construct any utilities within the easement. In consideration of the public benefits associated with this action, the easement conveyed to the five lot owners shall be at no cost. The Commissioner’s conveying of this easement is conditioned on the owner of lot 20 conveying to the owners of lots 16, 17, 18, and 19 a separate easement allowing permanent vehicular access across lot 20, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Institutions.

Bills Referred

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

H. 8.

An act relating to the oversight of the transfer of military equipment to law enforcement agencies.

To the Committee on Rules.

H. 187.

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

To the Committee on Rules.

H. 280.

An act relating to amending the State Board of Education rules on school lighting requirements.

To the Committee on Rules.

H. 494.

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

To the Committee on Rules.

H. 496.

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

To the Committee on Rules.

H. 499.

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

To the Committee on Rules.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**H. 488.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the Senate proposal of amendment by striking out Sec. 34 and the reader assistance thereto in their entirety and inserting in lieu thereof the following:

* * * Evaluation of Adopt a Park and Ride Program; Adopt a Highway Program * * *

Sec. 34. EVALUATION OF ADOPT A PARK AND RIDE PROGRAM;
ADOPT A HIGHWAY PROGRAM

(a) The Agency shall evaluate the merits of implementing an Adopt a Park and Ride Program, whereby organizations volunteer to clean up litter at State Park and Ride facilities with permission of the Agency. On or before January 15, 2016, the Agency shall either begin to implement such a Program or report back to the House and Senate Committees on Transportation on the reasons it does not recommend implementing a Program.

(b) The Agency shall evaluate the merits of implementing an Adopt a Highway Program, whereby organizations volunteer to clean up litter along State highways with permission of the Agency. On or before January 15, 2016, the Agency shall report back to the House and Senate Committees on Transportation on whether such a Program should be implemented.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Champion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Third Reading Ordered

J.R.S. 20.

Senator Doyle, for the Committee on Education, to which was referred joint Senate resolution entitled:

Joint resolution relating to the Vermont Student Assistance Corporation's lending authority.

Reported that the joint resolution ought to be adopted.

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

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:

Lang, Lisa of Waitsfield - Member, Travel Information Council – March 18, 2015, to February 28, 2017.

Coen, David of Shelburne - Member, Transportation Board - April 9, 2015, to February 29, 2016.

Bailey, Richard of Hyde Park - Member, Transportation Board – April 9, 2015, to February 28, 2018.

Appointment Confirmed

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

Goldstein, Joan of Royalton - Commissioner, Department of Economic Development - April 20, 2015, to February 28, 2017.

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 Senator MacDonald,

By Representatives Davis and Graham,

S.C.R. 16.

Senate concurrent resolution congratulating Raney Aronson-Rath on winning the 2015 Vermont Public Media Ambassador Award.

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 Frank and others,

H.C.R. 128.

House concurrent resolution designating April 29, 2015, as National Walk@Lunch Day in Vermont.

By House Committee on General, Housing and Military Affairs,

H.C.R. 129.

House concurrent resolution recognizing April, 2015, as Fair Housing Month in Vermont.

By Representative Smith and others,

By Senators Campbell and Sears,

H.C.R. 130.

House concurrent resolution honoring Judge Amy Marie Davenport in recognition of her many professional accomplishments.

By Representative Morris and others,

H.C.R. 131.

House concurrent resolution designating May 10–16, 2015 as Women’s Lung Health Week in Vermont.

By Representative Potter and others,

H.C.R. 132.

House concurrent resolution commemorating the 20th anniversary of the Clarendon Elementary School Peace Garden.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 133.

House concurrent resolution congratulating the 2015 Mt. Saint Joseph Academy Mounties Division IV championship girls’ basketball team.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 134.

House concurrent resolution congratulating the 2015 Mt. Saint Joseph Mounties Division II championship cheerleading team.

By Representative Donovan and others,

H.C.R. 135.

House concurrent resolution honoring Burlington Police Chief Michael Schirling on his exemplary law enforcement career.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 136.

House concurrent resolution honoring the Rutland Young Professionals and its networking activities.

By Representative Strong and others,

H.C.R. 137.

House concurrent resolution recognizing the important role of adoptions in Vermont family life.

By Representative Pearce and others,

By Senators Degree, McAllister, Rodgers and Starr,

H.C.R. 138.

House concurrent resolution congratulating the 2015 Richford High School Rockets Division III championship girls' basketball team.

By Representative Long and others,

H.C.R. 139.

House concurrent resolution in memory of Susan Elizabeth Keese Pyatak of South Newfane.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 28, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 25.

TUESDAY, APRIL 28, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

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

Bill Referred to Committee on Finance**H. 282.**

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 professions and occupations regulated by the Office of Professional Regulation.

Bills Referred

House bills entitled:

H. 494. An act relating to approval of the adoption and codification of the charter of the Town of Weybridge.

H. 496. An act relating to approval of the adoption and codification of the charter of the Town of West Fairlee.

H. 499. An act relating to approval of the adoption and codification of the charter of the Town of Salisbury.

Were severally taken up and pursuant to Temporary Rule 44A were severally referred to the Committee on Government Operations.

Rules Suspended; Bill Committed**H. 40.**

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

An act relating to establishing a renewable energy standard and energy transformation program.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources & Energy, Senator Bray 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 Natural Resources & Energy *intact*,

Which was agreed to.

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. 26. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, May 1, 2015, it be to meet again no later than Tuesday, May 5, 2015.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 20.

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution relating to the Vermont Student Assistance Corporation's lending authority.

Proposals of Amendment; Third Reading Ordered

H. 25.

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

An act relating to natural burial grounds.

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

First: In Sec. 2, 18 V.S.A. § 5319, by striking out subsection (b) subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (b) subdivision (1) to read as follows:

(b)(1) ~~No interment~~ Interment of any human body in the earth shall not be made unless the distance from the bottom of the outside coffin or body shall be at least five feet below the natural surface of the ground, excepting only infants under four years of age, whose bodies shall be so interred that the bottom of the outside coffin enclosing them shall be at least three and one-half feet below

the natural surface of the ground or if buried without a coffin shall be so interred that the bottom of the body shall be at least five feet below the natural surface of the ground.

Second: In Sec. 3, 18 V.S.A. § 5323(a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) section 5310 of this title with regard to the method of platting so as to allow the use of any nonstandard method of locating human remains that enables demarcation in the town land record of the exact location and identity of each buried body, such as by mapping, surveying, or use of a global positioning system;

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

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

Joint Resolutions Adopted in Concurrence

Joint House resolutions entitled:

J.R.H. 13. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

J.R.H. 14. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

Having been placed on the Calendar for action, were taken up.

Thereupon, the resolutions were severally adopted in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 29, 2015.

WEDNESDAY, APRIL 29, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Rules Suspended; Bill Not Referred to Committee on Appropriations**H. 489.**

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Appropriations pursuant to Senate Rule 31, Senator Campbell moved the rules be suspended and that House bill entitled:

An act relating to revenue.

Not be referred to the Committee on Appropriations pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

Bill Passed in Concurrence with Proposals of Amendment**H. 25.**

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

An act relating to natural burial grounds.

Third Reading Ordered**H. 62.**

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

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 24, Nays 6.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Champion, Collamore, Cummings, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, Nitka, Pollina, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Campbell, Degree, McAllister, McCormack, Mullin, Rodgers.

**House Proposal of Amendment to Senate Proposal of Amendment to
House Proposal of Amendment Concurred In with Amendment**

S. 13

An act relating to the Vermont Sex Offender Registry

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

In Sec. 9 (Effective Dates), subsection (b), by adding a new subdivision (3) to read as follows:

(3) The certification and reporting requirements of subdivisions (b)(1) and (2) of this section shall not be deemed satisfied until the Departments of Public Safety and of Corrections present testimony on the certification and report to the House and Senate Committees on Judiciary.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Sears moved that the Senate concur in the House proposal amendment with an amendment as follows:

In Sec. 9, (Effective Dates), subsection (b), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read as follows:

(3) The certification and reporting requirements of subdivisions (b)(1) and (2) of this section shall not be deemed satisfied until the Departments of Public Safety and of Corrections provide written copies of the certification and the report by certified mail to the Chairs of the House and Senate Committees on Judiciary.

Thereupon, pending the question, Shall the Senate concur with the House proposal of amendment with further amendment? Senator Baruth raised a point of order that the pending question violated Senate Rule 63 and Mason Manual of Legislative Procedure, Rule 408.

The President *sustained* the point of order and ruled the Senate could not consider the question, Shall the Senate concur with the House proposal of amendment with further amendment?

Thereupon, Senator Campbell moved that the rules be suspended so that the Senate may consider the question, Shall the Senate concur with the House proposal of amendment with further amendment?

Which was agreed to.

Thereupon, the question, Shall the Senate concur with the House proposal of amendment with further amendment, was agreed to.

House Proposal of Amendment Concurred In with Amendment

S. 122.

House proposal of amendment to Senate bill entitled:

An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

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:

* * * Dealers and Transporters * * *

Sec. 1. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(8)(A)(i) “Dealer” ~~shall mean~~ means a person, partnership, or corporation ~~who is, or other entity engaged in the business of buying, selling, or exchanging new or used motor vehicles, as well as other types of motor vehicle dealers, except a finance and auction dealer and transporter:~~

~~(A) Who snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as part of or incidental to such business, repair such vehicles or motorboats, sell parts and accessories, or lease or rent motor such vehicles and who:~~

~~(i) Has had no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.~~

~~(ii) For initial applications only, has had no previous record of criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction.~~

~~(iii) Has no unsatisfied judgments against him or her arising out of violations of consumer protection laws in this or any other jurisdiction.~~

~~(iv) Presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.~~

~~(v) Is open for business at least 146 days during the calendar year. When the application for registration as a new car dealer or used car dealer is~~

~~made, the applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period.~~

~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of subchapter 4 of chapter 7 of this title which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title and for the transfer of motor vehicles or motorboats. “Dealer” shall not include a finance or auction dealer or a transporter.~~

~~(ii)(I) For a dealer in new or used cars or motor trucks, “engaged in the business” means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the immediately preceding year, or 24 in the two immediately preceding years.~~

~~(II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, “engaged in the business” means having sold or exchanged at least one snowmobile, motorboat, or all-terrain vehicle, respectively, in the immediately preceding year or two in the two immediately preceding years.~~

~~(III) For a dealer in trailers, semi-trailers, or trailer coaches, “engaged in the business” means having sold or exchanged at least one trailer, semi-trailer, or trailer coach in the immediately preceding year or a combination of two such vehicles in the two immediately preceding years.~~

~~(IV) For a dealer in motorcycles or motor-driven cycles, “engaged in the business” means having sold or exchanged at least one motorcycle or motor-driven cycle in the immediately preceding year or a combination of two such vehicles in the two immediately preceding years.~~

~~(V) For the purposes of this subdivision (8)(A)(ii), the sale or exchange of vehicles or motorboats owned but not registered by the dealer, or that have been in lease or rental services, shall count as sales or exchanges. Vehicles or motorboats that are to be scrapped, dismantled, or destroyed shall not count as sales or exchanges.~~

~~(B) “New car dealer” shall mean a person, in addition to satisfying all of the requirements set forth in subdivision (8)(A) of this section, has a valid sales and service agreement, franchise, or contract with a manufacturer, assembler, importer, or distributor of new motor vehicles for the retail sale of new motor vehicles. [Repealed.]~~

* * *

(E) As used in this subdivision (8), “person” shall include any individual or, in the case of partnerships, corporations, or other entities, the directors, shareholders, officers, or partners in these entities. ~~The term “business use of the dealer” shall only mean the motor vehicle business of the motor vehicle dealer to which number plates have been issued pursuant to section 453 of this title.~~

~~(F) For new and used car dealers, “engaged in the business” means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. “Engaged in the business” shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or motor trucks which have been in lease or rental services, and persons so engaged shall meet all obligations required of dealers. [Repealed.]~~

* * *

(42)(A) ~~“Transporter” shall mean~~ means:

(i) a person engaged in the business of delivering vehicles of a type required to be registered ~~hereunder~~ from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer, ~~and includes persons;~~

(ii) a person regularly engaged in the business of towing trailer coaches, owned by them or temporarily in their custody, on their own wheels over public highways, ~~persons~~ or towing office trailers owned by them or temporarily in their custody, on their own wheels over public highways; ~~persons;~~

(iii) a person regularly engaged and properly licensed for the short-term rental of “storage trailers” owned by them and who move these storage trailers on their own wheels over public highways; ~~and persons;~~

(iv) a person regularly engaged in the business of moving modular homes over public highways ~~and shall also include;~~

(v) dealers, owners of motor vehicle auction sites, and automobile repair shop owners when engaged in the transportation of motor vehicles to and from their place of business for repair purposes. ~~“Transporter” shall also include;~~

(vi) the following, provided that the transportation and delivery of motor vehicles is a common and usual incident to their business:

(I) persons towing overwidth trailers owned by them in connection with their business;

(II) persons whose business is the repossession of motor vehicles; and

(III) persons whose business involves moving vehicles from the place of business of a registered dealer to another registered dealer, or between a motor vehicle auction site and a registered dealer or another motor vehicle auction site, leased vehicles to the lessor at the expiration of the lease, or vehicles purchased at the place of auction of an auction dealer to the purchaser.

(B) As used in this subdivision; 4(42):

(i) ~~“short term~~ “Short-term rental” shall mean means a period of less than one year. ~~Additionally, as used in this subdivision, “repossession” shall include~~

(ii) “Repossession” includes the transport of a repossessed vehicle to a location specified by the lienholder or owner at whose direction the vehicle was repossessed. Before a person may become licensed as a transporter, he or she shall present proof of compliance with section 800 of this title. He or she shall also either own or lease a permanent place of business located in this State where business shall be conducted during regularly established business hours and the required records stored and maintained.

* * *

Sec. 2. 23 V.S.A. chapter 7, subchapter 4 is amended to read:

Subchapter 4. Registration of Dealers and Transporters

ARTICLE 1.

DEALERS

§ 450. DEFINITION

As used in this subchapter, “vehicle or motorboat” means a motor vehicle, snowmobile, motorboat, or all-terrain vehicle.

§ 450a. DEALER REGISTRATION; ELIGIBILITY

(a) A person shall not be eligible to register as dealer unless the person:

(1) Has no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.

(2) For initial and renewal applicants, has not had a conviction or been incarcerated for a conviction for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction within the 10 years prior to the application.

(3) Has no unsatisfied judgments against the person arising out of violations of consumer protection laws in Vermont or any other jurisdiction.

(4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of this subchapter, which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title.

(b) In addition to the requirements of subsection (a) of this section, a person shall not be eligible to register as a dealer in cars, motor trucks, motorcycles, or motor-driven cycles unless the person presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.

(c) In addition to the requirements of subsections (a) and (b) of this section, a person shall not be eligible to register as a dealer in cars or motor trucks unless the person is open for business at least 146 days during the calendar year. The applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period at the time of the application.

§ 451. DEALER'S CERTIFICATE

(a) Instead of registering each motor vehicle owned by him or her, a dealer may ~~make application~~ apply under oath to the Commissioner, upon forms prescribed and furnished by the Commissioner for that purpose, and accompanied by such additional information and certifications as the Commissioner may reasonably require, for a general distinguishing number for such motor vehicles. If the Commissioner is satisfied that the applicant meets all the requirements of section 4 and chapter 7 of this title and is qualified to engage in such business, the Commissioner may issue to the applicant a certificate of registration containing the name, place of residence, and address of such applicant, the general distinguishing number assigned, and such additional information as the Commissioner may determine. If a dealer has a place of business or agency in more than one city or town, he or she shall file an application and secure a certificate of registration for each place of business or agency. The place of business or agency shall mean a place in any town where motor vehicles owned by a dealer are regularly kept or exposed for sale in the custody or control of the dealer or a salesman, employee, or agent of such dealer. In his or her discretion, the Commissioner may assign the same distinguishing number with more than one certificate to any dealer who has separate places of business within the same or an adjacent city or town within

Vermont. The Commissioner may allow a dealer having one distinguishing number with more than one certificate to maintain only one central area for the maintenance of records required by law to be kept, including those required by section 466 of this title and for the transfer of motor vehicles. This location must be in Vermont and must be disclosed on the application prior to approval and may be changed only with the approval of the Commissioner or his or her agent. Dealer registration plates shall contain letters indicating the type of dealer certificate issued before the distinguishing number.

(b) With the prior approval of the Commissioner, a Vermont dealer may display vehicles on a temporary basis, but in no instance for more than 14 consecutive days, at fairs, shows, exhibitions, and other off-site locations a fair, show, exhibition, or other off-site location. New vehicles may only be displayed off-site within the manufacturer's stated area of responsibility in the franchise agreement. No sales may be transacted at these off-site locations. A dealer desiring to display vehicles temporarily at an off-site location shall notify the Commissioner in a manner prescribed by the Commissioner no less than two days prior to the first day for which approval is requested.

(c) A ~~new or used car~~ dealer in new or used motor vehicles may temporarily transfer possession of a vehicle owned by the dealer on consignment to a registered auction dealer or Vermont licensed auctioneer to be sold at public or private wholesale auction by the auction dealer or Vermont licensed auctioneer.

(d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer registrations are governed by this chapter and sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for ~~dealer's~~ registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

* * *

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling, or exchanging new or ~~secondhand~~ used farm tractors or other self-propelled farm implements, for such dealer registration

shall annually be accompanied by a fee of \$40.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, only be displayed upon a farm tractor or other self-propelled farm implement.

(c) Application by a “dealer in motorized highway building equipment and road making appliances,” which shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling, or exchanging new or ~~secondhand~~ used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of \$90.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, only be displayed upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging ~~of~~ motorcycles or motor-driven cycles, the registration fee shall be \$45.00, which shall include three ~~sets of~~ number plates. The Commissioner may, in his or her discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging ~~of~~ trailers, semi-trailers, or trailer coaches, the registration fee shall be \$90.00 which shall include three number plates; such number plates may, however, only be displayed upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in his or her discretion, furnish further plates at a fee of \$10.00 for each such plate.

* * *

(g) The Commissioner of Motor Vehicles shall not issue a dealer’s certificate of registration to a ~~new or used car~~ dealer in new or used motor vehicles, unless the dealer has provided the Commissioner with a surety bond, letter of credit, or certificate of deposit issued by an entity authorized to transact business in the same state. The amount of such surety bond, letter of credit, or certificate of deposit shall be between \$20,000.00 and \$35,000.00 based on the number of new or used units sold in the previous year; such schedule is to be determined by the Commissioner of Motor Vehicles. In the case of a certificate of deposit, it shall be issued in the name of the dealer and assigned to the Commissioner or his or her designee. The bond, letter of credit, or certificate of deposit shall serve as indemnification for any monetary

loss suffered by the State or by a purchaser of a motor vehicle by reason of the dealer's failure to remit to the Commissioner any fees collected by the dealer under the provisions of chapters 7 and 21 of this title or by a dealer's failure to remit to the Commissioner any tax collected by the dealer under 32 V.S.A. chapter 219. This State or the motor vehicle owner who suffers such loss or damage shall have the right to claim against the surety upon the bond or against the letter of credit or certificate of deposit. The bond, letter of credit, or certificate of deposit shall remain in effect for the pending registration year and one year thereafter. The liability of any such surety or claim against the letter of credit or certificate of deposit shall be limited to the amount of the fees or tax collected by the dealer under chapters 7 and 21 of this title or 32 V.S.A. chapter 219 and not remitted to the Commissioner.

(h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504 of this title, respectively.

§ 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

* * *

(c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a dealer's number plate or dealer registration number in accordance with sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

Employees of a dealer shall not operate, and a dealer shall not permit them to operate, ~~motor~~ vehicles, or motorboats, ~~snowmobiles, and all-terrain vehicles~~ with dealer's registration number plates or registration numbers displayed thereon, except for business purposes of the dealer, or in traveling directly between their homes and the place of their employer's business.

* * *

§ 462. CANCELLATION, REVOCATION, OR SUSPENSION OF DEALER'S REGISTRATION

(a) The Commissioner may cancel, revoke, or suspend a the registration certificate issued to of a dealer under the provisions of this chapter or section 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded the opportunity of a hearing before the Commissioner or upon conviction in any court in any jurisdiction, it appears that the dealer has willfully violated any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of the Commissioner, applying to dealers, or when it appears that the dealer has engaged in fraudulent or unlawful practices related to the purchase, sale, or exchange of ~~motor~~ vehicles or motorboats. In his or her discretion, the

Commissioner may suspend a dealer's registration without hearing for a period not exceeding 15 days whenever he or she finds upon full reports submitted by an enforcement officer or motor vehicle inspector that the safety of the public has been or will be imperiled as a result of the dealer's business activities. A dealer whose ~~certificate~~ registration has been canceled, revoked, or suspended shall forthwith return to the Commissioner the registration certificate and any and all number plates, or numbers or decals furnished him or her by the Commissioner; and the privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An application for a new dealer's ~~license~~ registration for that dealer will not be considered until ~~the suspension~~ a revocation period has been served.

(b) A fee of \$30.00 shall be paid to the Commissioner prior to the reinstatement of any dealer's ~~license or registration certificate canceled, revoked, or~~ that has been suspended for cause.

* * *

§ 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS PROHIBITED

A dealer shall not lend or lease registration certificates, validation stickers, numbers, ~~or~~ decals, or number plates which have been assigned to him or her under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~ vehicle or motorboat to which his or her dealer's decals, numbers, or number plates have been attached, nor lend or lease his or her dealer's decals, numbers, or number plates to a subagent.

§ 466. RECORDS; CUSTODIAN

(a) On a form prescribed or approved by the Commissioner, every licensed dealer shall maintain and retain for six years a record containing the following information, which shall be open to inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours:

(1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange.

(2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise acquired and dismantled by the licensee.

(3) The name and address of the person from whom such ~~motor~~ vehicle or motorboat was purchased or acquired, the date thereof, the name and address of the person to whom any such ~~motor~~ vehicle or motorboat was sold or otherwise disposed of and the date thereof, and a sufficient description of

every such ~~motor~~ vehicle or motorboat by name and identifying numbers thereon to identify the same.

(4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a consumer, the cash price. ~~For purposes of~~ As used in this section, “consumer” shall be as defined in 9 V.S.A. § 2451a(a) and “cash price” shall be as defined in 9 V.S.A. § 2351(6).

(b) Every licensed dealer shall designate a custodian of documents who shall have primary responsibility for administration of documents required to be maintained under this title. In the absence of the designated custodian, the dealer shall have an ongoing duty to make such records available for inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours.

* * *

§ 467. ~~FAILURE OF DEALER DUTY TO REPORT PURCHASE AND SALE OF VEHICLES SALES, RETURN EXPIRED PLATES~~

On a form prescribed by the Commissioner, a dealer shall send the reports of sale to the Commissioner upon the sale and relative to his or her sale or exchange of new or ~~secondhand motor~~ used vehicles or motorboats, and return to the Commissioner number plates coming into his or her possession through the sale or exchange of a motor vehicle, the registration of which has expired under the provisions of section 321 of this title.

§ 468. GENERAL PROHIBITION

A dealer shall not operate a ~~motor~~ vehicle or motorboat nor permit the same to be operated under dealer’s registration numbers, except as specifically permitted in this chapter or under section 3204, 3305, or 3504 of this title. No charge shall be made for any permitted use.

* * *

§ 473. WHEN REGISTRATION IS ALLOWED, REQUIRED; PENALTIES

(a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or offering for sale motor or exchanging~~ vehicles or motorboats, as defined in ~~this subchapter except for vehicles that are to be scrapped, dismantled, or destroyed~~ subdivision 4(8) of this title, without a dealer registration and obtaining dealer plates or motorboat registrations in accordance with the provisions of this subchapter and, if applicable, section 3204, 3305, or 3504 of this title. A person may register as a dealer only if he or she is engaged in the business of selling or exchanging vehicles or motorboats, as defined in subdivision 4(8) of this title or, in the case of an initial registration, if the person’s reasonable estimate of expected sales or exchanges satisfies the minimum thresholds under subdivision 4(8) of this title. A person who violates this section shall be

subject to the penalties established pursuant to section 475 of this title. ~~For the purpose of the subchapter, “engaged in the business” means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. “Engaged in the business” shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or trucks which have been in lease or rental service and persons so engaged shall meet all obligations required of dealers.~~

(b) A person who misrepresents himself or herself as a dealer in the purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining a license registering as a dealer,~~ or after the cancellation, suspension, or revocation of the dealer’s license registration, or who makes misrepresentations to the Department in order to qualify for registration, shall be subject to the penalties established pursuant to section 475 of this title.

* * *

ARTICLE 3.

TRANSPORTERS

§ 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF TRANSPORTER PLATES

(a) A transporter may apply for and the Commissioner of Motor Vehicles, in his or her discretion, may issue a certificate of registration and a general distinguishing number plate. Before a person may be registered as a transporter, he or she shall present proof:

(1) of compliance with section 800 of this title, and

(2) that he or she either owns or leases a permanent place of business located in this State where business will be conducted during regularly established business hours and the required records stored and maintained.

(b) When he or she displays thereon his or her transporter’s registration plate, a transporter or his or her employee or contractor may transport a motor vehicle owned by ~~him or her~~ the transporter, repossessed, or temporarily in ~~his or her~~ the transporter’s custody, and it shall be considered to be properly registered under this title. Transporter’s registration plates shall not be used for any other purposes and shall not be used by the holder of such number plates for personal purposes.

* * *

Sec. 3. 23 V.S.A. § 3204 is amended to read:

§ 3204. REGISTRATION FEES AND DEALER PLATES

(a) Fees. Annual registration fees for snowmobiles other than as provided for in subsection (b) of this section are \$25.00 for residents and \$32.00 for nonresidents. Duplicate registration certificates may be obtained upon payment of \$5.00.

(b)(1) Dealer registration and plates; manufacturer ~~and repair~~ plates; fees. ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person engaged in the manufacture or sale of business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner which and to the requirements of chapter 7 this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made for such use.

(2) Fees. Fees for dealer registration certificates shall be \$40.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

* * *

Sec. 4. 23 V.S.A. § 3305 is amended to read:

§ 3305. FEES

* * *

(c) A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging motorboats as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter, ~~upon application to the Commissioner upon forms prescribed by him or her, may~~ shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

* * *

(3) An application for a dealer motorboat registration and registration number shall be accompanied by the following fees:

(A) for the registration and first number applied for, \$25.00 and a surcharge of \$5.00;

(B) for each additional number applied for in the current registration period, \$5.00 and a surcharge of \$5.00.

* * *

(j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the issuance of temporary registrations of motorboats pending issuance of the permanent registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee for the temporary registrations shall be \$3.00 for each registration purchased from the Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while being operated and shall authorize operation without the registration number being affixed for a period not to exceed ~~30~~ 60 days from the date of issue.

* * *

Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

(b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules which may be adopted by the Commissioner ~~which and to the requirements of chapter 7 of this title.~~ A manufacturer of all-terrain vehicles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made. Fees for registration and registration certificates shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

* * * Parking for Persons with Disabilities * * *

Sec. 6. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR PEOPLE WITH DISABILITIES

(a) The following definitions shall apply to this section:

* * *

(3) "Special registration plates" means a registration plate for people with disabilities that displays the International Symbol of Access:

(A) in a color that contrasts with the background; and

(B) in the same size as the letters or numbers on the plate.

(4) “Removable windshield placard” means a two-sided, hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a blue shield~~ a color that contrasts with the placard’s background color;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the issuing authority.

(5) “Temporary removable windshield placard” means a two-sided hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a red shield~~ a color that contrasts with the placard’s background color;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the issuing authority.

(6) “Eligible person” means:

(A) a person who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

* * *

(c) ~~Vehicles~~ Eligible persons may park vehicles with special registration plates or removable windshield placards ~~from~~ issued by any state may use the in special parking spaces when:

(1) the placard is displayed:

(A) by hanging it from the front windshield rearview mirror in such a manner that it may be viewed from the front and rear of the vehicle; or

(B) if the vehicle has no rearview mirror, on the dashboard;

(2) the plate is mounted as provided in section 511 of this title; or

(3) the plate is mounted or the placard displayed as provided by the law of the jurisdiction where the vehicle is registered.

~~(d)(1) A person who has an ambulatory disability or an individual transporting a person who is blind~~ Except as otherwise provided in this subsection, an eligible person shall be permitted to park, and to park without fee, for at least 10 continuous days in a parking space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, except that this minimum period shall be,

~~(2) 24 continuous hours for parking in~~ Notwithstanding the 10-day period in subdivision (1) of this subsection, in the case of a State- or municipally operated parking garage, an eligible person shall be permitted to park, and to park without fee, for at least 24 continuous hours.

~~(3) This section~~ subsection shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to this the privilege conferred by this subsection, the vehicle shall display the registration plate or placard issued by the Commissioner, or a special registration license plate or placard issued by any other jurisdiction, in accordance with subsection (c) of this section.

(e) A person, other than ~~a~~ an eligible person with a disability, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be fined not less than \$200.00 for each violation and shall be liable for towing charges. He or she shall also be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed. The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section. A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

* * *

* * * Multifunction School Activity Buses * * *

Sec. 7. 23 V.S.A. § 1072(a) is amended to read:

~~(a)(1) The driver of any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the~~

~~driver, of any school bus, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade any track or tracks of a railroad, the drivers of the following vehicles shall stop within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and while so stopped shall look and listen in both directions along the track for any approaching train and for signals indicating the approach of a train, and may not proceed until he or she can do so safely:

(A) any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver;

(B) any school bus or multifunction school activity bus; and

(C) any vehicle carrying explosive substances or flammable liquids as cargo or part of its cargo.

(2) After stopping as required herein and upon proceeding when it is safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will be no necessity for changing gears while traversing the crossing, and the driver may not shift gears while crossing the track or tracks.

Sec. 8. 23 V.S.A. § 1287 is amended to read:

§ 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

(a) A “multifunction school activity bus” is a vehicle which is used to transport students on trips other than on a fixed route between home and school, and which meets the construction and safety standards for a “multifunction school activity bus” adopted by rule by the National Highway Traffic Safety Administration.

(b) If a school owns a multifunction school activity bus or leases one other than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which includes a school bus driver’s endorsement. ~~The~~ A school bus endorsement road test may be taken in a multifunction school activity bus, but the resulting endorsement shall be restricted to the operation of the appropriately sized multifunction school activity bus. ~~Otherwise, the~~ endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

(c) A multifunction school activity bus may be a color other than national school bus yellow.

Sec. 9. 23 V.S.A. § 4121 is amended to read:

§ 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

(a) An applicant for a school bus endorsement shall satisfy the following requirements:

(1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;

(2) ~~have~~ Have knowledge covering the following topics, at minimum:

(A) ~~loading~~ Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by State or federal law or regulation;

(B) ~~emergency~~ Emergency exits and procedures for safely evacuating passengers in an emergency;

(C) State and federal laws and regulations related to traversing safely highway rail grade crossings;

(D) ~~a~~ A skills test in a school bus of the same vehicle group as the applicant will operate. As used in this subdivision (a)(2)(D), "school bus" may include a "multifunction school activity bus" as defined in section 1287 of this title.

* * *

Sec. 10. 23 V.S.A. § 1095b is amended to read:

§ 1095b. **HANDHELD USE OF PORTABLE ELECTRONIC DEVICE PROHIBITED**

* * *

(b) Use of handheld portable electronic device prohibited. A person shall not use a portable electronic device while operating a moving motor vehicle on a highway in Vermont. The prohibition of this subsection shall not apply:

(1) to hands-free use;

(2) to activation or deactivation of hands-free use, as long as ~~the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other~~ any accessory for ~~secure~~ secure mounting the device is not affixed to the windshield in violation of section 1125 of this title;

(3) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; ~~or~~

(4) to use of an ignition interlock device, as defined in section 1200 of this title; ~~or~~

(5) to use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(5), "securely mounted" means the device is placed in an accessory or location in the vehicle,

other than the operator's hands, where the device will remain stationary under typical driving conditions.

* * *

Sec. 11. 23 V.S.A. § 1099 is amended to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section, "texting" means the reading or the manual composing or sending of electronic communications, including text messages, instant messages, or e-mails, using a portable electronic device as defined in subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of a global positioning or navigation system shall be governed by section 1095b of this title.

(b) A person shall not engage in texting while operating a moving motor vehicle on a highway.

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

* * * Obstructing Windshields, Windows * * *

Sec. 12. LEGISLATIVE INTENT

(a) In *State v. Hurley*, 2015 VT 46 (March 5, 2015), the Vermont Supreme Court held that the prohibition of 23 V.S.A. § 1125 on objects hanging behind a windshield extends only to an object that "materially obstructs the driver's view."

(b) In adding the second sentence to 23 V.S.A. § 1125(a) as provided in Sec. 13 of this bill, the General Assembly intends to codify the holding of the *Hurley* decision and to codify the logical extension of the Court's holding to objects hanging behind a vent or side window immediately to the left or right of the driver. In only addressing hanging objects in 23 V.S.A. § 1125(a), the General Assembly takes no position on whether the Court's reasoning should extend further to the statute's prohibition on painting or adhering material or items to such windows or the windshield.

Sec. 13. 23 V.S.A. § 1125 is amended to read:

§ 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

(a) ~~No person shall paste, stick, or paint advertising matter or other things~~ Except as otherwise provided in this section, a person shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or

hung in back of, any transparent part of a motor vehicle windshield, vent windows, or side windows located immediately to the left and right of the operator, ~~nor hang any object, other than a rear view mirror, in back of the windshield except as follows.~~ The prohibition of this section on hanging items shall apply only when a hanging item materially obstructs the driver's view.

(b) Notwithstanding subsection (a) of this section, a person may operate a motor vehicle with material or items painted or adhered on or over, or hung in back of, the windshield, vent windows, or side windows:

(1) ~~It~~ is in a space not over four inches high and 12 inches long in the lower right-hand corner of the windshield;

(2) ~~It~~ is in such space as the Commissioner of Motor Vehicles may specify for location of any sticker required by governmental regulation;

(3) ~~It~~ is in a space not over two inches high and two and one-half inches long in the upper left-hand corner of the windshield;

(4) ~~By persons~~ if the operator is a person employed by the federal, ~~state~~ State, or local government ~~and or a~~ volunteer emergency responders responder operating an authorized emergency ~~vehicles~~ vehicle, who ~~may place~~ places any necessary equipment in back of the windshield of the vehicle, provided the equipment does not interfere with the operator's control of the driving mechanism of the vehicle;

(5) ~~On~~ on a motor vehicle that is for sale by a licensed automobile dealer prior to the sale of the vehicle, in a space not over three inches high and six inches long in the upper left-hand corner of the windshield, and in a space not over four inches high and 18 inches long in the upper right-hand corner of the windshield; or

(6) if the object is a rearview mirror, or is an electronic toll-collection transponder located either between the roof line and the rearview mirror post or behind the rearview mirror.

~~(6)(c)~~ (c) The Commissioner may grant an exemption to the prohibition of this section upon application from a person required for medical reasons to be shielded from the rays of the sun and who attaches to the application a document signed by a licensed physician or optometrist certifying that shielding from the rays of the sun is a medical necessity. The physician or optometrist certification shall be renewed every four years. However, when a licensed physician or optometrist has previously certified to the Commissioner that an applicant's condition is both permanent and stable, the exemption may be renewed by the applicant without submission of a form signed by a licensed physician or optometrist. Additionally, the window shading or tinting permitted under this ~~subdivision~~ subsection shall be limited to the vent

windows or side windows located immediately to the left and right of the operator. The exemption provided in this ~~subdivision~~ subsection shall terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the applicable window tinting shall be removed by the seller. Furthermore, if the material described in this ~~subdivision~~ subsection tears or bubbles or is otherwise worn to prohibit clear vision, it shall be removed or replaced.

~~(b)~~(d) The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.

* * * Total Abstinence Program; Application Requirements * * *

Sec. 14. 23 V.S.A. § 1209a(b)(1) is amended to read:

(1) Notwithstanding any other provision of this subchapter, a person whose license has been suspended for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

* * * Authorized Use of Colored Signal Lamps * * *

Sec. 15. 23 V.S.A. § 1252 is amended to read:

§ 1252. ISSUANCE OF PERMITS FOR SIRENS OR COLORED LAMPS, OR BOTH; USE OF AMBER LAMPS

(a) When satisfied as to the condition and use of the vehicle, the Commissioner shall issue and may revoke, for cause, permits for sirens or colored signal lamps in the following manner:

(1)(A) Sirens or blue ~~or blue and~~, red, amber, or white signal lamps, or a combination of these, may be authorized for all law enforcement vehicles owned or leased by a law enforcement agency, a certified law enforcement officer, or the Vermont Criminal Justice Training Council. If the applicant is a constable, the application shall be accompanied by a certification by the town

clerk that the applicant is the duly elected or appointed constable and attesting that the town has not voted to limit the constable's authority to engage in enforcement activities under 24 V.S.A. § 1936a.

(B) One blue signal lamp may be authorized for use on a vehicle owned or leased by a fire department or on an emergency medical service vehicle, provided that the Commissioner shall require the lamp to be mounted so as to be visible primarily from the rear of the vehicle.

(2) Sirens and red or red and white signal lamps may be authorized for all ambulances and other emergency medical service vehicles, fire ~~apparatus department~~ vehicles, vehicles used solely in rescue operations, or vehicles owned or leased by, or provided to, volunteer firefighters and voluntary rescue squad members, including a vehicle owned by a volunteer's employer when the volunteer has the written authorization of the employer to use the vehicle for emergency fire or rescue activities.

~~(3) No vehicle may be authorized a permit for more than one of the combinations described in subdivisions (1) and (2) of this subsection. [Repealed.]~~

(4) No motor vehicle, other than one owned by the applicant, shall be issued a permit until the Commissioner has recorded the information regarding both the owner of the vehicle and the applicant for the permit.

(5) Upon application to the Commissioner, the Commissioner may issue a single permit for all the vehicles owned or leased by the applicant.

(6) Sirens and red or red and white signal lamps, or sirens and blue or blue and white signal lamps, may be authorized for restored emergency or enforcement vehicles used for exhibition purposes. Sirens and lamps authorized under this subdivision may only be activated during an exhibition, such as a car show or parade.

* * *

Sec. 16. 23 V.S.A. § 1255 is amended to read:

§ 1255. EXCEPTIONS

~~(1)(a)~~ The provisions of section 1251 of this title shall not apply to directional signal lamps of a type approved by the ~~commissioner of motor vehicles~~ Commissioner.

~~(2)(b)~~ All persons with motor vehicles equipped as provided in ~~subdivision subdivisions~~ subdivisions 1252(a)(1) and (2) of this title; shall use the sirens or colored signal lamps, or both, only in the direct performance of their official duties. When any person other than a law enforcement officer, firefighter, or emergency medical service (EMS) responder is operating a motor vehicle

equipped as provided in subdivision 1252(a)(1) of this title, the colored signal lamp shall be either removed, covered, or hooded. When any person, other than an authorized ambulance ~~operator~~ EMS vehicle operator, firefighter, or authorized operator of vehicles used in a rescue operation, is operating a motor vehicle equipped as provided in subdivision 1252(a)(2) of this title, the colored signal lamps shall be either removed, covered, or hooded unless the operator holds a senior operator license.

* * * Information on Motor Vehicle Certificates of Title * * *

Sec. 17. 23 V.S.A. § 2018 is amended to read:

§ 2018. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

- (1) The date issued.
- (2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend “~~There are more than two lienholders on this vehicle. Contact the Vermont Department of Motor Vehicles for details.~~” as determined by the Commissioner.

(4) The title number assigned to the vehicle.

(5) A description of the vehicle including, so far as the following data exist, its make, model, identification number, odometer reading, or hubometer reading or clock meter reading on all vehicles, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use.

(6) Any other data the Commissioner prescribes.

(b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain ~~the~~ an appropriate legend “~~This vehicle may be subject to an undisclosed lien~~” as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall,

upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

(f) If a vehicle has been returned to the manufacturer after final determination, adjudication, or settlement pursuant to the provisions of 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement under similar laws of any other state, any certificate of title for the vehicle shall contain ~~the following an appropriate~~ legend: ~~“This vehicle was returned to the manufacturer pursuant to motor vehicle arbitration board, or similar proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

Sec. 18. 23 V.S.A. § 2022(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate certificate of title shall contain the legend “This is a duplicate certificate and may be subject to the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 19. 23 V.S.A. § 2093(a) is amended to read:

(a) If a vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vehicle is not sold for re-registration purposes has been or should have been issued by the Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle that has been declared a totaled motor vehicle is rebuilt and restored for highway operation, the owner thereof shall not apply for a certificate of title or registration, and none shall be issued until the vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When necessary, a new vehicle identification number shall be attached to the vehicle as provided by section 2003 of this title. Any new title issued for such vehicles shall contain the legend “rebuilt vehicle.”

* * * Information on Snowmobile, Motorboat, and
All-Terrain Vehicle Titles * * *

Sec. 20. 23 V.S.A. § 3811 is amended to read:

§ 3811. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

- (1) The date issued.
- (2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall contain ~~the~~ an appropriate legend ~~“There are more than two lienholders on this vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of Motor Vehicles for details”~~ as determined by the Commissioner.

* * *

(b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive certificate of title shall be issued for a vessel, snowmobile, or all-terrain vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests, or for which a title had not been issued by such other state or country. The certificate shall contain ~~the~~ an appropriate legend ~~“This vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien”~~ as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

Sec. 21. 23 V.S.A. § 3815(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate certificate of title shall contain the legend, “This is a duplicate certificate and may be subject to the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 22. 23 V.S.A. § 3835(a) is amended to read:

(a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes has been or should have been issued by the Commissioner, or by any other

jurisdiction or person ~~or both~~, or if a vessel, snowmobile, or all-terrain vehicle that has been declared totaled is rebuilt and restored for operation, the owner shall not apply for a certificate of title or registration, and none shall be issued until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the identification number and bills of sale or titles for major component parts used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary, a new identification number shall be attached to the vessel, snowmobile, or all-terrain vehicle as provided by section 2003 of this title. Any new title issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the legend "rebuilt ~~vessel, snowmobile, or all-terrain vehicle.~~"

* * * Towed Vehicles * * *

Sec. 23. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Any enforcement officer is authorized to:

(1) move a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to require the driver or other person in charge to move the vehicle to a position off the paved or main-traveled part of the highway;

(2) remove an unattended vehicle which is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) remove any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances which require his or her immediate removal from control of the vehicle.

(b) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the ~~Agency of Transportation~~ Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the ~~wrecker~~ towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information which might aid the ~~Transportation Board~~ Department in

ascertaining the ownership of the vehicle. ~~All information shall be forwarded and forward it to the Transportation Board in accordance with the provisions of 24 V.S.A. chapter 61 Department.~~ A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

Sec. 24. 24 V.S.A. § 2272 is amended to read:

§ 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

(a) A junk motor vehicle discovered in violation of section 2271 of this title shall be removed from view of the main traveled way of the highway by the owner of the land upon which it is discovered, upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so, if such owner holds title to the motor vehicle.

(b) If the owner of the land upon which a junk motor vehicle is discovered in violation of section 2271 of this title, does not hold or disclaims title, and the true owner of the motor vehicle is known or can be ascertained, the motor vehicle owner shall dispose of such motor vehicle in such a manner that it is no longer visible from the main traveled way of the highway upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so.

(c) The owner of land upon which a motor vehicle is left in violation of ~~this section~~ section 2271 of this title may, without incurring any civil liability or criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, ~~remove cause the vehicle to be removed~~ from the place where it is discovered to any other place on any property owned by him, ~~and if so removed, he shall notify the agency of transportation and local or state police, in writing, forthwith.~~ Within ten days after notification, the agency of transportation shall cause the vehicle to be taken under its control and disposed of as hereafter provided or her, or from the property, in accordance with 23 V.S.A. § 2152. The provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles) shall govern the identification, reclamation, and disposal of such vehicles.

(d) [Repealed.]

* * * All-Terrain Vehicles * * *

Sec. 25. 23 V.S.A. § 3501(5) is amended to read:

(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than ~~60~~ 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails

or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.

Sec. 26. 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION

(a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title by the State of Vermont and unless the all-terrain vehicle displays a valid Vermont ATV Sportsman's Association (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except when operated:

(1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~or,~~

(2) ~~off~~ Off the highway, in a ski area while being used for the purpose of grooming snow, maintenance, or in rescue operations;~~or,~~

(3) ~~for~~ For official use by a federal, State, or municipal agency and only if the all-terrain vehicle is identified with the name or seal of the agency in a manner approved by the Commissioner;~~or,~~

(4) ~~solely~~ Solely on privately owned land when the operator is specifically invited to do so by the owner of that property and has on his or her person the written consent of the owner.

