
TUESDAY, MARCH 10, 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.

Message from the House No. 28

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. 5. Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

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

Message from the House No. 29

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. 47. House concurrent resolution congratulating the Rutland High School cheerleading team on its success in the National Cheerleaders Association's Junior-Senior High School National Competition.

H.C.R. 48. House concurrent resolution congratulating the Vermont Student Assistance Corporation on its 50th anniversary.

H.C.R. 49. House concurrent resolution congratulating Marcy Tanger on winning a 2014 NeighborWorks Dorothy Richardson Resident Leadership Award.

H.C.R. 50. House concurrent resolution in memory of Deryl J. Stowell.

H.C.R. 51. House concurrent resolution honoring the individuals memorialized in Weybridge's 2014 town report.

H.C.R. 52. House concurrent resolution recognizing Edgar Crosby of Bridport on the dedication of the 2014 Bridport Town Report in his honor, in tribute to his exemplary community service.

H.C.R. 53. House concurrent resolution in memory of Kenneth W. Sawyer and honoring his community service in the town of New Haven.

H.C.R. 54. House concurrent resolution designating February 25, 2015, as Teachers' Day at the State House.

H.C.R. 55. House concurrent resolution congratulating youth composer Ethan Duncan on the Vermont Symphony Orchestra's premier of his *A Year in Vermont*.

H.C.R. 56. House concurrent resolution honoring Richard Werner for his outstanding leadership of the Dover School Board.

H.C.R. 57. House concurrent resolution honoring Kathleen Bartlett as an outstanding educator.

H.C.R. 58. House concurrent resolution congratulating the Southwestern Vermont Council on Aging on its 40th anniversary.

H.C.R. 59. House concurrent resolution congratulating Lions Club International's District 45 on its 60th anniversary.

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. 4. Senate concurrent resolution congratulating the First Presbyterian Church of Barre on its 125th anniversary.

And has adopted the same in concurrence.

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:

Avila, Maria Mercedes of Burlington - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2021.

To the Committee on Health and Welfare.

Bokan, Carol Ann of Shelburne - Member of the Community High School of Vermont Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Education.

Gregory, Peter of Hartland - Member of the State Infrastructure Bank Board, - from March 1, 2015, to February 28, 2020.

To the Committee on Finance.

Hathaway, Peter of Waterbury - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health & Welfare.

Hover, Caprice of Rutland - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Kamp, Susan of Burlington - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Mewes, Dennis of Dummerston - Member of the Fish and Wildlife Board, - from March 1, 2015, to February 28, 2021.

To the Committee on Natural Resources & Energy.

Sullivan, Linda of Dorset - Member of the Children and Family Council for Prevention Programs, - from March 1, 2015, to February 28, 2018.

To the Committee on Health and Welfare.

Wortham, Offie of Johnson - Member of the Community High School of Vermont Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Education.

Bill Referred to Committee on Finance

S. 122.

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

An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

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. 17. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 13, 2015, it be to meet again no later than Tuesday, March 17, 2015.

Joint Resolution Referred**J.R.H. 5.**

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

Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

Whereas, in 2015, millions of Americans rely on the Internet for business, educational, economic, entertainment, and health care purposes, and all providers and users of Internet services must be afforded equal access to this primary communications highway, and

Whereas, start-ups and other promising elements of Vermont's high-technology-based creative economy require continuous and affordable access to high-speed Internet services for their economic survival, and

Whereas, net neutrality means that no Internet service or content provider may be relegated to a slower online transmission speed, or be eligible for an accelerated speed upon payment of a special fee, and

Whereas, in Verizon v. F.C.C., 740 F.3d 623 (2014), the U.S. Court of Appeals for the District of Columbia held that the Federal Communications Commission (FCC) is prohibited from imposing neutrality rules on the Internet because the FCC does not regulate the Internet under Title II of the Telecommunications Act of 1996, and

Whereas, in light of this judicial decision, the FCC began to consider proposing new net neutrality rules, and

Whereas, in July 2014, as the FCC was considering possible new rules on net neutrality, U.S. Senator Patrick Leahy chaired Senate Judiciary Committee hearings in Burlington on the need to keep the Internet equally open to all Americans, and he held further hearings on this important topic last September in Washington, D.C., and

Whereas, both the Department of Public Service and the Public Service Board have previously filed comments supporting the FCC's adoption of new net neutrality rules, and

Whereas, at least 3.7 million Americans submitted comments to the FCC about proposed new net neutrality rules, and many of the comments were from consumers who wrote in support of an open and publicly accessible Internet, and

Whereas, on Wednesday, February 4, 2015, Commission Chair Thomas Wheeler announced proposed new Internet regulatory rules providing that the FCC would begin to regulate the Internet as a utility under Title II of the Telecommunications Act of 1996, and

Whereas, the proposed FCC rules would also require neutrality for Internet operations as Internet service providers would be mandated to offer all Internet content providers equal access and not add a surcharge for accelerated transmission speeds, and

Whereas, in addition, the proposed FCC rules would authorize regulation of the back end of the Internet, where content providers have complained that network middlemen have intentionally clogged key Internet transit points, and

Whereas, the FCC voted on the new net neutrality rules on February 26, 2015, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commends the Federal Communications Commission on its adoption of new net neutrality rules as Commission Chair Thomas Wheeler proposed, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Communications Commission and to the Vermont Congressional Delegation.

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

Bill Introduced

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

S. 123.

By Senators Snelling, Bray and Rodgers,

An act relating to standardized procedures for permits and approvals issued by the Department of Environmental Conservation.

To the Committee on Natural Resources & Energy.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 11, 2015.

WEDNESDAY, MARCH 11, 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 House No. 30

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. 272. An act relating to current use and technical tax changes.

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

Bill Referred to Committee on Appropriations**S. 58.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to requiring that the Defender General receive the same early retirement benefit as a State's Attorney.

Bills Introduced

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

S. 124.

By Senator White,

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

To the Committee on Government Operations.

S. 125.

By Senators Mullin and Collamore,

An act relating to prevention of double taxation of retirement benefits from other states.

To the Committee on Finance.

S. 126.

By Senators Pollina, Benning, Collamore and McCormack,

An act relating to an occupancy fee.

To the Committee on Finance.

Bill Referred

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

H. 272.

An act relating to current use and technical tax changes.

To the Committee on Finance.

Consideration Resumed; Third Reading Ordered**S. 108.**

Consideration was resumed on Senate committee bill entitled:

An act relating to repealing the sunset on provisions pertaining to patient choice at end of life.

Thereupon, the committee bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the committee bill be read a third time?, Senator McAllister moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL

18 V.S.A. chapter 113 (patient choice at end of life) is repealed.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator McAllister?, Senator Mullin moved that consideration of the bill be postponed until January 13, 2016?, was disagreed to.

Thereupon, the question, Shall the bill be amended as recommended by Senator McAllister?, was disagreed to on a roll call, Yeas 12, Nays 18.

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, Campbell, Collamore, Degree, Flory, Kitchel, Mazza, McAllister, Mullin, Sears, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Bray, Campion, Cummings, Doyle, Lyons, MacDonald, McCormack, Nitka, Pollina, Rodgers, Sirotkin, Snelling, White, Zuckerman.

Thereupon, pending the question, Shall the bill be read third time?, Senators Flory and Starr moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 112 is added to read:

CHAPTER 112. TERMINALLY ILL PATIENTS**§ 5271. TERMINALLY ILL PATIENTS; IMMUNITY FOR PRESCRIBING OR BEING PRESENT WHEN MEDICATION IS TAKEN**

(a) As used in this section:

(1) “Bona fide health care professional-patient relationship” means a treating or consulting relationship in the course of which a health care professional has completed a full assessment of the patient’s medical history and current medical condition, including a personal physical examination.

(2) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

(3) “Terminal condition” means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

(b) A health care professional who has a bona fide health care professional-patient relationship with a patient with a terminal condition and who prescribes medication to that patient for the relief of symptoms associated with or caused by the terminal condition shall not be subject to criminal or civil liability or professional disciplinary action if the patient self-administers more than a prescribed dosage of the medication and dies as a result.

(c) A person shall not be subject to criminal or civil liability solely for being present when a patient self-administers a lethal dose of a medication that has been prescribed for that patient by a health care professional.

Sec. 2. REPEAL

18 V.S.A. chapter 113 (patient choice at end of life) is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

Which was disagreed to on a roll call, Yeas 10, Nays 20.

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

Roll Call

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

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

Thereupon, third reading of the bill was ordered.

Bill Recommended

S. 105.

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

An act relating to home improvement contracts.

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

Sec. 1. 9 V.S.A. chapter 102 is amended to read:

CHAPTER 102. CONSTRUCTION CONTRACTS

§ 4001. DEFINITIONS

As used in this chapter:

(1) “Contractor” means a person or entity which contracts with an owner to perform work, or provide materials or machinery necessary to perform work on real property.

(2) “Work” means:

(A) to build, alter, repair, or demolish any improvement on, connected with, or on or beneath the surface of any real property, or to excavate, clear, grade, fill, or landscape any real property or to construct driveways, private roadways, highways and bridges, drilled wells, septic, sewage systems, utilities, including trees and shrubbery, or to furnish materials, for any of such purposes, or to perform any labor upon real property; ~~and. “Work” also includes~~

(B) to provide any design or other professional or skilled services rendered by architects, engineers, land surveyors, landscape architects, and construction managers.

(3) “Owner” means a person or entity having an interest in real property on which work is performed, if the person or entity has agreed to or requested such work. “Owner” includes successors in interest of the owner and agents of the owner acting within their authority. “Owner” shall also include the State of Vermont and instrumentalities and subdivisions of the State of Vermont including municipalities and school districts having an interest in such real property.