(5) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

(e) An all-terrain vehicle owned by a person who is a resident of any other state or province shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides, ~~but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for all-terrain vehicles registered in this State by a resident of this State.~~

* * * Commercial Driver Licenses; Skills Test Waivers * * *

Sec. 27. 23 V.S.A. § 4108(d) is amended to read:

(d) At the discretion of the Commissioner, the skills test required under 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

(1) the applicant must certify that, during the two-year period immediately prior to applying for a commercial driver license, he or she:

(A) has not had more than one license in addition to a military license;

(B) has not had any license suspended, revoked, or cancelled;

(C) has not had any convictions for any type of motor vehicle for the disqualifying offenses specified in subsection 4116(a) of this title;

(D) has not had more than one conviction for any type of motor vehicle for serious traffic violations specified in subdivision 4103(16) of this title; and

(E) has not had any conviction for a violation, other than a parking violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault; and

(2) the applicant must provide evidence and certify that he or she:

(A) is regularly employed or was regularly employed within the last ~~90 days~~ 12 months in a military position requiring operation of a commercial motor vehicle;

(B) was exempted from the commercial driver license requirements in 49 C.F.R. § 383.3(c); and

(C) was operating for at least the two years immediately preceding discharge from the military a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

* * * Lists of Registrations and Suspensions * * *

Sec. 28. 23 V.S.A. § 109 is amended to read:

~~§ 109. LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS AND OTHERS; LISTS OF SUSPENSIONS~~

~~(a) Annually, the Commissioner shall cause to be prepared a list of registered motor vehicles, arranged serially according to the registration numbers assigned thereto which shall contain in addition the names and addresses of registered owners and a brief description of the vehicle registered, and the name and address of each person to whom is assigned a dealer's registration number. One copy of such list shall be furnished, in such form as the Commissioner may determine, free to each inspector of the Motor Vehicle Department, sheriff, State's Attorney, district judge, and police department in the State. The list may be also furnished to any person on request and upon the payment of the required fee. [Repealed.]~~

~~(b) Each month, the Commissioner shall cause to be prepared a list of all persons whose operating license, nonresident operating privileges, or privilege of an unlicensed operator to operate a vehicle, is suspended or revoked in this State at the time the list is prepared. Names on the list shall be arranged by county of residence or zip code. Notwithstanding 1 V.S.A. chapter 5, subchapter 3, the a list of all persons whose operating license, nonresident operating privileges, or privilege of an unlicensed operator to operate a vehicle is suspended or revoked in this State shall be available on request in such form as the Commissioner may determine. The list shall be available in an electronic format for law enforcement officers with computer access through the Department of Public Safety.~~

* * * Nonresident Motor Truck Registration * * *

Sec. 29. REPEAL

23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

Sec. 30. 23 V.S.A. § 411 is amended to read:

§ 411. RECIPROCAL PROVISIONS

As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of

his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. ~~Such exemptions shall not be operative as to the owner of a motor truck used for the transportation of property for hire or profit between points within the State or to the owner of any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of motor fuel over and above that provided in the standard equipment of such vehicle.~~

* * * New Motor Vehicle Arbitration; Uncontested Matters * * *

Sec. 31. 9 V.S.A. § 4173 is amended to read:

§ 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

* * *

(c)(1) Arbitration of the consumer's complaint, either through the manufacturer's dispute settlement mechanism or the Board, must be held within 45 days of receipt by the manufacturer or the Board of the consumer's notice; electing the remedy of arbitration unless:

(A) the consumer or the manufacturer ~~has~~ shows good cause for an extension of time, not to exceed an additional 30-day period; or

(B) the manufacturer does not contest the consumer's complaint, in which case an arbitration hearing is not required.

(2) If ~~the~~ an extension of time is requested by the manufacturer, the manufacturer shall provide free use of a vehicle to the consumer if the consumer's vehicle is out of service.

(3) ~~In the event~~ If the consumer elects to proceed in accordance with the manufacturer's dispute settlement mechanism, the matter is contested, and the arbitration of the dispute is not held within 45 days of the manufacturer's receipt of the consumer's notice and the manufacturer is not able to establish good cause for the delay, the consumer shall be entitled to receive the relief requested under this chapter.

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect which the consumer claims entitles him or her to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by

the manufacturer or his or her delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced if the repair proves unsatisfactory for the duration of the express warranty.

(e) ~~The~~ If an arbitration hearing is required under this section, the vehicle must be presented at the hearing site for an inspection or test drive, or both, by members of the Board.

* * *

Sec. 32. 9 V.S.A. § 4174(d) is amended to read:

(d) The Board shall render a decision within 30 days of the conclusion of a hearing ~~and in a contested matter, and within 30 days of the manufacturer's answer in an uncontested matter.~~ The Board has authority to issue any and all damages as are provided by this chapter.

* * * Biobus Pilot Extension * * *

Sec. 33. 2013 Acts and Resolves No. 12, Sec. 30a is amended to read:

Sec. 30a. SCHOOL BUS PILOT PROGRAM

(a) Definitions. As used in this section, the term "person" shall have the same meaning as in 1 V.S.A. § 128, and the term "Type II school bus" shall have the same meaning as in 23 V.S.A. § 4(34)(C).

(b) Pilot program. Upon application, the Commissioner of Motor Vehicles shall approve up to three persons who satisfy the requirements of this section to participate in a pilot program. Pilot program participants shall be authorized to operate on Vermont highways Type II school buses registered in this State that are retrofitted with an auxiliary fuel tank to enable the use of biodiesel, waste vegetable oil, or straight vegetable oil, provided the school bus has passed inspection in accordance with subdivision (c)(3) of this section and the bus and its auxiliary tank comply with the Federal Motor Vehicle Safety Standards applicable to Type II school buses. If more than three persons apply to participate in the pilot program, the Commissioner shall give priority to applicants who seek to install the auxiliary fuel tank in connection with a student-led or student-generated school project.

(c) Documentation; requirements. The Commissioner may prescribe that applicants furnish information necessary to implement the pilot program. After an applicant furnishes such information and is approved, the Commissioner shall provide the person with documentation of the person's selection under the pilot program and the expiration date of the program. If the approved person is a municipality or another legal entity, the Commissioner's

documentation shall list the specific individuals authorized to operate the Type II school bus. The Commissioner's documentation shall:

(1) be carried in the school bus while it is operated on a highway;

(2) constitute and be recognized by enforcement officers in Vermont as a waiver, until expiration of the pilot program, of those provisions of 23 V.S.A. §§ 4(37), 1221, and 1283(a)(6) and of any rule that would prohibit school buses retrofitted with auxiliary fuel tanks from lawfully operating on Vermont highways; and

(3) be recognized by authorized inspection stations as a waiver of the prohibition on auxiliary or added fuel tanks, and of the requirement that buses only be equipped with such motor fuel tanks as are regularly installed by the manufacturer, specified in the School Bus Periodic Inspection Manual ("Inspection Manual"); provided, however, that no school bus equipped with an auxiliary or added fuel tank shall pass inspection unless all other requirements of the Inspection Manual regarding fuel systems are satisfied.

(d) Expiration. The pilot program established and the waivers granted under this section shall expire on September 1, ~~2015~~ 2017.

* * * Exempt Vehicle Title * * *

Sec. 34. 23 V.S.A. chapter 21 is amended to read:

CHAPTER 21. TITLE TO MOTOR VEHICLES

Subchapter 1. General Provisions

§ 2001. DEFINITIONS

Except when the context otherwise requires, as used in this chapter:

* * *

(15) "Title or certificate of title" means a written instrument or document that certifies ownership of a vehicle and is issued by the Commissioner or equivalent official of another jurisdiction. These terms do not include an exempt vehicle title authorized to be issued under subdivision 2013(a)(2) of this chapter.

* * *

§ 2002. FEES

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, \$33.00;

* * *

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

(1) ~~A~~ a vehicle owned by the United States, unless it is registered in this State;

(2) ~~A~~ a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or used by an educational institution approved by the Agency of Education for driver training purposes, or a vehicle used by a manufacturer solely for testing;

(3) ~~A~~ a vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(4) ~~A~~ a vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) ~~A~~ a self-propelled ~~wheel chair~~ wheelchair or invalid tricycle;

(6) ~~A~~ a motorcycle which has less than 300 cubic centimeters of engine displacement or a motorcycle powered by electricity with less than 20 kilowatts of engine power;

(7) ~~Any~~ any trailer with an unladen weight of 1,500 pounds or less;

(8) ~~A~~ a motor-driven cycle;

(9) ~~Any~~ any other type of vehicle designed primarily for off-highway use and deemed exempt by the Commissioner; or

(10) a vehicle that is more than 15 years old.

§ 2013. WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT VEHICLE TITLE UPON REQUEST

(a)(1) Except as provided in section 2012 of this title, the provisions of this chapter shall apply to and a title must be obtained for all motor vehicles at the time of first registration or when a change of registration is required under the provisions of section 321 of this title by reason of a sale for consideration; ~~except for vehicles that are more than 15 years old.~~

(2) In addition, a Vermont resident may apply at any time to the Commissioner to obtain an "exempt vehicle title" for a vehicle that is more than 25 years old. Such titles shall be in a form prescribed by the Commissioner and shall include a legend indicating that the title is issued under the authority of this subdivision. The Commissioner shall issue an

exempt vehicle title if the applicant pays the applicable fee and fulfills the requirements of this section, and if the Commissioner is satisfied that:

- (A) the applicant is the owner of the vehicle;
- (B) the applicant is a Vermont resident; and
- (C) the vehicle is not subject to any liens or encumbrances.

(3) Prior to issuing an exempt vehicle title pursuant to subdivision (2) of this subsection, the Commissioner shall require all of the following:

(A) The applicant to furnish one of the following proofs of ownership, in order of preference:

(i) a previous Vermont or out-of-state title indicating the applicant's ownership;

(ii) an original or a certified copy of a previous Vermont or out-of-state registration indicating the applicant's ownership;

(iii) sufficient evidence of ownership as determined by the Commissioner, including bills of sale or original receipts for major components of homebuilt vehicles; or

(iv) a notarized affidavit certifying that the applicant is the owner of the vehicle and is unable to produce the proofs listed in subdivisions (i)–(iii) of this subdivision (3)(A) despite reasonable efforts to do so.

(B) A notarized affidavit certifying:

(i) the date the applicant purchased or otherwise took ownership of the vehicle;

(ii) the name and address of the seller or transferor, if known;

(iii) that the applicant is a Vermont resident; and

(iv) that the vehicle is not subject to any liens or encumbrances.

(C) Assignment of a new vehicle identification number pursuant to section 2003 of this title, if the vehicle does not have one.

(b) The ~~commissioner~~ Commissioner shall not require an application for a certificate of title upon the renewal of the registration of a vehicle.

(c) The ~~commissioner~~ Commissioner shall note on the face of the registration of each vehicle for which a certificate of title has been issued a statement to that effect.

* * *

§ 2016. COMMISSIONER TO CHECK IDENTIFICATION NUMBER

The Commissioner, upon receiving application for a first certificate of title or exempt vehicle title, shall check the identification number of the vehicle shown in the application against the records of vehicles required to be maintained by section 2017 of this title and against the record of stolen and converted vehicles required to be maintained by section 2084 of this title.

§ 2017. ISSUANCE OF CERTIFICATE; RECORDS

(a) The Commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The Commissioner shall maintain at his or her central office a record of all certificates of title issued by him or her for vehicles 15 years old and newer, and of all exempt vehicle titles issued by him or her, under a distinctive title number assigned to the vehicle; under the identification number of the vehicle; alphabetically, under the name of the owner; and, in the discretion of the Commissioner, by any other method he or she determines. The original records may be maintained on microfilm or electronic imaging.

* * *

§ 2021. REFUSAL OF CERTIFICATE

The Commissioner shall refuse issuance of a certificate of title or an exempt vehicle title if any required fee is not paid or if he or she has reasonable grounds to believe that:

- (1) the applicant is not the owner of the vehicle;
- (2) the application contains a false or fraudulent statement; or
- (3) the applicant fails to furnish required information or documents or any additional information the Commissioner reasonably requires.

* * *

§ 2029. SUSPENSION OR REVOCATION OF CERTIFICATE

(a) The Commissioner shall suspend or revoke a certificate of title or exempt vehicle title, upon notice and reasonable opportunity to be heard in accordance with section 2004 of this chapter, if he or she finds:

- (1) the certificate of title or exempt vehicle title was fraudulently procured or erroneously issued; or
- (2) the vehicle has been scrapped, dismantled, or destroyed.

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the Commissioner suspends or revokes a certificate of title or exempt vehicle title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Commissioner.

(d) The Commissioner may seize and impound any certificate of title or exempt vehicle title which has been canceled, suspended, or revoked.

* * *

Subchapter 5: Anti-theft Provisions and Penalties

§ 2081. APPLICATION OF SUBCHAPTER

(a) This subchapter does not apply to a self-propelled wheelchair or invalid tricycle.

(b) The provisions of this subchapter that apply to certificates of title shall also apply to salvage certificates of title, exempt vehicle titles, certificates of origin, and secure assignments of title.

* * *

* * * Effective Dates * * *

Sec. 35. EFFECTIVE DATES; APPLICABILITY

(a)(1) This section, Sec. 26 (all-terrain vehicles), Sec. 27 (CDL skills test waiver for military drivers), and Secs. 31–32 (new motor vehicle arbitration; uncontested matters) shall take effect on passage.

(2) Secs. 31–32 shall apply to any matters pending on passage of this act.

(b) Sec. 34 shall take effect on January 1, 2016.

(c) All other sections shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Flory, Degree, Kitchel, Mazza and Westman moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Dealers and Transporters * * *

Sec. 1. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(8)(A)(i) “Dealer” shall ~~mean~~ means a person, partnership, or corporation ~~who is, or other entity~~ engaged in the business of ~~buying, selling, or exchanging new or used motor vehicles, as well as other types of motor vehicle dealers, except a finance and auction dealer and transporter:~~

~~(A) Who snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as part of or incidental to such business, repair such vehicles or motorboats, sell parts and accessories, or lease or rent motor such vehicles and who:~~

~~(i) Has had no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.~~

~~(ii) For initial applications only, has had no previous record of criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction.~~

~~(iii) Has no unsatisfied judgments against him or her arising out of violations of consumer protection laws in this or any other jurisdiction.~~

~~(iv) Presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.~~

~~(v) Is open for business at least 146 days during the calendar year. When the application for registration as a new car dealer or used car dealer is made, the applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period.~~

~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of subchapter 4 of chapter 7 of this title which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466~~

~~of this title and for the transfer of motor vehicles or motorboats. "Dealer" shall not include a finance or auction dealer or a transporter.~~

~~(ii)(I) For a dealer in new or used cars or motor trucks, "engaged in the business" means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the immediately preceding year, or 24 in the two immediately preceding years.~~

~~(II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, "engaged in the business" means having sold or exchanged at least three snowmobiles, motorboats, or all-terrain vehicles, respectively, in the immediately preceding year or six in the two immediately preceding years.~~

~~(III) For a dealer in trailers, semi-trailers, or trailer coaches, "engaged in the business" means having sold or exchanged a combination of at least three trailers, semi-trailers, or trailer coaches in the immediately preceding year or six in the two immediately preceding years.~~

~~(IV) For a dealer in motorcycles or motor-driven cycles, "engaged in the business" means having sold or exchanged a combination of at least three motorcycles or motor-driven cycles in the immediately preceding year or six in the two immediately preceding years.~~

~~(V) For the purposes of this subdivision (8)(A)(ii), the sale or exchange of vehicles or motorboats owned but not registered by the dealer, or that have been in lease or rental services, shall count as sales or exchanges. Vehicles or motorboats that are to be scrapped, dismantled, or destroyed shall not count as sales or exchanges.~~

~~(B) "New car dealer" shall mean a person, in addition to satisfying all of the requirements set forth in subdivision (8)(A) of this section, has a valid sales and service agreement, franchise, or contract with a manufacturer, assembler, importer, or distributor of new motor vehicles for the retail sale of new motor vehicles. [Repealed.]~~

* * *

~~(E) As used in this subdivision (8), "person" shall include any individual or, in the case of partnerships, corporations, or other entities, the directors, shareholders, officers, or partners in these entities. The term "business use of the dealer" shall only mean the motor vehicle business of the motor vehicle dealer to which number plates have been issued pursuant to section 453 of this title.~~

~~(F) For new and used car dealers, "engaged in the business" means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed.~~

~~“Engaged in the business” shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or motor trucks which have been in lease or rental services, and persons so engaged shall meet all obligations required of dealers. [Repealed.]~~

* * *

(42)(A) “Transporter” ~~shall mean~~ means:

(i) a person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer, and includes persons;

(ii) a person regularly engaged in the business of towing trailer coaches, owned by them or temporarily in their custody, on their own wheels over public highways, persons or towing office trailers owned by them or temporarily in their custody, on their own wheels over public highways; persons;

(iii) a person regularly engaged and properly licensed for the short-term rental of “storage trailers” owned by them and who move these storage trailers on their own wheels over public highways, and persons;

(iv) a person regularly engaged in the business of moving modular homes over public highways and shall also include;

(v) dealers, owners of motor vehicle auction sites, and automobile repair shop owners when engaged in the transportation of motor vehicles to and from their place of business for repair purposes. “Transporter” shall also include;

(vi) the following, provided that the transportation and delivery of motor vehicles is a common and usual incident to their business:

(I) persons towing overwidth trailers owned by them in connection with their business;

(II) persons whose business is the repossession of motor vehicles; and

(III) persons whose business involves moving vehicles from the place of business of a registered dealer to another registered dealer, or between a motor vehicle auction site and a registered dealer or another motor vehicle auction site, leased vehicles to the lessor at the expiration of the lease, or vehicles purchased at the place of auction of an auction dealer to the purchaser.

(B) As used in this subdivision, (42):

(i) ~~“short-term~~ “Short-term rental” shall mean means a period of less than one year. ~~Additionally, as used in this subdivision, “repossession” shall include~~

(ii) “Repossession” includes the transport of a repossessed vehicle to a location specified by the lienholder or owner at whose direction the vehicle was repossessed. Before a person may become licensed as a transporter, he or she shall present proof of compliance with section 800 of this title. He or she shall also either own or lease a permanent place of business located in this State where business shall be conducted during regularly established business hours and the required records stored and maintained.

* * *

Sec. 2. 23 V.S.A. chapter 7, subchapter 4 is amended to read:

Subchapter 4. Registration of Dealers and Transporters

ARTICLE 1.

DEALERS

§ 450. DEFINITION

As used in this subchapter, “vehicle or motorboat” means a motor vehicle, snowmobile, motorboat, or all-terrain vehicle.

§ 450a. DEALER REGISTRATION; ELIGIBILITY

(a) A person shall not be eligible to register as a dealer unless the person:

(1) Has no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.

(2) For initial and renewal applicants, has not had a conviction or been incarcerated for a conviction for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction within the 10 years prior to the application.

(3) Has no unsatisfied judgments against the person arising out of violations of consumer protection laws in Vermont or any other jurisdiction.

(4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of this subchapter, which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title.

(b) In addition to the requirements of subsection (a) of this section, a person shall not be eligible to register as a dealer in cars, motor trucks, motorcycles, or motor-driven cycles unless the person presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.

(c) In addition to the requirements of subsections (a) and (b) of this section, a person shall not be eligible to register as a dealer in cars or motor trucks unless the person is open for business at least 146 days during the calendar year. The applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period at the time of the application.

§ 451. DEALER'S CERTIFICATE

(a) Instead of registering each motor vehicle owned by him or her, a dealer may ~~make application~~ apply under oath to the Commissioner, upon forms prescribed and furnished by the Commissioner for that purpose, and accompanied by such additional information and certifications as the Commissioner may reasonably require, for a general distinguishing number for such motor vehicles. If the Commissioner is satisfied that the applicant meets all the requirements of section 4 and chapter 7 of this title and is qualified to engage in such business, the Commissioner may issue to the applicant a certificate of registration containing the name, place of residence, and address of such applicant, the general distinguishing number assigned, and such additional information as the Commissioner may determine. If a dealer has a place of business or agency in more than one city or town, he or she shall file an application and secure a certificate of registration for each place of business or agency. The place of business or agency shall mean a place in any town where motor vehicles owned by a dealer are regularly kept or exposed for sale in the custody or control of the dealer or a salesman, employee, or agent of such dealer. In his or her discretion, the Commissioner may assign the same distinguishing number with more than one certificate to any dealer who has separate places of business within the same or an adjacent city or town within Vermont. The Commissioner may allow a dealer having one distinguishing number with more than one certificate to maintain only one central area for the maintenance of records required by law to be kept, including those required by section 466 of this title and for the transfer of motor vehicles. This location must be in Vermont and must be disclosed on the application prior to approval and may be changed only with the approval of the Commissioner or his or her agent. Dealer registration plates shall contain letters indicating the type of dealer certificate issued before the distinguishing number.

(b) With the prior approval of the Commissioner, a Vermont dealer may display vehicles on a temporary basis, but in no instance for more than 14 consecutive days, at ~~fairs, shows, exhibitions, and other off-site locations~~ a fair, show, exhibition, or other off-site location. New vehicles may only be displayed off-site within the manufacturer's stated area of responsibility in the franchise agreement. No sales may be transacted at these off-site locations. A dealer desiring to display vehicles temporarily at an off-site location shall notify the Commissioner in a manner prescribed by the Commissioner no less than two days prior to the first day for which approval is requested.

(c) A ~~new or used car~~ dealer in new or used motor vehicles may temporarily transfer possession of a vehicle owned by the dealer on consignment to a registered auction dealer or Vermont licensed auctioneer to be sold at public or private wholesale auction by the auction dealer or Vermont licensed auctioneer.

(d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer registrations are governed by this chapter and sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for ~~dealer's~~ registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

* * *

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling, or exchanging new or ~~secondhand~~ used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of \$40.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, only be displayed upon a farm tractor or other self-propelled farm implement.

(c) Application by a “dealer in motorized highway building equipment and road making appliances,” which shall mean a person actively engaged in the business of ~~manufacturing, buying, selling, or exchanging new or secondhand~~ used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of \$90.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, only be displayed upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging of motorcycles or motor-driven cycles, the registration fee shall be \$45.00, which shall include three ~~sets of~~ number plates. The Commissioner may, in his or her discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging of trailers, semi-trailers, or trailer coaches, the registration fee shall be \$90.00 which shall include three number plates; such number plates may, however, only be displayed upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in his or her discretion, furnish further plates at a fee of \$10.00 for each such plate.

* * *

(g) The Commissioner of Motor Vehicles shall not issue a dealer’s certificate of registration to a ~~new or used car~~ dealer in new or used motor vehicles, unless the dealer has provided the Commissioner with a surety bond, letter of credit, or certificate of deposit issued by an entity authorized to transact business in the same state. The amount of such surety bond, letter of credit, or certificate of deposit shall be between \$20,000.00 and \$35,000.00 based on the number of new or used units sold in the previous year; such schedule is to be determined by the Commissioner of Motor Vehicles. In the case of a certificate of deposit, it shall be issued in the name of the dealer and assigned to the Commissioner or his or her designee. The bond, letter of credit, or certificate of deposit shall serve as indemnification for any monetary loss suffered by the State or by a purchaser of a motor vehicle by reason of the dealer’s failure to remit to the Commissioner any fees collected by the dealer under the provisions of chapters 7 and 21 of this title or by a dealer’s failure to remit to the Commissioner any tax collected by the dealer under 32 V.S.A. chapter 219. This State or the motor vehicle owner who suffers such loss or damage shall have the right to claim against the surety upon the bond or

against the letter of credit or certificate of deposit. The bond, letter of credit, or certificate of deposit shall remain in effect for the pending registration year and one year thereafter. The liability of any such surety or claim against the letter of credit or certificate of deposit shall be limited to the amount of the fees or tax collected by the dealer under chapters 7 and 21 of this title or 32 V.S.A. chapter 219 and not remitted to the Commissioner.

(h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504 of this title, respectively.

§ 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

* * *

(c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a dealer's number plate or dealer registration number in accordance with sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

Employees of a dealer shall not operate, and a dealer shall not permit them to operate, ~~motor~~ vehicles, or motorboats, ~~snowmobiles, and all-terrain vehicles~~ with dealer's registration number plates or registration numbers displayed thereon, except for business purposes of the dealer, or in traveling directly between their homes and the place of their employer's business.

* * *

§ 462. CANCELLATION, REVOCAION, OR SUSPENSION OF
DEALER'S REGISTRATION

(a) The Commissioner may cancel, revoke, or suspend a the registration certificate issued to of a dealer under the provisions of this chapter or section 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded the opportunity of a hearing before the Commissioner or upon conviction in any court in any jurisdiction, it appears that the dealer has willfully violated any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of the Commissioner, applying to dealers, or when it appears that the dealer has engaged in fraudulent or unlawful practices related to the purchase, sale, or exchange of ~~motor~~ vehicles or motorboats. A dealer whose ~~certificate registration~~ has been canceled, revoked, or suspended shall forthwith return to the Commissioner the registration certificate and any and all number plates, or numbers or decals furnished him or her by the Commissioner, and the privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An application for a new dealer's

license registration for that dealer will not be considered until ~~the suspension a~~ revocation period has been served.

(b) A fee of \$30.00 shall be paid to the Commissioner prior to the reinstatement of any dealer's ~~license or registration certificate canceled, revoked, or that has been~~ suspended for cause.

* * *

§ 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS PROHIBITED

A dealer shall not lend or lease registration certificates, validation stickers, numbers, ~~or~~ decals, or number plates which have been assigned to him or her under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~ vehicle or motorboat to which his or her dealer's decals, numbers, or number plates have been attached, nor lend or lease his or her dealer's decals, numbers, or number plates to a subagent.

§ 466. RECORDS; CUSTODIAN

(a) On a form prescribed or approved by the Commissioner, every licensed dealer shall maintain and retain for six years a record containing the following information, which shall be open to inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours:

(1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange.

(2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise acquired and dismantled by the licensee.

(3) The name and address of the person from whom such ~~motor~~ vehicle or motorboat was purchased or acquired, the date thereof, the name and address of the person to whom any such ~~motor~~ vehicle or motorboat was sold or otherwise disposed of and the date thereof, and a sufficient description of every such ~~motor~~ vehicle or motorboat by name and identifying numbers thereon to identify the same.

(4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a consumer, the cash price. ~~For purposes of~~ As used in this section, "consumer" shall be as defined in 9 V.S.A. § 2451a(a) and "cash price" shall be as defined in 9 V.S.A. § 2351(6).

(b) Every licensed dealer shall designate a custodian of documents who shall have primary responsibility for administration of documents required to

be maintained under this title. In the absence of the designated custodian, the dealer shall have an ongoing duty to make such records available for inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours.

* * *

§ 467. ~~FAILURE OF DEALER~~ DUTY TO REPORT PURCHASE AND SALE OF VEHICLES SALES, RETURN EXPIRED PLATES

On a form prescribed by the Commissioner, a dealer shall send the reports of sale to the Commissioner upon the sale and relative to his or her sale or exchange of new or ~~secondhand motor~~ used vehicles or motorboats, and return to the Commissioner number plates coming into his or her possession through the sale or exchange of a motor vehicle, the registration of which has expired under the provisions of section 321 of this title.

§ 468. GENERAL PROHIBITION

A dealer shall not operate a ~~motor~~ vehicle or motorboat nor permit the same to be operated under dealer's registration numbers, except as specifically permitted in this chapter or under section 3204, 3305, or 3504 of this title. No charge shall be made for any permitted use.

* * *

§ 473. WHEN REGISTRATION IS ALLOWED, REQUIRED; PENALTIES

(a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or offering for sale motor~~ or exchanging vehicles or motorboats, as defined in ~~this subchapter except for vehicles that are to be scrapped, dismantled, or destroyed~~ subdivision 4(8) of this title, without a dealer registration and obtaining dealer plates or motorboat registrations in accordance with the provisions of this subchapter and, if applicable, section 3204, 3305, or 3504 of this title. A person may register as a dealer only if he or she is engaged in the business of selling or exchanging vehicles or motorboats, as defined in subdivision 4(8) of this title or, in the case of an initial registration, if the person's reasonable estimate of expected sales or exchanges satisfies the minimum thresholds under subdivision 4(8) of this title. A person who violates this section shall be subject to the penalties established pursuant to section 475 of this title. ~~For the purpose of the subchapter, "engaged in the business" means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. "Engaged in the business" shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or trucks which have been in lease or rental service and persons so engaged shall meet all obligations required of dealers.~~

(b) A person who misrepresents himself or herself as a dealer in the purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining a license~~ registering as a dealer, or after the cancellation, suspension, or revocation of the dealer's license registration, or who makes misrepresentations to the Department in order to qualify for registration, shall be subject to the penalties established pursuant to section 475 of this title.

* * *

ARTICLE 3.

TRANSPORTERS

§ 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF TRANSPORTER PLATES

(a) A transporter may apply for and the Commissioner of Motor Vehicles, in his or her discretion, may issue a certificate of registration and a general distinguishing number plate. Before a person may be registered as a transporter, he or she shall present proof:

(1) of compliance with section 800 of this title, and

(2) that he or she either owns or leases a permanent place of business located in this State where business will be conducted during regularly established business hours and the required records stored and maintained.

(b) When he or she displays thereon his or her transporter's registration plate, a transporter or his or her employee or contractor may transport a motor vehicle owned by ~~him or her~~ the transporter, repossessed, or temporarily in ~~his or her~~ the transporter's custody, and it shall be considered to be properly registered under this title. Transporter's registration plates shall not be used for any other purposes and shall not be used by the holder of such number plates for personal purposes.

* * *

Sec. 3. 23 V.S.A. § 3204 is amended to read:

§ 3204. REGISTRATION FEES AND DEALER PLATES

(a) Fees. Annual registration fees for snowmobiles other than as provided for in subsection (b) of this section are \$25.00 for residents and \$32.00 for nonresidents. Duplicate registration certificates may be obtained upon payment of \$5.00.

(b)(1) Dealer registration and plates; manufacturer and repair plates; fees. ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a

dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner which and to the requirements of chapter 7 this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made for such use.

(2) Fees. Fees for dealer registration certificates shall be \$40.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

* * *

Sec. 4. 23 V.S.A. § 3305 is amended to read:

§ 3305. FEES

* * *

(c) A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging motorboats as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter, upon application to the Commissioner upon forms prescribed by him or her, may shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

* * *

(3) An application for a dealer motorboat registration and registration number shall be accompanied by the following fees:

(A) for the registration and first number applied for, \$25.00 and a surcharge of \$5.00;

(B) for each additional number applied for in the current registration period, \$5.00 and a surcharge of \$5.00.

* * *

(j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the issuance of temporary registrations of motorboats pending issuance of the permanent registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee for the temporary

registrations shall be \$3.00 for each registration purchased from the Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while being operated and shall authorize operation without the registration number being affixed for a period not to exceed ~~30~~ 60 days from the date of issue.

* * *

Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

(b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules which may be adopted by the Commissioner ~~which~~ and to the requirements of chapter 7 of this title. A manufacturer of all-terrain vehicles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made. Fees for registration and registration certificates shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

* * * Insurance Identification Cards * * *

Sec. 6. 23 V.S.A. § 800(a) is amended to read:

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the Commissioner. The Commissioner may adopt rules governing the standards for insurance identification cards. The Commissioner may also require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

* * * Parking for Persons with Disabilities * * *

Sec. 7. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR PEOPLE WITH DISABILITIES

(a) The following definitions shall apply to this section:

* * *

(3) “Special registration plates” means a registration plate for people with disabilities that displays the International Symbol of Access:

- (A) in a color that contrasts with the background; and
- (B) in the same size as the letters or numbers on the plate.

(4) “Removable windshield placard” means a two-sided, hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a blue shield~~ a color that contrasts with the placard’s background color;

- (B) an identification number;
- (C) a date of expiration; and
- (D) the seal or other identification of the issuing authority.

(5) “Temporary removable windshield placard” means a two-sided hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a red shield~~ a color that contrasts with the placard’s background color;

- (B) an identification number;
- (C) a date of expiration; and
- (D) the seal or other identification of the issuing authority.

(6) “Eligible person” means:

(A) a person who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

* * *

(c) ~~Vehicles~~ Eligible persons may park vehicles with special registration plates or removable windshield placards ~~from~~ issued by any state may use the in special parking spaces when:

(1) the placard is displayed:

(A) by hanging it from the front windshield rearview mirror in such a manner that it may be viewed from the front and rear of the vehicle; or

(B) if the vehicle has no rearview mirror, on the dashboard;

(2) the plate is mounted as provided in section 511 of this title; or

(3) the plate is mounted or the placard displayed as provided by the law of the jurisdiction where the vehicle is registered.

~~(d)(1) A person who has an ambulatory disability or an individual transporting a person who is blind~~ Except as otherwise provided in this subsection, an eligible person shall be permitted to park, and to park without fee, for at least 10 continuous days in a parking space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, except that this minimum period shall be,

(2) 24 continuous hours for parking in Notwithstanding the 10-day period in subdivision (1) of this subsection, in the case of a State- or municipally operated parking garage, an eligible person shall be permitted to park, and to park without fee, for at least 24 continuous hours.

(3) This section subsection shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to this the privilege conferred by this subsection, the vehicle shall display the registration plate or placard issued by the Commissioner, or a special registration license plate or placard issued by any other jurisdiction, in accordance with subsection (c) of this section.

(e) A person, other than a an eligible person with a disability, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be fined not less than \$200.00 for each violation and shall be liable for towing charges. He or she shall also be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for

payment of the charges assessed. The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section. A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

* * *

* * * Multifunction School Activity Buses * * *

Sec. 8. 23 V.S.A. § 1072(a) is amended to read:

(a)(1) ~~The driver of any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver, of any school bus, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade any track or tracks of a railroad, the drivers of the following vehicles shall stop within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and while so stopped shall look and listen in both directions along the track for any approaching train and for signals indicating the approach of a train, and may not proceed until he or she can do so safely:

(A) any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver;

(B) any school bus or multifunction school activity bus; and

(C) any vehicle carrying explosive substances or flammable liquids as cargo or part of its cargo.

(2) After stopping as required herein and upon proceeding when it is safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will be no necessity for changing gears while traversing the crossing, and the driver may not shift gears while crossing the track or tracks.

Sec. 9. 23 V.S.A. § 1287 is amended to read:

§ 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

(a) A “multifunction school activity bus” is a vehicle which is used to transport students on trips other than on a fixed route between home and school, and which meets the construction and safety standards for a “multifunction school activity bus” adopted by rule by the National Highway Traffic Safety Administration.

(b) If a school owns a multifunction school activity bus or leases one other than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which includes a school bus driver’s endorsement. The A school bus endorsement road test may be taken in a multifunction

school activity bus, but the resulting endorsement shall be restricted to the operation of the appropriately sized multifunction school activity bus. Otherwise, the endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

(c) A multifunction school activity bus may be a color other than national school bus yellow.

Sec. 10. 23 V.S.A. § 4121 is amended to read:

§ 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

(a) An applicant for a school bus endorsement shall satisfy the following requirements:

(1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;

(2) ~~have~~ Have knowledge covering the following topics, at minimum:

(A) ~~loading~~ Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by State or federal law or regulation;

(B) ~~emergency~~ Emergency exits and procedures for safely evacuating passengers in an emergency;

(C) State and federal laws and regulations related to traversing safely highway rail grade crossings;

(D) ~~a~~ A skills test in a school bus of the same vehicle group as the applicant will operate. As used in this subdivision (a)(2)(D), "school bus" may include a "multifunction school activity bus" as defined in section 1287 of this title.

* * *

* * * Distracted Driving * * *

Sec. 11. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES

(a) As used in this section, "operating" means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. "Operating" does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a ~~moving~~ motor vehicle on a highway. This prohibition shall not apply when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances.

Sec. 12. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE PROHIBITED

(a) ~~Definition~~ Definitions. As used in this section:

(1) ~~“hands-free~~ Hands-free use” means the use of a portable electronic device without use of either hand by employing an internal feature of, or an attachment to, the device.

(2) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) Use of handheld portable electronic device prohibited. A person shall not use a portable electronic device while operating a ~~moving~~ motor vehicle on a highway in Vermont. The prohibition of this subsection shall not apply:

(1) ~~to~~ To hands-free use;

(2) ~~to~~ To activation or deactivation of hands-free use, as long as ~~the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other~~ any accessory for secure securely mounting the device is not affixed to the windshield in violation of section 1125 of this title;

(3) ~~when~~ When use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances;

(4) ~~to~~ To use of an ignition interlock device, as defined in section 1200 of this title.

(5) To use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(5), “securely mounted” means the device is placed in an accessory or location in the vehicle, other than the operator’s hands, where the device will remain stationary under typical driving conditions.

* * *

Sec. 13. 23 V.S.A. § 1099 is amended to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section:

(1) ~~“texting~~ Texting” means the reading or the manual composing or sending of electronic communications, including text messages, instant messages, or e-mails, using a portable electronic device as defined in subdivision 4(82) of this title, ~~but shall not be construed to include use.~~ Use of a global positioning or navigation system shall be governed by section 1095b of this title.

(2) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) A person shall not engage in texting while operating a ~~moving~~ motor vehicle on a highway.

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

* * * Obstructing Windshields, Windows * * *

Sec. 14. LEGISLATIVE INTENT

(a) In *State v. Hurley*, 2015 VT 46 (March 6, 2015), the Vermont Supreme Court held that the prohibition of 23 V.S.A. § 1125 on objects hanging behind a windshield extends only to an object that “materially obstructs the driver’s view.”

(b) In adding the second sentence to 23 V.S.A. § 1125(a) as provided in Sec. 15 of this bill, the General Assembly intends to codify the holding of the *Hurley* decision and to codify the logical extension of the Court’s holding to objects hanging behind a vent or side window immediately to the left or right of the driver. In only addressing hanging objects in 23 V.S.A. § 1125(a), the General Assembly takes no position on whether the Court’s reasoning should extend further to the statute’s prohibition on painting or adhering material or items to such windows or the windshield.

Sec. 15. 23 V.S.A. § 1125 is amended to read:

§ 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

(a) ~~No person shall paste, stick, or paint advertising matter or other things~~ Except as otherwise provided in this section, a person shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or hung in back of, any transparent part of a motor vehicle windshield, vent windows, or side windows located immediately to the left and right of the operator, ~~nor hang any object, other than a rear view mirror, in back of the windshield except as follows. The prohibition of this section on hanging items shall apply only when a hanging item materially obstructs the driver's view.~~

(b) Notwithstanding subsection (a) of this section, a person may operate a motor vehicle with material or items painted or adhered on or over, or hung in back of, the windshield, vent windows, or side windows:

(1) ~~It~~ is in a space not over four inches high and 12 inches long in the lower right-hand corner of the windshield;

(2) ~~It~~ is in such space as the Commissioner of Motor Vehicles may specify for location of any sticker required by governmental regulation;

(3) ~~It~~ is in a space not over two inches high and two and one-half inches long in the upper left-hand corner of the windshield;

(4) ~~By persons if the operator is a person~~ employed by the federal, state State, or local government ~~and or a volunteer emergency responders responder~~ operating an authorized emergency vehicles vehicle, who ~~may place~~ places any necessary equipment in back of the windshield of the vehicle, provided the equipment does not interfere with the operator's control of the driving mechanism of the vehicle;

(5) ~~On~~ is on a motor vehicle that is for sale by a licensed automobile dealer prior to the sale of the vehicle, in a space not over three inches high and six inches long in the upper left-hand corner of the windshield, and in a space not over four inches high and 18 inches long in the upper right-hand corner of the windshield; or

(6) if the object is a rearview mirror, or is an electronic toll-collection transponder located either between the roof line and the rearview mirror post or behind the rearview mirror.

~~(c)~~ (c) The Commissioner may grant an exemption to the prohibition of this section upon application from a person required for medical reasons to be shielded from the rays of the sun and who attaches to the application a document signed by a licensed physician or optometrist certifying that shielding from the rays of the sun is a medical necessity. The physician or

optometrist certification shall be renewed every four years. However, when a licensed physician or optometrist has previously certified to the Commissioner that an applicant's condition is both permanent and stable, the exemption may be renewed by the applicant without submission of a form signed by a licensed physician or optometrist. Additionally, the window shading or tinting permitted under this ~~subdivision~~ subsection shall be limited to the vent windows or side windows located immediately to the left and right of the operator. The exemption provided in this ~~subdivision~~ subsection shall terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the applicable window tinting shall be removed by the seller. Furthermore, if the material described in this ~~subdivision~~ subsection tears or bubbles or is otherwise worn to prohibit clear vision, it shall be removed or replaced.

(b)(d) The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.

* * * Total Abstinence Program; Application Requirements * * *

Sec. 16. 23 V.S.A. § 1209a(b)(1) is amended to read:

(1) Notwithstanding any other provision of this subchapter, a person whose license has been suspended for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

* * * Information on Motor Vehicle Certificates of Title * * *

Sec. 17. 23 V.S.A. § 2018 is amended to read:

§ 2018. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

- (1) The date issued.
- (2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend ~~“There are more than two lienholders on this vehicle. Contact the Vermont Department of Motor Vehicles for details.”~~ as determined by the Commissioner.

(4) The title number assigned to the vehicle.

(5) A description of the vehicle including, so far as the following data exist, its make, model, identification number, odometer reading, or hubometer reading or clock meter reading on all vehicles, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use.

(6) Any other data the Commissioner prescribes.

(b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain ~~the~~ an appropriate legend ~~“This vehicle may be subject to an undisclosed lien”~~ as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

(f) If a vehicle has been returned to the manufacturer after final determination, adjudication, or settlement pursuant to the provisions of 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement under similar laws of any other state, any certificate of title for the vehicle shall contain ~~the following~~ an appropriate legend: ~~“This vehicle was returned to the manufacturer pursuant to motor vehicle arbitration board, or similar proceedings, 9 V.S.A. § 4181”~~ as determined by the Commissioner.

Sec. 18. 23 V.S.A. § 2022(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon

furnishing information satisfactory to the Commissioner. ~~The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 19. 23 V.S.A. § 2093(a) is amended to read:

(a) If a vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vehicle is not sold for re-registration purposes has been or should have been issued by the Commissioner or by any other jurisdiction or person ~~and or both~~, or a vehicle that has been declared a totaled motor vehicle is rebuilt and restored for highway operation, the owner thereof shall not apply for a certificate of title or registration, and none shall be issued until the vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When necessary, a new vehicle identification number shall be attached to the vehicle as provided by section 2003 of this title. Any new title issued for such vehicles shall contain the legend "rebuilt vehicle."

* * * Information on Snowmobile, Motorboat, and
All-Terrain Vehicle Titles * * *

Sec. 20. 23 V.S.A. § 3811 is amended to read:

§ 3811. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

- (1) The date issued.
- (2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall contain ~~the an appropriate legend "There are more than two lienholders on this vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of Motor Vehicles for details"~~ as determined by the Commissioner.

* * *

(b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive certificate of title shall be issued for a vessel, snowmobile, or

all-terrain vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests, or for which a title had not been issued by such other state or country. The certificate shall contain ~~the~~ an appropriate legend ~~“This vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien”~~ as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

Sec. 21. 23 V.S.A. § 3815(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate certificate of title shall contain the legend, “This is a duplicate certificate and may be subject to the rights of a person under the original certificate.”~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 22. 23 V.S.A. § 3835(a) is amended to read:

(a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes has been or should have been issued by the Commissioner; or by any other jurisdiction or person ~~or both, or if~~ a vessel, snowmobile, or all-terrain vehicle that has been declared totaled is rebuilt and restored for operation, the owner shall not apply for a certificate of title or registration, and none shall be issued until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the identification number and bills of sale or titles for major component parts used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary, a new identification number shall be attached to the vessel, snowmobile, or all-terrain vehicle as provided by section 2003 of this title. Any new title issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the legend ~~“rebuilt vessel, snowmobile, or all-terrain vehicle.”~~

* * * Towed Vehicles * * *

Sec. 23. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Any enforcement officer is authorized to:

(1) move a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to require the driver or other person in charge to move the vehicle to a position off the paved or main-traveled part of the highway;

(2) remove an unattended vehicle which is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) remove any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances which require his or her immediate removal from control of the vehicle.

(b) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the ~~Agency of Transportation~~ Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the wrecker towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information which might aid the ~~Transportation Board~~ Department in ascertaining the ownership of the vehicle. ~~All information shall be forwarded and forward it to the Transportation Board in accordance with the provisions of 24 V.S.A. chapter 61 Department.~~ A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

Sec. 24. 24 V.S.A. § 2272 is amended to read:

§ 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

(a) A junk motor vehicle discovered in violation of section 2271 of this title shall be removed from view of the main traveled way of the highway by the owner of the land upon which it is discovered, upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so, if such owner holds title to the motor vehicle.

(b) If the owner of the land upon which a junk motor vehicle is discovered in violation of section 2271 of this title; does not hold or disclaims title; and the true owner of the motor vehicle is known or can be ascertained, the motor vehicle owner shall dispose of such motor vehicle in such a manner that it is no longer visible from the main traveled way of the highway upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so.

(c) The owner of land upon which a motor vehicle is left in violation of this section or section 2271 of this title may, without incurring any civil liability or criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, ~~remove~~ cause the vehicle to be removed from the place where it is discovered to any other place on any property owned by him, ~~and if so removed, he shall notify the agency of transportation and local or state police, in writing, forthwith. Within ten days after notification, the agency of transportation shall cause the vehicle to be taken under its control and disposed of as hereafter provided or her, or from the property, in accordance with 23 V.S.A. § 2152. The provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles) shall govern the identification, reclamation, and disposal of such vehicles.~~

(d) [Repealed.]

* * * All-Terrain Vehicles * * *

Sec. 25. 23 V.S.A. § 3501(5) is amended to read:

(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than ~~60~~ 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.