(4) “Real property” means real estate, including lands, leaseholds, tenements and hereditaments, and improvements placed thereon.

(5) “Construction contract” means any agreement, whether written or oral, to perform work on any real property located within the State of Vermont.

(6) “Subcontractor” means any person or entity which has contracted to perform work, or provide materials or machinery necessary to perform work for a contractor or another subcontractor in connection with a construction contract.

(7) “Delivery” means receipt by addressee, including first class, registered, or certified mail, hand delivered or transmitted by facsimile machine. Mail, properly addressed, shall be deemed delivered three days from the day it was sent.

(8) “Billing period” means the period agreed to by the parties or, in the absence of an agreement, the calendar month within which work is performed.

(9) “Residential home improvement contract” means a contract between a contractor and an owner for work on residential real estate where the estimated value of the work and materials exceeds \$5,000.00.

(10) “Residential real estate” means a residential structure with one to four dwelling units and the real property on which it is constructed.

* * *

§ 4010. RESIDENTIAL HOME IMPROVEMENT CONTRACTS

(a) Writing required. A residential home improvement contract, and any amendment to the contract, shall be in writing.

(b) Required provisions. A residential home improvement contract shall include the following:

(1) Contract price. One of the following provisions for the price of the contract:

(A) a maximum price for all work and materials;

(B) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(C) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(2) Work dates. A start date and a completion date for work.

(3) Scope of work. A description of the work to be performed and a description of the materials to be used.

(4) Warranty. A provision that reads: “In addition to any additional warranties agreed to by the parties, the contractor warrants that his or her work is free from faulty materials and is performed in a skillful manner according to the standards of the building code applicable for this location.”

(5) Change order.

(A) Unless a residential home improvement contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, subject to subdivision (5)(B) of this subsection, a provision that the contractor shall not perform any work or procure materials in excess of the maximum price of the contract without prior written approval of the owner.

(B) The contract may provide that an owner can approve a change order verbally or by electronic communication, provided that the owner and contractor shall memorialize the approval in a signed writing within three days of the approval.

(c) Down payment. Unless a residential home improvement contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment

of up to one-third of the maximum price of the contract, or the price of materials, whichever is greater.

(d) Enforcement and remedies.

(1) A residential home improvement contract shall not include a binding arbitration requirement or any other provision under which an owner waives his or her right to pursue civil remedies to enforce the contract or resolve a dispute with the contractor.

(2) A contract that does not comply with the provisions of this section shall be unenforceable against an owner.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2016.

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 Economic Development, Housing and General Affairs?, Senator Mullin moved that the bill be recommitted to the Committee on Economic Development, Housing and General Affairs?, which was agreed to.

Message from the House No. 31

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. 40. An act relating to establishing a renewable energy standard and energy transformation program.

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

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

J.R.S. 17. 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, March 12, 2015.

THURSDAY, MARCH 12, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Cyndi Simpson of Barre.

**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 its committee as indicated:

Pagano, J. Edward of Washington, D.C. - Member of the University of VT & Agricultural College Board of Trustees, - from March 6, 2015, to February 28, 2021.

To the Committee on Education.

Joint Resolution Placed on Calendar**J.R.S. 18.**

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

By Senator Nitka,

J.R.S. 18. Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges and two magistrates.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 19, 2015, at ten o'clock and thirty minutes in the forenoon to vote on the retention of four Superior Judges and two magistrates. In case the vote to retain said Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action next legislative day.

Bill Referred to Committee on Appropriations**S. 60.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to payment for medical examinations for victims of sexual assault.

Bills Introduced

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

S. 127.

By Senator Champion,

An act relating to a study regarding massage therapy licensure.

To the Committee on Health & Welfare.

S. 128.

By Senators Champion, Ayer, Balint, Baruth, Bray, Degree, MacDonald and Sears,

An act relating to bias regarding sexual orientation or gender identity in criminal proceedings.

To the Committee on Judiciary.

S. 129.

By Senators Ashe, Flory, Kitchel and Westman,

An act relating to requiring the Governor to submit a consolidated information technology funding plan and to create a Special Committee on the Utilization of Information Technology in Government.

To the Committee on Appropriations.

S. 130.

By Senators McCormack and Lyons,

An act relating to the repeal of the delinquent property tax penalty.

To the Committee on Finance.

S. 131.

By Senators Sirotkin and Lyons,

An act relating to disclosure of a business's campaign finance expenditures.

To the Committee on Government Operations.

S. 132.

By Senators Campion, Ayer, Baruth, Lyons and McCormack,

An act relating to the prohibition of conversion therapy on minors.

To the Committee on Health & Welfare.

S. 133.

By Senators Baruth and Mullin,

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

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

Bill Referred

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

H. 40.

An act relating to establishing a renewable energy standard and energy transformation program.

To the Committee on Natural Resources & Energy.

Bill Passed**S. 108.**

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

An act relating to repealing the sunset on provisions pertaining to patient choice at end of life.

Message from the House No. 32

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. 18. An act relating to Public Records Act exemptions.

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

Adjournment

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

FRIDAY, MARCH 13, 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. 33

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. 120. An act relating to creating a Vermont false claims act.

H. 270. An act relating to definitions for pretrial screenings and assessments.

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. 60. House concurrent resolution honoring John P. Dumville for his 36 years of exemplary service as Vermont's State Owned Historic Sites Section Chief.

H.C.R. 61. House concurrent resolution honoring former representative and outgoing Sergeant at Arms Francis K. Brooks of Montpelier for his dedicated public service.

H.C.R. 62. House concurrent resolution designating March 12, 2015, as Vermont Writes Day.

H.C.R. 63. House concurrent resolution in memory of former Representative Ronald K. Knapp.

H.C.R. 64. House concurrent resolution honoring Marlboro College President Ellen McCulloch-Lovell for her outstanding academic leadership and contributions to Vermont and the nation.

H.C.R. 65. House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' soccer championship team.

H.C.R. 66. House concurrent resolution congratulating the South Burlington High School Rebels 2014 Division I boys' track and field championship team.

H.C.R. 67. House concurrent resolution congratulating the 2014 South Burlington High School Rebels State championship girls' lacrosse team.

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

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

S.C.R. 5. Senate concurrent resolution congratulating Onion River Sports on its 40th anniversary.

S.C.R. 6. Senate concurrent resolution congratulating the 2014 Montpelier High School Solons Ultimate State Open championship and Spirit Award team.

S.C.R. 7. Senate concurrent resolution congratulating the East Montpelier Fire Department on its 50th anniversary.

S.C.R. 8. Senate concurrent resolution congratulating True Colors Home Decorating in Montpelier on its 25th anniversary.

S.C.R. 9. Senate concurrent resolution commemorating the 75th anniversary of the Montpelier Recreation Field.

S.C.R. 10. Senate concurrent resolution honoring Vermont State Geologist and Geological Survey Director Laurence R. Becker.

S.C.R. 11. Senate concurrent resolution congratulating Julia Hatch of Northfield on her winning the National Rifle Association's 2014 Daniel Morgan Trophy.

S.C.R. 12. Senate concurrent resolution congratulating the 2013–2014 Norwich University multiple national championship women's rugby team.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations**S. 66.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to persons who are deaf or hard of hearing.

Bills Introduced

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

S. 134.

By Senators Lyons and Starr,

An act relating to water quality improvement.

To the Committee on Natural Resources & Energy.

S. 135.

By Senator Ayer,

An act relating to expanding the responsibilities of the Green Mountain Care Board.

To the Committee on Finance.

S. 136.

By Senator Pollina,

An act relating to licensing and regulating applied behavior analysts and their assistants.

To the Committee on Government Operations.

Bills Referred

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

H. 18.

An act relating to Public Records Act exemptions.

To the Committee on Government Operations.

H. 120.

An act relating to creating a Vermont false claims act.

To the Committee on Judiciary.

H. 270.

An act relating to definitions for pretrial screenings and assessments.

To the Committee on Judiciary.

Appointment of Senate Members to the Joint Energy Committee

Pursuant to the provisions of 2 V.S.A. §601, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Energy Committee for terms of two years ending on February 1, 2017:

Senator Bray
Senator Snelling
Senator Lyons
Senator MacDonald

Appointment of Senate Member to the Vermont Tobacco Evaluation and Review Board

Pursuant to the provisions of 18 V.S.A. §9504, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Tobacco Evaluation and Review Board for a term of two years:

Senator Pollina

Senate Concurrent Resolutions

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

By Senators Doyle, Cummings and Pollina,

S.C.R. 5.

Senate concurrent resolution congratulating Onion River Sports on its 40th anniversary.

By Senators Doyle, Cummings and Pollina,

S.C.R. 6.

Senate concurrent resolution congratulating the 2014 Montpelier High School Solons Ultimate State Open championship and Spirit Award team.

By Senators Doyle, Cummings and Pollina,

S.C.R. 7.

Senate concurrent resolution congratulating the East Montpelier Fire Department on its 50th anniversary.

By Senators Doyle, Cummings and Pollina,

S.C.R. 8.

Senate concurrent resolution congratulating True Colors Home Decorating in Montpelier on its 25th anniversary.

By Senators Doyle, Cummings and Pollina,

S.C.R. 9.

Senate concurrent resolution commemorating the 75th anniversary of the Montpelier Recreation Field.

By Senators Lyons, Ayer, Benning, MacDonald, McCormack and Snelling,

By Representative Beyor and others,

S.C.R. 10.

Senate concurrent resolution honoring Vermont State Geologist and Geological Survey Director Laurence R. Becker.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue and Lewis,

S.C.R. 11.