Sec. 26. 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION

(a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title by the State of Vermont and unless the all-terrain vehicle displays a valid Vermont ATV Sportsman’s Association

(VASA) Trail Access Decal (TAD) when operating on a VASA trail, except when operated:

- (1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~or,~~
- (2) ~~off~~ Off the highway, in a ski area while being used for the purpose of grooming snow, maintenance, or in rescue operations;~~or,~~
- (3) ~~for~~ For official use by a federal, State, or municipal agency and only if the all-terrain vehicle is identified with the name or seal of the agency in a manner approved by the Commissioner;~~or,~~
- (4) ~~solely~~ Solely on privately owned land when the operator is specifically invited to do so by the owner of that property and has on his or her person the written consent of the owner.
- (5) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

(e) An all-terrain vehicle owned by a person who is a resident of any other state or province shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides, ~~but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for all terrain vehicles registered in this State by a resident of this State.~~

* * * Commercial Driver Licenses; Skills Test Waivers * * *

Sec. 27. 23 V.S.A. § 4108(d) is amended to read:

(d) At the discretion of the Commissioner, the skills test required under 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

- (1) the applicant must certify that, during the two-year period immediately prior to applying for a commercial driver license, he or she:

(A) has not had more than one license in addition to a military license;

(B) has not had any license suspended, revoked, or cancelled;

(C) has not had any convictions for any type of motor vehicle for the disqualifying offenses specified in subsection 4116(a) of this title;

(D) has not had more than one conviction for any type of motor vehicle for serious traffic violations specified in subdivision 4103(16) of this title; and

(E) has not had any conviction for a violation, other than a parking violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault; and

(2) the applicant must provide evidence and certify that he or she:

(A) is regularly employed or was regularly employed within the last ~~90 days~~ 12 months in a military position requiring operation of a commercial motor vehicle;

(B) was exempted from the commercial driver license requirements in 49 C.F.R. § 383.3(c); and

(C) was operating for at least the two years immediately preceding discharge from the military a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

* * * Lists of Registrations and Suspensions * * *

Sec. 28. 23 V.S.A. § 109 is amended to read:

§ 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS AND OTHERS; LISTS OF SUSPENSIONS~~

(a) ~~Annually, the Commissioner shall cause to be prepared a list of registered motor vehicles, arranged serially according to the registration numbers assigned thereto which shall contain in addition the names and addresses of registered owners and a brief description of the vehicle registered, and the name and address of each person to whom is assigned a dealer's registration number. One copy of such list shall be furnished, in such form as the Commissioner may determine, free to each inspector of the Motor Vehicle Department, sheriff, State's Attorney, district judge, and police department in the State. The list may be also furnished to any person on request and upon the payment of the required fee. [Repealed.]~~

(b) ~~Each month, the Commissioner shall cause to be prepared a list of all persons whose operating license, nonresident operating privileges, or privilege~~

~~of an unlicensed operator to operate a vehicle, is suspended or revoked in this State at the time the list is prepared. Names on the list shall be arranged by county of residence or zip code. Notwithstanding 1 V.S.A. chapter 5, subchapter 3, the a list of all persons whose operating license, nonresident operating privileges, or privilege of an unlicensed operator to operate a vehicle is suspended or revoked in this State shall be available on request in such form as the Commissioner may determine. The list shall be available in an electronic format for law enforcement officers with computer access through the Department of Public Safety.~~

* * * Nonresident Motor Truck Registration * * *

Sec. 29. REPEAL

23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

Sec. 30. 23 V.S.A. § 411 is amended to read:

§ 411. RECIPROCAL PROVISIONS

As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. ~~Such exemptions shall not be operative as to the owner of a motor truck used for the transportation of property for hire or profit between points within the State or to the owner of any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of motor fuel over and above that provided in the standard equipment of such vehicle.~~

* * * New Motor Vehicle Arbitration; Uncontested Matters * * *

Sec. 31. 9 V.S.A. § 4173 is amended to read:

§ 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

* * *

(c)(1) Arbitration of the consumer's complaint, either through the manufacturer's dispute settlement mechanism or the Board, must be held within 45 days of receipt by the manufacturer or the Board of the consumer's notice, electing the remedy of arbitration unless:

(A) the consumer or the manufacturer ~~has~~ shows good cause for an extension of time, not to exceed an additional 30-day period; or

(B) the manufacturer does not contest the consumer's complaint, in which case an arbitration hearing is not required.

(2) If ~~the~~ an extension of time is requested by the manufacturer, the manufacturer shall provide free use of a vehicle to the consumer if the consumer's vehicle is out of service.

(3) ~~In the event~~ If the consumer elects to proceed in accordance with the manufacturer's dispute settlement mechanism, the matter is contested, and the arbitration of the dispute is not held within 45 days of the manufacturer's receipt of the consumer's notice and the manufacturer is not able to establish good cause for the delay, the consumer shall be entitled to receive the relief requested under this chapter.

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect which the consumer claims entitles him or her to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or his or her delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced if the repair proves unsatisfactory for the duration of the express warranty.

(e) ~~The~~ If an arbitration hearing is required under this section, the vehicle must be presented at the hearing site for an inspection or test drive, or both, by members of the Board.

* * *

Sec. 32. 9 V.S.A. § 4174(d) is amended to read:

(d) The Board shall render a decision within 30 days of the conclusion of a hearing ~~and~~ in a contested matter, and within 30 days of the manufacturer's answer in an uncontested matter. The Board has authority to issue any and all damages as are provided by this chapter.

* * * Biobus Pilot Extension * * *

Sec. 33. 2013 Acts and Resolves No. 12, Sec. 30a is amended to read:

Sec. 30a. SCHOOL BUS PILOT PROGRAM

(a) Definitions. As used in this section, the term “person” shall have the same meaning as in 1 V.S.A. § 128, and the term “Type II school bus” shall have the same meaning as in 23 V.S.A. § 4(34)(C).

(b) Pilot program. Upon application, the Commissioner of Motor Vehicles shall approve up to three persons who satisfy the requirements of this section to participate in a pilot program. Pilot program participants shall be authorized to operate on Vermont highways Type II school buses registered in this State that are retrofitted with an auxiliary fuel tank to enable the use of biodiesel, waste vegetable oil, or straight vegetable oil, provided the school bus has passed inspection in accordance with subdivision (c)(3) of this section and the bus and its auxiliary tank comply with the Federal Motor Vehicle Safety Standards applicable to Type II school buses. If more than three persons apply to participate in the pilot program, the Commissioner shall give priority to applicants who seek to install the auxiliary fuel tank in connection with a student-led or student-generated school project.

(c) Documentation; requirements. The Commissioner may prescribe that applicants furnish information necessary to implement the pilot program. After an applicant furnishes such information and is approved, the Commissioner shall provide the person with documentation of the person’s selection under the pilot program and the expiration date of the program. If the approved person is a municipality or another legal entity, the Commissioner’s documentation shall list the specific individuals authorized to operate the Type II school bus. The Commissioner’s documentation shall:

(1) be carried in the school bus while it is operated on a highway;

(2) constitute and be recognized by enforcement officers in Vermont as a waiver, until expiration of the pilot program, of those provisions of 23 V.S.A. §§ 4(37), 1221, and 1283(a)(6) and of any rule that would prohibit school buses retrofitted with auxiliary fuel tanks from lawfully operating on Vermont highways; and

(3) be recognized by authorized inspection stations as a waiver of the prohibition on auxiliary or added fuel tanks, and of the requirement that buses only be equipped with such motor fuel tanks as are regularly installed by the manufacturer, specified in the School Bus Periodic Inspection Manual (“Inspection Manual”); provided, however, that no school bus equipped with an auxiliary or added fuel tank shall pass inspection unless all other requirements of the Inspection Manual regarding fuel systems are satisfied.

(d) Expiration. The pilot program established and the waivers granted under this section shall expire on September 1, ~~2015~~ 2017.

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES; APPLICABILITY

(a)(1) This section, Sec. 26 (all-terrain vehicles), Sec. 27 (CDL skills test waiver for military drivers), and Secs. 31–32 (new motor vehicle arbitration; uncontested matters) shall take effect on passage.

(2) Secs. 31–32 shall apply to any matters pending on passage of this act.

(b) Sec. 6 (insurance identification cards) shall take effect if and when five northeastern states require that insurance identification cards include machine-readable technology. As used in this subsection, “northeastern states” means the New England states, Pennsylvania, New York, and New Jersey.

(c) All other sections shall take effect on July 1, 2015.

Which was agreed to.

Committee of Conference Appointed

S. 115.

An act relating to expungement of convictions based on conduct that is no longer criminal.

Was taken up. Pursuant to the request of the Senate, the President announced the appointment of

Senator White
Senator Nitka
Senator Benning

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Adjournment

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

THURSDAY, APRIL 30, 2015

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. 56

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 26. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations**H. 492.**

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 capital construction and State bonding.

Bill Referred

House bill entitled:

H. 117. An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Finance.

House Proposal of Amendment Concurred In**S. 72.**

House proposal of amendment to Senate bill entitled:

An act relating to binding arbitration for State employees.

Was taken up.

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

Sec. 1. 3 V.S.A. § 926 is amended to read:

§ 926. GRIEVANCES

(a) The ~~board~~ Board shall hear and make a final determination on the grievances of all employees who are eligible to appeal grievances to the ~~board~~

Board. Grievance hearings at the ~~board~~ Board level shall be conducted in accordance with the rules and regulations ~~promulgated~~ adopted by the ~~board~~ Board. The right to institute grievance proceedings extends to individual employees, groups of employees, and collective bargaining units.

(b) A collective bargaining agreement may provide for binding arbitration as a final step of a grievance procedure, rather than a hearing by the Board. An agreement that includes a binding arbitration provision shall also include the procedure for selecting an arbitrator.

(c) If a collective bargaining agreement provides for binding arbitration as a final step of a grievance procedure, the agreement may also establish:

(1) procedural rules for conducting grievance arbitration proceedings;

(2) whether grievance arbitration proceedings will be confidential; and

(3) whether arbitrated grievance determinations will have precedential value.

(d) An arbitrator chosen or appointed under this section shall have no authority to add to, subtract from, or modify the collective bargaining agreement.

(e) Any collective bargaining agreement that contains a binding arbitration provision pursuant to this section shall include an acknowledgement of arbitration that provides substantially the following:

ACKNOWLEDGEMENT OF ARBITRATION

(The parties) understand that this agreement contains a provision for binding arbitration as a final step of the grievance process. After the effective date of this agreement, no grievance, submitted to binding arbitration, may be brought to the Vermont Labor Relations Board. An employee who has declined representation by the employee organization or whom the employee organization has declined to represent or is unable to represent, shall be entitled, either by representing himself or herself or with the assistance of independent legal counsel, to appeal his or her grievance to the Vermont Labor Relations Board as the final step of the grievance process in accordance with the rules and regulations adopted by the Board.

(f) This section shall not apply to labor interest arbitration, which as used in this chapter means the method of concluding labor negotiations by means of a disinterested person to determine the terms of a labor agreement.

(g) A party may apply to the arbitrator for a modification of an award if the application is made within 30 days after delivery of a copy of the award to the

applicant. An arbitrator may modify an award only if the arbitrator finds any one of the following:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing, or property referred to in the award.

(2) The award was based on a matter not submitted to the arbitrator, and the award may be corrected without affecting the merits of the decision on the issues submitted.

(3) The award was imperfect in form and the award may be corrected without affecting the merits of the controversy.

(h) A party may apply to the Civil Division of the Superior Court for review of the award provided the application is made within 30 days after delivery of a copy of the award to the applicant or, in the case of a claim of corruption, fraud, or other undue means, the application is made within 30 days after those grounds are known or should have been known. The Civil Division of the Superior Court shall vacate an arbitration award based on any of the following:

(1) The award was procured by corruption, fraud, or other undue means.

(2) There was partiality or prejudicial misconduct by the arbitrator.

(3) The arbitrator exceeded his or her power or rendered an award requiring a person to commit an act or engage in conduct prohibited by law.

(i) The ~~board~~ Board shall hear and make a final determination on the grievances of all retired individual employees of the University of Vermont, groups of such retired individuals, and retired collective bargaining unit members of the University of Vermont. Grievances shall be limited to those relating to compensation and benefits that were accrued during active employment but are received after retirement. ~~For the purposes of As used in~~ this subsection, "grievance" means an allegation of a violation of a collective bargaining agreement, employee handbook provision, early retirement plan, individual separation agreement or other documented agreement, or rule or regulation of the University of Vermont.

Sec. 2. 3 V.S.A. § 904 is amended as follows:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:

* * *

(7) grievance procedures, including whether an appeal to the Vermont Labor Relations Board or binding arbitration, or both, will constitute the final step in a grievance procedure;

* * *

Sec. 3. 3 V.S.A. § 928 is amended as follows:

§ 928. RULES AND REGULATIONS

* * *

(b) Notwithstanding the provisions of subsection (a) of this section, rules and regulations adopted by the ~~board~~ Board as they relate to grievance appeals shall provide:

(1) ~~At~~ If a collective bargaining agreement provides that an appeal to the Board will constitute the final step in the grievance procedure, all employees and other persons authorized by this chapter shall have the right to appeal to the ~~board~~ Board in accordance with the rules and regulations of the ~~board~~ Board.

* * *

Sec. 4. 3 V.S.A. § 941 is amended as follows:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

* * *

(i) The Board, by rule, shall prescribe a uniform procedure for the resolution of employee grievances submitted through the collective bargaining machinery. ~~The~~ If the collective bargaining agreement does not provide that binding arbitration will be the final step of the negotiated grievance procedure pursuant to section 926 of this chapter, the final step of any the negotiated grievance procedure, if required, shall be a hearing and final determination by the Board. Grievance hearings conducted by the Board shall be informal and not subject to the rules of pleading procedure, and evidence of the courts of the State. Any employee or group of employees included in a duly certified bargaining unit may be represented before the Board by ~~their~~ its bargaining representative's counsel or designated executive staff employees or by any individual the Board may permit at its discretion.

* * *

Sec. 5. 3 V.S.A. § 975 is amended as follows:

§ 975. ENFORCEMENT AND PREEMPTION

* * *

(b) A ~~state~~ State employee who files a claim of retaliation for protected activity with the Vermont ~~labor relations board~~ Labor Relations Board or through binding arbitration under a grievance procedure or similar process available to the employee may not bring such a claim in ~~superior court~~ Superior Court.

* * *

Sec. 6. 3 V.S.A. § 1001 is amended as follows:

§ 1001. GRIEVANCES; APPLICANTS AND EXCLUDED PERSONNEL

* * *

(c) Any dispute concerning the amount of a collective bargaining service fee may be grieved as set forth in the collective bargaining agreement through either an appeal to the state labor relations board Vermont Labor Relations Board in accordance with the ~~board's~~ Board's rules concerning grievances, or through binding arbitration.

Sec. 7. 3 V.S.A. § 1002 is amended as follows:

§ 1002. ENFORCEMENT

(a) Orders of the ~~board~~ Board or an arbitrator issued under this chapter may be enforced by any party or by the ~~board~~ Board by filing a petition with the Superior Court in Washington superior court County or the ~~superior court~~ Superior Court in the county in which the action before the ~~board~~ Board originated. The petition shall be served on the adverse party as provided for service of process under the Vermont Rules of Civil Procedure. If, after hearing, the ~~court~~ Court determines that the ~~board~~ Board or arbitrator had jurisdiction over the matter and that a timely appeal was not filed, or that an appeal was timely filed and a stay of the ~~board~~ Board or arbitrator's order or any part of it was not granted, or that a ~~board~~ Board order was affirmed on appeal in pertinent part by the ~~supreme court~~ Supreme Court or that an arbitrator's order was affirmed on appeal in pertinent part by the Superior Court, the ~~court~~ Court shall incorporate the order of the ~~board~~ Board or arbitrator as a judgment of the ~~court~~ Court. There is no appeal from that judgment except that a judgment reversing a ~~board~~ Board decision by the Board or an arbitrator on jurisdiction may be appealed to the ~~supreme court~~ Supreme Court.

* * *

Sec. 8. 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.

Bill Passed in Concurrence

H. 62.

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

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon.

Afternoon

The Senate was called to order by the President.

Proposal of Amendment; Third Reading Ordered

H. 490.

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

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

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2016 Appropriations Act.

Sec. A.100.1 INTENT

(a) This fiscal year 2016 appropriations bill represents the beginning of a multiyear process to align State spending and bring revenues and spending into a long-term balance. The fiscal year 2016 Appropriations Bill contains difficult choices; however, without a concerted effort to create a sustainable budget, these types of decisions will continue to occur annually.

(b) It is the intent to move forward on the following goals:

(1) reduce the reliance on one-time funding for base budget needs;

(2) create an ongoing expectation that Administration and Legislative proposals for budget changes and new programs contain a multiyear analysis of what the changes will cost;

(3) move toward budgeting based on using less than 100 percent of forecasted revenue to build a reserve which can help offset the variability of revenues that comes with a progressive tax system and the risk of reliance on federal funds;

(4) explore moving to a two-year budget presentation where the budget proposed by the Governor includes at least one subsequent fiscal year base funding estimate; and

(5) extend the inclusion of key outcome and performance measures comprehensively across programs.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2016. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2015. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2016 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serve as the primary source and reference for appropriations for fiscal year 2016.

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

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2016.

Sec. A.103 DEFINITIONS

(a) As used in this act:

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

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

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

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

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

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

Sec. A.105 OFFSETTING APPROPRIATIONS

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

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2016, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2016, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2015 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no

more than 45 days prior to legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2016 except for new positions authorized by the 2015 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction, nor shall positions created pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves No. 179, Sec. E.100(d).

Sec. A.108 LEGEND

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

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

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

Sec. B.100 Secretary of administration - secretary's office	
Personal services	3,054,675
Operating expenses	<u>132,239</u>
Total	3,186,914
Source of funds	
General fund	1,371,774
Interdepartmental transfers	<u>1,815,140</u>
Total	3,186,914
Sec. B.101 Secretary of administration - finance	
Personal services	1,310,972
Operating expenses	<u>132,091</u>
Total	1,443,063
Source of funds	
Interdepartmental transfers	<u>1,443,063</u>
Total	1,443,063
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	1,218,587
Operating expenses	<u>282,937</u>
Total	1,501,524
Source of funds	
Internal service funds	<u>1,501,524</u>
Total	1,501,524
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	243,597
Operating expenses	63,231
Total	306,828
Source of funds	
Internal service funds	<u>306,828</u>
Total	306,828
Sec. B.104 Secretary of administration - all other insurance	
Personal services	13,677
Operating expenses	19,263
Total	32,940
Source of funds	
Internal service funds	<u>32,940</u>
Total	32,940

 Sec. B.104.1 Secretary of administration - VTHR operations

Personal services	1,825,561
Operating expenses	623,105
Total	2,448,666
Source of funds	
Internal service funds	<u>2,448,666</u>
Total	2,448,666

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

Personal services	18,249,018
Operating expenses	16,924,990
Total	35,174,008
Source of funds	
Internal service funds	<u>35,174,008</u>
Total	35,174,008

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

Personal services	1,120,501
Operating expenses	256,147
Total	1,376,648
Source of funds	
General fund	1,109,412
Interdepartmental transfers	<u>267,236</u>
Total	1,376,648

Sec. B.107 Finance and management - financial operations

Personal services	2,324,110
Operating expenses	495,220
Total	2,819,330
Source of funds	
Internal service funds	<u>2,819,330</u>
Total	2,819,330

Sec. B.108 Human resources - operations

Personal services	7,205,166
Operating expenses	1,074,570
Total	8,279,736
Source of funds	
General fund	1,863,255
Special funds	244,912
Internal service funds	5,634,261

Interdepartmental transfers	<u>537,308</u>
Total	8,279,736
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,200,821
Operating expenses	559,846
Total	1,760,667
Source of funds	
Internal service funds	<u>1,760,667</u>
Total	1,760,667
Sec. B.110 Libraries	
Personal services	1,757,183
Operating expenses	1,658,074
Grants	165,576
Total	3,580,833
Source of funds	
General fund	2,342,682
Special funds	102,563
Federal funds	1,040,195
Interdepartmental transfers	<u>95,393</u>
Total	3,580,833
Sec. B.111 Tax - administration/collection	
Personal services	14,064,412
Operating expenses	3,927,031
Total	17,991,443
Source of funds	
General fund	16,477,989
Special funds	1,370,888
Interdepartmental transfers	<u>142,566</u>
Total	17,991,443
Sec. B.112 Buildings and general services - administration	
Personal services	678,557
Operating expenses	106,104
Total	784,661
Source of funds	
Interdepartmental transfers	<u>784,661</u>
Total	784,661

Sec. B.113 Buildings and general services - engineering	
Personal services	2,689,779
Operating expenses	878,012
Total	3,567,791
Source of funds	
Interdepartmental transfers	<u>3,567,791</u>
Total	3,567,791
Sec. B.114 Buildings and general services - information centers	
Personal services	3,557,425
Operating expenses	1,208,041
Grants	33,000
Total	4,798,466
Source of funds	
General fund	680,248
Transportation fund	4,034,714
Special funds	<u>83,504</u>
Total	4,798,466
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,060,369
Operating expenses	168,790
Total	1,229,159
Source of funds	
General fund	<u>1,229,159</u>
Total	1,229,159
Sec. B.116 Buildings and general services - postal services	
Personal services	659,813
Operating expenses	139,700
Total	799,513
Source of funds	
General fund	83,221
Internal service funds	<u>716,292</u>
Total	799,513
Sec. B.117 Buildings and general services - copy center	
Personal services	682,547
Operating expenses	155,713
Total	838,260
Source of funds	
Internal service funds	<u>838,260</u>
Total	838,260

Sec. B.118 Buildings and general services - fleet management services	
Personal services	811,437
Operating expenses	185,822
Total	997,259
Source of funds	
Internal service funds	<u>997,259</u>
Total	997,259
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	937
Operating expenses	15,399
Total	16,336
Source of funds	
Enterprise funds	<u>16,336</u>
Total	16,336
Sec. B.120 Buildings and general services - state surplus property	
Personal services	224,967
Operating expenses	104,471
Total	329,438
Source of funds	
Internal service funds	305,454
Enterprise funds	<u>23,984</u>
Total	329,438
Sec. B.121 Buildings and general services - property management	
Personal services	1,010,552
Operating expenses	1,175,607
Total	2,186,159
Source of funds	
Internal service funds	<u>2,186,159</u>
Total	2,186,159
Sec. B.122 Buildings and general services - fee for space	
Personal services	14,777,935
Operating expenses	13,947,277
Total	28,725,212
Source of funds	
Internal service funds	<u>28,725,212</u>
Total	28,725,212

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

Personal services	1,599,215
Operating expenses	473,014
Total	2,072,229
Source of funds	
General fund	1,658,841
Interdepartmental transfers	<u>413,388</u>
Total	2,072,229

Sec. B.125 Legislative council

Personal services	3,410,872
Operating expenses	689,954
Total	4,100,826
Source of funds	
General fund	<u>4,100,826</u>
Total	4,100,826

Sec. B.126 Legislature

Personal services	3,725,991
Operating expenses	3,417,835
Total	7,143,826
Source of funds	
General fund	<u>7,143,826</u>
Total	7,143,826

Sec. B.127 Joint fiscal committee

Personal services	1,508,581
Operating expenses	112,793
Total	1,621,374
Source of funds	
General fund	<u>1,621,374</u>
Total	1,621,374

Sec. B.128 Sergeant at arms

Personal services	574,589
Operating expenses	71,767
Total	646,356
Source of funds	
General fund	<u>646,356</u>
Total	646,356

Sec. B.129 Lieutenant governor	
Personal services	155,084
Operating expenses	30,380
Total	185,464
Source of funds	
General fund	<u>185,464</u>
Total	185,464
Sec. B.130 Auditor of accounts	
Personal services	3,523,421
Operating expenses	159,831
Total	3,683,252
Source of funds	
General fund	394,171
Special funds	53,145
Internal service funds	<u>3,235,936</u>
Total	3,683,252
Sec. B.131 State treasurer	
Personal services	3,194,143
Operating expenses	250,778
Total	3,444,921
Source of funds	
General fund	998,306
Special funds	2,338,561
Interdepartmental transfers	<u>108,054</u>
Total	3,444,921
Sec. B.132 State treasurer - unclaimed property	
Personal services	870,217
Operating expenses	268,976
Total	1,139,193
Source of funds	
Private purpose trust funds	<u>1,139,193</u>
Total	1,139,193
Sec. B.133 Vermont state retirement system	
Personal services	7,716,353
Operating expenses	1,108,471
Total	8,824,824
Source of funds	
Pension trust funds	<u>8,824,824</u>
Total	8,824,824

Sec. B.134 Municipal employees' retirement system	
Personal services	2,585,489
Operating expenses	655,390
Total	3,240,879
Source of funds	
Pension trust funds	<u>3,240,879</u>
Total	3,240,879
Sec. B.135 State labor relations board	
Personal services	197,431
Operating expenses	43,972
Total	241,403
Source of funds	
General fund	231,827
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	241,403
Sec. B.136 VOSHA review board	
Personal services	44,903
Operating expenses	15,403
Total	60,306
Source of funds	
General fund	30,153
Interdepartmental transfers	<u>30,153</u>
Total	60,306
Sec. B.137 Homeowner rebate	
Grants	18,200,000
Total	18,200,000
Source of funds	
General fund	<u>18,200,000</u>
Total	18,200,000
Sec. B.138 Renter rebate	
Grants	9,700,000
Total	9,700,000
Source of funds	
General fund	2,910,000
Education fund	<u>6,790,000</u>
Total	9,700,000

Sec. B.139 Tax department - reappraisal and listing payments	
Grants	3,425,000
Total	3,425,000
Source of funds	
Education fund	<u>3,425,000</u>
Total	3,425,000
Sec. B.140 Municipal current use	
Grants	14,978,851
Total	14,978,851
Source of funds	
General fund	<u>14,978,851</u>
Total	14,978,851
Sec. B.141 Lottery commission	
Personal services	1,882,272
Operating expenses	1,385,171
Grants	150,000
Total	3,417,443
Source of funds	
Enterprise funds	<u>3,417,443</u>
Total	3,417,443
Sec. B.142 Payments in lieu of taxes	
Grants	6,400,000
Total	6,400,000
Source of funds	
Special funds	<u>6,400,000</u>
Total	6,400,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	184,000
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	40,000
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

Sec. B.145 Total general government

Source of funds	
General fund	78,257,735
Transportation fund	4,034,714
Special funds	10,824,361
Education fund	10,215,000
Federal funds	1,040,195
Internal service funds	86,682,796
Interdepartmental transfers	9,207,541
Enterprise funds	3,457,763
Pension trust funds	12,065,703
Private purpose trust funds	<u>1,139,193</u>
Total	216,925,001

Sec. B.200 Attorney general

Personal services	8,491,876
Operating expenses	1,223,677
Total	9,715,553
Source of funds	
General fund	4,232,072
Special funds	2,017,819
Tobacco fund	348,000
Federal funds	829,609
Interdepartmental transfers	<u>2,288,053</u>
Total	9,715,553

Sec. B.201 Vermont court diversion

Grants	1,996,483
Total	1,996,483
Source of funds	
General fund	1,396,486
Special funds	<u>599,997</u>
Total	1,996,483

Sec. B.202 Defender general - public defense

Personal services	9,875,845
Operating expenses	1,027,999
Total	10,903,844
Source of funds	
General fund	10,265,292
Special funds	<u>638,552</u>
Total	10,903,844

 Sec. B.203 Defender general - assigned counsel

Personal services	4,799,403
Operating expenses	49,819
Total	4,849,222
Source of funds	
General fund	<u>4,849,222</u>
Total	4,849,222

Sec. B.204 Judiciary

Personal services	35,212,260
Operating expenses	8,683,467
Grants	76,030
Total	43,971,757
Source of funds	
General fund	38,465,850
Special funds	2,667,462
Tobacco fund	39,871
Federal funds	473,301
Interdepartmental transfers	<u>2,325,273</u>
Total	43,971,757

Sec. B.205 State's attorneys

Personal services	11,190,808
Operating expenses	1,807,815
Total	12,998,623
Source of funds	
General fund	10,328,495
Special funds	102,785
Federal funds	31,000
Interdepartmental transfers	<u>2,536,343</u>
Total	12,998,623

Sec. B.206 Special investigative unit

Personal services	88,000
Grants	1,590,000
Total	1,678,000
Source of funds	
General fund	<u>1,678,000</u>
Total	1,678,000

Sec. B.207 Sheriffs

Personal services	3,827,009
Operating expenses	445,493
Total	4,272,502
Source of funds	
General fund	<u>4,272,502</u>
Total	4,272,502

Sec. B.208 Public safety - administration

Personal services	2,495,022
Operating expenses	2,669,588
Total	5,164,610
Source of funds	
General fund	3,367,381
Federal funds	296,229
Interdepartmental transfers	<u>1,501,000</u>
Total	5,164,610

Sec. B.209 Public safety - state police

Personal services	49,451,041
Operating expenses	8,542,245
Grants	896,000
Total	58,889,286
Source of funds	
General fund	29,298,898
Transportation fund	22,750,000
Special funds	2,965,856
Federal funds	2,294,098
Interdepartmental transfers	<u>1,580,434</u>
Total	58,889,286

Sec. B.210 Public safety - criminal justice services

Personal services	7,871,533
Operating expenses	2,503,895
Total	10,375,428
Source of funds	
General fund	7,056,952
Special funds	1,719,236
Federal funds	1,240,065
Interdepartmental transfers	<u>359,175</u>
Total	10,375,428

Sec. B.211 Public safety - emergency management and homeland security	
Personal services	3,935,145
Operating expenses	1,302,179
Grants	14,754,210
Total	19,991,534
Source of funds	
General fund	621,885
Federal funds	19,189,575
Interdepartmental transfers	<u>180,074</u>
Total	19,991,534
Sec. B.212 Public safety - fire safety	
Personal services	5,865,973
Operating expenses	2,091,159
Grants	107,000
Total	8,064,132
Source of funds	
General fund	633,349
Special funds	7,048,803
Federal funds	356,980
Interdepartmental transfers	<u>25,000</u>
Total	8,064,132
Sec. B.214 Radiological emergency response plan	
Personal services	352,238
Operating expenses	235,710
Grants	1,051,195
Total	1,639,143
Source of funds	
Special funds	<u>1,639,143</u>
Total	1,639,143
Sec. B.215 Military - administration	
Personal services	682,752
Operating expenses	354,292
Grants	100,000
Total	1,137,044
Source of funds	
General fund	<u>1,137,044</u>
Total	1,137,044

Sec. B.216 Military - air service contract

Personal services	4,896,594
Operating expenses	935,308
Total	5,831,902
Source of funds	
General fund	471,320
Federal funds	<u>5,360,582</u>
Total	5,831,902

Sec. B.217 Military - army service contract

Personal services	6,304,421
Operating expenses	6,805,910
Total	13,110,331
Source of funds	
Federal funds	<u>13,110,331</u>
Total	13,110,331

Sec. B.218 Military - building maintenance

Personal services	678,770
Operating expenses	819,404
Total	1,498,174
Source of funds	
General fund	<u>1,498,174</u>
Total	1,498,174

Sec. B.219 Military - veterans' affairs

Personal services	722,415
Operating expenses	184,693
Grants	118,984
Total	1,026,092
Source of funds	
General fund	796,084
Special funds	130,008
Federal funds	<u>100,000</u>
Total	1,026,092

Sec. B.220 Center for crime victim services

Personal services	1,497,512
Operating expenses	253,927
Grants	8,840,240
Total	10,591,679
Source of funds	

General fund	1,264,008
Special funds	4,914,287
Federal funds	<u>4,413,384</u>
Total	10,591,679
Sec. B.221 Criminal justice training council	
Personal services	1,096,826
Operating expenses	1,409,569
Total	2,506,395
Source of funds	
General fund	2,372,753
Interdepartmental transfers	<u>133,642</u>
Total	2,506,395
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,324,661
Operating expenses	249,202
Grants	189,722
Total	1,763,585
Source of funds	
General fund	944,681
Special funds	488,972
Federal funds	<u>329,932</u>
Total	1,763,585
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	3,586,427
Operating expenses	737,012
Grants	2,600,000
Total	6,923,439
Source of funds	
General fund	2,696,919
Special funds	3,296,653
Federal funds	888,939
Global Commitment fund	34,006
Interdepartmental transfers	<u>6,922</u>
Total	6,923,439
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,246,225
Operating expenses	690,516
Grants	936,562

Total	2,873,303
Source of funds	
General fund	1,743,909
Special funds	609,016
Federal funds	478,711
Interdepartmental transfers	<u>41,667</u>
Total	2,873,303
Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship	
Personal services	3,205,184
Operating expenses	681,603
Grants	1,203,080
Total	5,089,867
Source of funds	
General fund	1,940,380
Special funds	1,793,932
Federal funds	1,071,852
Global Commitment fund	56,272
Interdepartmental transfers	<u>227,431</u>
Total	5,089,867
Sec. B.225.1 Agriculture, food and markets - Vermont Agricultural and Environmental	
Personal services	1,298,702
Operating expenses	508,830
Total	1,807,532
Source of funds	
General fund	776,525
Special funds	<u>1,031,007</u>
Total	1,807,532
Sec. B.226 Financial regulation - administration	
Personal services	1,915,204
Operating expenses	169,190
Total	2,084,394
Source of funds	
Special funds	<u>2,084,394</u>
Total	2,084,394
Sec. B.227 Financial regulation - banking	
Personal services	1,617,418
Operating expenses	309,540

Total	1,926,958
Source of funds	
Special funds	<u>1,926,958</u>
Total	1,926,958
Sec. B.228 Financial regulation - insurance	
Personal services	5,058,364
Operating expenses	503,064
Total	5,561,428
Source of funds	
Special funds	5,383,512
Federal funds	110,716
Interdepartmental transfers	<u>67,200</u>
Total	5,561,428
Sec. B.229 Financial regulation - captive insurance	
Personal services	3,893,968
Operating expenses	485,238
Total	4,379,206
Source of funds	
Special funds	<u>4,379,206</u>
Total	4,379,206
Sec. B.230 Financial regulation - securities	
Personal services	768,759
Operating expenses	176,701
Total	945,460
Source of funds	
Special funds	<u>945,460</u>
Total	945,460
Sec. B.232 Secretary of state	
Personal services	7,843,350
Operating expenses	2,158,749
Total	10,002,099
Source of funds	
Special funds	8,994,697
Federal funds	932,402
Interdepartmental transfers	<u>75,000</u>
Total	10,002,099

 Sec. B.233 Public service - regulation and energy

Personal services	10,430,192
Operating expenses	2,047,077
Grants	3,791,667
Total	16,268,936
Source of funds	
Special funds	14,964,433
Federal funds	1,002,268
ARRA funds	238,000
Interdepartmental transfers	41,667
Enterprise funds	<u>22,568</u>
Total	16,268,936

Sec. B.234 Public service board

Personal services	3,027,893
Operating expenses	452,288
Total	3,480,181
Source of funds	
Special funds	<u>3,480,181</u>
Total	3,480,181

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

Personal services	3,511,243
Operating expenses	283,587
Grants	810,000
Total	4,604,830
Source of funds	
Special funds	<u>4,604,830</u>
Total	4,604,830

Sec. B.236 Human rights commission

Personal services	441,968
Operating expenses	74,904
Total	516,872
Source of funds	
General fund	450,152
Federal funds	<u>66,720</u>
Total	516,872

Sec. B.237 Liquor control - administration

Personal services	3,529,058
Operating expenses	497,522

Total	4,026,580
Source of funds	
Enterprise funds	<u>4,026,580</u>
Total	4,026,580
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,461,479
Operating expenses	520,453
Total	2,981,932
Source of funds	
Special funds	154,500
Tobacco fund	218,444
Federal funds	254,841
Interdepartmental transfers	46,000
Enterprise funds	<u>2,308,147</u>
Total	2,981,932
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,041,590
Operating expenses	457,706
Total	1,499,296
Source of funds	
Enterprise funds	<u>1,499,296</u>
Total	1,499,296
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	132,558,333
Transportation fund	22,750,000
Special funds	78,581,699
Tobacco fund	606,315
Federal funds	52,831,535
ARRA funds	238,000
Global Commitment fund	90,278
Interdepartmental transfers	11,434,881
Enterprise funds	<u>7,856,591</u>
Total	306,947,632
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	16,664,613
Operating expenses	3,866,535
Grants	3,226,454
Total	23,757,602

Source of funds	
General fund	6,082,747
Special funds	91,017
Tobacco fund	25,000
Federal funds	12,396,153
Global Commitment fund	499,667
Interdepartmental transfers	<u>4,663,018</u>
Total	23,757,602
Sec. B.301 Secretary's office - global commitment	
Operating expenses	8,041,736
Grants	1,373,418,178
Total	1,381,459,914
Source of funds	
General fund	210,641,819
Special funds	26,550,179
Tobacco fund	28,747,141
State health care resources fund	270,712,781
Federal funds	844,568,235
Interdepartmental transfers	<u>40,000</u>
Total	1,381,260,155
Sec. B.302 Rate setting	
Personal services	898,044
Operating expenses	98,596
Total	996,640
Source of funds	
Global Commitment fund	<u>996,640</u>
Total	996,640
Sec. B.303 Developmental disabilities council	
Personal services	246,454
Operating expenses	67,012
Grants	248,388
Total	561,854
Source of funds	
Federal funds	<u>561,854</u>
Total	561,854
Sec. B.304 Human services board	
Personal services	693,325
Operating expenses	89,986
Total	783,311

Source of funds	
General fund	223,361
Federal funds	262,858
Interdepartmental transfers	<u>297,092</u>
Total	783,311
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	4,650,000
Total	5,000,000
Source of funds	
Interdepartmental transfers	<u>5,000,000</u>
Total	5,000,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	159,623,571
Operating expenses	4,538,736
Grants	18,136,469
Total	182,298,776
Source of funds	
General fund	1,447,997
Special funds	797,332
Federal funds	84,243,588
Global Commitment fund	86,608,315
Interdepartmental transfers	<u>9,201,544</u>
Total	182,298,776
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	662,533,970
Total	662,533,970
Source of funds	
Global Commitment fund	<u>662,533,970</u>
Total	662,533,970
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	210,124,188
Total	210,124,188
Source of funds	
General fund	94,492,829
Federal funds	<u>115,631,359</u>
Total	210,124,188

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

Grants	39,415,040
Total	39,415,040
Source of funds	
General fund	31,425,153
Global Commitment fund	<u>7,989,887</u>
Total	39,415,040

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

Grants	45,030,389
Total	45,030,389
Source of funds	
General fund	18,868,848
Federal funds	<u>26,161,541</u>
Total	45,030,389

Sec. B.311 Health - administration and support

Personal services	7,070,805
Operating expenses	3,280,471
Grants	2,595,000
Total	12,946,276
Source of funds	
General fund	2,579,027
Special funds	1,022,719
Federal funds	5,668,282
Global Commitment fund	<u>3,676,248</u>
Total	12,946,276

Sec. B.312 Health - public health

Personal services	37,391,426
Operating expenses	8,229,404
Grants	39,972,373
Total	85,593,203
Source of funds	
General fund	8,544,109
Special funds	16,854,895
Tobacco fund	2,461,377
Federal funds	38,184,687
Global Commitment fund	18,401,274
Interdepartmental transfers	1,121,861

Permanent trust funds	<u>25,000</u>
Total	85,593,203
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	3,995,245
Operating expenses	392,203
Grants	43,932,842
Total	48,320,290
Source of funds	
General fund	2,873,238
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	9,865,175
Global Commitment fund	<u>33,752,814</u>
Total	48,320,290
Sec. B.314 Mental health - mental health	
Personal services	28,575,903
Operating expenses	3,927,176
Grants	184,594,398
Total	217,097,477
Source of funds	
General fund	1,703,391
Special funds	434,904
Federal funds	4,881,255
Global Commitment fund	210,057,927
Interdepartmental transfers	<u>20,000</u>
Total	217,097,477
Sec. B.316 Department for children and families - administration & support services	
Personal services	45,539,991
Operating expenses	10,743,788
Grants	1,242,998
Total	57,526,777
Source of funds	
General fund	21,705,290
Special funds	638,986
Federal funds	21,060,049
Global Commitment fund	13,456,637
Interdepartmental transfers	<u>665,815</u>
Total	57,526,777

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

Personal services	27,279,227
Operating expenses	4,144,297
Grants	68,290,537
Total	99,714,061
Source of funds	
General fund	29,264,732
Special funds	1,691,637
Federal funds	23,442,723
Global Commitment fund	45,178,915
Interdepartmental transfers	<u>136,054</u>
Total	99,714,061

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

Personal services	6,160,505
Operating expenses	712,850
Grants	74,243,412
Total	81,116,767
Source of funds	
General fund	29,743,122
Special funds	1,820,000
Federal funds	38,248,914
Global Commitment fund	<u>11,304,731</u>
Total	81,116,767

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

Personal services	10,216,130
Operating expenses	3,515,641
Total	13,731,771
Source of funds	
General fund	3,430,564
Special funds	455,718
Federal funds	9,457,889
Interdepartmental transfers	<u>387,600</u>
Total	13,731,771

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

Personal services	2,221,542
Grants	11,217,094
Total	13,438,636
Source of funds	

General fund	9,688,636
Global Commitment fund	<u>3,750,000</u>
Total	13,438,636
Sec. B.321 Department for children and families - general assistance	
Grants	6,087,010
Total	6,087,010
Source of funds	
General fund	4,680,025
Federal funds	1,111,320
Global Commitment fund	<u>295,665</u>
Total	6,087,010
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	28,217,770
Total	28,217,770
Source of funds	
Federal funds	<u>28,217,770</u>
Total	28,217,770
Sec. B.323 Department for children and families - reach up	
Operating expenses	86,891
Grants	42,534,036
Total	42,620,927
Source of funds	
General fund	12,308,629
Special funds	23,401,676
Federal funds	4,152,222
Global Commitment fund	<u>2,758,400</u>
Total	42,620,927
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	17,351,664
Total	17,351,664
Source of funds	
Federal funds	<u>17,351,664</u>
Total	17,351,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	285,158
Operating expenses	28,069

Grants	8,605,335
Total	8,918,562
Source of funds	
General fund	4,729,667
Special funds	57,990
Federal funds	3,928,417
Global Commitment fund	<u>202,488</u>
Total	8,918,562
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	404,273
Operating expenses	53,717
Grants	8,649,961
Total	9,107,951
Source of funds	
Special funds	8,107,951
Federal funds	<u>1,000,000</u>
Total	9,107,951
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	4,143,010
Operating expenses	656,181
Total	4,799,191
Source of funds	
General fund	913,411
Global Commitment fund	3,788,780
Interdepartmental transfers	<u>97,000</u>
Total	4,799,191
Sec. B.328 Department for children and families - disability determination services	
Personal services	5,691,593
Operating expenses	524,133
Total	6,215,726
Source of funds	
Federal funds	5,959,659
Global Commitment fund	<u>256,067</u>
Total	6,215,726

 Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	29,024,981
Operating expenses	4,985,917
Total	34,010,898
Source of funds	
General fund	11,213,165
Special funds	1,390,457
Federal funds	12,992,255
Global Commitment fund	5,740,234
Interdepartmental transfers	<u>2,674,787</u>
Total	34,010,898

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	20,560,309
Total	20,560,309
Source of funds	
General fund	7,862,665
Federal funds	6,992,730
Global Commitment fund	5,534,924
Interdepartmental transfers	<u>169,990</u>
Total	20,560,309

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

Grants	1,411,457
Total	1,411,457
Source of funds	
General fund	349,154
Special funds	223,450
Federal funds	593,853
Global Commitment fund	<u>245,000</u>
Total	1,411,457

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

Grants	8,972,255
Total	8,972,255
Source of funds	
General fund	1,371,845
Special funds	70,000

Federal funds	4,552,523
Global Commitment fund	7,500
Interdepartmental transfers	<u>2,970,387</u>
Total	8,972,255
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	185,990,025
Total	185,990,025
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	<u>185,459,580</u>
Total	185,990,025
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	5,647,336
Total	5,647,336
Source of funds	
Global Commitment fund	<u>5,647,336</u>
Total	5,647,336
Sec. B.335 Corrections - administration	
Personal services	2,335,909
Operating expenses	218,683
Total	2,554,592
Source of funds	
General fund	<u>2,554,592</u>
Total	2,554,592
Sec. B.336 Corrections - parole board	
Personal services	241,447
Operating expenses	80,783
Total	322,230
Source of funds	
General fund	<u>322,230</u>
Total	322,230
Sec. B.337 Corrections - correctional education	
Personal services	3,252,135
Operating expenses	780,774
Total	4,032,909

Source of funds	
Education fund	3,804,425
Interdepartmental transfers	<u>228,484</u>
Total	4,032,909
Sec. B.338 Corrections - correctional services	
Personal services	102,457,834
Operating expenses	21,691,183
Grants	9,872,638
Total	134,021,655
Source of funds	
General fund	127,282,546
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	<u>396,315</u>
Total	134,021,655
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	8,009,061
Total	8,009,061
Source of funds	
General fund	<u>8,009,061</u>
Total	8,009,061
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	541,428
Operating expenses	345,501
Total	886,929
Source of funds	
Special funds	<u>886,929</u>
Total	886,929
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,267,964
Operating expenses	548,231
Total	1,816,195
Source of funds	
Internal service funds	<u>1,816,195</u>
Total	1,816,195

Sec. B.342 Vermont veterans' home - care and support services	
Personal services	16,173,696
Operating expenses	4,852,498
Total	21,026,194
Source of funds	
General fund	4,482,923
Special funds	8,732,204
Federal funds	7,400,081
Global Commitment fund	<u>410,986</u>
Total	21,026,194
Sec. B.343 Commission on women	
Personal services	273,960
Operating expenses	82,404
Total	356,364
Source of funds	
General fund	351,364
Special funds	<u>5,000</u>
Total	356,364
Sec. B.344 Retired senior volunteer program	
Grants	151,096
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096
Sec. B.345 Green Mountain Care Board	
Personal services	8,508,778
Operating expenses	637,600
Total	9,146,378
Source of funds	
General fund	921,851
Special funds	1,412,836
Federal funds	928,466
Global Commitment fund	3,154,685
Interdepartmental transfers	<u>2,728,540</u>
Total	9,146,378
Sec. B.346 Total human services	
Source of funds	
General fund	660,374,212

Special funds	95,588,135
Tobacco fund	32,619,752
State health care resources fund	270,712,781
Education fund	3,804,425
Federal funds	1,330,646,341
Global Commitment fund	1,317,096,539
Internal service funds	1,816,195
Interdepartmental transfers	30,798,487
Permanent trust funds	<u>25,000</u>
Total	3,743,481,867
Sec. B.400 Labor - programs	
Personal services	26,785,755
Operating expenses	7,609,922
Grants	330,482
Total	34,726,159
Source of funds	
General fund	3,264,327
Special funds	3,363,869
Federal funds	26,941,460
Interdepartmental transfers	<u>1,156,503</u>
Total	34,726,159
Sec. B.401 Total labor	
Source of funds	
General fund	3,264,327
Special funds	3,363,869
Federal funds	26,941,460
Interdepartmental transfers	<u>1,156,503</u>
Total	34,726,159
Sec. B.500 Education - finance and administration	
Personal services	8,452,624
Operating expenses	2,409,879
Grants	15,811,200
Total	26,673,703
Source of funds	
General fund	3,338,940
Special funds	16,656,256
Education fund	962,145
Federal funds	4,778,175
Global Commitment fund	<u>938,187</u>
Total	26,673,703

Sec. B.501 Education - education services

Personal services	16,454,867
Operating expenses	1,382,706
Grants	114,299,730
Total	132,137,303
Source of funds	
General fund	5,440,726
Special funds	2,425,480
Federal funds	123,005,164
Interdepartmental transfers	<u>1,265,933</u>
Total	132,137,303

Sec. B.502 Education - special education: formula grants

Grants	179,823,434
Total	179,823,434
Source of funds	
Education fund	<u>179,823,434</u>
Total	179,823,434

Sec. B.503 Education - state-placed students

Grants	16,400,000
Total	16,400,000
Source of funds	
Education fund	<u>16,400,000</u>
Total	16,400,000

Sec. B.504 Education - adult education and literacy

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

Sec. B.505 Education - adjusted education payment

Grants	1,289,600,000
Total	1,289,600,000
Source of funds	
Education fund	<u>1,289,600,000</u>
Total	1,289,600,000

Sec. B.506 Education - transportation	
Grants	17,734,913
Total	17,734,913
Source of funds	
Education fund	<u>17,734,913</u>
Total	17,734,913
Sec. B.507 Education - small school grants	
Grants	7,615,000
Total	7,615,000
Source of funds	
Education fund	<u>7,615,000</u>
Total	7,615,000
Sec. B.508 Education - capital debt service aid	
Grants	122,000
Total	122,000
Source of funds	
Education fund	<u>122,000</u>
Total	122,000
Sec. B.509 Education - tobacco litigation	
Personal services	101,707
Operating expenses	29,115
Grants	635,719
Total	766,541
Source of funds	
Tobacco fund	<u>766,541</u>
Total	766,541
Sec. B.510 Education - essential early education grant	
Grants	6,356,188
Total	6,356,188
Source of funds	
Education fund	<u>6,356,188</u>
Total	6,356,188
Sec. B.511 Education - technical education	
Grants	13,331,162
Total	13,331,162
Source of funds	
Education fund	<u>13,331,162</u>
Total	13,331,162

 Sec. B.512 Education - Act 117 cost containment

Personal services	1,086,783
Operating expenses	148,207
Grants	91,000
Total	1,325,990
Source of funds	
Special funds	<u>1,325,990</u>
Total	1,325,990

Sec. B.513 Appropriation and transfer to education fund

Grants	303,343,381
Total	303,343,381
Source of funds	
General fund	<u>303,343,381</u>
Total	303,343,381

Sec. B.514 State teachers' retirement system

Grants	73,102,909
Total	73,102,909
Source of funds	
General fund	<u>73,102,909</u>
Total	73,102,909

Sec. B.514.1 State teachers' retirement system administration

Personal services	7,978,983
Operating expenses	1,325,835
Total	9,304,818
Source of funds	
Pension trust funds	<u>9,304,818</u>
Total	9,304,818

Sec. B.515 Retired teachers' health care and medical benefits

Grants	15,576,468
Total	15,576,468
Source of funds	
General fund	<u>15,576,468</u>
Total	15,576,468

Sec. B.516 Total general education

Source of funds	
General fund	401,590,419
Special funds	20,407,726

Tobacco fund	766,541
Education fund	1,537,744,842
Federal funds	128,546,812
Global Commitment fund	938,187
Interdepartmental transfers	1,265,933
Pension trust funds	<u>9,304,818</u>
Total	2,100,565,278
Sec. B.600 University of Vermont	
Grants	42,509,093
Total	42,509,093
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,046,217</u>
Total	42,509,093
Sec. B.601 Vermont Public Television	
Grants	365,140
Total	365,140
Source of funds	
General fund	<u>365,140</u>
Total	365,140
Sec. B.602 Vermont state colleges	
Grants	24,300,464
Total	24,300,464
Source of funds	
General fund	<u>24,300,464</u>
Total	24,300,464
Sec. B.603 Vermont state colleges - allied health	
Grants	1,157,775
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.604 Vermont interactive technology	
Grants	500
Total	500
Source of funds	
General fund	<u>500</u>
Total	500

Sec. B.605 Vermont student assistance corporation	
Grants	19,414,588
Total	19,414,588
Source of funds	
General fund	<u>19,414,588</u>
Total	19,414,588
Sec. B.606 New England higher education compact	
Grants	84,000
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	1
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	83,375,883
Global Commitment fund	<u>4,455,678</u>
Total	87,831,561
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	3,450,486
Operating expenses	2,144,118
Grants	125,510
Total	5,720,114
Source of funds	
General fund	4,701,176
Special funds	491,800
Federal funds	270,000
Interdepartmental transfers	<u>257,138</u>
Total	5,720,114
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	2,285,299
Total	2,285,299

Source of funds	
General fund	1,863,799
Interdepartmental transfers	<u>421,500</u>
Total	2,285,299
Sec. B.702 Fish and wildlife - support and field services	
Personal services	16,199,539
Operating expenses	5,399,047
Grants	2,145,000
Total	23,743,586
Source of funds	
General fund	5,162,155
Special funds	100,000
Fish and wildlife fund	9,291,075
Federal funds	8,991,856
Interdepartmental transfers	197,500
Permanent trust funds	<u>1,000</u>
Total	23,743,586
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,090,003
Operating expenses	663,990
Grants	1,822,730
Total	3,576,723
Source of funds	
General fund	1,099,310
Special funds	1,307,878
Federal funds	<u>1,169,535</u>
Total	3,576,723
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,230,313
Operating expenses	685,288
Grants	500,700
Total	6,416,301
Source of funds	
General fund	3,848,398
Special funds	1,130,403
Federal funds	1,300,000
Interdepartmental transfers	<u>137,500</u>
Total	6,416,301

 Sec. B.705 Forests, parks and recreation - state parks

Personal services	6,845,755
Operating expenses	2,622,212
Total	9,467,967
Source of funds	
General fund	637,328
Special funds	<u>8,830,639</u>
Total	9,467,967

Sec. B.706 Forests, parks and recreation - lands administration

Personal services	508,184
Operating expenses	1,195,754
Total	1,703,938
Source of funds	
General fund	437,559
Special funds	197,629
Federal funds	1,050,000
Interdepartmental transfers	<u>18,750</u>
Total	1,703,938

Sec. B.707 Forests, parks and recreation - youth conservation corps

Grants	520,689
Total	520,689
Source of funds	
General fund	48,307
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>190,000</u>
Total	520,689

Sec. B.708 Forests, parks and recreation - forest highway maintenance

Personal services	94,000
Operating expenses	85,925
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

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

Personal services	5,608,526
Operating expenses	790,399
Grants	111,280

Total	6,510,205
Source of funds	
General fund	354,188
Special funds	445,630
Federal funds	1,110,742
Interdepartmental transfers	<u>4,599,645</u>
Total	6,510,205
Sec. B.710 Environmental conservation - air and waste management	
Personal services	10,423,688
Operating expenses	8,315,978
Grants	2,044,754
Total	20,784,420
Source of funds	
General fund	442,163
Special funds	16,555,651
Federal funds	3,634,737
Interdepartmental transfers	<u>151,869</u>
Total	20,784,420
Sec. B.711 Environmental conservation - office of water programs	
Personal services	16,578,032
Operating expenses	4,911,506
Grants	1,672,015
Total	23,161,553
Source of funds	
General fund	8,240,152
Special funds	6,864,180
Federal funds	6,722,123
Interdepartmental transfers	<u>1,335,098</u>
Total	23,161,553
Sec. B.712 Environmental conservation - tax-loss Connecticut river flood control	
Operating expenses	34,700
Total	34,700
Source of funds	
General fund	3,470
Special funds	<u>31,230</u>
Total	34,700

Sec. B.713 Natural resources board

Personal services	2,733,698
Operating expenses	236,618
Total	2,970,316
Source of funds	
General fund	639,419
Special funds	<u>2,330,897</u>
Total	2,970,316

Sec. B.714 Total natural resources

Source of funds	
General fund	27,657,349
Special funds	38,474,319
Fish and wildlife fund	9,291,075
Federal funds	24,342,993
Interdepartmental transfers	7,309,000
Permanent trust funds	<u>1,000</u>
Total	107,075,736

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,794,805
Operating expenses	813,675
Grants	4,322,627
Total	7,931,107
Source of funds	
General fund	3,391,307
Special funds	3,569,800
Federal funds	800,000
Interdepartmental transfers	<u>170,000</u>
Total	7,931,107

Sec. B.801 Economic development

Personal services	3,293,135
Operating expenses	1,016,566
Grants	1,921,821
Total	6,231,522
Source of funds	
General fund	4,563,634
Special funds	929,650
Federal funds	<u>738,238</u>
Total	6,231,522

 Sec. B.802 Housing & community development

Personal services	6,938,851
Operating expenses	892,571
Grants	1,441,987
Total	9,273,409
Source of funds	
General fund	2,536,040
Special funds	4,530,732
Federal funds	2,064,555
Interdepartmental transfers	<u>142,082</u>
Total	9,273,409

Sec. B.804 Community development block grants

Grants	6,174,938
Total	6,174,938
Source of funds	
Federal funds	<u>6,174,938</u>
Total	6,174,938

Sec. B.805 Downtown transportation and capital improvement fund

Personal services	88,815
Grants	335,151
Total	423,966
Source of funds	
Special funds	<u>423,966</u>
Total	423,966

Sec. B.806 Tourism and marketing

Personal services	1,220,033
Operating expenses	1,841,289
Grants	167,530
Total	3,228,852
Source of funds	
General fund	3,128,852
Interdepartmental transfers	<u>100,000</u>
Total	3,228,852

Sec. B.807 Vermont life

Personal services	806,790
Operating expenses	61,990
Total	868,780
Source of funds	

Enterprise funds	<u>868,780</u>
Total	868,780
Sec. B.808 Vermont council on the arts	
Grants	645,307
Total	645,307
Source of funds	
General fund	<u>645,307</u>
Total	645,307
Sec. B.809 Vermont symphony orchestra	
Grants	141,214
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	947,620
Total	947,620
Source of funds	
General fund	<u>947,620</u>
Total	947,620
Sec. B.811 Vermont housing and conservation board	
Grants	21,785,605
Total	21,785,605
Source of funds	
Special funds	10,532,396
Federal funds	<u>11,253,209</u>
Total	21,785,605
Sec. B.812 Vermont humanities council	
Grants	217,959
Total	217,959
Source of funds	
General fund	<u>217,959</u>
Total	217,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	15,571,933
Special funds	19,986,544

Federal funds	21,030,940
Interdepartmental transfers	412,082
Enterprise funds	<u>868,780</u>
Total	57,870,279
Sec. B.900 Transportation - finance and administration	
Personal services	11,125,599
Operating expenses	2,359,830
Grants	245,000
Total	13,730,429
Source of funds	
Transportation fund	12,690,489
Federal funds	<u>1,039,940</u>
Total	13,730,429
Sec. B.901 Transportation - aviation	
Personal services	2,669,668
Operating expenses	11,883,200
Grants	204,000
Total	14,756,868
Source of funds	
Transportation fund	4,667,668
Federal funds	9,954,000
Local match	<u>135,200</u>
Total	14,756,868
Sec. B.902 Transportation - buildings	
Operating expenses	2,000,000
Total	2,000,000
Source of funds	
Transportation fund	<u>2,000,000</u>
Total	2,000,000
Sec. B.903 Transportation - program development	
Personal services	45,225,656
Operating expenses	195,303,472
Grants	35,813,117
Total	276,342,245
Source of funds	
Transportation fund	38,361,065
TIB fund	11,033,002
Special funds	25,000
Federal funds	225,808,772

Local match	<u>1,114,406</u>
Total	276,342,245
Sec. B.904 Transportation - rest areas construction	
Operating expenses	625,000
Total	625,000
Source of funds	
Transportation fund	62,500
Federal funds	<u>562,500</u>
Total	625,000
Sec. B.905 Transportation - maintenance state system	
Personal services	43,784,445
Operating expenses	43,190,139
Grants	95,000
Total	87,069,584
Source of funds	
Transportation fund	82,469,447
Federal funds	4,500,137
Interdepartmental transfers	<u>100,000</u>
Total	87,069,584
Sec. B.906 Transportation - policy and planning	
Personal services	3,209,333
Operating expenses	685,773
Grants	6,112,542
Total	10,007,648
Source of funds	
Transportation fund	2,065,384
Federal funds	<u>7,942,264</u>
Total	10,007,648
Sec. B.907 Transportation - rail	
Personal services	4,746,680
Operating expenses	30,032,151
Grants	370,000
Total	35,148,831
Source of funds	
Transportation fund	15,414,997
TIB fund	564,364
Federal funds	<u>19,169,470</u>
Total	35,148,831

Sec. B.908 Transportation - public transit	
Personal services	1,100,718
Operating expenses	187,326
Grants	25,833,991
Total	27,122,035
Source of funds	
Transportation fund	7,669,114
Federal funds	<u>19,452,921</u>
Total	27,122,035
Sec. B.909 Transportation - central garage	
Personal services	4,508,403
Operating expenses	15,801,157
Total	20,309,560
Source of funds	
Internal service funds	<u>20,309,560</u>
Total	20,309,560
Sec. B.910 Department of motor vehicles	
Personal services	17,566,584
Operating expenses	9,426,323
Total	26,992,907
Source of funds	
Transportation fund	25,303,741
Federal funds	<u>1,689,166</u>
Total	26,992,907
Sec. B.911 Transportation - town highway structures	
Grants	9,483,500
Total	9,483,500
Source of funds	
Transportation fund	<u>9,483,500</u>
Total	9,483,500
Sec. B.912 Transportation - town highway local technical assistance program	
Grants	394,700
Total	394,700
Source of funds	
Transportation fund	239,700
Federal funds	<u>155,000</u>
Total	394,700

 Sec. B.913 Transportation - town highway class 2 roadway

Grants	7,248,750
Total	7,248,750
Source of funds	
Transportation fund	<u>7,248,750</u>
Total	7,248,750

Sec. B.914 Transportation - town highway bridges

Personal services	4,250,000
Operating expenses	18,681,001
Grants	25,000
Total	22,956,001
Source of funds	
Transportation fund	1,058,925
TIB fund	1,901,221
Federal funds	18,671,176
Local match	<u>1,324,679</u>
Total	22,956,001

Sec. B.915 Transportation - town highway aid program

Grants	25,982,744
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744

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

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

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

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

Sec. B.918 Transportation - town highway: state aid for federal disasters	
Grants	1,440,000
Total	1,440,000
Source of funds	
Transportation fund	160,000
Federal funds	<u>1,280,000</u>
Total	1,440,000
Sec. B.919 Transportation - municipal mitigation grant program	
Grants	650,000
Total	650,000
Source of funds	
Transportation fund	440,000
Federal funds	180,000
Interdepartmental transfers	<u>30,000</u>
Total	650,000
Sec. B.920 Transportation - public assistance grant program	
Grants	33,865,000
Total	33,865,000
Source of funds	
Special funds	1,965,000
Federal funds	<u>31,900,000</u>
Total	33,865,000
Sec. B.921 Transportation board	
Personal services	193,548
Operating expenses	30,886
Total	224,434
Source of funds	
Transportation fund	<u>224,434</u>
Total	224,434
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	236,821,208
TIB fund	13,498,587
Special funds	1,990,000
Federal funds	342,305,346
Internal service funds	20,309,560
Interdepartmental transfers	130,000
Local match	<u>2,574,285</u>
Total	617,628,986

Sec. B.1000 Debt service

Operating expenses	73,569,975
Total	73,569,975
Source of funds	
General fund	67,337,515
Transportation fund	1,946,969
TIB debt service fund	2,504,913
Special funds	628,420
ARRA funds	<u>1,152,158</u>
Total	73,569,975

Sec. B.1001 Total debt service

Source of funds	
General fund	67,337,515
Transportation fund	1,946,969
TIB debt service fund	2,504,913
Special funds	628,420
ARRA funds	<u>1,152,158</u>
Total	73,569,975

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2016, \$2,993,000 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. The amount of \$1,552,500 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$992,500 is transferred to the Vermont Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce education and training. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through the Vermont Career Internship Program pursuant to 10 V.S.A. § 544.

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

(C) The amount of \$200,000 is appropriated to the Agency of Commerce and Community Development to issue performance grants to the

University of Vermont and the Vermont Center for Emerging Technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and Next Generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$171,000 as follows:

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

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

(3) Scholarships and grants. The amount of \$1,269,500 as follows:

(A) Nondegree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

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

(C) Dual enrollment programs and need -based stipend. The amount of \$600,000 is appropriated to the Agency of Education for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2). The amount of \$25,000 is appropriated to the Agency of Education pursuant to Sec. E.605.1 of this act. The Agency shall manage these funds to allow students to attend dual enrollment courses consistent with 16 V.S.A. § 944 and to apply the need-based stipend in Sec. E.605.1 of this act.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2017 NEXT GENERATION FUND DISTRIBUTION

(a) The Department of Labor, in coordination with the Agency of Commerce and Community Development, the Agency of Human Services, and

the Agency of Education, and in consultation with the State Workforce Investment Board, shall recommend to the Governor on or before December 1, 2015 how \$2,993,000 from the Next Generation Fund should be allocated or appropriated in fiscal year 2017 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The State agencies and departments listed herein shall promote actively and publicly the availability of the funds to eligible entities.

Sec. B.1101 VERMONT VETERANS' HOME; TRANSITION FUNDING

(a) In fiscal year 2016, \$1,000,000 of general funds is appropriated to the Vermont Veterans' Home. The funds are in addition to the appropriation in Sec. B.342 of this act and are intended to provide bridge funding for the Vermont Veterans' Home.

Sec. B.1102 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) The amount of \$15,500,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103 and 2013 Acts and Resolves No.1, Sec. 65, and as further amended by 2014 Acts and Resolves No. 95, Sec. 62. This appropriation shall carry forward through fiscal year 2024. The Commissioner of Finance and Management may anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

Sec. B.1103 FISCAL YEAR 2016 STATEWIDE OPERATIONAL REDUCTIONS

(a) Information Technology Charges: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated statewide, to include all branches of State government by a total amount of \$400,000. This reduction reflects reductions in the internal services charged to agencies as a result of actions taken in the Department of Information and Innovation to provide general services or specific projects in a more cost-effective manner to its State government customers.

(b) Human Resources: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated to the Executive Branch of State government by a total amount of \$44,000. This reduction reflects the reduction in human resources internal services charged to agencies specifically related to maintaining the supervisory training unit at fiscal year 2015 staffing levels and postponing full implementation of this new initiative.

(c) Building and General Services: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated to the agencies and branches of State government by a total amount of \$470,000 from the internal services charged by the Department of Buildings and General Services programs as follows:

(1) Facilities operations efficient use of space \$300,000 of which \$120,000 is General Fund: The Commissioner is authorized to undertake consolidations of owned or leased space, and the divestiture of State-owned lands or buildings not currently used and not slated for reuse. In fiscal year 2016, proceeds from the divestiture of State-owned real property made as a result of this section shall be reserved for future expenses identified within an overall State space/facilities strategic plan that aligns future space operating costs with a sustainable budget.

(2) Energy efficiency: Resulting from the initiative in Sec. E.112 of this act, a total of \$250,000 of which \$100,000 is General Fund.

(3) Fleet \$625,000 of which \$250,000 is general fund: From more efficient management of the assets of the fleet program which may include longer life cycles for the assets, a lower cost basis for newly acquired assets, and management control of travel resulting in reduced reimbursement for miles traveled in private vehicles.

Sec. B.1104 SECRETARY OF ADMINISTRATION; FISCAL YEAR 2016 PERSONNEL AND LABOR COST SAVINGS

(a) The Secretary of Administration shall reduce fiscal year 2016 appropriations and make transfers to the General Fund for a total of \$5,000,000 and the Transportation Fund for a total of \$1,500,000 from personnel and labor cost savings.

Sec. B.1104.1 STATE EMPLOYEE RETIREMENT INCENTIVE

(a)(1) An individual who is employed by the State on July 1, 2015 and participates in either the defined benefit or defined contribution plan, was hired prior to July 1, 2008, and has at least 30 years of service or is age 62 with at least five years of service as of August 1, 2015, and does not initiate the purchase of any additional service credit after May 1, 2015, shall be eligible for the retirement incentive set forth in this section.

(2) An individual who is employed by the State on July 1, 2015 and participates in either the defined benefit or defined contribution plan, was hired on or after July 1, 2008, and has a combination of years of service and age that equals 87 or more, or is age 65 with at least five years of service as of August 1, 2015, and does not initiate the purchase of any additional service

credit after May 1, 2015, shall be eligible for the retirement incentive set forth in this section.

(3) The Retirement Division of the State Treasurer's Office shall offer the retirement incentive to all eligible employees. If more than 300 eligible employees apply, the Retirement Division shall utilize a lottery system to limit the incentive to no more than 300 employees.

(4) If an employee applies for retirement by August 31, 2015 for a retirement effective October 1, 2015, the employee shall be entitled to:

(A) \$750 per year of service if the employee has five years of creditable service or more and fewer than 15 years of creditable service;

(B) \$1,000 per year of service if the employee has 15 years of creditable service or more.

(b) Upon approval from the Secretary of Administration, an agency or department with multiple retiring employees may request authority to stagger the retirement dates of individual employees in order to continue the normal operation of business. However, no retirement date shall be later than March 1, 2016.

(c) The incentive set forth in subsection (a) of this section shall not exceed \$15,000 per employee. An employee shall receive the retirement incentive in two equal payments in fiscal years 2016 and 2017. The first payment shall be made within 90 days of the retirement date. The second payment shall be made within 30 days of the one-year anniversary of the retirement date. The retirement incentive shall not be paid from the Vermont State Retirement Fund as set forth in 3 V.S.A. § 473.

(d) No employee who receives the incentive set forth in subsection (a) of this section may return to State employment for at least one year from his or her retirement date unless:

(1) the Secretary of Administration otherwise approves for an Executive Branch employee;

(2) the Chief Justice of the Supreme Court otherwise approves for a Judicial Branch employee; or

(3) the Speaker of the House and the President Pro Tempore of the Senate otherwise approve for a Legislative Branch employee.

(e) The Joint Fiscal Committee shall be notified of any employees who have received the incentive set forth in subsection (a) of this section and who return to State employment within one year of the retirement date.

(f) The retirement incentive set forth in subsection (a) of this section shall be considered severance pay that shall disqualify the individual receiving it from unemployment compensation benefits under 21 V.S.A. § 1344(a)(5)(C).

(g) The Joint Fiscal Committee may vote to increase the number of individuals who are eligible for the retirement incentive set forth in this section.

(h) The State Treasurer shall report the number of individuals applying for the retirement incentive set forth in this section by agency to the Joint Fiscal Committee by September 8, 2015.

(i) Members of the Vermont State Retirement System who are not employed by the State of Vermont shall not be eligible for the retirement incentive set forth in this section.

(j) In order to realize cost savings to State government, at least three-fourths of the number of positions vacated as a result of this retirement incentive program must remain vacant and unfunded. No later than January 15, 2016, the Secretary of Administration, the Chief Justice of the Supreme Court, the Speaker of the House, and the President Pro Tempore of the Senate shall report to the General Assembly a listing of those positions which will remain vacant and unfunded.

Sec. B.1105 2014 Acts and Resolves No.160, Sec. 9 is amended to read:

Sec. 9. PAY ACT APPROPRIATIONS

* * *

(a)(2)(A) General Fund. The amount of ~~\$8,480,001.00~~ \$2,868,165.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2016 collective bargaining agreements and the requirements of this act.

* * *

(b)(2)(B) Fiscal Year 2016. The amount of ~~\$1,044,179.00~~ \$944,000.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2016 collective bargaining agreement and the requirements of this act.

* * *

(c)(2) Fiscal Year 2016. The amount of ~~\$283,000.00~~ \$183,000.00 is appropriated from the General Fund to the Legislative Branch.

Sec. B.1106 FISCAL YEAR 2016 PERSONNEL, LABOR, AND ADMINISTRATIVE COST SAVINGS; RECOMMENDATIONS

(a) For purposes of carrying out the personnel, labor, and administrative cost reductions provided for in sections B.1104, B.1104.1, and B.1105 of this act as it relates to the Executive Branch of State government, the General Assembly encourages the Administration to do the following:

(1) target positions for layoff that are distributed proportionally across management, supervisory, and line positions and across exempt and classified positions in any reduction in force;

(2) provide that exempt salary increases are targeted to benefit those who earn average or below average wages;

(3) reduce the amount of employee travel and encourage telephone and Internet meeting technologies whenever possible;

(4) reduce the amount of overtime that State employees are authorized to work;

(5) identify and reduce nonessential operating expenses; and

(6) identify opportunities to reduce personnel costs through increasing or decreasing the number of State employees or the use of outsourcing.

(b) The Secretary of Administration shall provide a report to the Joint Fiscal Committee in November 2015 on the progress of meeting personnel, labor, and other cost reductions and the uptake of the retirement incentive in Sec. B.1106 of this act.

Sec. B.1107 VERMONT INTERACTIVE TECHNOLOGIES FUNDING THROUGH DECEMBER 31, 2015

(a) Vermont Interactive Technologies is anticipated to cease operations on December, 31, 2015. State funding for the period of July 1, 2015 through December 31, 2015 is provided as follows:

(1) \$220,000 as provided in the capital construction bill ((H.492) of 2015..

(2) \$220,000 is appropriated in fiscal year 2016 from the Global Commitment Fund to the Agency of Human Services and shall be granted to Vermont State Colleges for the health care education and training programming conducted through Vermont Interactive Technologies between July 1, 2015 and December 31, 2015. The state match for this appropriation is made in Sec. C.104 of this act.

Sec. B.1108 32 V.S.A. § 1282 is added to read:

§ 1282. OFFICER COMPENSATION; VOLUNTARY DECREASE

An officer whose compensation is established by this chapter may choose to be compensated at a lower rate.

Sec. B.1109 32 V.S.A. § 1002 is amended to read:

§ 1002. SALARY OF GOVERNOR-ELECT

* * *

(b) The Governor-Elect shall be entitled to receive a salary of 70 percent of the regular weekly salary of the Governor for the period before a new Governor qualifies for office. This amount shall be reduced by the amount the Governor-Elect receives from the State during this period for services performed in fulfilling the duties of any office to which he or she was elected or appointed.

Sec. B.1110 32 V.S.A. 1003 is amended to read:

§ 1003. STATE OFFICERS

* * *

(c) The ~~annual salaries of the~~ officers of the Judicial Branch named below shall be entitled to annual salaries as follows:

* * *

Sec. B.1111 32 V.S.A. § 1012 is amended to read:

§ 1012. PUBLIC SERVICE BOARD

The ~~annual salary of the Chairperson~~ Chair of the Public Service Board shall be entitled to an annual salary that is the same as fixed for annual salary to which each Superior Court judge is entitled. The ~~annual salary of each of the~~ other members of the Public Service Board, each of whom shall serve on a part-time basis, shall be entitled to an annual salary equal to two-thirds of ~~that of the annual salary to which~~ the ~~Chairperson~~ Chair is entitled. The annual salary of the clerk of such Board shall be fixed by the Board with the approval of the Governor.

Sec. B.1112 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE; PRESIDENT PRO TEMPORE

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of \$10,080.00 for the 2005 Biennial Session and thereafter to be paid in biweekly payments; provided that, beginning on January 1, 2007, the annual compensation shall be adjusted

annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement. In addition to the annual compensation, the Speaker and President Pro Tempore shall be entitled to receive:

* * *

Sec. B.1112.1 2 V.S.A. § 63 is amended to read:

§ 63. SALARY

(a) The base salary for the ~~sergeant at arms~~ Sergeant at Arms shall be ~~\$42,675.00 as of July 8, 2007~~ \$47,917.00 as of January 1, 2015 provided that, beginning on July 1, 2015 and annually thereafter, this compensation shall be adjusted by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement.

(b) The ~~joint rules committee~~ Joint Rules Committee may establish the starting salary for the ~~sergeant at arms~~ Sergeant at Arms, ranging from the base salary to a salary ~~which~~ that is 30 percent above the base salary. The maximum salary for the ~~sergeant at arms~~ Sergeant at Arms shall be 50 percent above the base salary.

Sec. B.1113 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) ~~The compensation of each~~ Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of \$156.49 a day as of July 13, 2014 and \$161.65 a day as of July 12, 2015 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a two-hour minimum and hourly thereafter.

(2)(A) The compensation paid to an assistant judge pursuant to this section shall be paid by the State except as provided in subdivision (B) of this subdivision (2).

(B) The compensation paid to an assistant judge pursuant to this section shall be paid by the county at the State rate established in subdivision (a)(1) of this section when an assistant judge is sitting with a presiding Superior judge in the Civil or Family Division of the Superior Court.

(b) Assistant judges of the Superior Court shall be entitled to receive pay for such days as they attend Court when it is in actual session, or during a Court recess when engaged in the special performance of official duties.

Sec. B.1114 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) The ~~annual salaries of the~~ Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation, ~~shall be as follows~~:

* * *

(b) Probate judges shall be entitled to be paid by the State for their actual and necessary expenses under the rules and regulations pertaining to classified State employees. The compensation for the Probate judge of the Chittenden District shall be for full-time service.

* * *

Sec. B.1115 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The ~~annual salaries of the~~ sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of \$72,508.00 as of July 13, 2014 and \$74,901.00 as of July 12, 2015. The ~~annual salary of the sheriff~~ Sheriff of Chittenden County shall be entitled to an annual salary in the amount of \$76,732.00 as of July 13, 2014 and \$79,264.00 as of July 12, 2015.

* * *

Sec. B.1116 32 V.S.A. § 1183 is amended to read:

§ 1183. STATE'S ATTORNEYS

(a) The ~~annual salaries of~~ State's Attorneys shall be entitled to receive annual salaries as follows:

* * *

Sec. B.1117 PSAP; TRANSITION FUNDING

(a) In addition to the PSAP funding in Sec. B.235 of this act, in fiscal year 2016, \$425,000 of E-911 funds is appropriated to the Department of Public Safety for the purposes of Sec. E.208.1 of this act.

Sec. C.100 2014 Acts and Resolves No. 179, Sec. C.108 is amended to read:

Sec. C.108 INTERIM STUDY ON THE FEASIBILITY OF ESTABLISHING A PUBLIC RETIREMENT PLAN

* * *

(d) Report. By January 15, ~~2015~~ 2016, the Committee shall report to the General Assembly its findings and any recommendations for legislative action.

In its report, the Committee shall state its findings as to every factor set forth in subdivision (c)(1)(A) of this section, whether it recommends that a public retirement plan be created, and the reasons for that recommendation. If the Committee recommends that a public retirement plan be created, the Committee's report shall include specific recommendations as to the factors listed in subdivision (c)(1)(B) of this section.

(e) Meetings; term of Committee; chair. The Committee may meet no more than six times and shall cease to exist on January 15, ~~2015~~ 2016. The State Treasurer shall serve as Chair of the Committee and shall call the first meeting.

* * *

Sec. C.101 BLUE RIBBON COMMISSION ON FINANCING HIGH QUALITY, AFFORDABLE CHILD CARE

(a) Creation. The Secretary of Administration shall establish a Blue Ribbon Commission on Financing High Quality, Affordable Child Care.

(b) Purpose. The purposes of the Commission are as follows:

(1) to inventory and review reports and recommendations issued over the past 10 years relating to high quality, affordable child care;

(2) to determine the elements inherent in all quality child care programs;
and

(3) to make recommendations to the General Assembly and the Governor on the most effective use of existing public funding.

(c) The Blue Ribbon Commission will collaborate and work to support goals and strategies within the Vermont Early Childhood Framework and the accompanying Vermont Early Childhood Action Plan.

(d) The goals of the Commission are as follows:

(1) To determine the total costs of providing equal access to voluntary, high quality, early care and education for all Vermont children, ages birth through five. The Commission shall consider the needs and preferences of families, which may range along a continuum from partial day or partial year services to full day or full year services and include nontraditional work hours as well as usual business hours or a combination of these. The Commission shall also consider various family compositions and income levels, and recommend the amount that families should pay toward the costs of high quality, early care and education based on a sliding scale.

(2) To work in coordination with the ongoing efforts of Vermont's Early Learning Challenge – Race to the Top grant, Vermont's PreK Expansion Grant, and Vermont's implementation of Act 166 – Universal PreK.

(3) To examine current policies in Vermont's Child Care Financial Assistance Program (CCFAP) in relation to national trends and innovation in subsidy practice, as well as the relationship between CCFAP and other public benefits taking into consideration the overall impact on families, and recommend changes to maximize the use of CCFAP to support affordable access to high quality, early care and education for eligible families.

(4) To review and identify all potentially available funding for high quality, affordable early care and education.

(5) To explore possible funding sources for equal access to voluntary, high quality, early care and education for all of Vermont children, ages birth through five, including investigating child care tax credits, identifying possible revenue from health care reform, from changes in the education system, from possible funding generating systems such as fees, and possible reallocation or expansion of tax and fee revenues.

(e) Membership. The Commission shall consist of members to be selected as follows:

(1) the Secretary of Education or designee;

(2) the Secretary of Administration or designee;

(3) the Secretary of Human Services or designee;

(4) the following members appointed by the Governor:

(A) a representative from the Agency of Human Services, Child Development Division;

(B) a representative from higher education;

(C) three representatives of the Vermont business community;

(D) a representative of the financial services industry in the State;

(E) a representative of licensed and registered home-based early learning and development programs in the State;

(F) a representative of licensed center-based early learning and development programs in the State;

(G) a representative of Head Start;

(H) a representative of the Parent Child Centers;

(I) two parents of children enrolled in an early care and education program in the State, one of whom is serving in the military;

(J) a representative of a child advocacy group; and

(K) a representative from the Building Bright Futures State Council.

(f) The first meeting of the Commission shall be held on or before July 15, 2015.

(g) The Commission shall have the administrative, technical, and legal assistance of the Secretary of Administration.

(h) The Commission shall report on its findings to the Governor and to the Senate Committees on Education, on Finance, and on Health and Welfare and to the House Committees on Education, on Human Services, and on Ways and Means on or before November 1, 2016.

Sec. C.102 2015 Acts and Resolves No. 4, Sec. 61(a)(4) is amended to read:

(4) The following amounts shall be transferred to the Transportation Infrastructure Bond Fund from the Transportation Fund:

3,150,000.00	<u>2,500,000.00</u>
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Sec. C.102.1 CONTINGENT SPENDING AUTHORITY; DELAYED PROJECTS; PAVING PROGRAM ACTIVITIES

(a) As used in this section:

(1) The phrase “net balance” means an overall positive balance consisting of either the sum of any unreserved monies in the Transportation Fund and TIB Fund remaining at the end of fiscal year 2015, or the overall positive balance in either Fund at the end of fiscal year 2015 after subtracting any deficit in the other Fund.

(2) The phrase “net increase” means an overall increase in forecasted revenues under the July 2015 consensus revenue forecast over the January 2015 consensus revenue forecast for fiscal year 2016, consisting of either the sum of forecasted increases in Transportation Fund and TIB Fund revenues, or an overall increase in forecasted revenues after subtracting a forecasted downgrade in either Fund.

(b) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if any net balance exists at the end of fiscal year 2015, or if there is a net increase in the July 2015 consensus revenue forecast, up to a total amount of \$3,000,000.00 of the net balance and the net increase, and up to a total amount of \$12,000,000.00 in matching

federal funds, is hereby appropriated to be used on a project that otherwise would be required to be delayed under the terms of the fiscal year 2016 Transportation Program approved by the General Assembly.

(c) If the full amount of any net balance and net increase is not expended under subsection (b) of this section, the remaining amount is hereby appropriated to advance Paving Program projects or to increase Statewide Paving Program activities authorized in fiscal year 2016 in the Transportation Program approved by the General Assembly.

(d) If the Agency expends funds under the authority of this section, it shall notify the House and Senate Committees on Transportation when the General Assembly is in session, or the Joint Transportation Oversight Committee when the General Assembly is not in session.

Sec. C.103 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The General Assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the Legislature, and that major reductions or ~~adjustments~~ transfers, when required by reduced State revenues or other reasons, ought to be made whenever possible by an act of the Legislature reflecting its revisions of those priorities. Nevertheless, if the General Assembly also recognizes that when it is not in session, it may be necessary to reduce authorized appropriations and their sources of funding ~~may be adjusted~~, and funds may need to be transferred, to maintain a balanced State budget. Under these limited circumstances, it is the intent of the General Assembly that appropriations may be reduced and funds transferred when the General Assembly is not in session pursuant to the provisions of this section.

~~(b)(1) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the General Assembly is not in session, in order to adjust appropriations and their sources of funding under this subdivision, the Secretary shall prepare a plan for approval by the Joint Fiscal Committee, and authorized appropriations and their sources of funding may be adjusted and funds transferred pursuant to a plan approved under this section~~ Except as otherwise provided in subsection (f) of this section, in each instance that the official State revenue estimate for the General Fund, the Transportation Fund, or federal funds has been reduced by one percent or more from the estimates determined and assumed for purposes of the current fiscal year's appropriations, the Secretary of Administration shall prepare an

expenditure reduction plan for approval by the Joint Fiscal Committee, provided that any total reductions in appropriations and transfers of funds are not greater than the reductions in the official State revenue estimate.

~~(2) If the Secretary of Administration determines that the current fiscal year revenues for the General Fund, Transportation Fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the Secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The Secretary may implement a plan under this subdivision without the approval of the Joint Fiscal Committee if reductions to any individual appropriation do not exceed five percent of the appropriation's amount for personal services, operating expenses, grants, and other categories, and provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the Joint Fiscal Committee~~ In each instance that the official State revenue estimate for the General Fund, the Transportation Fund, or federal funds has been reduced by less than one percent from the estimates determined and assumed for purposes of the current fiscal year's appropriations, the Secretary of Administration may prepare and implement an expenditure reduction plan without the approval of the Joint Fiscal Committee, provided that any total reductions in appropriations and transfers of funds are not greater than the reductions in the official State revenue estimate. The Secretary may implement an expenditure reduction plan under this subdivision if plan reductions to the total amount appropriated in any section or subsection do not exceed five percent, the plan is designed to minimize any negative effects on the delivery of services to the public, and the plan does not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of reductions greater than five percent to the total amount appropriated in any section or subsection, such plan shall only be implemented in the manner provided for in subdivision (1) of this subsection.

(c) ~~A~~ An expenditure reduction plan prepared by the Secretary shall indicate:

(1) the amounts to be adjusted reduced in each appropriation, and by funding source, and the amounts to be transferred;

(2) in personal services, operating expenses, grants, and other categories, ~~shall indicate~~ the effect of each ~~adjustment~~ reduction in appropriations and their sources of funding, and each fund transfer, on the primary purposes of the program, ~~and;~~

(3) ~~shall indicate~~ how it is designed to minimize any negative effects on the delivery of services to the public; and

(4) any unduly disproportionate effect the plan may have on any single function, program, service, benefit, or county.

(d) An expenditure reduction plan implemented under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the State's debt obligations;

(2) appropriations authorized for the Judicial or Legislative Branch, except that the plan may recommend reductions for consideration by the Judicial or Legislative Branch; or

(3) appropriations for the salaries of elected officers of the Executive Branch listed in subsection 1003(a) of this title.

(e)(1) The Joint Fiscal Committee shall have 21 days from the date of submission of a any expenditure reduction plan under subdivision (b)(1) of this section to consider the plan, and may approve or disapprove the plan upon a vote of a majority of the members of the Committee. If the Committee vote results in a tie, the plan shall be deemed disapproved; and if the Committee fails for any other reason to take final action on such plan within 21 days of its submission to the Committee, it shall be deemed to be disapproved. During the 21-day period for consideration of the plan, the Committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) If the plan is disapproved, then in order to communicate the priorities of the General Assembly, the Committee shall make recommendations to the Secretary for amendments to the plan. Within seven days after the Committee notifies the Secretary of its disapproval of a plan, the Secretary may submit a final plan to the Committee. The Committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the Committee to approve or disapprove the plan; but if the Committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the Secretary's final plan includes any changes from the original plan other than those recommended by the Committee, then during the 14-day period for consideration of the final plan, the Committee shall conduct a public hearing

and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.

(3) In determining whether to approve a plan submitted by the Secretary under this subsection, the Committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and whether the plan will have any unduly disproportionate effect on any single function, program, service, benefit, or county.

(4) Any plan disapproved under subdivision (b)(1) of this section shall not be implemented.

(5) For purposes of this section, the Committee shall be convened at the call of the Chair or at the request of at least three members of the Committee.

(f) In the event of a reduction in the official revenue estimate of one percent or more and the Joint Fiscal Committee does not approve the Secretary's final expenditure reduction plan prepared under subdivision (b)(1) of this section, the Secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the ~~reduction in appropriations~~ expenditure reduction plan is not greater than one percent of the prior official revenue estimate. If the Secretary implements an expenditure reduction plan under the authority of this subsection, any subsequent expenditure reduction plan that is required to address the remaining imbalance under the current official State revenue estimate may only be implemented in the manner provided for in subdivision (b)(1) of this section.

(g) No expenditure reduction plan may be approved or implemented under this section which:

(1) ~~would reduce appropriations from any fund by more than the cumulative reductions in the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year;~~

(2) ~~would result in total reductions under this section in appropriations in the fiscal year from any fund, or transfers to that fund, by more than four percent of the estimate originally determined and assumed for purposes of the general current fiscal year's appropriations act or budget adjustment act; or~~

(3)(2) ~~would adjust~~ reduce expenditures or transfer revenues or expenditures of the Education Fund as prescribed by law.

~~(h) The provisions of this section shall apply to each~~ An expenditure reduction plan may only be implemented under subsection (b) of this section subsequent to an official State revenue estimate of the Emergency Board in the fiscal year and when the General Assembly is not in session.

(i) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this section.

(j) In each instance that cumulative revenue collections during the month of September or October are four percent or more below the respective cumulative monthly revenue targets, the Emergency Board shall convene in the manner provided for in subsection 305a(b) of this title to determine whether to revise the official State revenue estimate.

(k) As used in this section:

(1) “Cumulative monthly revenue targets” means monthly revenue targets adopted based on the most current official State revenue estimates, as agreed upon by the Legislative Joint Fiscal Office and the Secretary.

(2) “Expenditure reduction plan” means a rescission plan that includes reducing and adjusting appropriations and their sources of funding, and transferring and adjusting funds, from the amounts authorized in the current fiscal year’s appropriations.

(3) “Official State revenue estimates” means a revenue estimate determined by the Emergency Board, as provided in section 305a of this title. An official State revenue estimate does not mean cumulative monthly revenue targets.

Sec. C.104 FISCAL YEAR 2015 ONE-TIME APPROPRIATIONS

(a) The amount of \$1,000,000 of R.J. Reynolds Tobacco Co. settlement proceeds that had been reserved for attorney’s fees and other related expenditures shall be transferred to the General Fund and distributed as follows:

(1) The amount of \$210,000 shall be appropriated to the Secretary of Administration in fiscal year 2015 to be utilized to reimburse costs to facilitate the implementation of video conferencing and other actions to reduce the long-term spending needs of the Judiciary and other components of the criminal justice system.

(2) The amount of \$75,000 shall be appropriated to the Secretary of Administration for the classification study required by Sec. E.100.1 of this act.

(3) The amount of \$98,934 shall be appropriated to the Agency of Human Services for State match for the Global Commitment appropriation in

Sec. B.1107 of this act for health care training provided through Vermont Interactive Technologies between July 1, 2015 and December 31, 2015.

(4) The amount of \$89,940 shall be appropriated to the Agency of Human Services for state match for a Global Commitment appropriation of \$200,000 in fiscal year 2016 for the home health prospective payment system change provided in Sec. E.306.3 of this act.

(b) The remaining amount of \$526,126 and an additional \$7,000,000 of general funds, for a total of \$7,526,126 are appropriated to the Department of Corrections to be carried forward and used for expenditure in fiscal year 2016 and for the purposes of the calculation under 32 V.S.A. § 308 shall be not be included the fiscal year 2016 reserve calculation but shall be reflected in the fiscal year 2107 calculation.

Sec. C.105 FISCAL YEAR 2015 TRANSFER TO SERGEANT AT ARMS

(a) In fiscal year 2015, the amount of \$28,460 shall be transferred from the Legislative Council budget to the Sergeant at Arms budget.

Sec. C. 106 VERMONT HEALTH CONNECT REPORTS

(a) The Chief of Health Care Reform shall provide monthly reports beginning on June 1, 2015 to the Joint Fiscal Office for distribution to members of the Health Reform Oversight Committee and the Joint Fiscal Committee and to the Office of Legislative Council for distribution to members of the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance. Each Office shall also post the reports on its website. The reports shall address:

(1) the schedule, cost, and scope status of the Vermont Health Connect system's Release 1 and Release 2 development efforts, including whether any critical path items did not meet their milestone dates and the corrective actions being taken;

(2) an update on the status of current risks in Vermont Health Connect's implementation;

(3) an update on the actions taken to address the recommendations in the Auditor's report on Vermont Health Connect dated April 14, 2015 and any other audits of Vermont Health Connect; and

(4) an update on the preliminary analysis of alternatives to Vermont Health Connect.

Sec. C.106.1 INDEPENDENT REVIEW OF VERMONT HEALTH CONNECT

(a) The Chief of Health Care Reform shall provide the Joint Fiscal Office with the materials provided by the Independent Verification and Validation (IVV) firms evaluating Vermont Health Connect. The reports shall be provided in a manner that protects security and confidentiality as required by any memoranda of understanding entered into by the Joint Fiscal Office and the Executive Branch. The Joint Fiscal Office shall analyze the reports and shall provide information regarding Vermont Health Connect information technology systems to the Health Reform Oversight Committee, the Joint Fiscal Committee, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate in July, September, and October 2015 and at other times as appropriate.