Senate concurrent resolution congratulating Julia Hatch of Northfield on her winning the National Rifle Association's 2014 Daniel Morgan Trophy.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue and Lewis,

S.C.R. 12.

Senate concurrent resolution congratulating the 2013–2014 Norwich University multiple national championship women's rugby team.

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 All Members of the House,

By All Members of the Senate,

H.C.R. 60.

House concurrent resolution honoring John P. Dumville for his 36 years of exemplary service as Vermont's State Owned Historic Sites Section Chief.

By All Members of the House,

By All Members of the Senate,

H.C.R. 61.

House concurrent resolution honoring former representative and outgoing Sergeant at Arms Francis K. Brooks of Montpelier for his dedicated public service.

By Representative Lippert,

H.C.R. 62.

House concurrent resolution designating March 12, 2015, as Vermont Writes Day.

By Representative Helm and others,

By Senators Campion and Sears,

H.C.R. 63.

House concurrent resolution in memory of former Representative Ronald K. Knapp.

By Representative Long and others,

By Senators Balint and White,

H.C.R. 64.

House concurrent resolution honoring Marlboro College President Ellen McCulloch-Lovell for her outstanding academic leadership and contributions to Vermont and the nation.

By Representative Townsend and others,

H.C.R. 65.

House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' soccer championship team.

By Representative Townsend and others,

H.C.R. 66.

House concurrent resolution congratulating the South Burlington High School Rebels 2014 Division I boys' track and field championship team.

By Representative Townsend and others,

H.C.R. 67.

House concurrent resolution congratulating the 2014 South Burlington High School Rebels State championship girls' lacrosse team.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, March 17, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 17.

TUESDAY, MARCH 17, 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.

Bills Referred to Committee on Appropriations

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

S. 18. An act relating to privacy protection.

S. 42. An act relating to the substance abuse system of care.

S. 102. An act relating to forfeiture of property associated with an animal fighting exhibition.

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. 19. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 20, 2015, it be to meet again no later than Tuesday, March 24, 2015.

Committee Bills Introduced

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 137.

By the Committee on Judiciary,

An act relating to penalties for selling and dispensing marijuana.

S. 138.

By the Committee on Economic Development, Housing & General Affairs,

An act relating to promoting economic development.

S. 139.

By the Committee on Health & Welfare,

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

Bill Introduced

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

S. 140.

By Senators Ashe and Sears,

An act relating to a Vermont false claims act.

To the Committee on Judiciary.

Committee Bill Introduced

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

S. 141.

By the Committee on Judiciary,

An act relating to possession of firearms.

Bill Introduced

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

S. 142.

By Senator Pollina,

An act relating to portability of Vermont Student Assistance Corporation grants and scholarships.

To the Committee on Education.

Bill Amended; Third Reading Ordered**S. 73.**

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

An act relating to State regulation of rent-to-own agreements for merchandise.

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

Sec. 1. 9 V.S.A. § 41b is amended to read:

§ 41b. RENT-TO-OWN AGREEMENTS; DISCLOSURE OF TERMS

~~(a) The attorney general shall adopt by rule standards for the full and conspicuous disclosure to consumers of the terms of rent to own agreements. For purposes of this section a rent to own agreement means an agreement for the use of merchandise by a consumer for personal, family, or household purposes, for an initial period of four months or less, that is renewable with each payment after the initial period and that permits the lessee to become the owner of the property. An agreement that complies with this article is not a retail installment sales contract, agreement or obligation as defined in this chapter or a security interest as defined in section 1-201(37) of Title 9A.~~

~~(b) The attorney general, or an aggrieved person, may enforce a violation of the rules adopted pursuant to this section as an unfair or deceptive act or practice in commerce under section 2453 of this title.~~

(a) Definitions. In this section:

(1) "Advertisement" means a commercial message that solicits a consumer to enter into a rent-to-own agreement for a specific item of merchandise that is conveyed:

(A) at a merchant's place of business;

(B) on a merchant's website;

(C) on television or radio.

(2) "Cash price" means the price of merchandise available under a rent-to-own agreement that the consumer may pay in cash to the merchant at the inception of the agreement to acquire ownership of the merchandise.

(3) "Clear and conspicuous" means that the statement or term being disclosed is of such size, color, contrast, or audibility, as applicable, so that the nature, content, and significance of the statement or term is reasonably apparent to the person to whom it is disclosed.

(4) "Consumer" has the same meaning as in subsection 2451a(a) of this title.

(5) "Merchandise" means an item of a merchant's property that is available for use under a rent-to-own agreement. The term does not include:

(A) real property;

(B) a mobile home, as defined in section 2601 of this title;

(C) a motor vehicle, as defined in 23 V.S.A. § 4;

(D) an assistive device, as defined in section 41c of this title; or

(E) a musical instrument intended to be used primarily in an elementary or secondary school.

(6) "Merchant" means a person who offers, or contracts for, the use of merchandise under a rent-to-own agreement.

(7) "Merchant's cost" means the documented actual cost, including actual freight charges, of merchandise to the merchant from a wholesaler, distributor, supplier, or manufacturer and net of any discounts, rebates, and incentives that are vested and calculable as to a specific item of merchandise at the time the merchant accepts delivery of the merchandise.

(8)(A) "Rent-to-own agreement" means a contract under which a consumer agrees to pay a merchant for the right to use merchandise until:

(i) the consumer returns the merchandise to the merchant;

(ii) the merchant retakes possession of the merchandise; or

(iii) the consumer pays the total cost and acquires ownership of the merchandise.

(B) A "rent-to-own agreement" as defined in subdivision (7)(A) of this subsection is not:

- (i) a sale subject to 9A V.S.A. Article 2;
- (ii) a lease subject to 9A V.S.A. Article 2A;
- (iii) a security interest as defined in section 9A V.S.A. § 1-201(a)(35); or
- (iv) a retail installment contract or retail charge agreement as defined in chapter 61 of this title.

(9) “Rent-to-own charge” means the difference between the total cost and the cash price of an item of merchandise.

(10) “Total cost” means the sum of all payments, charges, fees, and taxes that a consumer must pay to acquire ownership of merchandise under a rent-to-own agreement. The term does not include charges for optional services or charges due only upon the occurrence of a contingency specified in the agreement.

(b) General requirements.

(1) Prior to execution, a merchant shall give a consumer the opportunity to review a written copy of a rent-to-own agreement that includes all of the information required by this section for each item of merchandise covered by the agreement and shall not refuse a consumer’s reasonable request to review the agreement with a third party, either inside the merchant’s place of business or at another location.

(2) A disclosure required by this section shall be clear and conspicuous.

(3) In an advertisement or rent-to-own agreement, a merchant shall state a numerical amount or percentage as a figure and shall print or legibly handwrite the figure in the equivalent of 12-point type or greater.

(4) A merchant may supply information not required by this section with the disclosures required by this section, but shall not state or place additional information in such a way as to cause the required disclosures to be misleading or confusing, or to contradict, obscure, or detract attention from the required disclosures.

(5) A merchant shall preserve an advertisement, or a digital copy of the advertisement, for not less than two years after the date the advertisement appeared. In the case of a radio, television, or Internet advertisement, a merchant may preserve a copy of the script or storyboard.

(6) A merchant shall make merchandise available to all consumers on the terms and conditions that appear in the advertisement.

(7) A rent-to-own agreement that is substantially modified, including a change that increases the consumer’s payments or other obligations or

diminishes the consumer's rights, shall be considered a new agreement subject to the requirements of this chapter.

(8) For each item of merchandise available under a rent-to-own agreement, a merchant shall keep an electronic or hard copy for a period of six years following the date the merchant ceases to own the merchandise:

(A) each rent-to-own agreement covering the item; and

(B) a record that establishes the merchant's cost for the item.

(9) A rent-to-own agreement executed by a merchant doing business in Vermont and a resident of Vermont shall be governed by Vermont law.

(10) If a rent-to-own agreement includes a provision requiring mediation or arbitration in the event of a dispute, the mediation or arbitration shall occur within Vermont.

(c) Cash price; total cost; maximum limits.

(1) The maximum cash price for an item of merchandise shall not exceed:

(A) for an appliance, 1.75 times the merchant's cost;

(B) for an item of electronics that has a merchant's cost of less than \$150.00, 1.75 times the merchant's cost;

(C) for an item of electronics that has a merchant's cost of \$150.00 or more, 2.00 times the merchant's cost;

(D) for an item of furniture or jewelry, 2.50 times the merchant's cost; and

(E) for any other item, 2.00 times the merchant's cost.

(2) The total cost for an item of merchandise shall not exceed two times the maximum cash price for the item.

(d) Disclosures in advertising. An advertisement shall state:

(1) the cash price of the item;

(2) that the merchandise is available under a rent-to-own agreement;

(3) the amount, frequency, and total number of payments required for ownership;

(4) the total cost for the item;

(5) the rent-to-own charge for the item; and

(6) that the consumer will not own the merchandise until the consumer pays the total cost for ownership.

(e) Disclosures on site. In addition to the information required in subsection (d) of this section, an advertisement at a merchant's place of business shall include:

(1) whether the item is new or used;

(2) when the merchant acquired the item; and

(3) the number of times a consumer has taken possession of the item under a rent-to-own agreement.

(f) Disclosures in rent-to-own agreement.

(1) The first page of a rent-to-own agreement shall include:

(A) a heading in bold-face type that reads: "IMPORTANT INFORMATION ABOUT THIS RENT-TO-OWN AGREEMENT. Do Not Sign this Agreement Before You Read It or If It Contains any Blank Spaces"; and

(B) the following information in the following order:

(i) the name, address, and contact information of the merchant;

(ii) the name, address, and contact information of the consumer;

(iii) the date of the transaction;

(iv) a description of the merchandise sufficient to identify the merchandise to the consumer and the merchant, including any applicable model and identification numbers;

(v) a statement whether the merchandise is new or used, and in the case of used merchandise, a description of the condition of, and any damage to, the merchandise.