Sec. C.106.2 VERMONT HEALTH CONNECT OUTCOMES

(a) The General Assembly expects Vermont Health Connect to achieve the following milestones with respect to qualified health plans offered in the individual market:

(1) On or before May 31, 2015, the vendor under contract with the State to implement the Vermont Health Benefit Exchange shall deliver the information technology release providing the “back end” of the technology supporting changes in circumstances and changes in information to allow for a significant reduction, as described in subdivision (4) of this subsection, in the amount of time necessary for the State to process changes requested by individuals and families enrolled in qualified health plans.

(2) On or before August 1, 2015, Vermont Health Connect shall develop a contingency plan for renewing qualified health plans offered to individuals and families for calendar year 2016 and shall ensure that the registered carriers offering these qualified health plans agree to the process.

(3) On or before October 1, 2015, the vendor under contract with the State for automated renewal of qualified health plans offered to individuals and families shall deliver the information technology release providing for the automated renewal of those qualified health plans.

(4) On or before October 1, 2015, Vermont Health Connect customer service representatives shall begin processing new requests for changes in circumstances and for changes in information received in the first half of a month in time to be reflected on the next invoice and shall begin processing requests for changes received in the latter half of the month in time to be reflected on one of the next two invoices.

Sec. C.106.3 ALTERNATIVES TO VERMONT HEALTH CONNECT

(a) If Vermont Health Connect fails to meet one or more of the milestones set forth in Sec E.106.2 of this act, the Agency of Administration shall identify and begin exploring with the U.S. Department of Health and Human Services all feasible alternatives to Vermont Health Connect, including a transition to a federally supported State-based marketplace (FSSBM). The Chief of Health Care Reform shall report on the status of the exploration at the next scheduled meetings of the Joint Fiscal Committee and the Health Reform Oversight Committee.

(b) The Chief of Health Care Reform shall prepare an analysis and potential implementation plan regarding a transition from Vermont Health Connect to a different model for Vermont's health benefit exchange, including an FSSBM, and shall present information about such a transition.

(c) On or before November 15, 2015, the Chief of Health Care Reform shall provide the Joint Fiscal Committee and Health Reform Oversight Committee with a recommendation regarding the future of Vermont's health benefit exchange, including a proposed timeline for 2016. The Chief's recommendation shall include an analysis of whether the recommended course of action would be likely to minimize any negative effects on individuals and families enrolling in qualified health plans, the financial impacts of the transition, the ability of the registered carriers to accomplish the transition, and the potential impacts of the transition on the State's health insurance regulatory framework.

(1)(A) If the Chief of Health Care Reform recommends requesting approval from the U.S. Department of Health and Human Services to allow Vermont to transition to an FSSBM, then on or before December 1, 2015, the Joint Fiscal Committee, after consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, shall determine whether to concur with the recommendation. In determining whether to concur, the Joint Fiscal Committee shall consider whether the transition to an FSSBM would be likely to minimize any negative effects on individuals and families enrolling in qualified health plans, the financial impacts of the transition, the ability of the registered carriers to accomplish the transition, and the potential impacts of the transition on the State's health insurance regulatory framework. The Joint Fiscal Committee shall also consider relevant input offered by legislative committees of jurisdiction.

(B) If the Chief of Health Care Reform recommends requesting approval from the U.S. Department of Health and Human Services to allow Vermont to transition from a State-based exchange to an FSSBM and the Joint

Fiscal Committee concurs with that recommendation, the Chief of Health Care Reform and the Commissioner of Vermont Health Access shall:

(i) prior to December 31, 2015, request that the U.S. Department of Health and Human Services begin the approval process with the Department of Vermont Health Access; and

(ii) on or before January 15, 2016, provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance the recommended statutory changes necessary to align with operating an FSSBM if approved by the U.S. Department of Health and Human Services.

(2) If the Chief of Health Care Reform either does not recommend that Vermont transition to an FSSBM or the Joint Fiscal Committee does not concur with the Chief's recommendation to transition to an FSSBM, the Chief of Health Care Reform shall submit information to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2016 regarding the advantages and disadvantages of alternative models and options for Vermont's health benefit exchange and the proposed statutory changes that would be necessary to accomplish them.

Sec. C. 107 GOVERNMENT RESTRUCTURING AND OPERATIONS
REVIEW COMMISSION; REPORT

(a) Creation and purpose. There is created a Government Restructuring and Operations Review Commission to identify opportunities for increasing government efficiency and productivity in order to reduce spending trends and related resource needs.

(b) Membership. The Commission shall be composed of three members, none of whom shall be current members of the General Assembly or employees of the Executive Branch. The Governor, the Speaker of the House, and the Senate Committee on Committees shall each appoint one member, and shall collaborate in those appointments so that the Commission shall be composed of the following members:

(1) one member with experience in the management of large private sector organizations;

(2) one member with experience in large nonprofit organizational management; and

(3) one member with experience in governmental structures.

(c) Powers and duties. The Commission shall:

(1) review areas where partnerships between the public and private sectors could provide long-term improvements in quality and cost-effectiveness of management or service delivery;

(2) review the State government's organizational structure for consistency with a results-based and outcomes-based focus; and

(3) provide an opportunity for members of the public to submit recommendations to the Commission for its consideration.

(d) Report. The Commission shall submit reports to the Committee on Government Accountability and to the House and Senate Committees on Appropriations and on Government Operations as follows:

(1) On or before October 15, 2015, the Commission shall submit an initial report with specific recommendations for the 2016 legislative session.

(2) On or before November 15, 2016, the Commission shall submit a final report with specific recommendations for the 2017 legislative session.

(e) Meetings.

(1) The Speaker of the House and the President of the Senate shall call the first meeting of the Commission.

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

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

(4) The Commission shall cease to exist on June 30, 2017.

(f) Staff and administration.

(1) The Secretary of Administration shall act as the fiscal agent for the Commission. Any costs incurred during fiscal year 2016 shall be paid for through the budget of the Secretary of Administration with the costs and continuing budget needs submitted to the General Assembly through the budget adjustment process.

(2) The Secretary of Administration shall ensure that any staff support requested of the Executive Branch is provided.

(3) The Legislative Joint Fiscal Office shall coordinate staff support from the Legislative Branch.

(4) Representatives for both the Secretary of Administration and the Legislative Joint Fiscal Office shall attend the meetings of the Commission and provide support as appropriate.

(g) Reimbursement. Members of the Commission who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

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

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

(2) The sum of \$9,404,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$9,404,840 from the property transfer tax that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Agency of Commerce and Community Development for the Vermont Center for Geographic Information.

Sec. D.100.1 FISCAL YEAR 2015; YEAR END UNDESIGNATED GENERAL FUND

(a) Notwithstanding 32 V.S.A. § 308c, any remaining unreserved and undesignated General Fund surplus at the close of fiscal year 2015 shall remain in the General Fund for allocation, appropriation, or designation in the fiscal year 2016 budget adjustment process.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

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

(1) From the General Fund to the Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$2,993,000.

(2) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$423,966.

(3) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund for the purpose of funding fiscal year 2017 transportation infrastructure bonds debt service: \$2,501,413.

(4) From the Department of Public Safety blood and alcohol testing fund to the General Fund: \$167,000.

(5) From the Lumberjack Fund #40900 to the General Fund: \$20,000.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2016 the following amounts shall revert to the General Fund from the accounts indicated:

(1) Department of Labor: \$293,000.

(2) Department of Health, Alcohol and Drug Abuse Programs: \$41,372.

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2015 in the Tobacco Litigation Settlement Fund shall remain for appropriation in fiscal year 2016.

Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2016 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2016 is not negative shall be transferred from the Tobacco Trust Fund to the Tobacco Litigation Settlement Fund in fiscal year 2016.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2016 as follows:

(1) In the Department of Information and Innovation – one (1) IT Security Analyst and one (1) IT Security Specialist.

(2) In the Department of Buildings and General Services – one (1) Buildings Project Manager, two (2) Security Guard, five (5) Custodian, one (1) Custodial Supervisor, one (1) Maintenance Specialist, one (1) Electrician, three (3) Maintenance Mechanic and two (2) HVAC Specialist.

(3) In the Military Department – one (1) Plant Maintenance Supervisor and one (1) Maintenance Mechanic.

(4) In the Agency of Agriculture, Food and Markets – one (1) Dairy Product Specialist.

(5) In the Department of Financial Regulation – one (1) Captives Insurance Examiner.

(6) In the Office of the Secretary of State – one (1) Deputy Director of Professional Regulation.

(7) In the Department of Public Service – two (2) Telecommunications Infrastructure Project Manager and one (1) Financial Manager.

(8) In the Department of Liquor Control – one (1) Administrative Secretary, one (1) Administrative Assistant, and two (2) Warehouse Worker.

(b) The establishment of the following new permanent exempt positions is authorized in fiscal year 2016 as follows:

(1) In the Agency of Natural Resources – one (1) Attorney.

(c) The positions established in this section shall be transferred and converted from existing vacant positions in the Executive Branch, and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

Sec. E.100.1 REPORT: STATE EMPLOYEE POSITION CLASSIFICATION SYSTEM

(a) The Secretary of Administration shall issue a request for proposal to evaluate and recommend changes or alternatives to the position classification system applicable to State employees and the rules governing such system as prescribed by 3 V.S.A. § 310. The proposal shall require a report to address the following:

(1) Evaluate whether the current position classification system, which is based upon a point factor comparison method of job evaluation, effectively serves the needs of State government.

(2) Provide a summary of the classification systems used in other states, counties, or municipalities that are most comparable to Vermont and a review of best classification practices in public sector organizations.

(3) Assess alternatives or changes to the current position classification system that would better serve the needs of State government, would be easier and more flexible to administer, would better reflect the work performed by state employees, would provide a common platform for organizing, assigning, and managing jobs, would identify career paths, and would ensure compensation is competitive, equitable, and fiscally sound.

(4) Provide an analysis of the impacts of implementing alternatives, including recommendations for transitioning to an alternate classification system.

(b) In issuing the request for proposal, the Secretary shall provide a copy of the RFP to the Senate and House Committees on Appropriations and to the Senate and House Committees on Government Operations, the Vermont State Employees' Association (VSEA), the Vermont Troopers Association (VTA), and to the Joint Fiscal Office.

(c) The Agency of Administration and the Judiciary shall assist the consultant to gather data necessary for an evaluation. The consultant shall interview managers, supervisors, VSEA, and VTA representatives and shall provide opportunity for comment by classified State employees.

(d) Unless the contract specifies an alternate date, the consultant shall provide a report of its evaluation and recommendations on or before January 15, 2016, to the Senate and House Committees on Appropriations and the Senate and House Committees on Government Operations, the VSEA, and to the VTA.

Sec. E.100.2 3 V.S.A. § 2222(j) is added to read:

(j) Notwithstanding the provisions of 29 V.S.A. § 903(a), the Agency of Administration will administer an Equipment Revolving Fund to be used for internal lease purchase of equipment for State agencies. The Secretary of Administration will establish criteria for equipment purchased through this Fund, including types of equipment, limiting amounts for specific equipment, and the useful life of the equipment.

(1) Agencies or departments acquiring such equipment shall repay the Fund through their regular operating budgets according to an amortization schedule established by the Commissioner of Finance and Management. Repayment shall include charges for the administrative costs of the purchase and estimated administrative inflation over the term of the payback.

(2) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

Sec. E.100.3 REPEAL

(a) 29 V.S.A. § 903(e) (administration of the equipment revolving fund) is repealed.

Sec. E.100.4 SECRETARY OF ADMINISTRATION; PROMOTION OF EFFICIENT OPERATIONS

(a) All branches and agencies of State government can expect to face a multiyear horizon of State resources growing at rates lower than previously experienced. In order to achieve fiscal sustainability, the Secretary of Administration shall review opportunities for changes that result in efficiency and savings in the form of reduced resource need or reduced cost trend pressure, or both, within the State budget.

Sec. E.100.5 COMPREHENSIVE STATEWIDE INVENTORY OF ENERGY AND WEATHERIZATION PROGRAMS

(a) The Secretary of Administration, with assistance of the State Treasurer, the Department of Public Service, and the Department for Children and Families, shall provide the Joint Fiscal Committee at its September 2015 meeting a comprehensive inventory of programs related to energy and weatherization programs for Vermonters and Vermont businesses, which shall include:

(1) Programs authorized in statute and programs offered by utilities or community-based organization to benefit Vermonters;

(2) The eligibility criteria for these programs;

(3) The caseload and utilization of each of these programs over the past three fiscal years;

(4) A status report on the progress of coordinating information across these programs;

(5) A status report on estimated State, federal or other funding available for these programs in the current and upcoming fiscal year; and

(6) Any recommendations for legislative action in 2016.

Sec. E.111 Tax – administration/collection

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

Sec. E.112 ENERGY EFFICIENCY; STATE BUILDINGS AND FACILITIES

(a) As a mechanism to implement 2011 Acts and Resolves No. 40, Sec. 47 (State energy use), the State of Vermont has developed a State Energy Management Program (the Program) within the Department of Buildings and General Services (the Department) to address, for State buildings and facilities, energy management measures, implementation of energy efficiency and conservation, and the use of renewable energy resources.

(b) Notwithstanding any contrary provision of law or Public Service Board (Board) order:

(1) The Department and Efficiency Vermont (EVT) shall augment the Program for a preliminary period of four years commencing in fiscal year 2016 and to be expanded upon with recommendations for improvements after the preliminary duration under which EVT shall provide the Department with support for the Program to deliver cost-effective energy efficiency and conservation measures to State buildings and facilities.

(A) The Department and EVT shall develop the augmented Program's annual targets for energy savings and associated cost savings to the State. Savings from measures provided by any energy efficiency entity appointed under 30 V.S.A. § 209(d)(2) shall count toward these targets. Savings supported by EVT may result from electric and thermal efficiency, including fuel switching, and improved building energy management, without regard to funding source.

(B) During fiscal year 2016, the measures implemented under this subdivision (1) shall reduce the State's total energy costs by an amount not less than \$250,000, of which \$100,000 shall be allocated to the General Fund.

(C) EVT shall guarantee savings of \$100,000 to the General Fund in fiscal year 2016 and \$250,000 in total energy savings in fiscal year 2017, provided that failure to attain these saving amounts in a fiscal year does not result from action or inaction of the Department.

(2) In addition to the requirements of subdivision (1) of this section, the project shall include provision by EVT of support for personnel to implement the Program during fiscal years 2016 to 2020.

(A) The supported personnel shall be the building project manager position established in Sec. E.100(a)(2) of this act and two four-year limited service or consulting positions related to supervision and other overhead as the Department and EVT considers necessary to meet the goals.

(B) Under this subdivision (2), EVT shall provide up to \$325,000 during fiscal year 2016. For the remaining three fiscal years, EVT shall provide an additional amount sufficient to support annual salary and benefit adjustments.

(3) The Public Service Board shall adjust any performance indicators applicable to EVT to recognize the requirements of this section.

(c) The Department and EVT may execute a new or amended memorandum of understanding to implement this section, which shall include a process for determining how savings targets are met.

(d) On or before October 1 of each year commencing in 2016 and ending in 2020, the Department and EVT shall provide a joint report on the implementation of this section.

(1) The report shall state, for the prior fiscal year, the energy savings targets developed, the actions taken to achieve those targets, and the energy savings achieved by each action.

(2) The report shall project savings and strategies to attain those savings for the next fiscal year and for the remaining fiscal years of the Program.

(3) The report shall include improvements made toward systems of measurement to achieve the goals of 2011 Acts and Resolves No. 40.

(4) The report may include recommendations for accelerating the implementation of energy efficiency and conservation measures under the Program, improving the Program's tracking and documentation of savings.

(5) The report to be submitted in 2020 shall contain an evaluation of the Program authorized under this section and any resulting recommendations including recommendations related to Program continuation.

(6) The report shall be submitted to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House and Senate Committees on Natural Resources and Energy, the House and Senate Committees on Appropriations, the Secretary of Administration, and the Joint Fiscal Office.

Sec. E.113 Buildings and general services – engineering

(a) The \$3,567,791 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Bill of the 2015 legislative session.

Sec. E.113.1 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1, 2015~~ July 1, 2017.

Sec. E.125 Legislative council

(a) Notwithstanding any other provision of law, from fiscal year 2015 funds appropriated to the Legislative Council and carried forward into fiscal year 2016, the amount of \$30,000 shall revert to the General Fund.

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2015 funds appropriated to the Legislature and carried forward into fiscal year 2016, the amount of \$215,376 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2016 be included at a level sufficient to support an 18-week legislative session.

Sec. E.126.1 WORKING LAND PROGRAM STRUCTURE REVIEW

(a) The House Committee on Agriculture and Forests Products and the Senate Committee on Agriculture shall review the working land program during the 2016 legislative sessions specifically in regard to the benefits of restructuring to the program from a grant program to a revolving loan program, including the administrative costs.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2015 funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2016, the amount of \$19,623 shall revert to the General Fund.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2016, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$100,000 shall be transferred to the Attorney General and \$50,000 shall be transferred to the Department of Taxes, Division of Property Evaluation and Review and reserved and used with any remaining funds from the amounts previously transferred for payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.141 Lottery commission

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

(b) The Vermont Lottery Commission will continue to provide financial support and recommendations to provide and promote problem gambling services for Vermont's citizens, to include production of media marketing, printed material, and other methods of communication.

Sec. E.141.1 31 V.S.A. § 660 is amended to read:

§ 660. POST AUDITS

All lottery accounts and transactions of the ~~lottery commission~~ Lottery Commission shall be subject to annual post audits conducted by independent auditors retained by the ~~commission~~ Commission for this purpose, ~~with the approval of the auditor of accounts, as provided in subdivision 163(9) of Title 32.~~ The ~~commission~~ Commission may order such other audits as it deems necessary and desirable.

Sec. E.142 Payments in lieu of taxes

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

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

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

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

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

Sec. E.145 32 V.S.A. § 315 is added to read:

§ 315. ANNUAL REPORT; INFORMATION TECHNOLOGY

(a) Annual report. The Agency of Administration shall annually present to the General Assembly a five-year Information Technology ("IT") Program. The Program shall be consistent with the planning process established in 22 V.S.A. § 901 and shall include for each fiscal year:

- (1) IT activities estimated to cost \$1,000,000.00 or more;
- (2) systemwide indicators; and

(3) the budget for the Department of Information and Innovation (“DII”):

(b) IT activities estimated to cost \$1,000,000.00 or more.

(1) For each new proposed project with an estimated total cost that exceeds \$1,000,000.00 there shall be:

(A) a description of the project;

(B) the justification for the scope of the project;

(C) a project budget that includes all costs, including operating costs and personnel services;

(D) a project time line and development schedule, including all phases or stages of the project;

(E) the number of fiscal years for which development costs are anticipated;

(F) a detailed list of all funding sources and amounts;

(G) an explanation of proposed project management;

(H) a description of project requirements and preliminary specifications;

(I) an explanation of proposed system parameters, including necessary hardware and software; and

(J) an explanation of net ongoing costs once the project has been completed, including operating costs, maintenance, and personnel services, for the period of time that the information technology will be operational, and any projected savings, including personnel services, that will result from the project.

(2) For each ongoing project with an estimated total cost that exceeds \$1,000,000.00 there shall be:

(A) a budget that includes all costs, including operating costs and personnel services; and

(B) a statement whether any of the information provided pursuant to subdivision (1) of this subsection has changed or is no longer accurate and an explanation of the reasons.

(c) Systemwide indicators. The Program shall include systemwide indicators developed by the Agency of Administration to describe the condition and performance of the State government IT system, and a numerical grading system to assign a priority rating to projects. The Program shall:

(1) discuss the background and utility of the indicators and grading system;

(2) track the indicators and grading system over time; and

(3) where appropriate, recommend the setting of targets for the indicators and grading system.

(d) The budget for DII. The Plan shall include:

(1) the recommended budget for DII; and

(2) the DII fee charged to each branch, agency, and department and the services provided.

(e) Each year following the submission of an IT Program under this section, the Agency shall prepare and make available to the public the Program.

Sec. E.145.1 SPECIAL COMMITTEE ON THE UTILIZATION OF INFORMATION TECHNOLOGY IN GOVERNMENT

(a) Creation. There is created a Special Committee on the Utilization of Information Technology in Government (the Committee).

(b) Membership. The Committee shall be composed of three members, each of whom shall have direct knowledge and experience with IT development and management preferably for large organizations with complex information technology needs:

(1) one person who shall be appointed by the Speaker of the House;

(2) one person who shall be appointed by the Committee on Committees; and

(3) one person who shall be appointed by the Governor.

(c) Powers and duties. The Committee shall evaluate the State of Vermont's current deployment, management, and oversight of information technology in the furtherance of State governmental activities, and shall make recommendations regarding how to carry out these activities more efficiently and effectively. The Committee's evaluation shall include:

(1) How to include an assessment of risk management in the process for evaluating and managing projects that recognizes that off-the-shelf products are less risky than customized products.

(2) How to develop a procurement policy that includes a structural analysis of the various software and hardware options and the related impacts of those options.

(3) Whether the roles of Chief Information Officer and Commissioner of Information and Innovation are in conflict and should be separated or reconfigured.

(4) An analysis of the State's legacy mainframe system, including a review and comparison of the cost and benefits of;

(A) maintaining the legacy mainframe;

(B) replacing the legacy mainframe and options to do so; and

(C) whether the legacy mainframe can be used in lieu of new systems, and if so, for how long.

(5) Alternative methods of financing DII operations and IT development.

(d) Report. On or before January 15, 2016, the Committee shall submit a written report with its recommendations to the House Committees on Appropriations, on Government Operations, and on Corrections and Institutions, and the Senate Committees on Appropriations, on Government Operations, and on Institutions.

(e) Meetings.

(1) The person appointed by the Committee on Committees shall call the first meeting of the Committee. The Committee shall select a chair from among its members at the first meeting.

(2) The Committee shall meet as necessary and shall cease to exist on March 1, 2016.

(f) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Administration. The Committee shall have the authority to request information from any department, agency, or person in the Executive, Legislative, and Judicial Branches relevant to the Committee's powers and duties, and all departments, agencies, and persons shall provide the requested information.

(g) Reimbursement. Committee members who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than six meetings.

Sec. E.145.2 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

(a) The Department of Information and Innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities assigned to it by law, including the following:

* * *

(4)(A) to review and approve information technology activities within State government with a cost in excess of ~~\$100,000.00~~ \$500,000.00, and annually submit to the General Assembly a strategic plan and a budget for information technology as required of the Secretary of Administration by 3 V.S.A. § 2222(a)(9). As used in this section, “information technology activities” is defined as in 3 V.S.A. § 2222(a)(10);

(B) to provide oversight, monitoring, and control of information technology activities within State government with a cost in excess of ~~\$100,000.00~~ \$500,000.00. The cost of the oversight, monitoring, and control shall be assessed to the entity requesting the activity;

(C) to review and approve in accordance with Agency of Administration policies the assignment of appropriate project managers for information technology activities within State government with a cost in excess of \$500,000.00; and

(D) to provide standards for the management, organization, and tracking of information technology activities within State government with a cost in excess of ~~\$100,000.00~~ \$500,000.00;

* * *

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

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

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$997,000 is appropriated in Sec. B.200 of this act.

(c) Notwithstanding 18 V.S.A. § 9502(a)(3), the appropriation in Sec. B.200 of this act includes \$322,500 from the Tobacco Trust Fund to pay for expenses related to the arbitration of prior year tobacco settlements.

(d) The Attorney General in consultation with the Governor’s Criminal Justice and Substance Abuse Cabinet shall investigate the cause of the recent excessive price increases for the lifesaving medication Naloxone. The Attorney General and the Governor’s Criminal Justice and Substance Abuse

Cabinet shall explore all legislative, regulatory, policy, and legal options to ensure that Naloxone is available to Vermonters at reasonable prices. The Attorney General and the co-chairs of the Governor's Criminal Justice and Substance Abuse Cabinet shall report their findings and recommendations as to how to remediate the situation to the Senate and House Committees on Judiciary no later than January 15, 2016.

(e) In fiscal year 2016 the direct application from the Attorney General's Fee and Reimbursement Fund (#21638) shall be increased by \$100,000.

Sec. E.203 13 V.S.A. § 5241 is amended to read:

§ 5241. INEFFECTIVE ASSISTANCE CLAIM

(a) No action shall be brought for professional negligence against a criminal defense attorney under contract with or providing ad hoc legal services for the Office of the Defender General unless the plaintiff has first successfully prevailed in a claim for postconviction relief based upon ineffective assistance of counsel in the same or a substantially related matter. Failure to prevail in a claim for postconviction relief based upon ineffective assistance of counsel under contract with or providing ad hoc legal services for the Office of the Defender General shall bar any claim against the attorney based upon the attorney's representation in the same or a substantially related matter.

(b) In the performance of duties pursuant to a contract with or providing ad hoc legal services to the Office of the Defender General, an attorney shall have the benefit of sovereign immunity to the same extent as an attorney employed by the Defender General.

Sec. E.203.1 13 V.S.A. § 5254 is amended to read:

§ 5254. PERSONNEL DESIGNATION AND EXPENDITURES

(a) The ~~defender-general~~ Defender General, ~~deputy defender-general~~ Deputy Defender General, public defenders, and deputy public defenders shall be exempt from the classified ~~state~~ State service.

(b) Clerical and office staff in the ~~office of the defender-general~~ Office of the Defender General and in all local offices shall be hired by the ~~defender-general~~ Defender General. Clerical and office staff shall be ~~state~~ State employees paid by the ~~state~~ State, and shall receive those benefits and compensation available to classified ~~state~~ State employees who are similarly situated, unless otherwise covered by the provisions of a collective bargaining agreement setting forth the terms and conditions of employment, negotiated pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office staff employed by the ~~office of the defender-general~~ Office of the Defender

General shall not be part of the classified service as set forth in 3 V.S.A. chapter 13 of Title 3.

(c) The ~~deputy defender general~~ Deputy Defender General shall be entitled to compensation at an annual rate that does not exceed an amount \$500.00 less than the salary of the ~~defender general~~ Defender General. The public defenders and deputy public defenders shall be entitled to compensation at annual rates not to exceed an amount \$1,000.00 less than the salary of the ~~defender general~~ Defender General.

(d) The ~~defender general~~ Defender General is responsible for assuming expenses for his or her office and all local offices. The entirety of expenditures shall not exceed those set in the annual budget of the ~~office of the defender general~~ Office of the Defender General and such expenditures shall be subject to the provisions of ~~section 32 V.S.A. § 702 of Title 32~~.

(e) The Defender General shall receive an early retirement allowance equal to that of a State's Attorney or sheriff.

Sec. E.203.2 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

* * *

(4) "Average final compensation" shall mean:

* * *

(C) For purposes of determining average final compensation for group A or group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for his or her position for 50 percent of such leave, at his or her full rate of compensation in effect at the date of his or her retirement. For purposes of determining average final compensation for group F members, unused annual or sick leave, termination bonuses and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney and the Defender General shall be determined by the State's Attorney's or the Defender General's highest annual compensation earned during his or her creditable service.

* * *

(9) "Employee" shall mean:

* * *

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained full-time certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont and the Defender General.

* * *

Sec. E.203.3 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(d) Early retirement allowance.

* * *

(5) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at age 55, without reductions.

* * *

Sec. E.204 SUSPENSION OF VIDEO ARRAIGNMENTS; REPEAL

(a) 2011 Acts and Resolves No. 41, Sec. 9 (suspension of video arraignments) is repealed.

Sec. E.204.1 4 V.S.A. § 466 is amended to read:

§ 466. PROCEDURE

(a) A proceeding before a magistrate shall, in cases involving child support, be initiated by the filing of a petition. If a proceeding for divorce, annulment, or separation has been commenced before the Family Division of the Superior Court, the magistrate shall have jurisdiction to determine a temporary amount of child support on the basis of the complaint or petition filed in the Family Division of the Superior Court.

* * *

(e) ~~The Family Division of the Superior Court clerk~~ petitioner shall provide for personal service or shall mail to the respondent, ~~at one or more of the addresses supplied by the respondent,~~ by certified mail, return receipt requested and delivery restricted to the addressee, the expense being paid by the petitioner, a notice signed by the clerk petitioner. If acceptance of service is refused, the clerk petitioner may serve the notice on the respondent by sending it to the respondent by ordinary first class mail and by certifying that such service has been made. In the alternative, the clerk petitioner may provide for mail service as provided in Rule 4(l) of the Vermont Rules of Civil Procedure.

* * *

Sec. E.204.2 33 V.S.A. § 5223 is amended to read:

§ 5223. FILING OF PETITION

(a) When notice to the child is provided by citation, the State's Attorney shall file the petition and supporting affidavit at least 10 days prior to the date for the preliminary hearing specified in the citation.

(b) ~~The Court shall send or deliver a~~ A copy of the petition and affidavit shall be made available at the State's Attorney's office to all persons required to receive notice, including the noncustodial parent, as soon as possible after the petition is filed and at least five days prior to the date set for the preliminary hearing.

Sec. E.204.3 33 V.S.A. § 5224 is amended to read:

§ 5224. FAILURE TO APPEAR AT PRELIMINARY HEARING

If a child or custodial parent, guardian, or custodian fails to appear at the preliminary hearing as directed by a citation, the Court may issue a summons to appear, an order to have the child brought to Court, or a warrant as provided in section 5108 of this title. The summons, order, or warrant shall be served by

the law enforcement agency that cited or took the child into custody, or another law enforcement agency acting on its behalf.

Sec. E.204.4 [DELETED]

Sec. E.204.5 [DELETED]

Sec. E.204.6 13 V.S.A. § 7180 is amended to read:

§ 7180. REMEDIES FOR FAILURE TO PAY FINES, COSTS, SURCHARGES, AND PENALTIES

(a) As used in this section:

(1) “Amount due” means all financial assessments, including penalties, fines, surcharges, court costs, and any other assessments imposed by statute as part of a sentence for a criminal conviction.

(2) “Designated collection agency” means a collection agency designated by the Court Administrator pursuant to subsection 7171(b) of this title.

(3) “Designated credit bureau” means a credit bureau designated by the Court Administrator or the Court Administrator’s designee.

* * *

(c) Civil contempt proceeding.

* * *

(3) Hearing The hearing shall be conducted in a summary manner. The Court shall examine the defendant and any other witnesses and may require the defendant to produce documents relevant to the defendant's ability to pay the amount due. Evidence is admissible if it is of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs. The Vermont Rules of Evidence shall not apply except that the rules related to privilege shall apply. The State shall not be a party except with the permission of the court. The defendant may be represented by counsel at the defendant's own expense.

* * *

(f)(1) A defendant who is not incarcerated may file a motion to convert all or part of a traffic offense fine to community service. The Court may grant the motion if the defendant establishes that he or she has made a good faith effort to pay the fine but is unable to do so. A fine converted to community service pursuant to this subsection shall not be considered a modification of sentence and shall not be subject to the time limits of Vermont Rule of Criminal Procedure 35.

(2) Community service performed pursuant to a motion granted under this subsection shall be:

(A) credited against outstanding fines at the then-existing rate of the Vermont minimum wage;

(B) monitored by Diversion, a restorative justice panel of a community justice center, or a similar entity approved by the Court, which shall report on the defendant's compliance status to the Court;

(C) performed in the county where the offense occurred.

(3) A conversion of a fine to community service under this subsection:

(A) shall not apply to surcharges, court costs, or other assessments;

(B) shall be in addition to the contempt procedures applicable under this section.

Sec. E.204.7 [DELETED]

Sec. E.204.8 [DELETED]

Sec. E.204.9 [DELETED]

Sec. E.204.10 32 V.S.A. § 1758 is amended to read:

§ 1758. MASTERS, AUDITORS, REFEREES, AND COMMISSIONERS

(a) Unless otherwise provided, the pay and the expense allowance for commissioners, masters, auditors, and referees shall be fixed by the Court or by the presiding judge thereof and paid by the ~~state~~ State.

(b) The Superior Court may order that the cost of a master be shared by the parties, with the shares specified in the order, if:

(1) the distribution of property is contested and governed by 15 V.S.A. § 751 and the value of the property to be distributed exceeds \$500,000.00; or

(2) one or both parties seek an award of maintenance under 15 V.S.A. § 752 and the parties have non-wage income of \$150,000.00 or more.

Sec. E.204.11 4 V.S.A. § 37 is amended to read:

§ 37. VENUE

(a) The venue for all actions filed in the ~~superior court~~ Superior Court, whether heard in the ~~civil, criminal, family, environmental, or probate division~~ Civil, Criminal, Family, Environmental, or Probate Division, shall be as provided in law.

(b) Notwithstanding any other provision of law, the ~~supreme court~~ Supreme Court may promulgate venue rules, subject to review by the

legislative committee on judicial rules under 12 V.S.A. chapter 1 of Title 12, which are consistent with the following policies:

(1) Proceedings involving a case shall be heard in the unit in which the case was brought, subject to the following exceptions:

(A) when the parties have agreed otherwise;

(B) status conferences, minor hearings, or other nonevidentiary proceedings; or

(C) when a change in venue is necessary to ensure access to justice for the parties or required for the fair and efficient administration of justice.

(2) The electronic filing of cases on a statewide basis should be facilitated, and the ~~court~~ Court is authorized to promulgate rules establishing an electronic case-filing system.

(3) The use of technology to ease travel burdens on citizens and the courts should be promoted. For example, venue requirements should be deemed satisfied for some court proceedings when a person, including a judge, makes an appearance via video technology, even if the judge is not physically present in the same location as the person making the appearance.

(4) In proceedings involving the termination of parental rights, the Supreme Court is authorized to designate a region of no more than four counties in which the venue for specified types of cases in the region shall be the region as a whole irrespective of the county in which the venue would lie for the case under the governing statute. A designation under this subdivision shall be made by rule and shall be reviewed by the Legislative Committee on Judicial Rules pursuant to 12 V.S.A. § 1.

Sec. E.204.12 12 V.S.A. § 5540a is amended to read:

§ 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

(a)(1) Subject to the limitations in this section and notwithstanding any provision of law to the contrary, Assistant Judges of Essex, Caledonia, Rutland, and Bennington Counties sitting alone shall hear and decide small claims actions filed under this chapter with the Essex, Caledonia, Rutland, and Bennington Superior Courts. ~~This subdivision shall apply only to Assistant Judges holding office on July 1, 2010.~~

* * *

Sec. E.204.13 REPORT; JURISDICTION OF ASSISTANT JUDGES

(a) On or before January 15, 2016, the Vermont Association of Assistant Judges and the Court Administrator shall jointly report to the Senate and

House Committees on Judiciary any recommendations for expansion of the subject matter jurisdiction of Assistant Judges. The report shall include specific types of cases in which it would be appropriate for Assistant Judges to sit alone in order to maximize judicial resources and ease caseload burdens on the courts.

Sec. E.204.14 COURT SECURITY; REPORTS

(a) There is established in each county a Committee on Court Security. The Committee shall study issues related to security at its county courthouse and consider measures to reduce the cost of its county court security budget while maintaining the safety of staff and citizens. The study shall include whether counties should provide a security function at the entrance to county-owned courthouses that would be offset by restructuring of notary fees retained by the counties. On or before January 15, 2016, each county Committee on Court Security shall report to the Court Administrator a proposal to reduce its county court security budget by at least three percent.

(b) The Committee on Court Security shall be composed of the following members in each county:

(1) The presiding Superior judge, who shall be co-chair of the Committee.

(2) The senior assistant judge, who shall be co-chair of the Committee.

(3) The court clerk.

(4) The court manager.

(5) The sheriff or designee.

(6) The State's Attorney or designee.

(c) For purposes of preparing the report required by this section, the Committee on Court Security in each county shall consult with the security and safety program manager and the chief of finance and administration at the Vermont Supreme Court.

Sec. E.204.15 LEGISLATIVE INTENT; COURT FEES

(a) The General Assembly intends that the new revenue generated in fiscal year 2016 from increased court fees be used as a funding source to fill judicial vacancies.

Sec. E.208 Public safety – administration

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

Sec. E.208.1 DISPATCH FUNDING

(a) Notwithstanding any other provision of law to the contrary, the Commissioner of Public Safety shall use \$425,000 of funds held by the fiscal agent under 30 V.S.A. chapter 88 appropriated as E.911 Special Fund in Sec. B.1117 of this act to continue funding the operation of the four public safety answering points in Derby, Rockingham, Rutland, and Williston at current levels until September 15, 2015.

Sec. E.208.2 911 CALL TAKING

(a) By September 1, 2015, the Vermont Enhanced 911 Board shall meet and report to the Secretary of Administration and the Joint Fiscal Committee on:

(1) the number of 911 call centers in the State necessary to meet the current requirements of the Enhanced 911 system;

(2) the number of 911 call seats necessary to meet the current requirements of the Enhanced 911 system;

(3) the average cost per 911 call seat; and

(4) ways to provide 911 services to the State that optimize performance and cost-effectiveness to meet Vermont's needs.

Sec. E.208.3 DISPATCH REQUIREMENTS

(a) By May 15, 2015, the Commissioner of Public Safety shall report to the Joint Fiscal Committee on the costs required to support the current level of dispatching services at the four State-operated public safety answering points in Derby, Rockingham, Rutland, and Williston. For the purposes of this section, costs required to support the current level of dispatching services shall not include any costs associated with taking 911 calls, but shall include the following types of dispatch calls: police departments, excluding the Vermont State Police; constabularies; emergency medical services; and fire and rescue departments. This information shall be made available to the municipalities that rely on dispatch services from the four State-operated public safety answering points.

Sec. E.208.4 CONTRACTS FOR SERVICES

(a) The Commissioner of Public Safety shall meet with regional groups to determine if those groups want to contract for State dispatch services. As used in this subsection, "regional groups" include the State legislators, assistant judges, municipal officials, and emergency service representatives for the areas served by the dispatching functions of the State-operating public safety answering points. The Commissioner shall work with each regional group to

calculate the cost of desired dispatch services, and determine whether each regional group would like to contract for dispatch services with the State.

(b) If agreement is reached with a regional group on or before September 15, 2015, the Commissioner of Public Safety shall contract with the assistant judges, acting on behalf of a county of the State under this section, to provide dispatching functions, at a public safety answering point, paid for at the local level as part of the county budget. Funds received by the Commissioner under contracts entered into under this section shall be deposited in a special fund called the Dispatch Fund, created in accordance with 32 V.S.A. chapter 7, subchapter 5, and shall be available to provide full funding of the operation of public safety answering points. The cost of contracts entered into by a county under this section shall be considered an expense and obligation of the county under 24 V.S.A. § 133(e).

(c) In order to reach an agreement under this section, the Commissioner of Public Safety is authorized to lease, rent, or otherwise convey any personal property, real property, fixtures, or intangible rights currently held by the State for the provision of dispatch services at a public safety answering point.

(d) The Commissioner shall obtain the approval of the Joint Fiscal Committee for the contract amounts to be entered into for fiscal year 2016 and after.

Sec. E.208.5 PSAP; STAFFING DIRECTIVE AND BUDGETARY IMPACT REPORT

(a) The Secretary of Administration and the Commissioner of Public Safety shall ensure that the authorized positions for PSAP operations are adequate to ensure that overtime authorization can be minimized and limited to episodic need not routinely scheduled.

(b) The Commissioner shall provide a report to the General Assembly with its fiscal year 2017 budget presentation that clearly and comprehensively summarizes the specific budgetary impact of PSAP consolidation on the fiscal year 2016 and fiscal year 2017 department budgets.

Sec. E.208.6 PSAP; AUTHORITY TO DONATE REDUNDANT EQUIPMENT

(a) If the Commissioner of Public Safety determines that any PSAP equipment is redundant and would otherwise be placed in State surplus property, such equipment could be donated to regional groups that reach agreement under Sec.E.208.4 of this act.

Sec. E.209 Public safety – state police

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

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

Sec. E.212 Public safety – fire safety

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

Sec. E.212.1 [DELETED]

Sec. E.215 Military – administration

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

Sec. E.219 Military – veterans' affairs

(a) Of this appropriation, \$2,500 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council; \$7,500 shall be used for the Veterans' Day parade; \$5,000 shall be granted to the Vermont State Council of the Vietnam Veterans of America to fund the Service Officer Program; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.220 Center for crime victims services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$55,435 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

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

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

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$696,136 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for administrative expenses, direct grants, and investments in food and forest systems pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5.

Sec. E.225 Agriculture, food and markets – laboratories, agricultural resource management and environmental stewardship

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

Sec. E.225.1 VERMONT AGRICULTURAL AND ENVIRONMENTAL LABORATORY

(a) Effective July 1, 2015, the functions of the Department of Environmental Conservation environmental laboratory and the Agency of Agriculture, Food and Markets agricultural laboratory are consolidated in the Vermont Agricultural and Environmental Laboratory, under the direction of the Agency and separately appropriated there. The environmental laboratory positions in the Department and positions in the Agency associated with agricultural laboratory operations are transferred to that appropriation.

(b) The Department of Environmental Conservation shall utilize the Agricultural and Environmental Laboratory for chemical analytical samples unless any of the following apply:

(1) The Agricultural and Environmental Laboratory cannot perform the analysis being requested by the Department of Environmental Conservation.

(2) The Agricultural and Environmental Laboratory cannot process the samples within the time frame established by the Department of Environmental Conservation.

(3) The fees charged by the Agricultural and Environmental Laboratory are 120 percent or greater than for comparable analyses performed by a private environmental laboratory.

(c) On or before July 1, 2015, the Agencies of Agriculture, Food and Markets and of Natural Resources shall enter into a memorandum of understanding for the purpose of establishing principles for governance and operations of the Vermont Agricultural and Environmental Laboratory, including creation of a governance board with equal representation from both agencies that shall provide oversight and establish strategic priorities for the collaborative Agricultural and Environmental Laboratory.

Sec. E.225.2 6 V.S.A. § 121 is amended to read:

§ 121. CREATION AND PURPOSE

There is created within the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets a central testing laboratory for the purpose of assisting the agency in the performance of the duties required of it by law providing agricultural and environmental testing services.

Sec. E.225.3 6 V.S.A. § 122 is amended to read:

§ 122. FEES

Notwithstanding 32 V.S.A. § 603, the ~~agency~~ Agency shall establish fees for ~~any tests conducted~~ providing agricultural and environmental testing services at the request of private individuals and State agencies. The fees shall cover the costs of the tests and any administrative work performed in conjunction with the test, including but not limited to collection costs be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.

Sec. E.225.4 REPEAL

(a) 3 V.S.A. § 2822(n) (environmental testing laboratory services) is repealed.

(b) The balance in the Environmental Conservation – Laboratory Receipts Special Fund (SF#21861) is transferred to the Agriculture, Food and Markets – Laboratory Testing Special Fund (SF#21667).

Sec. E.233 CONNECTIVITY INITIATIVE FUNDING

(a) Of the amount of monies determined by the fiscal agent as available to the Connectivity Initiative, as prescribed by 30 V.S.A. § 7516, \$270,000.00 shall be for staffing and administering the Connectivity Initiative established in 30 V.S.A. § 7515b.

Sec. E.237 Liquor control – administration

(a) In fiscal year 2016 and thereafter, direct application of funds from the Liquor Control Enterprise Fund to the General Fund shall be increased by \$100,000 to reflect the reduction in overtime costs authorized in liquor control enforcement.

* * * HUMAN SERVICES * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2016 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 EXECUTIVE COMPENSATION AND BENEFIT PACKAGE REVIEW; REPORT

(a) On or before November 1, 2015, each designated agency and specialized service agency in the State shall submit to the Agency of Human Services the following:

(1) the compensation and benefit packages received by its executives over the course of the previous five years; and

(2) the anticipated compensation and benefit packages for its current executives.

(b) The Agency of Human Services shall compile the information received pursuant to subsection (a) of this section and shall submit it to the House and Senate Committees on Appropriations on or before January 15, 2016.

Sec. E.300.2 [DELETED]

Sec. E. 300.3 TRANSFER OF TOBACCO PROGRAM FUNDING

(a) In fiscal year 2016, upon request of the Tobacco Evaluation and Review Board, up to \$175,000 of the funds appropriated to the Department of Health and to the Agency of Education for tobacco cessation and prevention may be transferred to the Agency of Human Services for the costs of program evaluation activity approved by the Board.

Sec. E.300.4 HUMAN SERVICES; IMPROVING GRANTS MANAGEMENT FOR OUTCOME-BASED PROGRAMS

(a) The Secretary of the of Human Services shall compile a grants inventory utilizing the Department of Finance and Management master list of awarded grants for all grants current in fiscal year 2015 that have been awarded by the Agency and each of its Departments to any public and private entities. The inventory should reflect:

(1) The date and title of the grant;

(2) The amount of federal and State of Vermont funds committed in fiscal year 2015;

(3) The recipient of the grant;

(4) The Department responsible for making the award;

(5) The major Agency Program served by the grant;

(6) The existence or nonexistence in the grant of performance measures;

and

(7) The scheduled expiration date of the grant.

(b) The Agency shall submit the inventory, on or before January 15, 2016, to the General Assembly in an electronic format.

(c) The Secretary of Human Services and the Chief Performance Officer shall report to the Committee on Government Accountability in September 2015 on the progress of the Agency in improving grant management in regard to:

(1) Compilation of the inventory required in subsection (a) of this section;

(2) Establishing a drafting template to achieve common language and requirements for all grant agreements, including:

(A) A specific format covering expected outcomes and clear concise performance measures attached to each outcome;

(B) Providing both community organizations and the Agency staff the same point of reference in assessing how the grantees are meeting expectations in terms of performance.

(3) Executing Designated Agency Master Grant agreements using the new drafting template;

(4) Executing grant agreements with other grantees using the new drafting template; and

(5) Progress in improving the overall timeliness of executing agreements.