(2) A rent-to-own agreement shall include the following cost disclosures, printed and grouped as indicated below, immediately preceding the signature lines:

(1) Cash Price: _____ \$ _____

(2) Payments required to become owner:

\$ _____/(weekly)(biweekly)(monthly) × (# of payments) = \$ _____

(3) Mandatory charges, fees, and taxes required to become owner (itemize):

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total required taxes, fees, and charges:	\$ _____
(4) Total cost:	(2) + (3) = \$ _____
(5) Rent-to-Own Charge:	(4) - (1) = \$ _____

(g) Required provisions of rent-to-own agreement. A rent-to-own agreement shall provide:

(1) a statement of payment due dates;

(2) a line-item list of any other charges or fees the consumer could be charged or have the option of paying in the course of acquiring ownership or during or after the term of the agreement;

(3) that the consumer will not own the merchandise until he or she makes all of the required payments for ownership;

(4) that the consumer has the right to receive a receipt for a payment and, upon reasonable notice, a written statement of account;

(5) who is responsible for service, maintenance, and repair of an item of merchandise;

(6) that, except in the case of the consumer's negligence or abuse, if the merchant must retake possession of the merchandise for maintenance, repair, or service, or the item cannot be repaired, the merchant is responsible for providing the consumer with a replacement item of equal quality and comparable design;

(7) the maximum amount of the consumer's liability for damage or loss to the merchandise in the case of the consumer's negligence or abuse;

(8) a description of a manufacturer's warranty or other warranty on the merchandise, which may be in a separate document furnished to the consumer;

(9) a description of any insurance required of the consumer, or a statement that the consumer is not required to purchase insurance and a description of any insurance purchased by the consumer;

(10) an explanation of the consumer's options to purchase the merchandise;

(11) an explanation of the merchant's right to repossess the merchandise; and

(12) an explanation of the parties' respective rights to terminate the agreement, and to reinstate the agreement.

(h) Prohibited provisions of rent-to-own agreement. A rent-to-own agreement shall not contain a provision:

(1) requiring a confession of judgment;

(2) requiring a garnishment of wages;

(3) authorizing a merchant or its agent to enter unlawfully upon the consumer's premises or to commit any breach of the peace in the repossession of property;

(4) requiring the consumer to waive any defense, counterclaim, or right of action against the merchant or its agent in collection of payment under the agreement or in the repossession of property; or

(5) requiring the consumer to purchase insurance from the merchant to cover the property.

(i) Option to purchase. Notwithstanding any other provision of this section, at any time after the first payment a consumer who is not in violation of a rent-to-own agreement may acquire ownership of the merchandise covered by the agreement by paying an amount equal to the cash price of the merchandise minus 50 percent of the value of the consumer's previous payments.

(j) Collections; repossession of merchandise; prohibited acts. When attempting to collect a debt or enforce an obligation under a rent-to-own agreement, a merchant shall not:

(1) call or visit a consumer's workplace after a request by the consumer or his or her employer not to do so;

(2) use profanity or any language to abuse, ridicule, or degrade a consumer;

(3) repeatedly call, leave messages, knock on doors, or ring doorbells;

(4) ask someone, other than a spouse, to make a payment on behalf of a consumer;

(5) obtain payment through a consumer's bank, credit card, or other account without authorization;

(6) speak with a consumer more than six times per week to discuss an overdue account;

(7) engage in violence;

(8) trespass;

(9) call or visit a consumer at home or work after receiving legal notice that the consumer has filed for bankruptcy;

(10) impersonate others;

(11) discuss a consumer's account with anyone other than a spouse of the consumer;

(12) threaten unwarranted legal action; or

(13) leave a recorded message for a consumer that includes anything other than the caller's name, contact information, and a courteous request that the consumer return the call.

(k) Reinstatement of agreement.

(1) A consumer who fails to make a timely payment may reinstate a rent-to-own agreement without losing any rights or options that exist under the agreement by paying all past-due charges, the reasonable costs of pickup, redelivery, and any refurbishing, and any applicable late fee:

(A) within five business days of the renewal date of the agreement if the consumer pays monthly; or

(B) within three business days of the renewal date of the agreement if the consumer pays more frequently than monthly.

(2) If a consumer promptly returns or voluntarily surrenders merchandise upon a merchant's request, the consumer may reinstate a rent-to-own agreement during a period of not less than 180 days after the date the merchant retakes possession of the merchandise.

(3) In the case of a rent-to-own agreement that is reinstated pursuant to this subsection, the merchant is not required to provide the consumer with the identical item of merchandise and may provide the consumer with a replacement item of equal quality and comparable design.

(l) Reasonable charges and fees. Any charge or fee assessed under a rent-to-own agreement shall be reasonably related to the actual cost to the merchant of the service or hardship for which it is charged.

(m) Prohibition on rent-to-own businesses and licensed lenders. A person engaged in the business of selling merchandise under a rent-to-own agreement subject to this section shall not engage in any conduct or business at the same physical location that would require a license under 8 V.S.A. chapter 73 (licensed lenders).

(n) Enforcement; remedies; damages. A person who violates this section commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 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 recommendation of amendment was agreed to, and third reading of the bill was ordered.

House Proposal of Amendment Concurred In with Amendment

S. 6.

House proposal of amendment to Senate bill entitled:

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

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. § 1501 is amended to read:

§ 1501. ESCAPE AND ATTEMPTS TO ESCAPE

* * *

(b)(1) A person ~~who~~ shall not, while in lawful custody:

~~(1) fails (A) fail~~ to return from work release to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 753;

~~(2) fails (B) fail~~ to return from furlough to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 808, 808a, 808b, or 808c;

~~(3) escapes or attempts (C) escape or attempt~~ to escape while on release from a correctional facility to do work in the service of such facility or of the Department of Corrections in accordance with 28 V.S.A. § 758; or

~~(4) escapes or attempts (D) escape elope or attempt to escape elope~~ from the Vermont ~~State Hospital, or its successor in interest~~ Psychiatric Care Hospital or a participating hospital, when confined by court order pursuant to chapter 157 of this title, or when transferred there pursuant to 28 V.S.A. § 703 and while still serving a sentence, ~~shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.~~

(2) A person who violates this subsection shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

(d) As used in this section:

* * *

(3) ~~“Successor in interest” shall mean the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital. [Repealed.]~~

Sec. 2. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(c) In accordance with ~~court~~ Court rules, at the sentencing hearing, the ~~court~~ Court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing. ~~It~~ In imposing sentence, the ~~court~~ Court shall consider any views offered at the hearing by the victim. ~~if~~ If the victim is not present, the ~~court~~ Court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing and shall take those views into consideration in imposing sentence.

(d) At or before the sentencing hearing, the prosecutor’s office shall instruct the victim of a listed crime, in all cases where the ~~court~~ Court imposes a sentence which includes a period of incarceration, that a sentence of incarceration is to the custody of the ~~commissioner of corrections~~ Commissioner of Corrections and that the ~~commissioner of corrections~~ Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release, and other early release programs. ~~It~~ In addition, the prosecutor’s office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.

* * *

Sec. 3. 13 V.S.A. § 5574 is amended to read:

§ 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

(a) A claimant shall be entitled to judgment in an action under this subchapter if the claimant establishes each of the following by clear and convincing evidence:

* * *

(2)(A) ~~The~~ the complainant’s conviction was reversed or vacated, the complainant’s information or indictment was dismissed, or the complainant was acquitted after a second or subsequent trial; or

(B) ~~The~~ the complainant was pardoned for the crime for which he or she was sentenced.

* * *

Sec. 4. 33 V.S.A. § 5308(a)(4) is amended to read:

(4) The custodial parent, guardian, or ~~guardian~~ custodian has abandoned the child.

Sec. 5. 2014 Acts and Resolves No. 126, Sec. 7 is amended to read:

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2014, and shall apply to restitution orders issued after that date; provided, however, that notwithstanding 1 V.S.A. § 214, Secs. 1, 3, 4, 5, and 6 shall also apply retroactively to restitution orders issued on or before July 1, 2014.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Benning, Ashe, Nitka, Sears, and White moved that the Senate concur in the House proposal of amendment with the following amendment thereto:

By adding a new section to be numbered Sec. 6 to read as follows:

Sec. 6. 33 V.S.A. § 5284 is amended to read:

§ 5284. DETERMINATION AND ORDER

(a) In a hearing on a motion for youthful offender status, the Court shall first consider whether public safety will be protected by treating the youth as a youthful offender. If the Court finds that public safety will not be protected by treating the youth as a youthful offender, the Court shall deny the motion and return the case to the ~~Family~~ Criminal Division of the Superior Court pursuant to subsection 5281(d) of this title. If the Court finds that public safety will be protected by treating the youth as a youthful offender, the Court shall proceed to make a determination under subsection (b) of this section.

* * *

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Bill Amended; Third Reading Ordered**S. 115.**

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

An act relating to expungement of convictions based on conduct that is no longer criminal.

Reported recommending that the bill be amended 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)(i) the person was convicted of:

(I) an offense for which the underlying conduct is no longer prohibited by law or the criminal sanctions have been repealed; or

(II) 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 repealed; and

(ii) at least one year has elapsed since the completion of any sentence or supervision for the offense, whichever is later.

(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.

(b)(1) The Court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least 10 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 10 years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the Court has been paid in full.

(D) The Court finds that expungement of the criminal history record serves the interest of justice.

(E) For petitions filed pursuant to subdivision 7601(4)(D) of this title, the Court finds 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.