Sec. E.300.5 SENATE HEALTH CARE FUNDING INTENTION AND RELATIONSHIP TO OTHER LEGISLATION

(a) It is the intent of the General Assembly to fund the cost sharing assistance program, the health care provider loan repayment program, the health care advocate, and health care system analysis within the Green Mountain Care Board budget in fiscal year 2016. The appropriations in this act may be adjusted in accordance with the health care funding legislation anticipated to be passed by the Senate in the 2015 Legislative Session or by other action of the Conference Committee on this bill.

Sec. E.300.6 [DELETED]

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

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

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$28,995,359 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$18,212,850 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,287,150 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$4,027,624 certified State match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$1,830,081 certified State match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) \$2,653,915 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,270,889 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 REVIEW OF VERMONT MEDICAID BENEFITS

(a) On or before December 1, 2015, the Director of Health Care Reform, in consultation with the Department of Vermont Health Access, shall develop a reference guide comparing covered services available under the Global Commitment for Health Section 1115 Medicaid waiver with the essential health benefits benchmark plan required by the Affordable Care Act and with any other relevant benchmarks to the House Committees on Appropriations, on Ways and Means, and on Health Care and to the Senate Committees on Appropriations, on Health and Welfare, and on Finance, and the Health Reform Oversight Committee.

Sec. E.301.2 GLOBAL BUDGET PILOT

(a) The Department of Vermont Health Access may use the flexibility under the Global Commitment to Health Medicaid Section 1115 waiver to establish a pilot project in the St. Johnsbury Health Service Area using a global budget for Medicaid services. The Medicaid services shall be coordinated through an accountable health community in the Health Service Area and shall include hospital, mental health, development disabilities, primary care, and home health services, as well as other Medicaid services if other service providers wish to participate. Additional funding mechanisms, such as capitated or per-member-per-month payments, may be used if the providers participating in the pilot project agree. The Department of Vermont Health Access may implement the pilot project on or before January 1, 2016 and shall work cooperatively with the participating providers to ensure that the pilot allows for improvement of care and expansion of services while remaining budget neutral. The pilot project shall allow the participating providers to

retain or reinvest, or both, all savings in Medicaid expenditures resulting from improved care and expanded services. The Commissioner shall report the Joint Fiscal Committee in November 2015 on the status of the pilot project allowed by this section.

Sec. E.301.3 MEDICAID WAIVER CONSOLIDATION ADJUSTMENTS

(a) In July 2015, the Agency of Human Services is authorized to make net neutral adjustments to the fiscal year 2016 Global Commitment and Choices for Care (CFC) program-related appropriations as needed due to the consolidation of the CFC waiver within the Global Commitment waiver. The Agency shall provide a written report to the Joint Fiscal Committee in July 2015 of any adjustments made under the authority of this section.

Sec. E.306 2014 Acts and Resolves No. 179, Sec. E.306.1 is amended to read:

Sec. E.306.1 EMERGENCY RULES

(a) The Agency of Human Services shall adopt rules pursuant to 3 V.S.A. chapter 25 prior to June 30, ~~2015~~ 2016 to conform Vermont's rules regarding operation of the Vermont Health Benefit Exchange to federal guidance and regulations implementing the provisions of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152. The rules shall be adopted to achieve timely compliance with federal laws and guidance and shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 HOME HEALTH AGENCY ASSESSMENT REVIEW

(a) By November 15, 2015, the Visiting Nurse Associations of Vermont, in consultation with Bayada Home Health Care, shall study and develop recommendations regarding the home health agency assessment as established in 33 V.S.A. § 1955a. The study shall include a review of the tax base currently used to calculate the assessment under 33 V.S.A. § 1955a. recommendations for revisions to the assessment which are equitable to all home health agencies, and a legal analysis of such recommendations to ensure compliance with 42 C.F.R. § 433.68. Upon request, the Departments of Vermont Health Access and of Disability, Aging, and Independent Living shall provide data or information needed for the analysis. These recommendations shall be reported to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance.

Sec. E.306.2 MEDICAID PROGRAM SAVINGS INITIATIVES

(a) Autism: The Agency of Human Services, with the Departments of Health, of Vermont Health Access, of Mental Health, and of Disabilities,

Aging, and Independent Living shall review the scope and delivery method of autism services in Medicaid to ensure these are consistent with the scope and methods covered under private insurance.

(b) Appropriate Level of Care for Older Adults with Psychiatric Illness: The Agency of Human Services, with the Departments of Health, of Vermont Health Access, of Mental Health, and of Disabilities, Aging, and Independent Living will investigate the implementation of service alternatives for older adults with psychiatric illness that reduce length of hospital stay for individuals who would otherwise be discharged but for a lack of placement alternative to meet their medical needs. The Agency shall consult with community providers, including nursing homes, hospitals, and designated agencies in implementing a service alternative for this population and provide a proposal to implement these service alternatives in the fiscal year 2017 budget.

Sec. E.306.3 33 V.S.A. § 1901h is added to read:

§ 1901h. PROSPECTIVE PAYMENT; HOME HEALTH SERVICES

(a) On or before July 1, 2016 and upon approval from the Centers for Medicare and Medicaid Services, the Department of Vermont Health Access shall modify reimbursement methodologies to home health agencies, as defined in section 1951 of this title, in order to implement prospective payments for the medical services paid for by the Department under both the Global Commitment to Health and the Choices for Care waivers, and to replace fee-for-service payment methodologies.

(b) The Department shall develop the prospective payment methodology in collaboration with representatives of home health agencies. If practicable, the Department:

(1) shall align the methodology with Medicare to reduce the administrative burden on the agencies, including an outlier policy to protect against extraordinarily high cost claims;

(2) shall base the payment on data contained in the Medicare cost report settled by the Centers for Medicaid and Medicaid Services, which shall be provided by the agencies annually no later than April 30th; and

(3) may include a quality payment in the methodology, if funds allow.

Sec. E.306.4 MEDICAID; COORDINATION OF BENEFITS

(a) No later than January 15, 2016, the Department of Vermont Health Access shall provide legislative language to the House Committees on Appropriations and on Health and to the Senate Committees on Appropriations and on Health and Welfare. The proposal shall modify 33 V.S.A. § 1908 to require any entity that is responsible for payment of a claim for a health care

item or service to provide electronically a data file with sufficient information for the Department to determine whether any Medicaid beneficiary has another source of private insurance coverage, which should provide coverage prior to Medicaid. The three major health insurers in this State shall consult with the Department. The proposal shall be consistent with all federal and State laws relating to the confidentiality or privacy of personal information or medical records, including provisions under the federal Health Insurance Portability and Accountability Act (HIPAA).

Sec. E.307 2013 Acts and Resolves No. 79, Sec. 53(d), as amended by 2014 Acts and Resolves No. 179, Sec. E.307, is further amended to read:

(d) Secs. 31 (Healthy Vermonters) and 32 (VPharm) shall take effect on January 1, 2014, except that the Department of Vermont Health Access may continue to calculate household income under the rules of the Vermont Health Access Plan after that date if the system for calculating modified adjusted gross income for the Healthy Vermonters and VPharm programs is not operational by that date, but no later than December 31, ~~2015~~ 2016.

Sec. E.307.1 33 V.S.A. § 2001(c) is amended to read:

(c) The Commissioner of Vermont Health Access shall report ~~quarterly annually on or before August 31~~ to the Health ~~Care Reform~~ Oversight Committee concerning ~~the following aspects of the Pharmacy Best Practices and Cost Control Program:~~

~~(1) the efforts undertaken to educate health care providers about the preferred drug list and the Program's utilization review procedures;~~

~~(2) the number of prior authorization requests made; and~~

~~(3) the number of utilization review events (other than prior authorization requests). Topics covered in the report will include issues related to drug cost and utilization; the effect of national trends on the pharmacy program; comparisons to other states; and decisions made by the Department's Drug Utilization Review Board in relation to both drug utilization review efforts and the placement of drugs on the Department's preferred drug list.~~

Sec. E.307.2 33 V.S.A. § 1901f is amended to read:

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

~~By January 30, April 30, July 30~~ March 1, June 1, September 1, and ~~October 30~~ December 1 of each year, the Commissioner of Vermont Health Access or designee shall submit to the General Assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the Department of Vermont Health Access during the

preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other departments within the Agency of Human Services shall be included in this report by Medicaid eligibility group to the extent such information is available.

Sec. E.307.3 CHOICES FOR CARE – ELIGIBILITY PROCESS REVIEW

(a) The Commissioners for Children and Families, Disability, Aging, and Independent Living, and of Vermont Health Access shall evaluate the processes for determining an individual's eligibility for Choices for Care and shall identify any areas that result in consistent delays in such eligibility determinations. The Commissioners shall report their findings and recommendations to ensure determinations are expeditiously processed to the Senate Committees on Health and Welfare and on Appropriations and to the House Committees on Human Services and on Appropriations on or before January 15, 2016.

Sec. E.307.4 [DELETED]

Sec. E.307.5 [DELETED]

Sec. E.307.6 [DELETED]

Sec. E.307.7 [DELETED]

Sec. E.307.8 REPEALS

(a) 2000 Acts and Resolves No. 152, Sec. 117b, as amended by 2013 Acts and Resolves No. 79, Sec. 42 is repealed July 1, 2015.

Sec. E.308 CHOICES FOR CARE; SAVINGS, REINVESTMENTS, AND SYSTEM ASSESSMENT

(a) In the Choices for Care program, “savings” means the difference remaining at the conclusion of fiscal year 2015 between the amount of funds appropriated for Choices for Care, excluding allocations for the provision of acute care services, and the sum of expended and obligated funds, less an amount equal to one percent of the fiscal year 2015 year total Choices for Care expenditure. The one percent shall function as a reserve to be used in the event of a fiscal need to freeze Moderate Needs Group enrollment. Savings shall be calculated by the Department of Disabilities, Aging, and Independent Living and reported to the Joint Fiscal Office.

(1) It is the intent of the General Assembly that the Department of Disabilities, Aging, and Independent Living only obligate funds for expenditures approved under current law.

(b)(1) Any funds appropriated for long-term care under the Choices for Care program shall be used for long-term services and supports to recipients.

In using these funds, the Department of Disabilities, Aging, and Independent Living shall give priority for services to individuals assessed as having high and highest needs and meeting the terms and conditions of the Choices for Care program within the Global Commitment waiver.

(2)(A) First priority for the use of any savings from the long-term care appropriation after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services. Savings may also be used for quality improvement purposes in nursing homes but shall not be used to increase nursing home rates under 33 V.S.A. § 905.

(B) Savings either shall be one-time investments or shall be used in ways that are sustainable into the future. Excluding appropriations allocated for acute services, any unexpended and unobligated State General Fund or Special Fund appropriation remaining at the close of a fiscal year shall be carried forward to the next fiscal year.

(C) The Department of Disabilities, Aging, and Independent Living shall not reduce the base funding needed in a subsequent fiscal year prior to calculating savings for the current fiscal year.

(c) The Department, in collaboration with Choices for Care participants, participants' families, and long-term care providers, shall conduct an assessment of the adequacy of the provider system for delivery of home- and community-based services and nursing home services. On or before October 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report the results of this assessment to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare in order to inform the reinvestment of savings during the budget adjustment process.

(d) On or before January 15, 2016, the Department of Disabilities, Aging, and Independent Living shall propose reinvestment of the savings calculated pursuant to this section to the General Assembly as part of the Department's proposed budget adjustment presentation.

(e) Concurrent with the procedures set forth in 32 V.S.A. § 305a, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of caseloads and expenditures for programs under the Choices for Care program.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2016 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

(A) AIDS Project of Southern Vermont, \$120,281;

(B) HIV/HCV Resource Center, \$38,063;

(C) VT CARES, \$219,246;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2016, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by

mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) The funding for tobacco cessation and prevention activities in fiscal year 2016 shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 LADIES FIRST PROGRAM

(a) The Commissioner of Health shall develop a marketing plan for Ladies First, a health screening program for women, to increase awareness of the available services provided to eligible women. In addition, the Commissioner shall provide a plan to be submitted to the Joint Fiscal Committee on or before September 1, 2015, that details how the Ladies First program will be implemented. The plan shall be appropriately integrated with the other marketing and outreach efforts of the department.

Sec. E.313 Health – alcohol and drug abuse programs

(a) For the purpose of meeting the need for outpatient substance abuse services when the preferred provider system has a waiting list of five days or more or there is a lack of qualified clinicians to provide services in a region of the State, a State-qualified alcohol and drug abuse counselor may apply to the Department of Health, Division of Alcohol and Drug Abuse Programs, for time-limited authorization to participate as a Medicaid provider to deliver clinical and case coordination services, as authorized.

(b)(1) In accordance with federal law, the Division of Alcohol and Drug Abuse Programs may use the following criteria to determine whether to enroll a State-supported Medicaid and uninsured population substance abuse program in the Division's network of designated providers, as described in the State plan:

(A) The program is able to provide the quality, quantity, and levels of care required under the Division's standards, licensure standards, and accreditation standards established by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Health Care Organizations, or the Commission on Accreditation for Family Services.

(B) Any program that is currently being funded in the existing network shall continue to be a designated program until further standards are developed, provided the standards identified in this subdivision (b)(1) are satisfied.

(C) All programs shall continue to fulfill grant or contract agreements.

(2) The provisions of subdivision (1) of this subsection shall not preclude the Division's "request for bids" process.

Sec. E.314 [DELETED]

Sec. E.314.1 MENTAL HEALTH BUDGET PRESENTATION

(a) In order for the General Assembly to assess the segmentation of funding streams for publically funded mental health services, the Departments of Mental Health and of Vermont Health Access shall in consultation with the State's Chief Performance Officer, as designee of the Secretary of Administration, provide a longitudinal capacity, caseload, expenditure, and utilization analysis with the fiscal year 2017 budget presentation identifying the budget categories incorporated within each department for:

(1) Inpatient services by the following funding categories, including any subdivision between persons served by the community rehabilitation and treatment program:

(A) the State-run inpatient hospital;

(B) Level 1 inpatient psychiatric services delivered in private hospitals;

(C) other involuntary inpatient psychiatric services; and

(D) voluntary inpatient psychiatric services.

(2) Residential services by categories of service, including any subdivision between persons served by the community rehabilitation and treatment program, including:

(A) intensive recovery;

(B) crisis Residential and Hospital Diversion;

(C) group homes;

(D) supported independent living; and

(E) secure residential.

(3) Community mental health services provided by designated agencies, by categories of service, including:

(A) community rehabilitation and treatment;

(B) crisis programs; and

(C) outpatient.

(4) Other publically funded mental health services, including:

(A) peer support programs;

(B) outpatient services by private clinicians.

(5) The administration and oversight of mental health services.

Sec. E.314.2 UNIFIED MENTAL HEALTH SERVICES
IMPLEMENTATION PLAN

(a) As part of their fiscal year 2017 budget presentations, the Departments of Mental Health and of Vermont Health Access shall present an implementation plan for a unified service and financial allocation for publically funded mental health services as part of an integrated health care system. The goal of the plan is to integrate public funding for direct mental health care services within the Department of Vermont Health Access while maintaining oversight functions and the data necessary to perform those functions within the department of appropriate jurisdiction. The implementation plan shall contain a projected timeline for moving toward the goals presented therein.

(b) On or before both August 1, 2015 and October 1, 2015, the Departments of Mental Health and of Vermont Health Access shall present a status update on the development of the implementation plan required pursuant to subsection (a) of this section to the Health Reform Oversight Committee.

Sec. E.314.3 PLANNING FOR INTEGRATED MENTAL HEALTH AND
HEALTH CARE SERVICES

(a) The Departments of Mental Health and of Vermont Health Access shall identify a plan and performance measures for agencies designated under 18 V.S.A. § 8907 to provide more integrated health services for persons served through local or regional initiatives or coordinated networks of care. The plan and measures shall promote serving individuals through these initiatives targeting effective coordination of health care delivery and more cost-efficient cost outcomes. Plans shall establish thresholds for shared incentives and disincentives for partnering agencies.

Sec. E.316 DEPARTMENT FOR CHILDREN AND FAMILIES; REVISED
APPROPRIATIONS STRUCTURE

(a) The House and Senate Committees on Appropriations endorse the revised appropriation structure for fiscal year 2017.

Sec. E.316.1 [DELETED]

Sec. E.316.2 [DELETED]

Sec. E.318 33 V.S.A. § 3505 is amended to read:

§ 3505. SUPPLEMENTAL CHILD CARE GRANTS

(a)(1) The Commissioner for Children and Families may reserve up to one-half of one percent of the child care programs that are at risk of closing due to financial hardship. The Commissioner shall develop guidelines for providing assistance and shall prioritize extraordinary financial relief to child care programs in areas of the State with high poverty and low access to high quality child care. If the Commissioner determines a child care program is at risk of closure because its operations are not fiscally sustainable, he or she may provide assistance to transition children served by the child care operator in an orderly fashion and to help secure other child care opportunities for children served by the program in an effort to minimize a disruption of services. The Commissioner has the authority to request tax returns and other financial documents to verify the financial hardship and ability to sustain operations.

(2) Annually on or before January 15, the Commissioner shall report to the Senate Committee on Health and Welfare and to the House Committee on Human Services regarding any funds distributed pursuant to subdivision (1) of this subsection. Specifically, the report shall address how funds were distributed and used. It shall also address outcomes related to any distribution of funds.

(b) In instances in which extraordinary financial relief will not maintain ongoing access to high quality child care, the Department for Children and Families may provide additional support to ensure access to ~~high-quality~~ high quality, comprehensive child care that meets the needs of working parents in high-poverty areas of Vermont. Licensed child care centers may be considered for this additional financial support to help ensure ongoing access to ~~high-quality~~ high quality child care in areas of the State where none exists, as determined by the Commissioner. Financial assistance may be granted, at the discretion of the Commissioner, if the child care center meets the following criteria:

* * *

Sec. E.318.1 [DELETED]

Sec. E.318.2 CHILD CARE SERVICES PROGRAM; WAITLIST

(a) Prior to implementing a waitlist for or cap on the number of subsidized child care slots in fiscal year 2016, the Department for Children and Families shall report to the Joint Fiscal Committee.

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For State fiscal year 2016, the Agency of Human Services may continue a housing assistance program within the General Assistance program to create flexibility to provide these General Assistance benefits. The purpose of the program is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. The program shall operate in a consistent manner within existing statutes and rules and policies effective on July 1, 2013, and any succeeding amendments thereto, and may create programs and provide services consistent with these policies. Eligible activities shall include, among others, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The program may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish outcomes and procedures for evaluating the program overall, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of the General Assistance flexibility program.

Sec. E.321.1 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2016 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The cold weather exception policy issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

Sec. E.321.2 2013 Acts and Resolves No. 50, Sec. E.321.2(c) is amended to read:

(c) On or before ~~January 15~~ January 31 and ~~July 15~~ July 31 of each year beginning in ~~2014~~ 2015, the Agency of Human Services shall report statewide statistics related to the use of emergency housing vouchers during the preceding calendar half-year, including demographic information, deidentified client data, shelter and motel usage rates, clients' primary stated cause of

homelessness, average lengths of stay in emergency housing by demographic group and by type of housing, and such other relevant data as the Secretary deems appropriate. When the General Assembly is in session, the Agency shall provide its report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations. When the General Assembly is not in session, the Agency shall provide its report to the Joint Fiscal Committee.

Sec. E.321.3 9 V.S.A. § 4452(8) is added to read:

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, regardless of whether the occupancy is subject to a tax levied under 32 V. S.A. chapter 225.

Sec. E.321.4 FUNDING FLEXIBILITY

(a) In fiscal year 2016, if the Secretary of Human Services and the Commissioner for Children and Families determines such funding is available, up to \$100,000 of funding provided the General Assistance may be transferred to the Agency central office to be used as flexible funding to prevent homelessness or address other needs for at-risk families and youth. The Agency shall report the Joint Fiscal Committee if any funds are anticipated to be transferred under the provisions of this section

Sec. E.323 33 V.S.A. § 1103(c) is amended to read:

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(9) The amount of \$125.00 of the Supplemental Security Income payment received by a parent excluding payments received on behalf of a child shall count toward the determination of the amount of the family's financial assistance grant.

Sec. E.323.1 33 V.S.A. § 1134 is amended to read:

§ 1134. PROGRAM EVALUATION

~~(a)~~ On or before January 31 of each year, the Commissioner shall design and implement procedures to evaluate, measure, and report to the Governor and the General Assembly the Department's progress in ~~implementing Reach First, Reach Up, and Reach Ahead~~ and achieving the goals of the programs provided for in sections 1002, 1102, and 1202 of this title. The report shall include:

(1) the types of barriers facing Reach Up families seeking economic self-sufficiency, the number of families with each type of barrier, the frequency of occurrence of each type of barrier, and how support services and incentives assist in overcoming barriers;

(2) documentation of participant outcomes, including specific information relating to the number of persons employed, by occupation, industry, and wage; the types of subsidized and unsubsidized jobs secured by participants; any available information about outcomes for children who have participated in the programs, including objective indicators of improved conditions; the number of participating families involved in training programs; and whether the support services and incentives assist in keeping families employed;

(3) data about the Supplemental Nutrition Assistance Program participation of households who have left the programs during the last fiscal year, including the number of households, adults, and children participating in the Supplemental Nutrition Assistance Program three months after leaving the applicable program, broken down by reason for termination or leaving, and the Department's plan to identify and assist eligible households to apply for Supplemental Nutrition Assistance Program benefits;

(4) data about the enrollment of individuals who have left the programs during the last fiscal year in a Health Care Assistance Program, including the number of adults and children enrolled in a Health Care Assistance Program three months after leaving the applicable program, broken down by reason for termination or leaving, and the Department's plan to identify and assist eligible households to apply for health care assistance;

(5) a summary of all interim and final reports submitted by independent evaluation contractors to the Agency or the Department relating to the programs;

(6) a description of the work participation rates, including the method of calculating the caseload reduction credit, for the most recent federal fiscal year;

(7) a description of the current basic needs budget and housing allowance, the current maximum grant amounts, and the basic needs budget and housing allowance adjusted to reflect an annual cost-of-living increase; and

(8) ~~a summary of the analysis done under subsection (b) of this section.~~

~~(b) On or before January 15, 2010 for the analysis of Reach First and on or before January 15, 2012 for the analysis of all programs, the Department shall analyze the effectiveness of the programs and shall consider the following indicators:~~

~~(1) for Reach First, the types of crises presented by applicants; the type and duration of case management necessary to respond to a crisis; and the impact of the services on the family, including the actual and perceived outcomes and material indicators of stability;~~

~~(2) for Reach Up, the type and duration of case management provided; and the impact of the services on the family; the family's achievement of the goals in the family development plan; the types of employment engaged in by families; the duration of employment; and actual and perceived outcomes and material indicators of stability and well being;~~

~~(3) for Reach Ahead, the types of employment engaged in by families; the duration of employment; the type and duration of services necessary to maintain employment; the duration of time the family received food assistance and services in the program; and the impact of the services on the family, including the actual and perceived well being of the family and material indicators of well being; and~~

~~(4) whether the programs are effectively integrated and transitions between programs are simple, and the number of families who choose not to participate, and why.~~

~~(c) Beginning on or before January 15, 2008, and annually thereafter, the Commissioner shall report to the House Committees on Human Services and on Appropriations and Senate Committees on Health and Welfare and on Appropriations on families' long-term receipt of financial assistance authorized by this chapter. Such reports shall include:~~

~~(1) the number of families receiving financial assistance in the most recent federal fiscal year that included an adult family member who has received TANF funded financial assistance, as an adult, 60 or more months in his or her lifetime;~~

~~(2) the average proportion of the monthly TANF-funded caseload during the same fiscal year that such families represent;~~

~~(3) when such proportion exceeds 20 percent, the sufficiency of general funds appropriated to support financial assistance authorized by this chapter to fund financial assistance for those families in excess of 20 percent while, at the same time, providing financial assistance and services, supported solely by general funds, to other families as authorized by this chapter; and~~

~~(4) when appropriated general funds are insufficient to fund financial assistance for all such families, the modifications in policy, appropriated general funds, or combination thereof that the Commissioner recommends to support families receiving financial assistance under this chapter in their achievement of self-sufficiency and to protect the children in these families.~~

a description of the families, during the last fiscal year, that included an adult family member receiving financial assistance for 60 or more months in his or her lifetime, including:

(A) the number of families and the types of barriers facing these families; and

(B) the number of families that became ineligible for the Reach Up program pursuant to subsection 1108(a) of this title, and the types of income and financial assistance received by those families that did not return to the Reach Up program within 90 days of becoming ineligible.

Sec. E.323.2 REPEAL

(a) 33 V.S.A. § 1103(c)(9) (SSI determination in Reach Up) is repealed on July 1, 2017.

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2015, and for program administration, the Commissioner of Finance and Management shall transfer \$2,550,000 from the Home Weatherization Assistance Fund to the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are not available. An equivalent amount shall be returned to the Home Weatherization Fund from the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the Home Weatherization Assistance Fund be necessary for the 2015–2016 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2015 and if LIHEAP funds awarded as of December 31, 2015 for fiscal year 2016 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2016. Notwithstanding any other provision of law, payments authorized by the Department for Children and Families' Economic Services Division shall not exceed funds available, except that for fuel assistance payments made through December 31, 2015, the Commissioner of Finance and Management may anticipate receipts into the Home Weatherization Assistance Fund.

Sec. E.324.1 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.324.2 LIHEAP AND WEATHERIZATION

(a) Notwithstanding 33 V.S.A. §§ 2603 and 2501, in fiscal year 2016, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer up to 15 percent of the federal fiscal year 2016 federal Low Income Home Energy Assistance Program (LIHEAP) block grant from the federal funds appropriation in Sec. B.324 of this act to the Home Weatherization Assistance appropriation in Sec. B.326 of this act to be used for weatherization in State fiscal year 2016. An equivalent appropriation transfer shall be made to Sec. B.324 of this act, Low Income Home Energy Assistance Program, from the Home Weatherization Assistance Fund in Sec. B.326 of this act to provide home heating fuel benefits in State fiscal year 2016. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next meeting.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 INTERIM REPORT ON DEVELOPMENTAL SERVICES AND CHOICES FOR CARE

(a) The Commissioner of Disabilities, Aging, and Independent Living shall provide interim reports to the Joint Fiscal Committee in September 2015 and November 2015 on:

(1) The Choices for Care program and shall specifically address the likelihood of Adult Day programs needing to curtail services to existing clients or to cap enrollment of new clients.

(2) The Development Services program on the status of caseload and utilization trends to date in the program.

Sec. E.333 [DELETED]

Sec. E.335 2 V.S.A. chapter 23 is redesignated to read:

CHAPTER 23. JOINT LEGISLATIVE ~~CORRECTIONS~~ JUSTICE
OVERSIGHT COMMITTEE

Sec. E.335.1 2 V.S.A. § 801 is amended to read:

§ 801. CREATION OF COMMITTEE

(a) There is created a ~~joint legislative corrections oversight committee~~ Joint Legislative Justice Oversight Committee whose membership shall be appointed each biennial session of the ~~general assembly~~ General Assembly. The ~~committee~~ Committee shall exercise oversight over the ~~department of corrections~~ Department of Corrections and work with and provide assistance to other legislative committees on matters related to ~~corrections~~ juvenile justice and criminal justice policies.

(b) The ~~committee~~ Committee shall be composed of 10 members: five members of the ~~house of representatives~~ House of Representatives, who shall not all be from the same party, appointed by the ~~speaker of the house~~ Speaker of the House; and five members of the ~~senate~~ Senate, who shall not all be from the same party, appointed by the ~~committee on committees~~ Committee on Committees. In addition to one member-at-large appointed from each chamber, one appointment shall be made from each of the ~~following house and senate~~ House and Senate Committees: ~~appropriations, judiciary, institutions on Appropriations and on Judiciary, the senate committee on health and welfare, and the house committee on human services~~ Senate Committees on Health and Welfare and on Institutions, and the House Committees on Corrections and Institutions and on Human Services.

(c) The ~~committee~~ Committee shall elect a chair, vice chair, and clerk from among its members and shall adopt rules of procedure. The ~~chair~~ Chair shall rotate biennially between the ~~house~~ House and the ~~senate~~ Senate members.

The ~~committee~~ Committee shall keep minutes of its meetings and maintain a file thereof. A quorum shall consist of six members.

(d) When the ~~general assembly~~ General Assembly is in session, the ~~committee~~ Committee shall meet at the call of the ~~chair~~ Chair. The ~~committee~~ Committee may meet six times during adjournment, and may meet more often subject to approval of the ~~speaker of the house~~ Speaker of the House and the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate.

(e) For attendance at a meeting when the ~~general assembly~~ General Assembly is not in session, members of the ~~committee~~ Committee shall be entitled to compensation for services and reimbursement of expenses as provided under subsection 406(a) of this title.

(f) The professional and clerical services of the ~~joint fiscal office~~ Joint Fiscal Office and the ~~legislative council~~ Office of Legislative Council shall be available to the ~~committee~~ Committee.

Sec. E.335.2 2 V.S.A. § 802 is amended to read:

§ 802. DUTIES

(a) In addition to the general responsibilities set forth in subsection 801(a) of this title, the Committee shall:

(1) ~~Review~~ review and make recommendations regarding the Department of Corrections' strategic, operating, and capital plans;

(2) ~~Review~~ review and make recommendations to the House and Senate Committees on Appropriations regarding departmental budget proposals;

(3) ~~Provide~~ provide general oversight on departmental policy development;

(4) ~~Encourage~~ encourage improved communication between the ~~department~~ Department and other relevant components of the administrative branch and the criminal justice system;

(5) evaluate the statewide system of pretrial services, court diversion programs, community justice center services, and other relevant programs and services, and determine whether there is variation in policies, procedures, practices, and outcomes between different areas of the State and the causes of any such variation;

(6) make recommendations to the General Assembly regarding the creation of a consistent and cost-efficient statewide juvenile justice system and criminal justice system;

(7) review and make recommendations to the General Assembly to ensure the juvenile justice and criminal justice statutes reflect principles of restorative justice; and

(8) review and make recommendations to the General Assembly regarding the timeliness of judicial proceedings.

(b) At least annually, the Committee shall report its activities, together with recommendations, if any, to the General Assembly. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection. The Committee shall report any proposed legislation on or before January 15, 2016 to the House Committees on Corrections and Institutions, on Judiciary, and on Human Services, and the Senate Committees on Institutions, on Judiciary, and on Health and Welfare.

Sec. E.335.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;
2015 INTERIM MEMBERSHIP AND RESPONSIBILITIES

(a) The membership of the Joint Legislative Corrections Oversight Committee appointed for the 2015-2016 biennial session of the General Assembly shall also be the first appointed membership of the Joint Legislative Justice Oversight Committee, as established in Sec. E.335.1 of this act.

(b) During the 2015 legislative interim, the Joint Legislative Justice Oversight Committee shall:

(1) Review and make recommendations on the respective roles of Community High School of Vermont and Adult Education and Literacy programs in serving the Department of Corrections, alternative justice, and diversion populations.

(2) Analyze to what extent the criminal justice system is impacted by school disciplinary matters, including review of the available data regarding use of exclusionary discipline in Vermont public and approved independent schools and whether to identify whether students' access to education is impaired as a result of disciplinary actions.

(3) Review issues related to transports by sheriffs and other law enforcement agencies for the following populations.

(A) Criminal offenders, defendants, detainees, and other persons in the custody of the Department of Corrections. The Committee shall consider flexibility in the hourly rate for reimbursement to sheriffs.

(B) Juveniles in the custody of the Department for Children and Families. The Committee shall consider methods to improve the transport of children and reduce the number of children transported in restraints.

(C) Persons in the custody of the Department of Mental Health. The Committee shall review compliance with the requirements of 18 V.S.A. § 7511 and review and make recommendations for standards for transport reimbursement including the appropriate training, authorization process, required documentation and reports, and payment level for transports made using soft restraints.

(4) Review whether efficiencies can be achieved within counties that have more than one courthouse and thereafter review whether regional venue should be adopted for all categories of cases.

(5) In light of the Department of Corrections' aging facilities and reliance on out-of-state beds to house Vermont's incarcerated populations, review and make recommendations on the advisability and feasibility of creating a centralized correctional facility for all incarcerated men in the State, establishing one centralized detention facility for statewide use in an optimal location, or both.

(c) On or before November 1, 2015, the Court Administrator, the Department for Children and Families, the Department of Corrections, the Department of State's Attorneys and Sheriffs, the Defender General, and any other impacted entity deemed relevant by the Committee shall report to the Joint Legislative Justice Oversight Committee on the estimated fiscal year 2017 avoided costs resulting from the budget and cost-saving measures undertaken during the 2015 legislative session, including whether there are any reductions in Department of Corrections' demand for out-of-state beds, reductions in demand for sheriffs' transports resulting from expansion of home detention and video conferencing initiatives, and the impact of regional venue on termination of parental rights proceedings.

(d) On or before November 1, 2015, the Department for Children and Families and the Department of Corrections shall report to the Joint Legislative Justice Oversight Committee on the financial impact and policy considerations of treating all 16-year-old offenders as juveniles rather than adults unless the offense is one of those specified in of 33 V.S.A. § 5204(a)(1)–(12). For purposes of the report required by this subsection, the Departments shall consult with:

(1) the Chief Superior judge or designee;

(2) the Juvenile Defender or designee;

(3) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(4) the Executive Director of the Vermont Association of Chiefs of Police or designee; and

(5) any other person the Departments deem would be of assistance.

Sec. E.337 28 V.S.A. § 120 is amended to read:

§ 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
INDEPENDENT SCHOOL

(a) Authority. An education program is established within the Department of Corrections for the education of persons who have not completed secondary education and who are committed to the custody of the Commissioner.

* * *

(h) Required participation. All persons under the custody of the Commissioner ~~who are under the age of 23 or who are enrolled in an alternative justice or diversion program~~ and have not received a high school diploma shall participate in an education program unless exempted by the Commissioner.

Sec. E.338 [DELETED]

Sec. E.342 Vermont veterans' home – care and support services

(a) The Vermont Veterans' Home will use the Global Commitment funds appropriated in this section for the purpose of increasing the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.342.1 REPEAL

(a) 2014 Acts and Resolves No. 179, Sec. E.342.2 (eliminating classified employee position on Vermont Veterans' Home Board of Trustees) is repealed.

Sec. E.342.2 VERMONT VETERANS' HOME WORKING GROUP

(a) A four-member working group is established consisting of the Secretary of Administration or designee, the Administrator of the Vermont Veterans' Home, a member of the board of trustees, and a classified employee of the Home who is also a member of VSEA. The working group shall identify and undertake actions that seek to minimize operational costs and maximize patient revenue and revenue from other sources that are consistent and compatible with the mission and operations of the Home. This shall include implementing a routine review of patient acuity to ensure Medicaid reimbursement is at the maximum level possible. The working group shall provide a report on the status of its findings to the Joint Fiscal Committee in November 2015 and shall provide written recommendations by January 15, 2016 for legislative action or statutory amendment needed for actions identified under this section.

Sec. E.342.3 VERMONT VETERANS' HOME; COST-EFFECTIVE STAFFING

(a) The current operating costs of the Vermont Veterans' Home exceed the upper payment level allowed by Medicaid; therefore, the facility is not eligible to receive reimbursement for the full cost of care for a Medicaid patient. In order to operate the Home in the most costeffective manner, the governing Board and Chief Executive Officer of the Home are authorized to exercise their authority to hire and utilize part-time employees where such actions are necessary and appropriate, and help to bring the operating costs of the Home closer to the upper payment limit allowed by Medicaid.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons, or both, in Vermont and to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 2014 Acts and Resolves No. 179, Sec. E.500.1 is amended to read:

Sec. E.500.1 UNIFORM CHART OF ACCOUNTS COMPLETION, TRANSITION, TRAINING AND SUPPORT

(a) ~~On or before June 30, 2015,~~ A GASB compliant Uniform Chart of Accounts and Financial Reporting requirements shall be established by the Agency of Education which shall:

(1) be comprehensive in respect to compliance with federal funds reporting requirements; and

(2) provide the financial information necessary for State and local education decision makers in regard to specific program costs and evaluation of student outcomes.

(b) The Agency of Education shall hire a contractor or contractors through the State's procurement process to assist them in the establishment and

completion of the requirements of subsection (a) of this section. Contract deliverables shall include ~~but not be limited to:~~

- (1) a comprehensive accounting manual, with related business rules;
- (2) specifications for school financial software; ~~and~~

(3) a detailed transition and support plan that ensures local reporting entities required to record and report information consistent with requirements of subsection (a) of this section can fully comply on or before July 1, 2017; and

(4) the requirements of subsection (a) of this section shall be in effect by July 1, 2017.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,646,521 shall be used by the Agency of Education in fiscal year 2016 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$181,438 may be used by the Agency of Education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$3,225,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$600,000 is available for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2), and the amount \$25,000 is available for use pursuant to Sec. E.605.1 of this act; and

(2) \$100,000 is available to support the Vermont Virtual Learning Collaborative at the River Valley Regional Technical Center School District.

Sec. E.504.1 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

* * *

(f) Tuition and funding

(1) Tuition shall be paid to public postsecondary institutions in Vermont as follows:

(A) For any course for which the postsecondary institution pays the instructor, ~~the student's school district of residence shall pay~~ tuition shall be paid to the postsecondary institution in an amount equal to the tuition rate charged by the Community College of Vermont (CCV) at the time the dual enrollment course is offered; provided however, that tuition paid to CCV under this subdivision (A) shall be in an amount equal to 90 percent of the CCV rate.

(B) For any course that is taught by an instructor who is paid as part of employment by a secondary school, ~~the student's school district of residence shall pay~~ tuition shall be paid to the postsecondary institution in an amount equal to 20 percent of the tuition rate charged by the Community College of Vermont at the time the dual enrollment course is offered.

(2) ~~Notwithstanding subdivision (1) of this subsection requiring the district of residence to pay tuition, the~~ The State shall pay 50 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the Next Generation Initiative Fund created in section 2887 of this title; provided, however, that the total amount paid by the State in any fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year; and further provided that, notwithstanding subdivision (b)(2) of this section, the cumulative amount to be paid by school districts under subdivision (1)(A) in any fiscal year shall not exceed the amount available to be paid by General Fund dollars in that year, and 50 percent from funds appropriated from the Education Fund, notwithstanding subsection 4025(b) of this title.

* * *

Sec. E.512 Education – Act 117 cost containment

(a) Notwithstanding any other provision of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the State's 60 percent of the statewide total special education expenditures of funds which are not derived from federal sources.

Sec. E.513 Appropriation and transfer to education fund

(a) Pursuant to Sec. B.513 and 16 V.S.A. § 4025(a)(2), there is appropriated in fiscal year 2016 from the General Fund for transfer to the Education Fund the amount of \$303,343,381.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$76,102,909, of which \$73,102,909 shall be the State's contribution and \$3,000,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c .

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution of \$76,102,909, \$10,384,106 is the "normal contribution," and \$65,718,803 is the "accrued liability contribution."

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$15,576,468 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high quality health care services to Medicaid beneficiaries and uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Except as provided in subsection (a) of this section, not less than 93 percent of grants shall be used for direct student aid.

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

(d) Of this appropriation, not more than \$100,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$50,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$25,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment purposes).

(2) \$25,000 from Sec. E.504(a) (adult education and literacy funds appropriated for dual enrollment purposes).

(b) The sums transferred to VSAC in this section shall be used to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early

college pursuant to 16 V.S.A. § 4011(e) to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(c) VSAC shall report on the program to the House and Senate Committees on Education and on Appropriations on or before January 15, 2016.

Sec. E.608 STATE FUNDING FOR HIGHER EDUCATION; STUDY AND PROPOSAL; PREKINDERGARTEN–16 COUNCIL

(a) The Secretary of Administration and those members of the Prekindergarten–16 Council identified in 16 V.S.A. § 2905(d) who, with the Secretary, are charged with performing duties relating to the Higher Education Endowment Trust Fund shall develop a proposal by which a portion of State funding for the Vermont State Colleges and the University of Vermont would be allocated based on identified educational outcomes, such as the number of Vermonters earning a degree from each institution, the number of first generation and socioeconomically disadvantaged students earning a degree from each institution, and the number of students enrolled in and completing programs identified as important to Vermont’s economy pursuant to 16 V.S.A. § 2888(b) (Vermont Strong Loan Forgiveness Program).

(b) The individuals identified in subsection (a) of this section shall meet no more than three times. On or before December 15, 2015, they shall present an outcome-based funding proposal to the Governor and General Assembly together with any legislative changes necessary to implement the proposal.

* * * NATURAL RESOURCES * * *

Sec. E.701 AGENCY OF NATURAL RESOURCES PAYMENT IN LIEU OF TAXES

(a) Payment Amount moratorium. For the purpose of payments in lieu of taxes to municipalities in fiscal year 2016, lands held by the Agency of Natural Resources (ANR) and subject to the provisions of 32 V.S.A. § 3708(a)(1) shall be appraised at the fair market value of the land in fiscal year 2014, as was then certified by the Director of Property Valuation and Review, provided that in fiscal year 2016, the payment in lieu of taxes on account of such lands held by ANR shall be calculated and paid at 102 percent of the amount of the payments paid in fiscal year 2014. For lands held by ANR and subject to the provisions of 32 V.S.A. § 3708(a)(2), payments in lieu of taxes to municipalities in fiscal year 2016 shall be made as specified in 32 V.S.A. § 3708(a)(2). Payments in fiscal year 2016 with respect to parcels acquired or reconfigured after April 1, 2014 shall be based on values established using the

methodology used to value the properties owned by ANR as valued in fiscal year 2014.

(b) Appeals of appraisal. During the moratorium established under subsection (a) of this section, there shall be no right, in fiscal year 2016, for a municipality to appeal the appraised values of ANR lands certified by the Director of Property Valuation and Review in fiscal year 2014.

(c) Repeal. Subsections (a) and (b) of this section shall be repealed on July 1, 2016.

Sec. E.701.1 32 V.S.A. § 3708 is amended to read:

§ 3708. PAYMENTS IN LIEU OF TAXES FOR LANDS HELD BY THE AGENCY OF NATURAL RESOURCES

(a) All ANR land, excluding buildings or other improvements thereon, shall be appraised at fair market value by the Director of Property Valuation and Review and listed separately in the grand list of the town in which it is located. Annually, the State shall pay to each municipality an amount ~~which is the lesser of:~~

~~(1) one 0.5 percent of the Director's appraisal value for the current year for ANR land; or~~

~~(2) one percent of the current year use value of ANR land enrolled by the Agency of Natural Resources in the Use Value Appraisal Program under chapter 124 of this title before January 1999; except that no municipality shall receive in any taxable year a State payment in lieu of property taxes for ANR land in an amount less than it received in the fiscal year 1980.~~

* * *

Sec. E.701.2 PAYMENT IN LIEU OF TAXES FOR AGENCY OF NATURAL RESOURCES LANDS IN FISCAL YEARS 2017 AND 2018

(a) Notwithstanding the requirements of 32 V.S.A. § 3708 to the contrary, for purposes of payment in lieu of taxes (PILOT) for lands held by the Agency of Natural Resources, the State shall pay to each municipality:

(1) in fiscal year 2017, the PILOT amount received by the municipality in fiscal year 2016 plus or minus one-third of the difference between the PILOT amount the municipality received in fiscal year 2016 and the PILOT amount the municipality would receive under 32 V.S.A. § 3708, as amended by Sec. E.701.1 of this act; and

(2) in fiscal year 2018, the PILOT amount received by the municipality in fiscal year 2016 plus or minus two-thirds of the difference between the PILOT amount the municipality received in fiscal year 2016 and the PILOT

amount the municipality would receive under 32 V.S.A. § 3708, as amended by Sec. E.701.1 of this act.

(b) If the Agency of Natural Resources acquires land in a municipality after April 1, 2015, the State shall make a PILOT payment on the newly acquired land to the municipality under Sec. E.701.1 of this act, and the newly acquired land shall not be subject to this section.

Sec. E.701.3 AGENCY OF NATURAL RESOURCES; REPORT ON PAYMENT IN LIEU OF TAXES

(a) On or before November 30, 2015, the Agency of Natural Resources and the Division of Property Valuation and Review (PVR), after consultation with the Vermont League of Cities and Towns and the Joint Fiscal Office, shall submit to the House and Senate Committees on Natural Resources and Energy, the House Committee on Ways and Means, and the Senate Committee on Finance a report regarding payment in lieu of taxes (PILOT) for lands held by the Agency of Natural Resources (ANR lands). The report shall recommend:

(1) whether and how the PILOT requirements for ANR lands set forth in 32 V.S.A. § 3708, as amended by section E.701.1 of this act, should be further amended; and

(2) methods to facilitate in the transition of municipalities from the existing funding PILOT formula for ANR lands to the requirements of 32 V.S.A. § 3708, as amended by Sec. E.701.1, or to the alternative PILOT formula recommended under subdivision (1) of this subsection.

(b) In developing the recommendations required of this section, the Agency of Natural Resources may recommend revisions to requirements or criteria for calculation of the PILOT payment for ANR lands, including the definition of "parcel" for ANR lands PILOT purposes, the amount of ANR lands in the municipality in comparison to other municipalities, and the degree of public use of the ANR lands in comparison to ANR lands in other municipalities.

(c) Any unexpended appropriations in the ANR lands PILOT program in fiscal years 2016 through 2019 shall be carried forward for expenditure for implementation of transition recommendations resulting from the report required this section.

Sec. E.704 Forests, parks and recreation - forestry

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.706 Forests, parks and recreation – lands administration

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.713 [DELETED]

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 VERMONT STRONG SCHOLARSHIPS PROGRAM

(a) No financial commitments shall be made to potential recipients of the Vermont Strong program under 16 V.S.A. §2888 until sufficient funds to meet those commitments are appropriated to or deposited into the Vermont Strong Scholars Fund created by 16 V.S.A. § 2888(d)(1)(A)(i).

Sec. E.802 REPEAL

(a) 3 V.S.A. § 2471c (Office of Creative Economy) is repealed.

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

Sec. E.805 24 V.S.A. § 2796 is amended to read:

§ 2796. DOWNTOWN TRANSPORTATION AND RELATED CAPITAL IMPROVEMENT FUND

(a) There is created a ~~downtown transportation and related capital improvement fund~~ Downtown Transportation and Related Capital Improvement Fund, to be also known as the ~~fund~~ Fund, which shall be a special fund created under 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32, to be administered by the Vermont ~~downtown development board~~ Downtown Development Board in accordance with this chapter to aid municipalities with designated downtown districts in financing capital transportation and related improvement projects to support economic development.

* * *

(c) Any municipality with a designated downtown development district may apply to the Vermont ~~downtown development board~~ Downtown Development Board for financial assistance from the ~~fund~~ Fund for capital transportation and related improvement projects within or serving the district. The ~~board~~ Board may award to any municipality grants in amounts not to exceed \$250,000.00 annually, loans, or loan guarantees for financing capital transportation projects, including ~~but not limited to~~ construction or alteration of roads and highways, parking facilities, and rail or bus facilities or equipment,

or for the underground relocation of electric utility, cable and telecommunications lines, but shall not include assistance for operating costs. Grants awarded by the ~~board~~ Board shall not exceed ~~50~~ 80 percent of the overall cost of the project. The approval of the ~~board~~ Board may be conditioned upon the repayment to the ~~fund~~ Fund of some or all of the amount of a loan or other financial benefits and such repayment may be from local taxes, fees, or other local revenues sources. The ~~board~~ Board shall consider geographical distribution in awarding the resources of the ~~fund~~ Fund.

(d) ~~Each fiscal year, \$40,000.00 of the fund~~ The Fund shall be available to the ~~department of housing and community affairs~~ Department of Housing and Community Development for the reasonable and necessary costs of administering the fund Fund. The amount projected to be spent on administration shall be included in the Department's fiscal year budget presentations to the General Assembly.

Sec. E.806 [DELETED]

* * * TRANSPORTATION * * *

Sec. E.900 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC SAFETY

No transportation funds shall be appropriated for the support of government other than for the Agency, the Board, Transportation Pay Act Funds, construction of transportation capital facilities, transportation debt service, the operation of information centers by the Department of Buildings and General Services, and the Department of Public Safety. The amount of transportation funds appropriated to the Department of Public Safety shall not exceed:

- (1) \$25,250,000.00 in fiscal year 2014;
- (2) \$22,750,000.00 in fiscal ~~year~~ years 2015 and 2016; and
- (3) \$20,250,000.00 in fiscal year ~~2016~~ 2017 and in succeeding fiscal years.

Sec. E.903 Transportation – program development

(a) In fiscal year 2016 the Secretary of Transportation is authorized to make post disaster awards to municipalities that relied on specific instructions from State employees other than the Agency of Transportation for transportation projects.

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$7,123,455 is appropriated from the Transportation Equipment Replacement Account within the Central Garage Fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized, notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. B.1104.1 (State employee retirement incentive), C.101 (Blue Ribbon Commission on Financing High Quality Affordable Child Care), C.102 (fiscal year 2015 transfer to the Transportation Infrastructure Bond Fund), C.102.1 (Transportation contingent spending authority), C.103 (Rescission process), C.104 (fiscal year 2015 one-time appropriations), C.105 (transfer to Sergeant at Arms), C.106-C.106.3 (Vermont Health Connect report), C.107 (government restructuring review; report), D.100.1 (fiscal year 2015; year-end undesignated general fund), D.102 (tobacco litigation settlement fund balance), E.100.1 (State employee classification study), E.100.2-E.100.3 (ERF reorganization to Secretary of Administration), E.112 (energy efficiency; state buildings), E.145.1 (special committee on IT utilization), E.103 (Defender General; ad hoc immunity), E.204 (suspension of video arraignments repeal), E.204.6 (remedies for failure to pay fines; community service), E.204.10 (expenses for Masters), E.204.11 (Regional Venue), E.204.12-E.204.13 (Assistant judges), E.204.14 (court security), E.204.15 (legislative intent; court fees), E.208.3 (Dispatch cost report), E.112 (energy efficiency; State buildings and facilities), E.225.1(c) (Agriculture/Natural Resources lab MOU/governance), E.300.5 (Health Care funding intent), E.308 (Choices for Care), E.500.1 (Agency of Education uniform chart of accounts), E.713 (ANR - NRB plan to achieve savings), and E.802 (Office of Creative Economy) of this act shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. B.1112.2, 2 V.S.A. § 63 (Sergeant at Arms), shall take effect retroactively as of January 1, 2015.

(c) Sec. C.100 (Interim Study on Feasibility of Establishing a Public Retirement Plan) shall take effect retroactively to January 1, 2015.

(d) Sec. E.701.1 (PILOT funds for ANR lands FY 2019) shall take effect on July 1, 2018.

(e) All remaining sections shall take effect on July 1, 2015.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 23, Nays 6.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Collamore, Cummings, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

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

The Senator absent and not voting was: Westman.

Proposal of Amendment; Third Reading Ordered

H. 489.

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

An act relating to revenue.

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:

* * * Secretary of State * * *

* * * Office of Professional Regulation * * *

* * * Osteopathy * * *

Sec. 1. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- | | |
|--|-------------------------------------|
| (1) Application | |
| (A) Licensure | \$500.00 |
| (B) Limited temporary license | \$50.00 |
| (2) Biennial license renewal | \$500.00 <u>\$350.00</u> |
| (3) Annual limited temporary license renewal | \$100.00 |

* * * Real Estate Brokers and Salespersons * * *

Sec. 2. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

* * *

<u>(7) Education course review</u>	<u>\$100.00</u>
------------------------------------	-----------------

* * *

* * * Veterinary Medicine * * *

Sec. 3. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application	\$ 100.00
(2) Biennial renewal	\$ 250.00 <u>\$200.00</u>

* * * Land Surveyors * * *

Sec. 4. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application	\$200.00
(2) Biennial renewal of license	\$400.00 <u>\$300.00</u>

* * * Real Estate Appraisers * * *

Sec. 5. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

Applicants and persons licensed under this chapter shall pay the following fees:

(1) Application	\$125.00
(2) Initial license	\$150.00
(3) Biennial renewal	\$315.00 <u>\$200.00</u>
(4) Temporary license	\$150.00

- | | |
|---|-------------------------------------|
| (5) Prelicensing course review | \$100.00 |
| (6) Continuing education course review | \$100.00 |
| (7) Appraiser trainee annual registration | \$100.00 |
| (8) Appraisal management company registration application | \$125.00 |
| (9) Appraisal management company registration renewal | \$500.00 <u>\$400.00</u> |

* * * Agency of Education * * *

Sec. 6. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

- | | |
|--|---|
| (1) Initial processing <u>Processing of application</u> | \$40.00
<u>\$50.00 per application</u> |
| (2) Issuance of initial <u>Level I</u> license | \$40.00 <u>\$50.00</u> per year
for the term of the license |
| (3) Renewal <u>Issuance of Level II</u> license | \$40.00 <u>\$50.00</u> per year
for the term of the renewal |
| (4) Replacement of license <u>Official copy of licenses</u> | \$10.00 |
| (5) [Repealed.] | |
| (6) <u>Issuance of provisional, emergency, or apprenticeship license</u> | <u>\$50.00 per year for term of license</u> |
| (6) (7) Peer review process | \$1,200.00 one-time fee |

* * *

* * * Speech–Language Pathologists and Audiologists * * *

Sec. 7. 26 V.S.A. § 4459 is amended to read:

§ 4459. FEES

(a) Each applicant and licensee shall be subject to the following fees:

- | | |
|--|--|
| (1) Initial processing <u>Processing of application</u> | \$35.00 <u>\$50.00</u> |
| (2) Issuance of initial license | \$35.00 <u>\$50.00</u> per year for the term of the license |
| (3) Renewal <u>Issuance of license</u> | \$35.00 <u>\$50.00</u> per year for the term of the renewal |
| (4) Replacement <u>Official copy of license</u> | \$10.00 |

~~(5) Duplicate license \$3.00~~

(b) Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the ~~department~~ Agency to offset the costs of providing those services.

Sec. 7a. CONTINGENT EFFECTIVE DATE OF SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSE FEES

The amendments to 26 V.S.A. § 4459 (fees for speech-language pathologists and audiologists) set forth in Sec. 7 of this act shall not take effect if during the 2015 legislative session, the General Assembly enacts legislation to transfer the licensure of speech-language pathologists and audiologists from the Agency of Education to the Office of Professional Regulation.

* * * Department of Health * * *

* * * X-ray Equipment Fees * * *

Sec. 8. 18 V.S.A. § 1652(e) is amended to read:

(e) Applicants for registration of X-ray equipment shall pay an annual registration fee of ~~\$45.00~~ \$85.00 per piece of equipment.

* * * Food and Lodging Establishment Fees * * *

Sec. 9. 18 V.S.A. § 4353 is amended to read:

§ 4353. FEES

(a) The following fees shall be paid annually to the ~~board~~ Board at the time of making the application according to the following schedules:

(1) Restaurant I – Seating capacity of 0 to 25; ~~\$85.00~~ \$144.00

II — Seating capacity of 26 to 50; ~~\$145.00~~ \$204.00

III — Seating capacity of 51 to 100; ~~\$245.00~~ \$304.00

IV — Seating capacity of 101 to 200; ~~\$305.00~~ \$364.00

V — Seating capacity of over 200; ~~\$390.00~~ \$449.00

VI — Home Caterer; ~~\$95.00~~ \$154.00

VII — Commercial Caterer; ~~\$200.00~~ \$259.00

VIII — Limited Operations; ~~\$95.00~~ \$154.00

IX — Fair Stand; ~~\$70.00~~ \$129.00; if operating for four or more days per year; ~~\$160.00~~ \$219.00

- (2) Lodging I — Lodging capacity of 1 to 10; ~~\$80.00~~ \$201.00
 II — Lodging capacity of 11 to 20; ~~\$135.00~~ \$256.00
 III — Lodging capacity of 21 to 50; ~~\$200.00~~ \$321.00
 IV — Lodging capacity of over 50; ~~\$340.00~~ \$461.00

(3) Food processor - a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

- (A) - Gross receipts of \$10,001.00 to \$50,000.00; ~~\$115.00~~ \$175.00
 (B) - Gross receipts of over \$50,000.00; ~~\$155.00~~ \$275.00

(4) Seafood vending facility – ~~\$125.00~~ \$175.00, unless operating pursuant to another license issued by the ~~department of health~~ Department of Health and generating less than \$40,000.00 in seafood gross receipts annually. If generating more than \$40,000.00 in seafood gross receipts annually, the fee is to be paid regardless of whether the facility is operating pursuant to another license issued by the ~~department of health~~ Department of Health.

(5) Shellfish reshippers and repackers – ~~\$285.00~~ \$375.00.

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

* * *

Sec. 10. 18 V.S.A. § 4446 is amended to read:

§ 4446. FEE

(a) A person owning or conducting a bakery as specified in sections 4441 and 4444 of this title shall pay to the ~~board~~ Board a fee for each certificate and renewal thereof in accordance with the following schedule:

- Bakery I – Home Bakery; ~~\$55.00~~ \$100.00
 II – Small Commercial; ~~\$125.00~~ \$175.00
 III – Large Commercial; ~~\$250.00~~ \$325.00
 IV – Cams; ~~\$90.00~~ \$150.00

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

* * *

Sec. 11. REPORT TO GENERAL ASSEMBLY; COMBINATION LICENSES FOR FOOD AND LODGING ESTABLISHMENTS

(a) On or before January 15, 2016, the Commissioner of Health shall submit to the House Committee on Human Services, the House Committee on Ways and Means, and the Senate Committee on Finance a report with recommendations designed to achieve licensing efficiencies, including risk-based inspections and combination licenses for food retailers and food and lodging establishments. The report shall include:

(1) a summary of how other New England states license such establishments and identify any other state that has a valuable model;

(2) a description of available models that include risk-based inspections and combination licenses;

(3) any recommendation of revenue-neutral fee structure changes that would improve efficiency for both the Department and licensees.

(b) Recommendations for combination licenses or fee changes shall be included in the fiscal year 2017 Executive Branch Fee Bill.

* * * Board of Medical Practice Fees * * *

* * * Podiatry * * *

Sec. 12. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

* * * Medicine * * *

Sec. 13. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The ~~department of health~~ Department of Health shall collect the following fees:

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(3) Initial limited temporary license; annual renewal ~~\$70.00~~ \$75.00.

* * *

* * * Anesthesiologist Assistants * * *

Sec. 14. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, ~~\$115.00~~ \$120.00;

(ii) Each additional application, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2)(A)(i) Biennial renewal, ~~\$115.00~~ \$120.00;

(ii) Each additional renewal, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, ~~\$15.00~~ \$20.00.

* * * Physician Assistants * * *

Sec. 15. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, ~~\$170.00~~ \$225.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$170.00~~ \$215.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

* * * Radiologist Assistants * * *

Sec. 16. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification ~~\$115.00~~ \$120.00;

(ii) Each additional application ~~\$ 50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2)(A)(i) Biennial renewal ~~\$115.00~~ \$120.00;

(ii) Each additional renewal ~~\$ 50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

(3) Transfer of certification ~~\$15.00~~ \$20.00.

* * * Agency of Natural Resources/Natural Resource Board * * *

Sec. 17. 30 V.S.A. § 248b is added to read:

§ 248b. FEES; AGENCY OF NATURAL RESOURCES; PARTICIPATION IN SITING PROCEEDINGS

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Agency of Natural Resources (the Agency) in reviewing applications for in-state facilities under sections 248 and 248a of this title.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Public Service Board in an amount calculated in accordance with this section. The fee shall be deposited into the Natural Resources Management Fund and allocated to the Agency.

(c) Definitions. In this section:

(1) “kW,” “MW” and “plant capacity” shall have the same meaning as in section 8002 of this title.

(2) “Natural gas facility” shall have the same meaning as in section 248 of this title.

(3) “Telecommunications facility” shall have the same meaning as in section 248a of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be no fee for an electric generation facility less than or equal to 139 kW in plant capacity or for an application filed under subsection 248(k), (l), or (n) of this title.

(2) The fee for electric generation facilities greater than 139 kW through five MW in plant capacity shall be calculated as follows, except that in no event shall the fee exceed \$15,000.00:

(A) An electric generation facility from 140 kW through 450 kW in plant capacity, \$3.00 per kW.

(B) An electric generation facility from 451 kW through 2.2 MW in plant capacity, \$4.00 per kW.

(C) An electric generation facility from 2.201 MW through five MW in plant capacity, \$5.00 per kW.

(3) The fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$100,000.00 per application, for a new electric generation facility greater than five MW in capacity, and for a new

electric transmission facility or new natural gas facility not eligible for treatment under subsection 248(j) of this title.

(4) The fee shall be \$2,500.00 for an application under subsection 248(j) of this title for a facility that is not electric generation and for an application or that portion of an application under section 248 of this title that consists of upgrading an existing facility within its existing development footprint, reconductoring of an electric transmission line on an existing structure, or the addition of an electric transmission line to an existing structure.

(e) Telecommunications facilities. For an application under section 248a of this title proposing a wireless telecommunications facility that includes a new support structure, the fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$15,000.00.

(f) Exercise of duties. The Agency of Natural Resources shall exercise its duties under this title in a manner consistent with implementation of State policy and goals under sections 202a and 202c and chapter 89 of this title. In exercising its duties, the Agency shall establish procedures and work flow goals for the timely review of applications under sections 248 and 248a of this title. On or before the third Tuesday of each annual legislative session, the Agency shall submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall: list the fees collected under this section during the preceding fiscal year; discuss the Agency's performance in exercising its duties under this title during that year; identify areas that hinder the Agency's effective performance of these duties and summarize changes made to improve such performance; and, with respect to the Agency's exercise of these duties, discuss the Agency's staffing needs during the coming fiscal year and the future goals and objectives of the Agency.

Sec. 17a. 30 V.S.A. § 21 is amended to read:

§ 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

(a) The Board, the Department, or the Agency of Natural Resources may allocate the portion of the expense incurred or authorized by it in retaining additional personnel for the particular proceedings authorized in section 20 of this title to the applicant or the public service company or companies involved in those proceedings.

(1) The Board shall upon petition of an applicant or public service company to which costs are proposed to be allocated, review and determine, after opportunity for hearing, having due regard for the size and complexity of the project, the necessity and reasonableness of such costs, and may amend or

revise such allocations. Nothing in this section shall confer authority on the Board to select or decide the personnel, the expenses of whom are being allocated, unless such personnel are retained by the Board. Prior to allocating costs, the Board shall make a determination of the purpose and use of the funds to be raised hereunder, identify the recipient of the funds, provide for allocation of costs among companies to be assessed, indicate an estimated duration of the proceedings, and estimate the total costs to be imposed. With the approval of the Board, such estimates may be revised as necessary. From time to time during the progress of the work of such additional personnel, the Board, the Department, or the Agency of Natural Resources shall render to the company detailed statements showing the amount of money expended or contracted for in the work of such personnel, which statements shall be paid by the applicant or the public service company into the State Treasury at such time and in such manner as the Board, the Department, or the Agency of Natural Resources may reasonably direct.

(2) In any proceeding under section 248 of this title, the Agency of Natural Resources may allocate the portion of the expense incurred in retaining additional staff authorized in subsection 21(a) of this title only if the following apply:

(A) the Agency does not have the expertise and the retention of such expertise is required to fulfill the Agency's statutory obligations in the proceeding; and

(B) the Agency allocates only that portion of the cost for such expertise that exceeds the fee paid by the applicant under section 248b of this title.

(b) When regular employees of the Board, the Department, or the Agency of Natural Resources are employed in the particular proceedings described in section 20 of this title, the Board, the Department, or the Agency of Natural Resources may also allocate the portion of their costs and expenses to the applicant or the public service company or companies involved in the proceedings. The costs of regular employees shall be computed on the basis of working days within the salary period. The manner of assessment and of making payments shall otherwise be as provided for additional personnel in subsection (a) of this section. However, with respect to proceedings under section 248 of this title, the Agency shall not allocate the costs of regular employees.

* * *

(d) The Agency of Natural Resources may allocate expenses under this section only for costs in excess of the amount specified in 3 V.S.A. § 2809(d)~~(2)~~(1)(A).

Sec. 18. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the following fees for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

(1) For projects involving construction, ~~\$5.40~~ \$6.65 for each \$1,000.00 of the first \$15,000,000.00 of construction costs, and ~~\$2.50~~ \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be paid to the Agency of Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications.

(2) For projects involving the creation of lots, ~~\$100.00~~ \$125.00 for each lot.

(3) For projects involving exploration for or removal of oil, gas, and fissionable source materials, a fee as determined under subdivision (1) of this subsection or \$1,000.00 for each day of Commission hearings required for such projects, whichever is greater.

(4) For projects involving the extraction of earth resources, including ~~but not limited to~~ sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$0.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

(5) For projects involving the review of a master plan, a fee equivalent to \$0.10 per ~~\$1,000~~ \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in ~~subdivisions~~ subdivision (1) of this subsection for any portion of the project seeing construction approval

(6) In no event shall a permit application fee exceed ~~\$150,000.00~~ \$165,000.00.

(b) Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of ~~\$150.00~~ \$187.50 for original applications and ~~\$50.00~~ \$62.50 for amendment applications, in addition to publication and recording costs. These costs shall be in addition to any other fee established by statute, unless otherwise expressly stated.

* * *

Sec. 19. 3 V.S.A. § 2809(d)(4) is amended to read:

(4) All funds collected from applicants under the provisions of this section shall be paid into the State Treasury Environmental Permit Fund established pursuant to 10 V.S.A. § 2805, except that funds collected under provisions of subdivision (a)(2) of this section shall be paid into the Natural Resources Management Fund established pursuant to 23 V.S.A. § 3106(d).

Sec. 20. AGENCY OF NATURAL RESOURCES REPORT ON FEE FOR MOORINGS

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the House Committee on Ways and Means, the Senate Committee on Finance, the House Committee on Fish, Wildlife and Water Resources, and the Senate Committee on Natural Resources and Energy a report regarding whether the State should charge a fee for moorings located in waters of the State. The report shall:

(1) provide a detailed estimate of the number of moorings located in waters of the State and address whether other entities, public or private, are collecting fees associated with those moorings; and

(2) recommend:

(A) whether a fee should be charged for moorings or subcategories of moorings, such as private moorings versus commercial moorings;

(B) the amount the State should charge;

(C) how the fee should be charged, collected, and noncompliance enforced; and

(D) what new or existing program the fee revenue would support.

* * * Department for Environmental Conservation * * *

Sec. 21. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. ~~In addition, the persons who are exempt under 32 V.S.A. § 710 are also exempt from the application fees for stormwater operating permits specified in subdivisions (j)(2)(A)(iii)(I) and (II) of this section if they otherwise meet the requirements of 32 V.S.A. § 710.~~ Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), ~~(2)~~, (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall be subject to the payment of fees prescribed in subdivisions (j)(2), (10), (11), (12) and (26), except that a municipality shall also be exempt from those fees for orphan stormwater systems prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this section when a municipality agrees to become an applicant or co-applicant for an orphan stormwater system under 10 V.S.A. § 1264e for which a municipality has assumed full legal responsibility for the permit pursuant to 10 V.S.A. § 1264.

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

(1) For air pollution control permits or registrations issued under 10 V.S.A. chapter 23:

* * *

~~(B) Any person required to register an air contaminant source under 10 V.S.A. § 555(e) shall submit an annual registration fee in accordance with the following registration fee schedule, where the sum of a source's emissions of the following air contaminants is greater than five tons per year: sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons:~~

~~Registration: \$0.0335 per pound of emissions of any of these contaminants. Where the sum of a source's emission of these contaminants is greater than ten tons per year, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00:~~

~~Base registration fee \$1,500.00; and \$0.0335 per pound of emissions of any of these contaminants.~~

(B) Annual registration. Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall annually pay the following:

(i) base fee where the sum of a source's emissions of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is:

(I) ten tons or greater: \$1,500.00;

(II) less than ten tons but greater than or equal to five tons: \$1,000.00; and

(III) less than five tons: \$500.00.

(ii) Where the sum of a source's emissions of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is greater than or equal to five tons: an annual registration fee that is \$0.0335 per pound of such emissions except that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00.

(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of ~~\$120.00~~ \$240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

(A) Application review fee.

* * *

(iv) Indirect discharge or underground injection control, excluding stormwater discharges.

(I) ~~Sewage~~ Indirect discharge.

(aa) Individual permit: original application; amendment for increased flows; amendment for modification or replacement of system-;	\$1,755.00 plus \$0.08 per gallon of design capacity above 6,500 gpd.
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(bb) Renewal, transfer, or minor amendment of individual permit.	\$0.00
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(cc) General permit.	\$0.00
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(II) ~~Nonsewage~~ Underground
injection; original permit.

(aa) Individual permit: original application; amendment for increased	\$0.06 per gallon capacity design; minimum \$400.00 per application.
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flows; amendment for modification or replacement of system. For applications where the discharge meets groundwater enforcement standards at the point of discharge:	<u>\$500.00 and \$0.10 for each gallon per day over 2,000 gallons per day.</u>
(bb) Renewal, transfer, or minor amendment of individual permit	\$0.00
<u>(bb) For applications where the discharge meets groundwater enforcement standards at the point of compliance:</u>	<u>\$1,500.00 and \$0.20 for each gallon per day over 2,000 gallons per day.</u>
(cc) General permit.	\$0.00.

(B) Annual operating fee.

* * *

(v) Indirect discharge or underground injection control, excluding stormwater discharges:

(I) Sewage Indirect discharge.

(aa) Individual permit:	\$400.00 plus \$0.035 per gallon of design capacity above 6,500 gpd. maximum \$27,500.00.
(bb) Approval under general permit:	\$220.00.

(II) ~~Nonsewage~~ Underground injection control.

(aa) Individual permit <u>For applications where the discharge meets groundwater enforcement standards at the point of discharge:</u>	\$0.013 per gallon of design capacity. \$250.00 minimum; maximum \$5,500.00 <u>\$500.00 and \$0.02 for each gallon per day over 2,000 gallons per day.</u>
(bb) <u>For applications where the discharge meets</u>	<u>\$1,500.00 and \$0.02 for each gallon per day</u>

groundwater enforcement standards at the point of compliance: over 2,000 gallons per day.

(cc) Approval under general permit: \$220.00.

(C) The Secretary shall bill all persons who hold discharge permits for the required annual operating fee. Annual operating fees may be divided into semiannual or quarterly billings.

(3) [Repealed.]

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: ~~\$245.00~~ \$306.25 per application.

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: ~~\$580.00~~ \$870.00 per application.

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: ~~\$2,000.00~~ \$3,000.00 per application.

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: ~~\$5,000.00~~ \$7,500.00 per application.

(v) design flows greater than 10,000 gpd: ~~\$9,500.00~~ \$13,500.00 per application.

(B) Minor amendments: ~~\$100.00.~~ \$150.00.

~~(C) Special fees~~

~~(i) Original application or amendment solely for construction of grease trap, due to change in use, no increase in design flow: \$135.00~~

~~(ii) Original application or amendment solely for construction of holding tank for nondomestic wastewater: \$135.00.~~

~~when nondomestic wastewater will be transported off site.~~

(iii) Original application or amendment for initial connection by an existing building or structure to a municipal water or wastewater system at the time is first constructed where there is no increase in design flow and where the connection and system has been reviewed and approved by the facilities engineering division of the agency or has been reviewed, approved, and certified by a licensed designer retained by the municipality.	\$50.00
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(iv)(I)(C) Minor projects:	\$180.00. \$270.00.
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~~(H) As used in this subdivision (j)(4)(C), "minor project" means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow, but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.~~

(D) Notwithstanding the other provisions of this subdivision, when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

* * *

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 and interim groundwater withdrawal permits and approvals issued under 10 V.S.A. chapter 48:

(A) For public water supply construction permit and permit amendment applications:

~~\$375.00 per application plus \$0.0055 per gallon of design capacity. Amendments \$150.00 per application.~~

(i) For public community and nontransient noncommunity water supplies: \$900.00.

(ii) For transient noncommunity: \$500.00.

(B) For water treatment plant applications, except those applications submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design capacity. Amendments \$150.00 per application.

* * *

(D) For public water supplies and bottled water facilities, annually:

(i) Transient noncommunity: ~~\$50.00~~ \$100.00.

(ii) Nontransient, noncommunity: \$0.0355 per 1,000 gallons of water produced annually or \$70.00, whichever is greater.

(iii) Community: ~~\$0.0439~~ \$0.05 per 1,000 gallons of water produced annually.

(iv) Bottled water: \$1,390.00 per permitted facility.

(E) Amendment to bottled water facility permit, \$150.00 per application.

(F) For facilities permitted to withdraw groundwater pursuant to 10 V.S.A. § 1418: \$2,300.00 annually per facility.

(G) In calculating flow-based fees under this subsection, the Secretary will use metered production flows where available. When metered production flows are not available, the Secretary shall estimate flows based on the standard design flows for new construction.

(H) The Secretary shall bill public water supplies and bottled water companies for the required fee. Annual fees may be divided into semiannual or quarterly billings.

(8) For public water system operator certifications issued under 10 V.S.A. § 1674:

(A) For class IA and IB operators: \$45.00 per initial certificate or renewal. ~~Operators who are also permittees under the transient noncommunity water system general permit are not subject to this fee.~~

(B) For all other classes: \$80.00 per initial certificate or renewal.

(9)(A) For a solid waste hauler: ~~an annual operating fee of \$50.00 per vehicle.~~

(i) \$50.00 per vehicle for small vehicles with two axels, including pickup trucks, utility trailers, and stakebody trucks.

(ii) \$75.00 per vehicle for vehicles with three or four axels, including packer trucks, dump trucks, and roll offs.

(iii) \$100.00 per vehicle for tractors and any number axel tandem trailers.

(B) For a hazardous waste hauler: an annual operating fee of \$125.00 per vehicle.

(10) For management of lakes and ponds permits issued under 29 V.S.A. chapter 11:

(A) Nonstructural erosion control: \$155.00 per application.

(B) Structural erosion control: \$250.00 per application

(C) All other encroachments: \$300.00 per application plus one percent of construction costs, not to exceed \$20,000.00 per application.

* * *

(12)(A) For dam permits issued under 10 V.S.A. chapter 43: ~~0.525 1.00~~ percent of construction costs, minimum fee of ~~\$200.00~~ \$1,000.00.

(B) For all dams capable of impounding 500,000 or more cubic feet of water or other liquid, an annual fee:

(i) For dams classified as low risk: \$200.00 per year.

(ii) For dams classified as significant risk: \$350.00 per year.

(iii) For dams classified as high risk: \$1,000.00 per year.

(iv) For dams that have not been classified by the Department: \$0.00 per year.

* * *

~~(k) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay fees for any emissions of the following types of hazardous air contaminants. The following fees shall not be assessed for emissions resulting from the combustion of any fuels, except solid waste, in fuel burning or manufacturing process equipment. Any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) and who emits five or more tons per year shall pay fees as follows:~~

~~(1) Contaminants which cause short term irritant effects—\$0.012 per pound of emissions; Where the emissions are resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment:~~

~~(A)(i) Wood - \$0.1915 per ton burned; or~~

~~(ii) Wood burned in electric utility units with advanced particulate matter and nitrogen oxide reduction technologies - \$0.0607 per ton burned;~~

~~(B) No. 4, 5, 6 grade fuel oil and used oil - \$0.0015 per gallon burned;~~

~~(C) No. 2 grade fuel oil - \$0.0005 per gallon burned;~~

~~(D) Propane - \$0.0003 per gallon burned;~~

~~(E) Natural gas - \$2.745 per million cubic feet burned;~~

~~(F) Diesel generator - \$0.0055 per gallon burned;~~

~~(G) Gas turbine using No. 2 grade fuel oil - \$0.0022 per gallon burned.~~

~~(2) Contaminants which cause chronic systemic toxicity (low potency)—\$0.0225 per pound of emissions; For the emission of any hazardous air contaminant not subject to subdivision (1) of this subsection:~~

~~(A) Contaminants which cause short-term irritant effects - \$0.02 per pound of emissions;~~

~~(B) Contaminants which cause chronic systemic toxicity - \$0.04 per pound of emissions;~~

~~(C) Contaminants known or suspected to cause cancer - \$0.95 per pound of emissions.~~

~~(3) Contaminants which cause chronic systemic toxicity (high potency) \$0.03 per pound of emissions;~~

~~(4) Contaminants known or suspected to cause cancer (low potency) \$0.825 per pound of emissions;~~

~~(5) Contaminants known or suspected to cause cancer (high potency) \$15.00 per pound of emissions.~~

~~(1) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of hazardous air contaminants resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment.~~

~~(1) Coal \$0.645 per ton burned;~~

~~(2)(A) Wood \$0.155 per ton burned; or~~

~~(B) Wood burned with an operational electrostatic precipitator and NOx reduction technologies \$0.0375 per ton burned;~~

~~(3) No. 6 grade fuel oil \$0.00075 per gallon burned;~~

~~(4) No. 4 grade fuel oil \$0.0006 per gallon burned;~~

~~(5) No. 2 grade fuel oil \$0.0003 per gallon burned;~~

~~(6) Liquid propane gas \$0.0003 per gallon burned;~~

~~(7) Natural gas \$1.305 per million cubic feet burned.~~

* * *

Sec. 22. 10 V.S.A. § 6628(j) is amended to read:

(j) Fees shall be submitted annually on March 31. Fees shall be submitted to the Secretary and deposited into the hazardous waste management account of the Waste Management Assistance Fund established under section 6618 of this title. Fees shall be computed according to the following:

(1) ~~\$350.00~~ \$400.00 per toxic chemical identified pursuant to subdivision 6629(c)(4) of this title.

(2) ~~\$350.00~~ \$400.00 per hazardous waste stream identified pursuant to subdivision 6629(c)(3) of this title.

(3) Up to a maximum amount of:

(A) ~~\$1,750.00~~ \$2,000.00 per plan for Class A generators.

(B) ~~\$350.00~~ \$400.00 per plan for Class B generators.

(C) ~~\$1,750.00~~ \$2,000.00 per plan for large users.

(D) ~~\$3,500.00~~ \$4,000.00 per plan for Class A generators that are large users.

(E) ~~\$1,050.00~~ \$1,200.00 per plan for Class B generators that are large users.

Sec. 23. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with State law.

(b) As used in this section:

(1) “Commercial hauler” means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

(3) The Secretary shall not require a commercial hauler to obtain a permit under this section, comply with the disclosure requirements of this section, comply with the reporting and registration requirements of section 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

(A) the commercial hauler does not transport more than four cubic yards of solid waste at any time; and

(B) the solid waste transportation services performed are incidental to other nonwaste transportation-related services performed by the commercial hauler.

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a ~~transporter certified under this section~~ commercial hauler that offers the collection of municipal solid waste shall:

* * *

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a ~~transporter~~ commercial hauler in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

* * *

(3) A ~~transporter~~ commercial hauler is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:

* * *

(h) A ~~transporter~~ commercial hauler certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a ~~transporter~~ commercial hauler may charge a fee for all service calls, stops, or collections at a residential property and a ~~transporter~~ commercial hauler may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A ~~transporter~~ commercial hauler certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A ~~transporter~~ commercial hauler certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

* * * Department of Fish and Wildlife * * *

Sec. 24. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

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

(1) Fishing license	\$25.00 <u>\$26.00</u>
(2) Hunting license	\$25.00 <u>\$26.00</u>
(3) Combination hunting and fishing license	\$40.00 <u>\$41.00</u>

(4) Big game licenses (all require a hunting license)	
(A) archery license	\$23.00
(B) muzzle loader license	\$23.00
(C) turkey license	\$23.00
(D) second muzzle loader license	\$17.00
(E) second archery license	\$17.00
(F) moose license	\$100.00
(G) season bear tag	\$5.00
(H) additional deer archery tag	\$23.00
(5) Trapping license	\$20.00 <u>\$23.00</u>
(6) Hunting license for persons aged 17 years <u>of age</u> or under	\$8.00
(7) Trapping license for persons aged 17 years <u>of age</u> or under	\$10.00
(8) Fishing license for persons aged 15 through 17 <u>years of age</u>	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	\$10.00 <u>\$11.00</u>
(11) Combination hunting and fishing license for persons aged 17 years of age or under	\$12.00
(12) Mentored hunting license	\$10.00
(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:	
(1) Fishing license	\$50.00 <u>\$51.00</u>
(2) One-day fishing license	\$20.00 <u>\$21.00</u>
(3) [Repealed.]	
(4) Hunting license	\$100.00
(5) Combination hunting and fishing license	\$135.00
(6) Big game licenses (all require a hunting license)	
(A) archery license	\$38.00
(B) muzzle loader license	\$40.00

(C) turkey license	\$38.00
(D) [Repealed.]	
(E) [Repealed.]	
(F) moose license	\$350.00
(G) early season bear tag	\$15.00
(H) additional deer archery tag	\$38.00
(7) Small game licenses	
(A) all season	\$50.00
(B) [Repealed.]	
(8) Trapping license	\$300.00 <u>\$305.00</u>
(9) Hunting licenses for persons aged 17 years of age or under	\$25.00
(10) Three-day fishing license	\$22.00 <u>\$23.00</u>
(11) Seven-day fishing license	\$30.00 <u>\$31.00</u>

* * *

* * * Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 25. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2016, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly has established that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be set at the rate of 1.45 percent established in 2014 Acts and Resolves No. 191, Sec. 7, notwithstanding 21 V.S.A. § 711(a). The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 26. 6 V.S.A. § 3022(b) is amended to read:

(b) Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each location of hives. The fee revenue, ~~together with any other funds appropriated to the Agency for this purpose,~~ shall be collected by the Secretary and credited to the Weights and Measures Testing Fund to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 27. 9 V.S.A. § 2632(b) is amended to read:

(b) Fees and reimbursements of costs collected by the Agency of Agriculture, Food and Markets under the provisions of this chapter and 6 V.S.A. § 3022 shall be credited to a weights and measures special fund and shall be available to the Agency to offset the costs of implementing this chapter and 6 V.S.A. chapter 172.

* * * Agency of Commerce and Community Development * * *

Sec. 28. 10 V.S.A. § 128 is added to read:

§ 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION SPECIAL FUND

(a) A Special Fund is created for the operation of the Vermont Center for Geographic Information in the Agency of Commerce and Community Development. The Fund shall consist of revenues derived from the charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section for the provision of Geographic Information products and services, interest earned by the Fund, and sums which from time to time may be made available for the support of the Center and its operations. The Fund shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to support activities of the Center.

(b) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose charges reasonably related to the costs of the products and services of the Vermont Center for Geographic Information, including the cost of personnel, equipment, supplies, and intellectual property.

* * * Consumer Protection * * *

* * * Charitable Solicitations * * *

Sec. 29. 9 V.S.A. § 2473 is amended to read:

§ 2473. NOTICE OF SOLICITATION

* * *

(f)(1) ~~In~~ For each calendar year in which a paid fundraiser solicits in this State on behalf of a charitable organization, the paid fundraiser shall pay ~~an annual~~ a registration fee of \$500.00 to the Attorney General ~~with its first notice of~~ no later than ten days prior to its first solicitation in this State.

(2) Each notice of solicitation filed in accordance with this section shall be accompanied by a fee of \$200.00. In the case of a campaign lasting more than 12 months, an additional \$200.00 fee shall be paid annually on or before the date of the anniversary of the commencement of the campaign.

(3) Fees paid under this subsection shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Attorney General for the costs of administering sections 2471-2479 of this title.

* * *

* * * Motor Vehicles * * *

* * * All-terrain Vehicles * * *

Sec. 30. 23 V.S.A. § 3504 is amended to read:

§ 3504. REGISTRATION FEES AND PLATES

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$25.00~~ \$35.00. Duplicate registration certificates may be obtained upon payment of \$5.00 to the Department.

* * *

* * * Department for Children and Families * * *

* * * Dog, Cat and Wolf Hybrid Spaying and Neutering Program * * *

Sec. 31. 20 V.S.A. § 3581(c)(1) is amended to read:

(c)(1) A mandatory license fee surcharge of ~~\$3.00~~ \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in subchapter 6 of chapter 193 of this title.

Sec. 32. 20 V.S.A. § 3815(a) is amended to read:

(a) ~~The agency of human services~~ Agency of Human Services shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by ~~low income~~ low income individuals with low income. ~~The agency~~ Agency shall implement the program ~~through an agreement with a qualified organization~~ consistent with the applicable administrative rules.

* * * Judiciary * * *

Sec. 33. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection which shall be for the benefit of the county in which the fee was collected:

(1) Estates of \$10,000.00 or less	\$30.00 <u>\$50.00</u>
(2) Estates of more than \$10,000.00 to not more than \$50,000.00	\$80.00 <u>\$110.00</u>
(3) Estates of more than \$50,000.00 to not more than \$150,000.00	\$210.00 <u>\$265.00</u>
(4) Estates of more than \$150,000.00 to not more than \$500,000.00	\$395.00 <u>\$500.00</u>
(5) Estates of more than \$500,000.00 to not more than \$1,000,000.00	\$660.00 <u>\$1,000.00</u>
(6) Estates of more than \$1,000,000.00 to not more than \$5,000,000.00	\$1,050.00 <u>\$1,750.00</u>
(7) Estates of more than \$5,000,000.00 to not more than \$10,000,000.00	\$1,575.00 <u>\$2,500.00</u>
(8) Estates of more than \$10,000,000.00	\$1,840.00 <u>\$3,250.00</u>
(9) For all petitions, other than those described in subdivision (11) of this subsection, where the corpus of the trust at the time the petition is filed is \$100,000.00 or less, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust;	\$160.00
(A) <u>Trusts of \$10,000.00 or less</u>	<u>\$50.00</u>
(B) <u>Trusts of \$10,001.00 to not more than \$50,000.00</u>	<u>\$110.00</u>

(C) <u>Trusts of \$50,001.00 to not more than \$150,000.00</u>	<u>\$265.00</u>
(D) <u>Trusts of \$150,001.00 to not more than \$500,000.00</u>	<u>\$500.00</u>
(E) <u>Trusts of \$500,001.00 to not more than \$1,000,000.00</u>	<u>\$1,000.00</u>
(F) <u>Trusts of \$1,000,001.00 to not more than \$5,000,000.00</u>	<u>\$1,750.00</u>
(G) <u>Trusts of \$5,000,001.00 to not more than \$10,000,000.00</u>	<u>\$2,500.00</u>
(G) <u>Trust of more than \$10,000,000.00</u>	<u>\$3,250.00</u>
(10) For all trust petitions, other than those described in subdivision (11) of this subsection, where the corpus of the trust is more than \$100,000.00, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust [Repealed.]	\$265.00
(11) Annual accounts on trusts	\$35.00 <u>\$85.00</u>
(12) Annual accounts on decedents' estates filed for any period ending more than one year following the opening of the estate	\$30.00 <u>\$85.00</u>
(13) Adoptions and relinquishments as part of an adoption proceeding	\$100.00 <u>\$150.00</u>
(14) Relinquishments, separate from adoptions	<u>\$100.00</u>
(15) Guardianships for minors	\$90.00 <u>\$150.00</u>
(16) Guardianships for adults	\$105.00 <u>\$150.00</u>
(17) Petitions for change of name	\$135.00 <u>\$150.00</u>
(18) Filing of a will for safekeeping	\$25.00 <u>\$30.00</u>

(19) Filing of subsequent will for safekeeping, same probate division <u>Probate Division</u> or transfer to another probate division <u>Probate Division</u>	\$15.00 <u>\$30.00</u>
(20) Corrections for vital records	\$30.00 <u>\$150.00</u>
(21) Orders of authorization pursuant to 18 V.S.A. § 5144	\$30.00 <u>\$50.00</u>
(22) Conveyances of title to real estate pursuant to 14 V.S.A. § 1801, including petitions to clear title and release or discharge of mortgage	\$55.00 <u>\$100.00</u>
(23) Petitions concerning advance directives pursuant to 18 V.S.A. § 9718	\$80.00 <u>\$100.00</u>
(24) Civil actions brought pursuant to 18 V.S.A. chapter 107, subchapter 3.	\$55.00 <u>\$100.00</u>
(25) Petitions for partial decree	\$105.00
(26) Petitions for license to sell real estate	\$55.00 <u>\$100.00</u>
(27) <u>Petition for license to sell personal property</u>	<u>\$100.00</u>
(28) Petitions for minor settlement pursuant to 14 V.S.A. § 2643	\$30.00 <u>\$90.00</u>

(b) Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it. The Court shall use procedures established in subsection 1431(h) of this title to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

(c) A fee of \$5.00 shall be paid for each additional certification of appointment of a fiduciary.

Sec. 34. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

(a) Prior to the entry of any cause in the Supreme Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (2)–(5) of this subsection, prior to the entry of any cause in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order, the fee shall be ~~\$80.00~~ \$90.00 if one or both of the parties are residents, and ~~\$160.00~~ \$180.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section. If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the Court, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify a final order for parental rights and responsibilities, parent-child contact, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the

issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$40.00~~ \$45.00 in lieu of all other fees not otherwise set forth in this section. If the motion or petition is filed with a stipulation for an order, there shall be no fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be ~~\$35.00~~ \$40.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

(c)(1) Prior to the entry of a small claims action, there shall be paid to the clerk in lieu of all other fees not otherwise set forth in this section, a fee of ~~\$80.00~~ \$90.00 if the claim is for more than \$1,000.00 and ~~\$55.00~~ \$65.00 if the claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of ~~\$55.00~~ \$65.00. The fee for every counterclaim in small claims proceedings shall be ~~\$30.00~~ \$35.00, payable to the clerk, if the counterclaim is for more than \$500.00, and ~~\$20.00~~ \$25.00 if the counterclaim is for \$500.00 or less.

(2)(A) Except as provided in subdivision (B) of this subdivision (2), fees paid to the clerk pursuant to this subsection shall be divided as follows: 50 percent of the fee shall be for the benefit of the county and 50 percent of the fee shall be for the benefit of the State.

(B) In a county where court facilities are provided by the State, all fees paid to the clerk pursuant to this subsection shall be for the benefit of the State.

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 for every appeal, cross-claim, or third-party claim and a fee of ~~\$80.00~~ \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the Superior Court shall be ~~\$105.00~~ \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be ~~\$80.00~~ \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 except for small claims actions. A filing fee of \$90.00 shall be paid to the clerk of the Court for a civil petition for minor settlements.

(f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$55.00~~ \$65.00; the State or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the Bureau for the benefit of the State.

(g) Prior to the filing of any postjudgment motion in the Judicial Bureau there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee of ~~\$40.00~~ \$45.00. Prior to the filing of any appeal from the Judicial Bureau to the Superior Court, there shall be paid to the ~~Clerk~~ clerk of the Court, for the benefit of the State, a fee of ~~\$105.00~~ \$120.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the Court finds that the applicant is unable to pay it. The clerk of the Court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the Supreme Court. The applicant shall pay an in forma pauperis co-pay of \$10.00. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final

judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

* * * Administrative Provisions * * *

Sec. 35. 1 V.S.A. § 149 is added to read:

§ 149. SEMIWEEKLY

Unless a statute provides a more specific definition, “semiweekly” means twice per week.

Sec. 36. 7 V.S.A. § 302 is amended to read:

§ 302. APPLICATION

Application for such certificate of approval shall be made upon a form prescribed and furnished by the ~~liquor control board~~ Liquor Control Board, containing agreements to comply with the regulations of the ~~board~~ and to file with the commissioner of taxes, on or before the 20th day of each month, a report under oath, on a form prescribed and furnished by the commissioner of taxes, showing the quantity of malt or vinous beverages sold or delivered by such manufacturer or distributor during the preceding calendar month to each holder of such bottler’s or wholesale dealer’s license, Board and containing such further information as the ~~board~~ Board may deem necessary.