(2) The Court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), ~~and (C)~~, and (E) of this subsection are met and the Court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) The Court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least 20 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past 15 years.

(D) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.

(E) After considering the particular nature of any subsequent offense, the Court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.

(F) For petitions filed pursuant to subdivision 7601(4)(D) of this title, the Court finds 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.

(2) The Court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), ~~and (D)~~, and (F) of this subsection are met and the Court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(d) 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 pursuant to 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.

(e) For petitions filed pursuant to subdivision (a)(1)(B)(i)(II) of this section:

(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing a quantity of regulated drug that is no longer prohibited by law or for which criminal sanctions have been repealed.

(2) There shall be a rebuttable presumption that the weight of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

Joint Resolution Adopted on the Part of the Senate

J.R.S. 18.

Joint Senate resolution entitled:

Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges and two magistrates.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Bills Amended; Third Readings Ordered

S. 41.

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

An act relating to developing a strategy for evaluating the effectiveness of individual tax expenditures.

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

Sec. 1. 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.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

S. 93.

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

An act relating to disclosure of lobbying advertisements.

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

Sec. 1. FINDINGS

(a) The effective public disclosure of the identity and extent of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence Vermont's legislators and administration officials during the legislative session will increase public confidence in the integrity of the governmental process.

(b) Responsible representative government requires public awareness of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence the public decision-making process in both the Legislative and Executive Branches of Vermont's government.

(c) Requiring registered lobbyists, lobbying firms, and lobbyist employers to report significant advertising campaigns that are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action enables the public, legislators, and administrative officials to evaluate better the pressures and content of the message when considering that action.

(d) The lack of detail in current required lobbying disclosure filings does not provide the public, legislators, and administrative officials with enough relevant information about who is attempting to influence the legislative and administrative process through advertising, and the timing of current required lobbying disclosure filings prevents the public, legislators, and administrative officials from evaluating the pressures and content of lobbying advertising at the time public policy is being debated.

(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers to designate clearly the name of the lobbyist, lobbying firm, or lobbyist employer paying for an advertisement within the advertisement allows the public, legislators, and administrative officials to determine who is attempting to influence the legislative and administrative process through advertising, to evaluate the pressures and content of lobbying advertising at the time when public policy is being debated, to trace coordinated advertising buys, and to track such spending over time.

Sec. 2. 2 V.S.A. § 264c is added to read:

§ 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING ADVERTISEMENTS

(a) Identification.

(1) An advertisement that is intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action and made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the

advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however, that if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

(c) Definitions. As used in this section:

(1) "Advertisement" means any form of advertising, including television, radio, print, and electronic media.

(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed.

Sec. 3. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

(1) on or before January 15, for the preceding period beginning on July 1 and ending with December 31;

(2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;

(3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;

(4) on or before April 15, for the preceding period beginning on January 1 and ending with March 31; and

(5) on or before July 15, for the preceding period beginning on April 1 and ending with June 30;

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

* * *

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline. [Repealed.]~~

* * *

Sec. 4. 2 V.S.A. § 265 is amended to read:

§ 265. PUBLIC ACCESS; REGISTRATION STATEMENTS; REPORTS SUBMISSION OF AND ACCESS TO LOBBYING DISCLOSURES

~~The secretary of state shall maintain copies of all lobbyist and employer registration statements and disclosure reports and all lobbying firm disclosure reports arranged alphabetically, which shall be a public record available for public inspection during ordinary business hours. The secretary of state shall also compile and maintain a separate report for each reporting period for each legislator or administrative official indicating the gifts reported to have been given to that legislator or official during the reporting period by employers, lobbyists, or lobbying firms, which shall be a public record available for public inspection during ordinary business hours. On January 1 of each odd-numbered year, the secretary may discard statements and reports that have been maintained for a period of four years.~~

(a) The Secretary of State shall provide on his or her website an online database of the lobbying disclosures required under this chapter.

(1) In this database, the Secretary shall provide digital access to each form he or she shall provide to enable a person to file the statements or reports

required under this chapter. Digital access shall enable such a person to file these lobbying disclosures by completing and submitting the disclosure to the Secretary of State online.

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

(b) Any person required to file a disclosure with the Secretary of State under this chapter shall sign it, declare that it is made under the penalties of perjury, and file it digitally on the online database.

Sec. 5. 2 V.S.A. § 267 is amended to read:

~~§ 267. VERIFICATION OF STATEMENTS AND REPORTS~~

~~Any statement or report required to be made under any provision of this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury. [Repealed.]~~

Sec. 6. TRANSITIONAL PROVISION; SECRETARY OF STATE; MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

(a) The Secretary of State shall maintain copies of the lobbying reports and registration statements filed with him or her on paper prior to the effective date of this act and the separate report of gifts to legislators and administrative officials he or she compiled under the provisions of 2 V.S.A. § 265 in effect prior to the effective date of this act, and shall make those disclosures available for public inspection during ordinary business hours.

(b) On January 1 of each odd-numbered year, the Secretary may discard the disclosures described in subsection (a) of this section that he or she has maintained for a period of at least four years.

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 lobbying disclosures.

And that when so amended the bill ought to pass.

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

Bill Committed

Pending entry on the Calendar for notice, on motion of Senator Mullin Senate Committee bill entitled:

S. 138. An act relating to promoting economic development.

Was committed to the Committee on Natural Resources & Energy.

Bill Committed

Pending entry on the Calendar for notice, on motion of Senator Lyons Senate Committee bill entitled:

S. 139. An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

Was committed to the Committee on Appropriations.

Appointment Confirmed

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

Waples, Nancy of Hinesburg - Judge, Superior Judge - January 30, 2015, to March 31, 2015.

Election of Senate Members to Judicial Nominating Board

The President announced that the next order of business was the election of three members of the Senate to serve on the Judicial Nominating Board pursuant to 4 V.S.A. §601.

Senator Mazza, on behalf of the Committee on Committees, placed in nomination the names of the following Senators to serve on the Board:

TIMOTHY R. ASHE

of Chittenden District, as the majority party member of the Board.

KEVIN J. MULLIN

of Rutland District, as the minority party member of the Board.

JOHN S. RODGERS

of Essex-Orleans District, as the third member of the Board.

There being no further nominations, on motion of Senator Flory, the nominations were closed, and the Secretary was instructed to cast one ballot for

TIMOTHY R. ASHE

of Chittenden District, as the majority party member of the Board, for a term of two years or until his successor is elected and has qualified.

KEVIN J. MULLIN

of Rutland District, as the minority party member of the Board, for a term of two years or until his successor is elected and has qualified.

JOHN S. RODGERS

of Essex-Orleans District, as the third member of the Board, for a term of two years or until his successor is elected and has qualified.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 18, 2015.

WEDNESDAY, MARCH 18, 2015

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Patrick Fitzsimons of White River Junction.

Bill Referred to Committee on Finance**S. 20.**

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

An act relating to establishing and regulating licensed dental practitioners.

Joint Resolution Referred**J.R.S. 20.**

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

By Senator Cummings,

J.R.S. 20. Joint resolution relating to the Vermont Student Assistance Corporation's lending authority.

Whereas, for over 30 years, the costs of attending college have risen beyond the rate of inflation, making access to postsecondary education less affordable for Vermonters and forcing more students and their parents to take on significant debt to finance a college education, and

Whereas, the Vermont Student Assistance Corporation (VSAC) has developed a nonfederal loan program known as the Advantage Loan, using tax-exempt bonds that VSAC issues to help students and parents find more affordable higher education loans and to refinance previously issued higher education loans, and

Whereas, an ambiguity in the Internal Revenue Code has created uncertainty as to whether VSAC may use tax-exempt bonds to achieve lower rates for both types of higher education loans, and

Whereas, the Vermont Congressional Delegation has collaborated with VSAC to develop strategies to resolve this legal ambiguity, and

Whereas, resolving this legal ambiguity could be accomplished with appropriate clarifying actions from the Internal Revenue Service, the U.S. Secretary of the Treasury, or Congress, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its appreciation and thanks to the Vermont Congressional Delegation for its collaborative effort with VSAC to lower the costs of higher education loans for Vermonters, *and be it further*

Resolved: That the General Assembly urges the Vermont Congressional Delegation to continue to work diligently with the Internal Revenue Service, the U.S. Secretary of the Treasury, and both houses of Congress to take whatever appropriate measures are needed to enable VSAC to use tax-exempt bonds to make new, and to refinance existing, higher education loans, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the VSAC and the Vermont Congressional Delegation.

Thereupon, the President *pro tempore*, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Education.

Bill Introduced

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

S. 143.

By Senator Pollina,

An act relating to protecting employees from abuse at work.

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

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 41. An act relating to developing a strategy for evaluating the effectiveness of individual tax expenditures.

S. 73. An act relating to State regulation of rent-to-own agreements for merchandise.

Consideration Postponed**S. 93.**

Senate bill entitled:

An act relating to disclosure of lobbying advertisements.

Was taken up.

Thereupon, pending third reading of the bill, Senators White, Benning, Bray, Collamore, and Pollina moved to amend the bill as follows:

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

Sec. 1. FINDINGS

(a) The effective public disclosure of the identity and extent of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence Vermont's legislators during the legislative session will increase public confidence in the integrity of the governmental process.

(b) Responsible representative government requires public awareness of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence the public decision-making process in the Legislative Branch of Vermont's government.

(c) Requiring registered lobbyists, lobbying firms, and lobbyist employers to report significant advertising campaigns that are intended, designed, or calculated, to directly or indirectly influence legislative enables the public and legislators to evaluate better the pressures and content of the message when considering that action.