Sec. 37. 10 V.S.A. § 123(c) is amended to read:

(c) Within the limits of available resources, the Center shall operate a program of standards development, data dissemination, and quality assurance, and shall perform the following duties:

* * *

(12) Provide to regional planning commissions, State agencies, and the general public orthophotographic imagery of the State at a scale appropriate for the production and revision of town property maps. Periodically, such digital imagery shall be updated to capture land use changes, new settlement patterns, and such additional information as may have become available to the Director or the Center.

(A) The Center shall supply to each town such orthophotographic imagery as has been prepared by it of the total area of that town. Any image shall be available, without charge, for public inspection in the office of the town clerk to whom the imagery was supplied.

(B) At a reasonable charge to be established by the Center and the Director, the Center shall supply to any person or agency other than a town clerk or lister a copy of any digital format orthophotographic imagery created under this section.

(C) Hard copy or nondigital format orthophotographic imagery created under this section shall be available for public review at the State Archives.

Sec. 38. 10 V.S.A. § 6608(c) is amended to read:

(c) Information obtained by the Secretary under this section shall be available to the public, unless the Secretary certifies such information as being proprietary. The Secretary may make such certification where any person shows, to the satisfaction of the Secretary, that the information, or parts thereof, would divulge methods or processes entitled to protection as trade secrets. Nothing in this section shall be construed as limiting the disclosure of information by the Secretary to office employees as authorized representatives of the State concerned with implementing the provisions of this chapter or to the Department of Taxes for purposes of enforcing the solid waste tax imposed by 32 V.S.A. chapter 151, subchapter 13.

Sec. 39. 13 V.S.A. § 2143(e) is amended to read:

(e) Games of chance shall be limited as follows:

* * *

(4) A nonprofit organization may offer a prize worth not more than \$400.00 in value for a single game of chance, except that the nonprofit organization may offer a prize worth not more than \$1,000.00 in value for one game per day, a prize worth not more than \$5,000.00 in value for one game per calendar month and a prize of a motor vehicle, firearm, motorcycle, or watercraft worth not more than \$50,000.00 for one game per calendar year. A nonprofit organization may exceed the above prize limitations on four days per calendar year, if the days are at least 20 days ~~a part~~ apart and the total prize money offered for all games executed on the day does not exceed ~~\$20,000.00~~ \$50,000.00.

* * *

Sec. 40. [Deleted.]

Sec. 41. 32 V.S.A. § 3436(a) is amended to read:

(a) The Director shall ~~provide an~~ certify assessment education ~~program~~ programs for municipal listers and assessors at convenient times and places during the year and is authorized to contract with one or more persons to provide part or all of the assessment instruction. ~~On an annual basis, the Director shall provide, to the extent allowed by available resources, Certified programs may include~~ instruction in lister duties, property inspection, data collection, valuation methods, mass appraisal techniques, ~~and~~ property tax administration, or such other subjects as the Director deems beneficial to listers

and may be presented by Property Valuation and Review or a person pursuant to a contract with Property Valuation and Review, the International Association of Assessing Officials, the Vermont Assessors and Listers Association, or the Vermont League of Cities and Towns.

* * * Local Option Taxes * * *

Sec. 42. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

* * * Collections * * *

Sec. 43. 32 V.S.A. § 3201(a) is amended to read:

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

* * *

(9) Attach property pursuant to section 3207 of this title for payment of an amount collectible by the Commissioner under this title.

(10) Garnish earnings pursuant to section 3208 of this title for payment of an amount collectible by the Commissioner under this title.

Sec. 44. 32 V.S.A. § 3207 is added to read:

§ 3207. ADMINISTRATIVE ATTACHMENT

(a) Notwithstanding other statutes which provide for levy of execution, trustee process, and attachment, the Commissioner, pursuant to this section, may attach tangible and intangible property of a taxpayer to satisfy amounts collectible by the Commissioner under this title by transmitting a notice of attachment to a financial institution or person holding property belonging to or owed to a taxpayer.

(b) The Commissioner may contact a financial institution to obtain verification of the account number, the names and Social Security numbers listed for an account, and account balances of accounts held by a delinquent taxpayer. A financial institution is immune from any liability for release of this information to the Commissioner.

(c) At least 30 days prior to attaching a taxpayer's property, the Commissioner shall demand payment from the taxpayer together with notice that the taxpayer is subject to attachment of property under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of the notice shall be presumptive evidence of its receipt.

(d) A notice of attachment shall direct the financial institution or person to transmit all or a portion of the property in the taxpayer's accounts or owed to the taxpayer to the Commissioner up to the amount owed to the Commissioner. The notice shall identify the taxpayer by Social Security number or federal employer identification number. Upon receipt of the notice, the financial institution or person forthwith shall remit the amount stated in the notice or the amount held or owned by such financial institution or person, whichever is less, to the Commissioner. Notwithstanding the foregoing, any financial institution shall surrender any deposits in such bank only after 21 days after transmittal of the notice of attachment. During the 21-day hold period, the financial institution shall not release the attached funds to the taxpayer unless the Commissioner releases the attachment. A financial institution is immune from any liability due to compliance with the Commissioner's notice of attachment.

(e) A copy of the notice of attachment transmitted to the financial institution or person holding property due to the taxpayer shall be sent by certified mail to the taxpayer at the time it is transmitted to the financial institution or person. The taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The

Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the attachment and the taxpayer may appeal in the manner provided in subsection (b) of this title. This shall be the taxpayer's exclusive remedy with respect to an attachment under this section.

(f) At a hearing under this section, the taxpayer may raise the following claims relating to the proposed attachment, including:

(1) whether the notice of attachment has identified the wrong taxpayer;

(2) whether the proposed attachment includes property that would be exempt from attachment and levy under 12 V.S.A. § 2740 in a judicial attachment;

(3) the statute of limitations to collect the liability expired before the notice of attachment was sent; and

(4) the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's Vermont tax liability based on a change in his or her federal tax liability since the Vermont liability was assessed.

(g) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(h) If a hearing is requested in a timely manner under this section, the attachment shall be suspended and the financial institution shall not release the attached funds for the period during which the appeal is pending.

(i) After a hearing, the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's federal tax liability or on a change in the amount that is subject to attachment as a result of the hearing.

(j) Attachment under this section and other collection measures provided by law are cumulative.

(k) The Commissioner forthwith shall notify the financial institution in writing and the financial institution shall cease attachment:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the attachment exceeds the amount permissible under 12 V.S.A. § 2740.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Financial institution" includes financial institutions as defined 8 V.S.A. § 11101(32) and credit unions as defined in 8 V.S.A. § 30101(5).

(2) "Intangible property" means property that has no intrinsic value, but is merely the representative of value such as cash, accounts, rents, stocks, bonds, promissory notes, or other instruments that create a payment obligation.

(3) "Person" has the same meaning as in section 3001 of this title.

Sec. 45. 32 V.S.A. § 3208 is added to read:

§ 3208. ADMINISTRATIVE GARNISHMENT

(a) Notwithstanding other statutes which provide for levy or execution, trustee process, or attachment, the Commissioner may garnish a taxpayer's earnings pursuant to this section to satisfy amounts collectible by the Commissioner under this title, subject to the exemptions provided in 12 V.S.A. § 3170(a) and (b)(1).

(b) The Commissioner may contact an employer to obtain verification of a delinquent taxpayer's employment, earnings, deductions, and payment frequency as necessary to determine disposable earnings. The employer shall be immune from any liability for release of this information to the Commissioner.

(c) At least 30 days prior to initiating wage garnishment, the Commissioner shall demand payment from the taxpayer and notify the taxpayer that he or she is subject to garnishment under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of notice shall be presumptive evidence of receipt.

(d) After 30 days, a notice of garnishment shall be sent by certified mail to the taxpayer, and the taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the garnishment and the taxpayer may appeal in the manner provided in subsection 5885(b) of this title. This shall be the taxpayer's exclusive remedy with respect to a garnishment under this section.

(e) If, after 15 days, the taxpayer has not petitioned for a hearing, a notice of garnishment shall direct an employer to transmit a specified portion of the

taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(f) If a hearing is requested in a timely manner under this section, the garnishment which is the subject of the requested hearing shall be suspended for the period during which such appeal is pending. Fifteen days after an appeal is resolved, the notice of garnishment shall direct an employer to transmit a specified portion of the taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(g) At a hearing under this section, the taxpayer may raise any relevant issue relating to the unpaid tax or the proposed attachment, including:

(1) whether the notice of garnishment has identified the wrong taxpayer;

(2) whether the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1); or

(3) the statute of limitations to collect the liability expired before the notice of attachment was sent.

(h) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(i) An employer's obligation to transmit garnished wages to the Commissioner shall begin with the first periodic payment of earnings following receipt of the notice of garnishment unless the notice is withdrawn by the Commissioner. An employer who fails to withhold and transmit the garnished earnings to the Commissioner shall be liable for such amounts and may be assessed in the same manner as withholding taxes are assessed under chapter 151 of this title. As soon as reasonably practicable, the employer shall notify the Commissioner of the termination of the taxpayer's employment. No taxpayer may be discharged from employment on account of garnishment under this section against the taxpayer's wages.

(j) The Commissioner forthwith shall notify the employer in writing and the employer shall cease withholding from the earnings of the taxpayer:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1).

(k) Wage garnishment under this section and other collection measures provided by law are cumulative.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and the amount of any wage garnishment payable to the Office of Child Support.

(2) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program and proceeds from the sale of milk with respect to an individual engaged in the occupation of farming, but does not include payments from sources which by law are exempt from attachment.

Sec. 46. 32 V.S.A. chapter 103, subchapter 7 is added to read:

Subchapter 7. Collections

§ 3301. COLLECTIONS UNIT

(a) There is established within the Department of Taxes a collections unit. The primary purpose of the Collections Unit is to enforce and collect debt owed the State, including tax debts and debts certified to the Department of Taxes from other branches, agencies, or subdivisions of government under this subchapter.

(b) The Collections Unit shall:

(1) employ such staff as is necessary, subject to the approval of the Commissioner of Taxes;

(2) adopt rules under 3 V.S.A. chapter 25 to provide for the uniform administration of the collection of State debt;

(3) collect tax deficiencies owed the State, including those under chapter 151, subchapters 8 and 9 of this title;

(4) administer the system of tax debt setoff in chapter 151, subchapter 12 of this title;

(5) administer the system of tax intercepts under section 3113 of this title; and

(6) collect debts referred from agencies or from other branches or subdivisions of State government under this subchapter.

§ 3302. DEBT REFERRAL

(a) An agency or any other branch or subdivision of State government may enter into an agreement with the Department of Taxes to collect any debt, other than debts related to property taxes under chapters 123 through 135 of this title, of \$50.00 or more under the procedures established by this subchapter.

(b) Any agreement shall contain the following provisions:

(1) a process for ensuring that the debt is final, and not subject to any negotiation for settlement;

(2) a process for providing the Department with information necessary to identify each debtor and for certifying in writing the amount of each debt submitted to the Department for collection, along with any other information as the Commissioner shall require;

(3) a hierarchy of payments made from debts collected; and

(4) any other provisions necessary to allow the Department of Taxes to collect the referred debt.

§ 3303. COLLECTION POWERS AND PROCESS

The Collections Unit in collecting debt required under this chapter shall have the following enforcement powers at its disposal:

(1) any enforcement tool available to referring agency, in the name of that agency; and

(2) any enforcement tools for collection of tax debts under this title.

Sec. 47. TRANSITION

By July 1, 2016, the Department of Taxes shall adopt rules necessary to implement the creation of the Collections Unit under 32 V.S.A. chapter 103, subchapter 7. The rules shall include provisions for entering into referral agreements with referring agencies, branches, and subdivisions, and for exercising the enforcement powers provided under this subchapter.

Sec. 48. 32 V.S.A. § 3113(d) is amended to read:

(d) If the Commissioner determines that any person who has agreed to furnish goods, services, or real estate space to any agency has neglected or refused to pay any tax administered by the Commissioner and that the person's liability for such tax is not under appeal, or if under appeal, the Commissioner has determined that the tax or interest or penalty is in jeopardy, the Commissioner shall notify the agency and the person in writing of the amount owed by such person. Upon receipt of such notice, the agency shall thereafter transfer to the Commissioner any amounts that would otherwise be payable by

the agency to the taxpayer, up to the amount certified by the Commissioner. The Commissioner may treat any such payment as if it were a payment received from the taxpayer. As used in this section, "any person who has agreed to furnish services" includes a provider of Medicaid services who receives reimbursement from the State under Title 33.

* * * Current Use * * *

Sec. 49. 32 V.S.A. § 3757(f) is amended to read:

(f) ~~The~~ When the application for use value appraisal of agricultural and forestland, once has been approved by the State, the State shall be recorded ~~record a lien against the enrolled land~~ in the land records of the municipality and which shall constitute a lien to secure payment of the land use change tax to the State upon development. The landowner shall bear the recording cost. The land use change tax and any obligation to repay benefits paid in error shall not constitute a personal debt of the person liable to pay the same, but shall constitute a lien which shall run with the land. All of the administrative provisions of chapter 151 of this title, including those relating to collection and enforcement, shall apply to the land use change tax.

Sec. 50. 32 V.S.A. § 3760a is added to read:

§ 3760a. VALUATION AUDITS

(a) Annually, the Director shall conduct an audit of three towns with enrolled land to ensure that parcels with a use value appraisal are appraised by the local assessing officials consistent with the appraisals for nonenrolled parcels.

(b) In determining which towns to select for an audit, the Director shall consider factors that demonstrate a deviation from consistent valuations, including the following:

(1) the fair market value per acre of enrolled land in each town;

(2) the fair market value of enrolled land versus unenrolled land in the same town;

(3) the fair market value of enrolled farm buildings in each town; and

(4) the fair market value of enrolled farm buildings in relation to the fair market value of the associated land.

(c) For each town selected for an audit, the Director shall:

(1) conduct an independent appraisal of enrolled parcels and enrolled farm buildings in that town;

(2) compare the appraisals reached by the Director for each enrolled parcel with the appraisal reached by the local assessing officials; and

(3) review the land schedule and appraisal model applied by the town.

(d) If, as a result of an audit, the Director determines that an appraisal reached by the Director differs from the appraisal reached by the local assessing officials by more than 10 percent, then the Director shall substitute his or her appraisal of fair market value for the appraisal reached by the local assessing officials. A substitution of a fair market appraisal under this subsection shall be treated as a substitution by the Director under subsection 3760(b) of this title.

Sec. 51. AGRICULTURAL LANDS SUBJECT TO A USE VALUE APPRAISAL

On or before September 1, 2015 and annually thereafter, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 52. COUNTY FORESTERS

(a) The Secretary of Natural Resources, in consultation with the Commissioner of Taxes and the Commissioner of Forest, Parks and Recreation, shall report to the Senate Committee on Finance and the House Committee on Ways and Means on whether the current number of county foresters is sufficient to oversee compliance of forestland subject to a use value appraisal under 32 V.S.A. chapter 124, given the increasing number of forestland parcels, and the increasing acreage of forestland, in the current use program. In addition to any issues the Secretary considers relevant to this report, he or she shall specifically consider whether any or all of the following would be appropriate to strengthening the current use program:

(1) providing an additional forester whose sole responsibility would be investigating alleged violations of the current use requirements and doing spot compliance checks for forestland parcels;

(2) adding additional foresters to reflect the growth in forestland parcels subject to a use value appraisal; and

(3) requiring consulting foresters to be licensed by the State.

(b) The report of the Secretary of Natural Resources under this section shall be due on January 15, 2016.

* * * Statewide Education Tax * * *

Sec. 53. 32 V.S.A. § 5401(7) is amended to read:

(7) “Homestead”:

(A) “Homestead” means the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual ~~on April 1 and occupied~~ as the individual’s domicile ~~for a minimum of or owned and fully leased on April 1, provided the property is not leased for more than~~ 183 182 days out of the calendar year, or for purposes of the renter property tax adjustment under subsection 6066(b) of this title, rented and occupied by a resident individual as the individual’s domicile.

* * *

Sec. 54. 32 V.S.A. § 5404a(a)(6) is amended to read:

(6) An exemption of a portion of the value of a qualified rental unit parcel. An owner of a qualified rental unit parcel shall be entitled to an exemption on the education property tax grand list of 10 percent of the grand list value of the parcel, multiplied by the ratio of square footage of improvements used for or related to residential rental purposes to total square footage of all improvements, multiplied by the ratio of qualified rental units to total residential rental units on the parcel. “Qualified rental units” means residential rental units which are subject to rent restriction under provisions of ~~state~~ State or federal law, but excluding units subject to rent restrictions under only one of the following programs: Section 8 moderate rehabilitation, Section 8 housing choice vouchers, or Section 236 or Section 515 rural development rental housing. A municipality shall allow the percentage exemption under this subsection upon presentation by the taxpayer to the municipality, by April 1, of a certificate of education grand list value exemption, obtained from the Vermont Housing Finance Agency (VHFA). VHFA shall issue a certificate of exemption upon presentation by the taxpayer of information which VHFA and the Commissioner shall require. ~~An exemption granted by a municipality~~ A certificate of exemption issues by VHFA under this subsection shall expire upon transfer of the building, upon expiration of the rent restriction, or after 10 years, whichever first occurs. The certificate of exemption shall be renewed if VHFA finds that the property continues to meet the requirements of this subsection.

* * * Tax Increment Financing Districts * * *

Sec. 55. 24 V.S.A. § 1901(3) is amended to read:

(3) Annually:

(A) ensure that the tax increment financing district account required by section 1896 of this subchapter is subject to the annual audit prescribed in ~~section~~ sections 1681 and 1690 of this title. Procedures must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance;

(B) on or before ~~January 15~~ February 15 of each year, on a form prescribed by the Council, submit an annual report to the Vermont Economic Progress Council and the Department of Taxes, including the information required by subdivision (2) of this section if not already submitted during the year, all information required by subdivision (A) of this subdivision (3), and the information required by 32 V.S.A. § 5404a(i), including performance indicators and any other information required by the Council or the Department of Taxes.

Sec. 56. 24 V.S.A. § 1896(c) is amended to read:

(c) Notwithstanding any charter provision or other provision, all property taxes assessed within a district shall be subject to the provision of subsection (a) of this section. Special assessments levied under chapters 76A or 87 of this title or under a municipal charter shall not be considered property taxes for the purpose of this section if the proceeds are used exclusively for operating expenses related to properties within the district, and not for improvements within the district, as defined in subsection 1891(4) of this title.

* * * Income Tax * * *

Sec. 57. 32 V.S.A. § 5811(21) is amended to read:

(21) “Taxable income” means federal taxable income determined without regard to 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; ~~and~~

(iii) the amount ~~in excess of \$5,000.00~~ of State and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; ~~and~~

(iv) the amount of charitable contributions deducted from federal adjusted gross income for the taxable year, other than donations made to a qualified donee; and

(v) the amount in excess of the indexed amount of home mortgage interest deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

* * *

(C) For the purpose of calculating the amount of home mortgage interest to be added back to taxable income under subdivision (A)(v) of this subdivision (21), the “indexed amount” means

(i) \$12,000.00 for tax year 2015;

(ii) for tax years after 2015, “indexed amount” means the greater of \$12,000.00, or an amount equal to \$12,000.00 increased or decreased by the percentage change in the Federal Housing Finance Agency house price index for Vermont from tax year 2015 to the year prior to which the indexed amount is being calculated, and then rounded to the nearest \$500.00 increment over \$12,000.00.

* * *

(28) “Charitable contribution” means a donation that qualifies as a charitable contribution under 26 U.S.C. § 170(c).

(29)(A) “Qualified donee” means a donee that provides a direct benefit to a charitable cause in this State. When considering whether a donee provides a direct benefit to a charitable cause in the State, the Department of Taxes shall consider whether the donee engages in, or provides direct support to, the types of charitable activities for which a deduction is permitted under 26 U.S.C. § 170(c), or the types of charitable activities as described by Section 7.25.3.5 of the Internal Revenue Manual, and that either occur within this State, or in such relationship to this State, that a direct and substantial benefit of those activities is realized within the State.

(B) A donee will be presumed to provide a direct benefit to a charitable cause in this State if all of the following conditions are met:

(i) the donee is the type of entity to whom a qualified charitable contribution may be made under 26 U.S.C. § 170(c);

(ii) the donee maintains a physical presence, local affiliate, or chapter within the State, or within 25 miles of the State; and

(iii) at least some part of the donee's charitable work occurs within the State, or within 25 miles of the State.

(C) A qualified donee is the entity that actually receives the charitable contribution, regardless of how the donation is solicited or collected.

(D) In order to be considered a qualified donee, the donee must apply to the Department of Taxes and demonstrate to the satisfaction of the Commissioner how the donee meets the requirements of this subsection (c).

(E) On or before December 1 of each year, the Department of Taxes shall publicize the list of donees who are considered qualified under this section for the current tax year.

* * *

Sec. 58. 32 V.S.A. § 5822(a)(6) is added to read

(6) If the federal adjusted gross income of the taxpayer exceeds \$150,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer's federal adjusted gross income.

Sec. 59. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2013~~ 2014, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 60. 32 V.S.A. § 5841(c) is added to read:

(c) Every person who is required under this subchapter to withhold income taxes from payments of income, except for the government of the United States, shall provide the aggregate cost of applicable employer-sponsored coverage required under 26 U.S.C. § 6051(a)(14) regardless of the number of W-2 forms filed.

Sec. 61. 32 V.S.A. § 5842(a)(2) is amended to read:

(2) In semiweekly payments, if the person ~~can reasonably expect the amount to be deducted and withheld during that quarter will exceed \$9,000.00~~ is required to make semiweekly payments of federal withholding pursuant to the Internal Revenue Code. Semiweekly shall mean payment of tax withheld for pay dates on Wednesday, Thursday, or Friday is due by the following Wednesday, and tax withheld for pay dates on Saturday, Sunday, Monday, or Tuesday is due by the following Friday.

Sec. 62. 32 V.S.A. § 5852(a) is amended to read:

(a) Every individual, estate, and trust subject to taxation under section 5822 of this title; (other than a person receiving at least two-thirds of his or her income from farming or fishing as defined under the laws of the United States) shall make installment payments of the taxpayer's estimated tax liability for each taxable year. The amount of each payment shall be 25 percent of the required annual payment. For any taxable year, payments shall be made on or before April 15, June 15, and September 15 of the taxable year and January 15 of the following taxable year. In applying this section to a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

Sec. 63. 32 V.S.A. § 5920(h) is added to read:

(h) Notwithstanding any provisions in this section, a publicly traded partnership as defined in 26 U.S.C. § 7704(b), that is treated as a partnership for the purposes of the Internal Revenue Code, is exempt from any income tax liability under subsection (c) of this section, if information required by the Commissioner is provided by the due date of the partnership's return. This information includes the name, address, taxpayer identification number, and annual Vermont source of income greater than \$500.00 for each partner who had an interest in the partnership during the tax year. This information shall be provided to the Commissioner in an electronic format, according to rules or procedures adopted by the Commissioner.

* * * Downtown Tax Credits * * *

Sec. 64. 32 V.S.A. § 5930aa(3) is amended to read:

(3) "Qualified code or technology improvement project" means a project:

(A)(i) to install or improve platform lifts suitable for transporting personal mobility devices, limited use limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety; or

* * *

Sec. 65. 32 V.S.A. § 5930cc(c) is amended to read:

(c) Code or technology improvement tax credit. The qualified applicant of a qualified code or technology improvement project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual

income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$12,000.00 for installation or improvement of a platform lift, a maximum credit of \$40,000.00 for the installation or improvement of a limited use limited application elevator, a maximum tax credit of \$50,000.00 for installation or improvement of an elevator, a maximum tax credit of \$50,000.00 for installation or improvement of a sprinkler system, a maximum tax credit of \$30,000.00 for the combined costs of installation or improvement of data or network wiring or a heating, ventilating, or cooling system, and a maximum tax credit of ~~\$25,000.00~~ \$50,000.00 for the combined costs of all other qualified code improvements.

* * * Cigarette and Tobacco Taxes * * *

Sec. 66. 32 V.S.A. § 7734 is amended to read:

§ 7734. PENALTIES FOR SALES WITHOUT LICENSE

Any licensed wholesale dealer who shall sell, offer for sale, or possess with intent to sell any cigarettes, roll-your-own tobacco, little cigars, snuff, new smokeless tobacco, or other tobacco products, or ~~both~~ any combination thereof, without having first obtained a license as provided in this subchapter shall be fined not more than \$25.00 for the first offense and not more than \$200.00 nor less than \$25.00 for each subsequent offense.

Sec. 67. 32 V.S.A. § 7771(b) is amended to read:

(b) Payment of the tax on cigarettes under this section shall be evidenced by the affixing of stamps to the packages containing the cigarettes. Where practicable, the Commissioner may also require that stamps be affixed to packages containing little cigars or roll-your-own tobacco. Any cigarette, little cigar, or roll-your-own tobacco on which the tax imposed by this section has been paid, such payment being evidenced by the affixing of such stamp or such evidence as the Commissioner may require, shall not be subject to a further tax under this chapter. Nothing contained in this chapter shall be construed to impose a tax on any transaction the taxation of which by this State is prohibited by the constitution of the United States. The amount of taxes advanced and paid by a licensed wholesale dealer ~~or a retail dealer~~ as herein provided shall be added to and collected as part of the retail sale price on the cigarettes, little cigars, or roll-your-own tobacco.

Sec. 68. 32 V.S.A. § 7772 is amended to read:

§ 7772. FORM AND SALE OF STAMPS

(a) The Commissioner shall secure stamps of such designs and denominations as he or she shall prescribe to be affixed to packages of

cigarettes as evidence of the payment to the tax imposed by this chapter. The Commissioner shall sell such stamps to licensed wholesale dealers ~~and retail dealers~~ at a discount of two and three-tenths percent of their face value for payment at time of sale.

(b) At the purchaser's request, the Commissioner may sell stamps to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter to licensed wholesale dealers ~~and retail dealers~~ for payment within 10 days, at a discount of one and five-tenths percent of their face value if timely paid. In determining whether to sell stamps for payment within 10 days, the Commissioner shall consider the credit history of the dealer; and the filing and payment history, with respect to any tax administered by the Commissioner, of the dealer or any individual, corporation, partnership, or other legal entity with which the dealer is or was associated as principal, partner, officer, director, employee, agent, or incorporator.

(c) The Commissioner shall keep accurate records of all stamps sold to each wholesale dealer ~~and retail dealer~~, and shall pay over all receipts from the sale of stamps to the ~~state treasurer~~ State Treasurer.

Sec. 69. 32 V.S.A. § 7773 is amended to read:

§ 7773. USE AND REDEMPTION OF STAMPS

No licensed wholesale dealer ~~or retail dealer~~ shall sell or transfer any stamps issued under the provisions of this chapter. The Commissioner shall redeem at the amount paid therefor by the licensed wholesale or retail dealer any unused stamps issued under the provisions of this chapter, which are presented to him or her at his or her office in Montpelier.

Sec. 70. 32 V.S.A. § 7775 is amended to read:

§ 7775. ~~RETAILERS~~ RETAIL DEALERS

Within 24 hours after coming into possession of any cigarettes not bearing proper stamps evidencing payment of the tax imposed by this chapter and before selling the same, each retail dealer shall affix or cause to be affixed stamps of the proper denomination to each individual package of cigarettes as required by section 7771 of this title and in such manner as the Commissioner may specify in regulations issued pursuant to this chapter.

Sec. 71. 32 V.S.A. § 7777 is amended to read:

§ 7777. RECORDS REQUIRED; INSPECTION AND EXAMINATION; ASSESSMENT OF TAX DEFICIENCY

* * *

(d) If a licensed wholesale dealer ~~or retail dealer~~ has failed to timely pay for stamps obtained for payment within 10 days or to pay the tax imposed on

roll-your-own tobacco, the dealer shall be subject to assessment, collection, and enforcement in the same manner as provided under subchapter 4 of this chapter.

* * *

Sec. 72. 32 V.S.A. § 7812 is amended to read:

§ 7812. LIABILITY FOR COLLECTION OF TAX

The ~~distributor~~ licensed wholesale dealer shall be liable for the payment of the tax on tobacco products which he or she imports or causes to be imported into the State, or which he or she manufactures in this State, and every ~~distributor~~ licensed wholesale dealer authorized by the Commissioner to make returns and pay the tax on tobacco products sold, shipped, or delivered by him or her to any person in the State, shall be liable for the collection and payment of the tax on all tobacco products sold, shipped, or delivered. Every retail dealer shall be liable for the collection of the tax on all tobacco products in his or her possession at any time, upon which the tax has not been paid by a ~~distributor~~ licensed wholesale dealer and the failure of any retail dealer to produce and exhibit to the Commissioner or his or her authorized representative, upon demand, an invoice by a ~~distributor~~ licensed wholesale dealer for any tobacco products in his or her possession, shall be presumptive evidence that the tax thereon has not been paid and that such retail dealer is liable for the collection of the tax thereon. The amount of taxes advanced and paid by a ~~distributor~~ licensed wholesale dealer or retail dealer as hereinabove provided shall be added and collected as part of the sales price of the tobacco products.

Sec. 73. 32 V.S.A. § 7813 is amended to read:

§ 7813. RETURNS AND PAYMENT OF TAX BY ~~DISTRIBUTOR~~ LICENSED WHOLESALE DEALER

Every ~~distributor~~ licensed wholesale dealer shall, on or before the 15th day of each month, file with the Commissioner a return on forms to be prescribed and furnished by the Commissioner, showing the quantity and wholesale price of all tobacco products sold, shipped, or delivered by him or her to any person in the State during the preceding calendar month. Such returns shall contain such further information as the Commissioner of Taxes may require. Every ~~distributor~~ licensed wholesale dealer shall pay to the Commissioner with the filing of such return, the tax on tobacco products for such month imposed under this subchapter. When the ~~distributor~~ licensed wholesale dealer files the return and pays the tax within the time specified in this section, he or she may deduct therefrom two percent of the tax due.

Sec. 74. 32 V.S.A. § 7819 is amended to read:

§ 7819. REFUNDS

Whenever any tobacco products upon which the tax has been paid have been sold and shipped into another state for sale or use there, or have become unfit for use and consumption or unsalable or have been destroyed, the licensed wholesale dealer shall be entitled to a refund of the actual amount of tax paid with respect thereto. If the Commissioner is satisfied that any licensed wholesale dealer is entitled to a refund, he or she shall so certify to the Commissioner of Finance and Management who shall issue his or her warrant in favor of the licensed wholesale dealer entitled to receive such refund.

Sec. 75. 32 V.S.A. § 7821 is amended to read:

§ 7821. CRIMINAL PENALTIES

Any ~~distributor or dealer~~ person who shall fail, neglect, or refuse to comply with or shall violate the provisions of this chapter relating to the tax on tobacco products or the rules and regulations ~~promulgated~~ adopted by the Commissioner under this chapter relating to such tax shall be guilty of a misdemeanor and upon conviction for a first offense shall be sentenced to pay a fine of not more than \$250.00 or to be imprisoned for not more than 60 days, or both such fine and imprisonment in the discretion of the Court; and for a second or subsequent offense shall be sentenced to pay a fine of not less than \$250.00 nor more than \$500.00, or be imprisoned for not more than six months, or both such fine and imprisonment in the discretion of the Court. This section shall not apply to violations of sections 7731–7734 and 7776 of this title.

Sec. 76. 33 V.S.A. § 1916 is amended to read:

§1916. DEFINITIONS

As used in this subchapter:

* * *

(4) “~~Distributor~~ Wholesale dealer” shall have the same meaning as in 32 V.S.A. § 7702~~(4)~~(16).

* * *

(10) “~~Stamping agent~~” shall mean ~~a person or entity that is required to secure a license pursuant to 32 V.S.A. § 7731 or that is required to pay a tax on cigarettes imposed pursuant to 32 V.S.A. chapter 205.~~ [Repealed.]

* * *

Sec. 77. 33 V.S.A. § 1917(a) is amended to read:

(a) Every tobacco product manufacturer whose cigarettes are sold in this State, whether directly or through a ~~distributor~~, licensed wholesale dealer, retailer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General no later than April 30 each year certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is a participating manufacturer or is in full compliance with subchapter 1A of this chapter, including all quarterly installment payments required by section 1922 of this title.

Sec. 78. 33 V.S.A. § 1918(c) and (d) are amended to read:

(c) Unless otherwise provided by agreement between a ~~stamping agent~~ licensed wholesale dealer and a tobacco product manufacturer, a ~~stamping agent~~ licensed wholesale dealer shall be entitled to a refund from a tobacco product manufacturer for any money paid by the ~~stamping agent~~ licensed wholesale dealer to the tobacco product manufacturer for any cigarettes of that tobacco product manufacturer still in the possession of the ~~stamping agent~~ licensed wholesale dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. Also, unless otherwise provided by agreement between a retail dealer and a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer, a retail dealer shall be entitled to a refund from either a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer for any money paid by the retail dealer to the ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer for any cigarettes of that ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer still in the possession of the retail dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. The Attorney General shall not restore to the directory a tobacco product manufacturer or any individual styles or brands or cigarettes or, if applicable, brand families of that tobacco product manufacturer until the tobacco product manufacturer has paid all ~~stamping agents~~ licensed wholesale dealers any refund due pursuant to this section.

(d) The Commissioner shall refund to a ~~retailer dealer or stamping agent~~ licensed wholesale dealer any tax paid under 32 V.S.A. chapter 205 on products no longer saleable in the State under this subchapter.

Sec. 79. 33 V.S.A. § 1921 is amended to read:

§ 1921. REPORTING AND SHARING OF INFORMATION

(a) At the date specified in 32 V.S.A. § 7785 or 7813, for monthly reports from licensed wholesale dealers ~~or distributors~~, or at such date and frequency as the Commissioner may require for other ~~stamping agents~~ licensed wholesale dealers, which will be at least quarterly, each ~~stamping agent~~ licensed wholesale dealer shall submit such information as the Commissioner requires to facilitate compliance with subchapter 1A of this chapter and this subchapter, including a list by brand family of the total number of cigarettes, or, in the case of roll-your-own tobacco, the equivalent stick count, as determined pursuant to the formula set forth in subchapter 1A of this chapter, for which the ~~stamping agent~~ licensed wholesale dealer affixed stamps during the reporting period or otherwise paid the tax due for such cigarettes. ~~Stamping agents~~ Licensed wholesale dealers shall maintain, and make available to the Commissioner, all documentation and other information relied upon in reporting to the Commissioner for a period of six years.

* * *

(c) The Attorney General may require a ~~stamping agent~~ licensed wholesale dealer or tobacco product manufacturer to submit any additional information, including samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this subchapter and subchapter 1A of this chapter.

* * *

* * * Corporation Taxes * * *

Sec. 80. 32 V.S.A. § 8146 is amended to read:

§ 8146. ADDITIONAL TAX; REFUNDS

When the Commissioner finds that owing to the incorrectness of a return or any other cause, a tax paid pursuant to this chapter is too small, he or she shall assess an additional tax sufficient to cover the deficit and shall forthwith notify the parties so assessed. ~~If the additional assessment is not paid within 30 days after such notice, the person or corporation against whom it is assessed shall be liable to the same penalties as for neglect to pay annual or semiannual taxes.~~ The administrative provisions of chapter 103 and 151 shall apply to assessments and refund claims under this chapter, including those provisions governing interest and penalty, appeals, and collection of assessments.

* * * Employer Assessment * * *

Sec. 81. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

(a) The Commissioner of Labor shall assess and an employer shall pay a quarterly Health Care Fund contribution for each full-time equivalent uncovered employee employed during that quarter ~~in excess of:~~

- ~~(1) eight full-time equivalent employees in fiscal years 2007 and 2008;~~
- ~~(2) six full-time equivalent employees in fiscal year 2009; and~~
- ~~(3) four full-time equivalent employees in fiscal years 2010 and thereafter.~~

~~(b) For any quarter in fiscal years 2007 and 2008, the amount of the Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.~~

(1) For the fourth quarter of calendar year 2015, the amount of the Health Care Fund contribution shall be calculated as follows:

(A) for employers with at least one but no more than 49 full-time equivalent employees, the amount of the Health Care Fund contribution shall be \$140.84 for each uncovered full-time equivalent employee in excess of four;

(B) for employers with at least 50 but no more than 249 full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$228.13 for each uncovered full-time equivalent employee in excess of four; and

(C) for employers with 250 or more full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$319.38 for each uncovered full-time equivalent employee in excess of four.

(2) For each calendar year after calendar year 2015, the Health Care Fund contribution amounts described in subdivision (1) of this subsection shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

* * * Meals and Rooms Taxes * * *

Sec. 82. 32 V.S.A. § 9202 is amended to read:

§ 9202. DEFINITIONS

(10) "Taxable meal" means:

(A) Any food or beverage furnished within the ~~state~~ State by a restaurant for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises.

(B) Where furnished by other than a restaurant, any nonprepackaged food or beverage furnished within the ~~state~~ State and for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises. Fruits, vegetables, candy, flour, nuts, coffee beans, and similar unprepared grocery items sold self-serve for take-out from bulk containers are not subject to tax under this subdivision.

(C) Regardless where sold and whether or not prepackaged:

- (i) sandwiches of any kind except frozen;
- (ii) food or beverage furnished from a salad bar;
- (iii) heated food or beverage;
- (iv) food or beverage sold through a vending machine.

* * *

(19) "Vending machine" means a machine operated by coin, currency, credit card, slug, token, coupon, or similar device which dispenses food or beverages.

Sec. 83. 32 V.S.A. § 9271 is amended to read:

§ 9271. LICENSES REQUIRED

Each operator prior to commencing business shall register with the Commissioner each place of business within the ~~state~~ State where he or she operates a hotel or sells taxable meals or alcoholic beverages; provided however, that an operator who sells taxable meals through a vending machine shall not be required to hold a license for each individual machine. Upon receipt of an application in such form and containing such information as the Commissioner may require for the proper administration of this chapter, the Commissioner shall issue without charge a license for each such place in such form as he or she may determine, attesting that such registration has been made. No person shall engage in serving taxable meals or alcoholic beverages or renting hotel rooms without the license provided in this section. The license shall be nonassignable and nontransferable and shall be surrendered to the

Commissioner, if the business is sold or transferred or if the registrant ceases to do business at the place named.

Sec. 84. 32 V.S.A. § 9245 is amended to read:

§ 9245. OVERPAYMENT; REFUNDS

Upon application by an operator, if the Commissioner determines that any tax, interest, or penalty has been paid more than once, or has been erroneously or illegally collected or computed, the same shall be credited by the Commissioner on any taxes then due from the operator under this chapter, and the balance shall be refunded to the operator or his or her successors, administrators, executors, or assigns, together with interest at the rate per annum established from time to time by the Commissioner pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed, or from 45 days after the date the return was due, including any extensions of time thereto, with respect to which the excess payment was made, whichever is the later date or, if the taxpayer filed an amended return or otherwise requested a refund, 45 days after the date such amended return or request was filed. Provided, however, no such credit or refund shall be allowed after three years from the date the return was due.

* * * Sales and Use Tax - Fiscal Year 2016 * * *

Sec. 85. 32 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

Unless the context in which they occur requires otherwise, the following terms when used in this chapter mean:

* * *

(31) “Food and food ingredients” means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” does not include alcoholic beverages ~~or~~, tobacco, soft drinks, candy, or bottled water.

* * *

(53) “Bottled water” means water that is placed in a safety-sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: antimicrobial agents; fluoride; carbonation; vitamins, minerals, and electrolytes; oxygen; preservatives; and only those flavors, extracts, or essences derived from a spice or fruit. “Bottled water” includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(54) "Soft drink" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than 50 percent of vegetable or fruit juice by volume.

(55) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no refrigeration.

Sec. 86. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(13) Sales of ~~food, food stamps, purchases made with food stamps, food products and beverages,~~ food and food ingredients sold for human consumption off the premises where sold, and sales of eligible foods that are purchased with benefits under the Supplemental Nutrition Assistance Program or any successor program, consistent with federal law.

Sec. 87. SALES TAX PROPOSAL

(a) The General Assembly concludes that the structural deficiencies in Vermont's current revenue and budgeting structure, combined with a change in the State economy from an economy based on goods to an economy based on services, requires an examination and rethinking of Vermont's current sales tax base.

(b) On or before January 15, 2016, the Commissioner of Taxes shall report to the Senate Committee on Finance and House Committee on Ways and Means on how the Department of Taxes would implement an extension of Vermont's sales and use tax to select consumer services, not to include business to business services, most commonly taxed in other states. The extension of the sales and use tax modeled in the report shall provide two scenarios designed to raise both \$15 million and \$30 million in revenue in Vermont on an annual basis. The report shall include a draft of proposed rules which shall identify specific services by industry type that are taxable or not taxable.

(c) On or before January 15, 2016, the economists for the Legislative and Executive Branches, with the assistance of the Joint Fiscal Office and the Department of Taxes, shall file a joint report to the Senate Committee on

Finance and the House Committee on Ways and Means on the fiscal impact of further extending Vermont's sales and use tax to a broader range of consumer services. The report shall analyze the short- and long-term economic impacts to the State of Vermont of such an extension, and contrast those impacts with the short- and long term projections of Vermont's current sales and use tax revenues without the changes in the proposal.

* * * Satellite Programming Tax * * *

Sec. 88. 32 V.S.A. chapter 245 is added to read:

CHAPTER 245. TAX ON SATELLITE TELEVISION
PROGRAMMING

§ 10501. DEFINITIONS

As used in this chapter:

- (1) "Commissioner" means the Commissioner of Taxes.
- (2) "Distributor" means any person engaged in the business of making satellite programming available for purchase by subscribers.
- (3) "Satellite programming" means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber's receiving equipment located at an end user subscriber's or end user customer's premises.
- (4) "Subscriber" means a person who purchases programming taxable under this chapter.

§ 10502. TAX IMPOSED

- (a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of five percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.
- (b) The tax, together with a return in a form prescribed by the Commissioner, shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer's taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.
- (c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of chapter 151 of this title shall apply to the tax imposed by this section.

§ 10503. EXEMPTIONS

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

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

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

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

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

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

* * * Tax Expenditures * * *

Sec. 89. EVALUATION OF TAX EXPENDITURES

(a) The Joint Fiscal Office shall, in consultation with an organization or organizations with experience in the evaluation of tax expenditures, develop a strategy to evaluate the effectiveness of each Vermont tax expenditure in the report required by 32 V.S.A. § 312. The Joint Fiscal Office shall consider the experiences of other states and shall propose a strategy that identifies but is not limited to:

(1) an appropriate schedule and approach for evaluating tax expenditures;

(2) specific metrics for different tax expenditures based on the statutory purposes;

(3) sources of data and economic models, if any, that are matched to the identified metrics; and

(4) the composition and mandate of an appropriate body, if other than the General Assembly, to consider the effectiveness of tax expenditures.

(b) The Joint Fiscal Office shall present its findings and recommendations as well as an example of a Vermont tax expenditure evaluation to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2016. The Joint Fiscal Office shall, in addition to consulting with outside organizations, have the assistance of the Department of Taxes and the Office of Legislative Council.

* * * Repeals * * *

Sec. 90. REPEALS

The following are repealed:

(1) 32 V.S.A. § 3409 (preparation of property maps).

(2) 32 V.S.A. § 5925 (definitions for expired section) and 10 V.S.A. § 697(a) (cross reference).

* * * Effective Dates * * *

Sec. 91. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Secs. 1–5 (Office of Professional Regulation), 6–7 (Agency of Education), 8–11 (Department of Health), 12–16 (Board of Medical Practice), 17–23 (Agency of Natural Resources), 25 (Workers’ Compensation Fund), 27 (Apiaries), 30 (Motor Vehicles), 31–32 (VSNIP surcharge and language), 33–34 (Probate fees and Superior and Supreme Court fees), 48 (Medicaid Services), 50 (town audit), 51 (agricultural land certification), 82 (vending), 83 (licensing), 85 (sales tax definitions), and 86 (sales tax exemptions) shall take effect on July 1, 2015.

(2) Sec. 24 (Department of Fish and Wildlife) shall take effect on January 1, 2016.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 28 (VCGI Special Fund) shall take effect on passage and apply retroactively as of February 8, 2015.

(4) Secs. 43–45 (administrative attachment and garnishment) shall take effect on July 1, 2015.

(5) Sec. 46 (collections unit) shall take effect on July 1, 2016.

(6) Sec. 54 (qualified housing exemption), notwithstanding 1 V.S.A. § 214, shall take effect retroactively on January 1, 2014; provided however, that the 20-year period created by this section shall begin on January 1, 2004.

(7) Sec. 56 (special assessments) shall take effect July 1, 2015, and apply to special assessments enacted after that date.

(8) Secs. 57 (taxable income), 58 (minimum tax) and 59 (annual income tax update), notwithstanding 1 V.S.A. § 214, shall take effect retroactively to January 1, 2015, and apply to taxable years beginning on and after January 1, 2014.

(9) Sec. 62 (obligation of estates and trusts to make estimated payments) shall take effect on passage and apply to taxable years beginning on and after January 1, 2016.

(10) Sec. 81 (employer assessment) shall take effect on October 1, 2015 and shall apply to the amounts that are due to be collected on or before January 31, 2016.

(11) Sec. 88 (satellite tax) shall take effect July 1, 2015.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to on a roll call, Yeas 22, Nays 7.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, *Sears, Sirotkin, *Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Degree, Doyle, Flory, McAllister, Mullin.

The Senator absent and not voting was: Westman.

*Senator Sears explained his vote as follows:

“I votes Yes with the understanding that we will try to remove the satellite TV tax.”

*Senator Snelling explained her vote as follows:

“I am voting Yes, because even if I don’t support all of these actions, I do understand that these revenues are necessary to implement the budget that the Appropriations Committee presented.”

Thereupon, third reading of the bill was ordered on a roll call, Yeas 22, Nays 7.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Kitchel, Lyons, MacDonald, *Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Degree, Doyle, Flory, McAllister, Mullin.

The Senator absent and not voting was: Westman.