(d) The lack of detail in current required lobbying disclosure filings does not provide the public and legislators with enough relevant information about who is attempting to influence the legislative process through advertising, and the timing of current required lobbying disclosure filings prevents the public and legislators from evaluating the pressures and content of lobbying advertising at the time public policy is being debated.

(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers to designate clearly the name of the lobbyist, lobbying firm, or lobbyist employer paying for an advertisement within the advertisement allows the public and legislators to determine who is attempting to influence the legislative process through advertising, to evaluate the pressures and content of lobbying advertising at the time when public policy is being debated, to trace coordinated advertising buys, and to track such spending over time.

Second: By striking out Sec. 2, 2 V.S.A. § 264c (identification in and report of certain lobbying advertisements) in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 2 V.S.A. § 264c is added to read:

§ 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING ADVERTISEMENTS

(a) Identification.

(1) An advertisement that is intended, designed, or calculated to directly or indirectly influence legislative action and made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however:

(A) if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified; and

(B) if a lobbyist or lobbying firm made the expenditure on behalf of a lobbyist employer, the identification information set forth in subdivision (1) of this subsection shall be in the name of that lobbyist employer.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

(4) If a lobbyist or lobbying firm made an expenditure described in subdivision (1) of this subsection on behalf of a lobbyist employer and that lobbyist or lobbying firm filed the report required by this subsection, the report shall specifically identify the employer on whose behalf the expenditure was made.

(c) Definitions. As used in this section:

(1) "Advertisement" means any form of advertising, including television, radio, print, and electronic media.

(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed.

Third: By striking out in its entirety Sec. 3, 2 V.S.A. § 264 (reports of expenditures, compensation, and gifts; employers; lobbyists) and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

(1) on or before January 15, for the preceding period beginning on July 1 and ending with December 31;

(2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;

(3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;

(4) on or before April 25 15, for the preceding period beginning on January 1 March 1 and ending with March 31;

(2)(5) on or before May 15, for the preceding period beginning on April 1 and ending with April 30; and

(6) on or before July 25 15, for the preceding period beginning on April May 1 and ending with June 30;

(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.

* * *

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline. [Repealed.]~~

* * *

Thereupon, pending the question, Shall the bill be amended as recommended by Senators White, Benning, Bray, Collamore, and Pollina?, Senator Baruth moved that consideration of the bill be postponed until tomorrow.

Which was agreed to.

Bill Passed

S. 115.

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

An act relating to expungement of convictions based on conduct that is no longer criminal.

Third Reading Ordered

S. 122.

Senate committee bill entitled:

An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

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

Senator Westman, for the Committee on Finance, to which the bill was referred, reported that 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 read the third time?, Senator Sears moved that the bill be amended by striking out Secs. 10, 11 and 12?, which was disagreed to.

Thereupon, third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 66.

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

An act relating to persons who are deaf or hard of hearing.

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Development of early and effective language and communication is fundamental to the educational growth of all children. Language and communication skills are essential to literacy, academic success, workforce productivity, and civic contribution.

(2) Nationally, an academic achievement gap persists between children who are deaf, DeafBlind, or hard of hearing and their peers who are not deaf, DeafBlind, or hard of hearing.

(3) Although children who are deaf, DeafBlind, or hard of hearing represent approximately one percent of U.S. students with disabilities, and a smaller percentage of U.S. children overall, the needs of children who are deaf, DeafBlind, or hard of hearing are unique and diverse, as evidenced by the following:

(A) Children who are deaf, DeafBlind, or hard of hearing have varying degrees of hearing loss and may be identified at birth or much later.

(B) Children who are deaf, DeafBlind, or hard of hearing use a variety of communication and language modes alone or in combination. The preferred mode or modes of a given child do not necessarily correspond with his or her degree of hearing loss, and family decisions about communication for a child may be fluid during the course of the child's development.

(C) Children who are deaf, DeafBlind, or hard of hearing may be at risk of social isolation both at school and in their communities. Most children who are deaf, DeafBlind, or hard of hearing in the United States are born to parents who are not deaf, DeafBlind, or hard of hearing. Because of the small number of children who are deaf, DeafBlind, or hard of hearing, a child may be the only child who is deaf, DeafBlind, or hard of hearing at his or her school.

(D) Many children who are deaf, DeafBlind, or hard of hearing have secondary or coexisting conditions that impact their educational needs.

(4) Although federal law requires that schools consider the language and communication needs of children who are deaf, DeafBlind, or hard of hearing who qualify for individualized education programs (IEPs), the states are generally responsible for ensuring that federal requirements are carried out and otherwise ensuring that the unique language and communication needs of children who are deaf, DeafBlind, or hard of hearing are met. States have addressed these concerns in a variety of ways, including by developing communication plans and state plans and by passing bills of rights for children who are deaf, DeafBlind, or hard of hearing.

(5) The Vermont Center for the Deaf and Hard of Hearing closed in September 2014. Prior to its closing, the Center provided comprehensive and statewide educational, social, and support services to children, youth, and adults who are deaf, DeafBlind, or hard of hearing. These services included the Austine School for the Deaf, which closed in June 2014; several regional classrooms; consultant services for mainstreamed students; a parent-infant program; a family mentoring program; adult services; and numerous other support options. While efforts are underway to replace at least some of the discontinued services, it remains unclear whether the educational needs of children and other persons in the State who are deaf, DeafBlind, or hard of hearing are currently being met.

Sec. 2. 33 V.S.A. chapter 16 is added to read:

CHAPTER 16. TASK FORCE ON PERSONS WHO ARE DEAF,
DEAFBLIND, OR HARD OF HEARING

§ 1601. DEFINITIONS

As used in this chapter:

(1) “Communication or language mode” means one or a combination of the following systems or methods of communication available to children who are deaf, DeafBlind, or hard of hearing: American Sign Language; English-based manual or sign systems; oral, aural, speech-based training; spoken and written English, including speech reading or lip reading; and

communication with an assistive technology device to facilitate language and learning.

(2) “Deaf” means having a severe or complete absence of auditory sensitivity that impairs processing of linguistic information through hearing, with or without amplification.

(3) “DeafBlind” means having concomitant hearing and visual impairments.

(4) “Hard of hearing” means having some absence of auditory sensitivity with residual hearing, whether permanent or fluctuating.

§ 1602. TASK FORCE ON PERSONS WHO ARE DEAF, DEAFBLIND, OR HARD OF HEARING

(a) Creation; purpose. There is created a Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing to assess and make recommendations concerning educational services, resources, and opportunities for children within the State who are deaf, DeafBlind, or hard of hearing and their families and to provide advice and oversight on matters of policy and administration of programs for persons who deaf, DeafBlind, or hard of hearing.

(b) Membership. The Task Force shall consist of the following members:

(1) nine members of the public, appointed by the Governor in a manner that ensures geographically diverse membership while recognizing the concentration of persons who are deaf, DeafBlind, or hard of hearing residing near the former Vermont Center for the Deaf and Hard of Hearing, including:

(A) four members who are deaf, DeafBlind, or hard of hearing, provided that if a member represents an organization for persons who are deaf, DeafBlind, or hard of hearing, no other member on the Task Force shall also represent that organization;

(B) two members who are each a parent or guardian of a child who is deaf, DeafBlind, or hard of hearing;

(C) two members who serve persons who are deaf, DeafBlind, or hard of hearing in a professional capacity, provided that these members do not represent the same organization; and

(D) one member recommended by the Vermont Association for the Deaf;

(2) the Senior Counselor for the Deaf and Hard of Hearing in the Department of Disabilities, Aging and Independent Living’s Division of Vocational Rehabilitation or designee;

(3) the Secretary of Education or designee;

(4) the Secretary of Human Services or designee;

(5) a professional Deaf education specialist who understands all communication and language modes, appointed by the Governor;

(6) a superintendent, selected by the Vermont Superintendents Association; and

(7) a special education administrator, selected by the Vermont Council of Special Education Administrators.

(c) Powers and duties.

(1) The Task Force shall assess the educational services, resources, and opportunities for children in the State who are deaf, DeafBlind, or hard of hearing. It shall make recommendations to the General Assembly, the Governor, and the Agencies of Education and of Human Services with the goal of ensuring that each child is afforded:

(A) the same educational rights as children who are not deaf, DeafBlind, or hard of hearing, including full communication and language access in all educational environments and provision of qualified teachers, interpreters, and paraprofessionals;

(B) appropriate and ongoing educational opportunities that recognize each child's unique learning needs, provide access to a sufficient number of communication or language mode peers, and include exposure to adult role models who are deaf, DeafBlind, or hard of hearing; and

(C) adequate family supports that promote both early development of communication skills and informed participation by parents and guardians in the education of their children.

(2) The Task Force shall advise the General Assembly, the Governor, and the Agencies of Education and of Human Services with respect to policy development and program administration for persons who are deaf, DeafBlind, or hard of hearing. In furtherance of this duty, the Task Force may:

(A) conduct studies concerning the needs of and opportunities for persons within the State who are deaf, DeafBlind, or hard of hearing and their families;

(B) evaluate the adequacy and systemic coordination of existing services and resources for persons throughout the State who are deaf, DeafBlind, or hard of hearing and their families;

(C) review existing and proposed legislation and rules pertaining to persons who are deaf, DeafBlind, or hard of hearing and advise the General

Assembly, the Governor, and the Agencies of Education and of Human Services regarding revisions, coordination, services, and appropriations;

(D) examine delivery models in other states in order to evaluate the adequacy and systemic coordination of existing services and resources for persons throughout the State who are deaf, DeafBlind, or hard of hearing;

(E) encourage and foster local community action on behalf of persons who are deaf, DeafBlind, or hard of hearing;

(F) publicize its findings; and

(G) carry out specific projects assigned by the General Assembly or Governor.

(3) The Task Force shall oversee and monitor the qualification of interpreters for persons who are deaf, DeafBlind, or hard of hearing practicing in the State, including the certification of sign language interpreters.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Department of Disabilities, Aging and Independent Living (DAIL). The Task Force and DAIL may consult with the Agency of Education and with national experts on education of persons who are deaf, DeafBlind, or hard of hearing as necessary to fulfill their obligations under this section.

(e) Reports. On or before January 15 of each year, notwithstanding 2 V.S.A. § 20(d), the Task Force shall submit a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, the House Committee on Human Services, the Governor, and the Agencies of Education and of Human Services with its findings pursuant to activities carried out under subsection (c) of this section and recommendations for administrative and legislative action.

(f) Appointments; meetings.

(1) The Senior Counselor for the Deaf and Hard of Hearing in DAIL's Division of Vocational Rehabilitation or designee shall convene the first meeting of the Task Force on or before July 1, 2015 and shall select interpretive services for the meeting if a member so requests.

(2) At its first meeting, the Task Force shall elect a chair and vice chair.

(3) The Chair shall select interpretive services for any Task Force meeting if a member so requests.

(g) Reimbursement.

(1) Members of the Task Force who are not State employees or 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, payable by DAIL.

(2) DAIL shall pay for interpretive services necessary to conduct all Task Force meetings.

Sec. 3. REPORT; ADDITIONAL POWERS AND DUTIES OF THE TASK FORCE ON PERSONS WHO ARE DEAF, DEAFBLIND, OR HARD OF HEARING

On or before January 15, 2016, the Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing shall submit a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, the House Committee on Human Services, the Governor, and the Agencies of Education and of Human Services. The report shall include the following:

(1) A comprehensive assessment of the educational services and resources presently available to children in the State who are deaf, DeafBlind, or hard of hearing and their families, including:

(A) identification of all losses of or reductions in services and resources arising from the closures of the Austine School for the Deaf and the Vermont Center for the Deaf and Hard of Hearing;

(B) evaluation of the adequacy of existing services and resources, including, if appropriate, determination of whether these services and resources are accessible statewide, offer adequate family supports, and provide adequate opportunities for direct contact with communication or language mode peers; and

(C) evaluation of the need for services and resources not currently available, adequate, or accessible.

(2) A proposal to restore and expand educational opportunities for children in the State who are deaf, DeafBlind, or hard of hearing and their families that:

(A) ensures that the quality of services available prior to the closings of the Austine School for the Deaf and the Vermont Center for the Deaf and Hard of Hearing is maintained;

(B) assesses the risks and benefits of educating children who are deaf, DeafBlind, or hard of hearing at a mainstream school, including impacts on academic achievement, extracurricular involvement, and social integration;

(C) addresses the desirability and feasibility of establishing a centralized school for children who are deaf, DeafBlind, or hard of hearing; and

(D) recommends alternative methods of ensuring that children in the State who are deaf, DeafBlind, or hard of hearing are not socially isolated and have adequate opportunities for direct contact with language or communication mode peers.

(3) An evaluation of 16 V.S.A. § 3823 (the Austine School; financing) and 2013 Acts and Resolves No. 45 (an act relating to the Austine School) that:

(A) assesses whether the General Assembly should waive or otherwise alter the Vermont Center for the Deaf and Hard of Hearing's obligation under 16 V.S.A. § 3823(c), as modified by 2013 Acts and Resolves No. 45, to repay capital appropriations made to or for the benefit the Austine School from the proceeds of certain sales of the Center's real property; and

(B) evaluates the adequacy of the service plan developed by the Secretary of Education pursuant to 2013 Acts and Resolves No. 45.

(4) A recommendation regarding whether the General Assembly should adopt a Bill of Rights specific to persons who are deaf, DeafBlind, or hard of hearing.

(5) Recommendations regarding the need for and potential structure of a State agency division or other staffed entity responsible for overseeing concerns of persons who are deaf, DeafBlind, or hard of hearing and their families, including recommendations regarding what supports are necessary to ensure that this entity is fully functional.

(6) An assessment of whether paraprofessionals who provide instructional support in public schools to students who are deaf, DeafBlind, or hard of hearing are sufficiently qualified and receive adequate training.

(7) An assessment of and recommendations regarding the needs of persons in Vermont who are DeafBlind, including the needs of children who are DeafBlind.

Sec. 4. 16 V.S.A. § 2955a is added to read:

§ 2955a. DATA REPORTING; STUDENTS WITH DISABILITIES

The Agency of Education shall post on its website the data it submits to the U.S. Secretary of Education pursuant to 20 U.S.C. § 1418 (data collection and reporting requirements concerning students with disabilities) within one month of the date of submission. To the extent permitted under 20 U.S.C. § 1232g (family educational and privacy rights), and any regulations adopted

thereunder, and in a manner that protects sensitive, personally identifiable, or confidential information, the Agency's posting shall disaggregate all data pertaining to children who are deaf, DeafBlind, or hard of hearing.

Sec. 5. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

Subchapter 5. Interpreters for Judicial, Administrative, and
Legislative Proceedings

§ 331. DEFINITIONS

As used in this subchapter:

(1) "Person who is deaf or hard of hearing" means any person, including a person who is DeafBlind, who has such difficulty hearing, even with amplification, that he or she cannot rely on hearing for communication.

(2) "Proceeding" means any judicial proceeding, contested case under 3 V.S.A. chapter 25, or other hearing before an administrative agency not included under 3 V.S.A. chapter 25.

(3) "Qualified interpreter" means an interpreter for a person who is deaf or hard of hearing, including a person who is DeafBlind, who meets standards of competency established by the national or Vermont Registry of Interpreters for the Deaf as amended, by rule, by the ~~Vermont Commission of the Deaf and Hard of Hearing~~ Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing.

* * *

§ 336. RULES; INFORMATION; LIST OF INTERPRETERS

(a) ~~The Vermont Commission of the Deaf and Hard of Hearing shall~~ Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing may, by rule, establish factors to be considered by the presiding officer under section 333 of this title before appointing an interpreter who is not a qualified interpreter. Such factors shall encourage the widest availability of interpreters in Vermont while at the same time ensuring that the interpreter:

(1) is able to communicate readily with the person who is deaf, DeafBlind, or hard of hearing;

(2) is able to interpret accurately statements or communications by the person who is deaf, DeafBlind, or hard of hearing;

(3) is able to interpret the proceedings to the person who is deaf, DeafBlind, or hard of hearing;

(4) shall maintain confidentiality;

(5) shall be impartial with respect to the outcome of the proceeding;

(6) shall not exert any influence over the person who is deaf, DeafBlind, or hard of hearing; and

(7) shall not accept assignments the interpreter does not feel competent to handle.

(b) Rules established by the ~~Vermont Commission of the Deaf and Hard of Hearing~~ Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing pursuant to subdivision 331(3) of this title amending the standards of competency established by the national or Vermont Registry of the Deaf shall be limited to the factors set forth in subsection (a) of this section.

(c) The ~~Vermont Commission of the Deaf and Hard of Hearing~~ Task Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing shall ~~shall~~ may prepare an explanation of the provisions of this subchapter which ~~shall~~ may be distributed to all State agencies and courts.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to persons who are deaf, DeafBlind, or hard of hearing.

And that when so amended the bill ought to pass.

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported that the recommendation of amendment of the Committee of Government Operations be amended as follows:

First: In Sec. 2, 33 V.S.A. § 1602, in subsection (f), by adding a new subdivision (4) to read:

(4) The Task Force may meet up to eight times each year to perform its functions under this section, unless the Commissioner of Disabilities, Aging, and Independent Living approves additional meetings.

Second: By adding a new Sec. 5 to read as follows:

Sec. 5. REPEAL

33 V.S.A. §§ 1601 and 1602 (Task Force on Persons Who are Deaf, Deaf Blind, or Hard of Hearing) are repealed on February 1, 2018.

And by renumbering the remaining sections to be numerically correct.

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 the recommendation of amendment of the Committee on Government Operations was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, was decided in the affirmative on a roll call, Yeas 25, Nays 0.

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

Roll Call

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

Those Senators who voted in the negative were: None.

Those Senators absent or not voting were: Ayer, Campbell (presiding), Doyle, Rodgers, Sirotkin.

Thereupon, third reading of the bill was ordered.

Consideration Postponed

Senate bill entitled:

S. 29.

An act relating to election day registration.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Government Operations, Senator White moved that consideration of the bill be postponed until Thursday, March 26, 2015, which was agreed to.

Adjournment

On motion of Senator Baruth, the Senate adjourned until ten o'clock and fifteen minutes in the morning.

THURSDAY, MARCH 19, 2015

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 34

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. 248. An act relating to miscellaneous revisions to the air pollution statutes.

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

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

J.R.S. 18. Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges and two magistrates.

J.R.S. 19. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

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

S. 144.

By Senator Sears,

An act relating to winter tires on rental cars.

To the Committee on Transportation.

S. 145.

By Senators Sears and Campion,

An act relating to expanding eligibility and work incentives for the Medicaid for Working Persons with Disabilities program.

To the Committee on Health & Welfare.

Bill Referred

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

H. 248.

An act relating to miscellaneous revisions to the air pollution statutes.

To the Committee on Natural Resources & Energy.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President *pro tempore*.

Joint Assembly

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

J.R.S. 18. Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges and two magistrates.

The Senate repaired to the hall of the House.

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

Recess

On motion of Senator Baruth the Senate recessed until one o'clock in the afternoon.

Afternoon

The Senate was called to order by the President *pro tempore*.

Bill Amended; Third Reading Ordered**S. 44.**

Senator Cummings, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to creating flexibility in early college enrollment numbers.

Reported recommending that the bill ought pass.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended in Sec. 1, 2013 Acts and Resolves No. 77, Section 11 subsection (a) subdivision (3) by adding at the end of the subdivision, before the period, the following: The Chancellor of the Vermont State Colleges, in consultation with the Presidents of Johnson State College, Lyndon State College, and Castleton State College, shall develop a system to divide the annual number of students enrolled in early

college programs fairly among those three colleges and within the total maximum enrollment of 54

And that when so amended the bill ought to pass.

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

Consideration Postponed

S. 62.

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

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

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

Sec. 1. 18 V.S.A. chapter 231 is amended to read:

CHAPTER 231. ADVANCE DIRECTIVES FOR HEALTH CARE AND, DISPOSITION OF REMAINS, AND SURROGATE DECISION MAKING

§ 9700. PURPOSE AND POLICY

The ~~state~~ State of Vermont recognizes the fundamental right of an adult to determine the extent of health care the individual will receive, including treatment provided during periods of incapacity and at the end of life. This chapter enables adults to retain control over their own health care through the use of advance directives, including appointment of an agent and directions regarding health care and disposition of remains. During periods of incapacity, the decisions by the agent shall be based on the express instructions, wishes, or beliefs of the individual, to the extent those can be determined. This chapter also allows, in limited circumstances in which a patient without capacity has neither an agent nor a guardian, for a surrogate to provide or withhold consent on the patient's behalf for a do-not-resuscitate order or clinician order for life-sustaining treatment.

§ 9701. DEFINITIONS

As used in this chapter:

* * *

(17) "Informed consent" means the consent given voluntarily by an individual with capacity, on his or her own behalf or on behalf of another in the role of an agent, guardian, or surrogate, after being fully informed of the

nature, benefits, risks, and consequences of the proposed health care, alternative health care, and no health care.

(18) “Interested individual” means:

(A) the principal’s or patient’s spouse, adult child, parent, adult sibling, adult grandchild, ~~reciprocal beneficiary~~, or clergy person; or

(B) any adult who has exhibited special care and concern for the principal or patient and who is personally familiar with the principal’s or patient’s values.

(19) “Life sustaining treatment” means any medical intervention, including nutrition and hydration administered by medical means and antibiotics, which is intended to extend life and without which the principal or patient is likely to die.

* * *

(31) “DNR/COLST” means a do-not-resuscitate order (DNR) or a clinician order for life-sustaining treatment (COLST), or both.

(32) “Surrogate” means an interested individual who provides or withholds, pursuant to subchapter 2 of this chapter, informed consent for a do-not-resuscitate order or a clinician order for life-sustaining treatment.

(33) “Suspend” means to terminate the applicability of all or part of an advance directive for a specific period of time or while a specific condition exists.

~~(32)~~(34) “Patient representative” means the mental health patient representative established by section 7253 of this title.

Subchapter 1. Advance Directives and Disposition of Remains

§ 9702. ADVANCE DIRECTIVE

(a) An adult may do any or all of the following in an advance directive:

* * *

§ 9708. AUTHORITY AND OBLIGATIONS OF HEALTH CARE PROVIDERS, HEALTH CARE FACILITIES, AND RESIDENTIAL CARE FACILITIES REGARDING ~~DO NOT RESUSCITATE DNR ORDERS AND CLINICIAN ORDERS FOR LIFE SUSTAINING TREATMENT~~ COLST

(a) ~~As used in this section, “DNR/COLST” shall mean a do-not-resuscitate order (“DNR”) and a clinician order for life-sustaining treatment (“COLST”) as defined in section 9701 of this title. [Repealed.]~~

* * *

(d) A DNR order must:

(1) be signed by the patient's clinician;

(2) certify that the clinician has consulted, or made an effort to consult, with the patient, and the patient's agent or guardian, if there is an appointed agent or guardian;

(3) include either:

(A) the name of the patient; agent; guardian, in accordance with 14 V.S.A. § 3075(g); or ~~other individual~~ surrogate giving informed consent for the DNR and the individual's relationship to the patient; or

(B) certification that the patient's clinician and one other named clinician have determined that resuscitation would not prevent the imminent death of the patient, should the patient experience cardiopulmonary arrest; and

(4) if the patient is in a health care facility or a residential care facility, certify that the requirements of the facility's DNR protocol required by section 9709 of this title have been met.

(e) A COLST must:

(1) be signed by the patient's clinician; and

(2) include the name of the patient; agent; guardian, in accordance with 14 V.S.A. § 3075(g); or ~~other individual~~ surrogate giving informed consent for the COLST and the individual's relationship to the patient.

~~(f) The Department of Health shall adopt by rule on or before July 1, 2016, criteria for individuals who are not the patient, agent, or guardian, but who are giving informed consent for a DNR/COLST order. The rules shall include the following:~~

~~(1) other individuals permitted to give informed consent for a DNR/COLST order who shall be a family member of the patient or a person with a known close relationship to the patient; and~~

~~(2) parameters for how decisions should be made, which shall include at a minimum the protection of a patient's own wishes in the same manner as in section 9711 of this title. [Repealed.]~~

(g) A patient's clinician issuing a DNR/COLST order shall:

(1) place a copy of the completed DNR/COLST order in the patient's medical record; and

(2) provide instructions to the patient as to the appropriate means of displaying the DNR/COLST order.

(h) A clinician who issues a DNR order shall authorize issuance of a DNR identification to the patient. Uniform minimum requirements for DNR identification shall be determined ~~by rule~~ by the Department of Health by rule no later than ~~July 1, 2014~~ January 1, 2016.

* * *

§ 9713. IMMUNITY

(a) No individual acting as an agent ~~or~~ guardian, or surrogate shall be subjected to criminal or civil liability for making a decision in good faith pursuant to the terms of an advance directive, or DNR order, or COLST order and the provisions of this chapter.

(b)(1) No health care provider, health care facility, residential care facility, or any other person acting for or under such person's control shall, if the provider or facility has complied with the provisions of this chapter, be subject to civil or criminal liability for:

(A) providing or withholding treatment or services in good faith pursuant to the direction of a principal or patient, the provisions of an advance directive, a DNR order, a COLST order, a DNR identification, the consent of a principal or patient with capacity or of the principal's or patient's agent ~~or~~ guardian, or surrogate, or a decision or objection of a principal or patient; or

(B) relying in good faith on a suspended or revoked advance directive, suspended or revoked DNR order, or suspended or revoked COLST order, unless the provider or facility knew or should have known of the suspension, or revocation.

(2) ~~No~~ A funeral director, crematory operator, cemetery official, procurement organization, or any other person acting for or under such person's control, shall, if the director, operator, official, or organization has complied with the provisions of this chapter, not be subject to civil or criminal liability for providing or withholding its services in good faith pursuant to the provisions of an advance directive, whether or not the advance directive has been suspended or revoked.

(3) Nothing in this subsection shall be construed to establish immunity for the failure to follow standards of professional conduct and to exercise due care in the provision of services.

(c) No employee shall be subjected to an adverse employment decision or evaluation for:

(1) ~~providing~~ Providing or withholding treatment or services in good faith pursuant to the direction of a principal or patient, the provisions of an advance directive, a DNR order, a COLST order, a DNR identification, the

consent of the principal or patient with capacity or principal's or patient's agent ~~or~~, guardian, or surrogate, a decision or objection of a principal or patient, or the provisions of this chapter. This subdivision shall not be construed to establish a defense for the failure to follow standards of professional conduct and to exercise due care in the provision of services;

(2) ~~relying~~ Relying on an amended, suspended, or revoked advance directive, unless the employee knew or should have known of the amendment, suspension, or revocation;~~or~~

(3) ~~providing~~ Providing notice to the employer of a moral or other conflict pursuant to subdivision 9707(b)(3) of this title, so long as the employee has provided ongoing health care until a new employee or provider has been found to provide the services.

* * *

Subchapter 2. Surrogate Consent

§ 9731. INFORMED CONSENT BY SURROGATE FOR DNR/COLST ORDER

(a)(1) One or more interested individuals may be eligible to act as the surrogate for an adult without capacity in order to provide or withhold informed consent for a do-not-resuscitate order or clinician order for life-sustaining treatment pursuant to this subchapter. Only one surrogate may act at a time.

(2)(A) A patient's health care provider shall not be considered an interested individual and shall not serve as a patient's surrogate to provide or withhold informed consent for a DNR/COLST order pursuant to this chapter unless related to the patient by blood, marriage, civil union, or adoption.

(B) The owner, operator, employee, agent, or contractor of a residential care facility, health care facility, or correctional facility in which the patient resides at the time the DNR/COLST order is written shall not be considered an interested individual and shall not act as the patient's surrogate to provide or withhold consent for a DNR/COLST order pursuant to this chapter unless related to the patient by blood, marriage, civil union, or adoption.

(b) A surrogate may provide or withhold informed consent only if all of the following conditions are met:

(1) the patient's clinician determines that the patient lacks capacity to provide informed consent;

(2) the patient has not appointed an agent through an advance directive;

(3) the patient has not indicated in an advance directive that the interested individual or individuals seeking to serve as surrogate should not be consulted on health care decisions or otherwise provided instructions in an advance directive contrary to allowing such individual or individuals to serve as surrogate;

(4) the patient does not have a guardian who is authorized to make health care decisions; and

(5) the patient does not object to the surrogate providing or withholding consent for a DNR/COLST order, even if the patient lacks capacity.

(c)(1) A surrogate shall be an interested individual who is designated by the patient by personally informing the patient's clinician. If the patient designates a surrogate to the clinician orally, the clinician shall document the designation in the patient's medical record at the time the designation is made.

(2) If the patient has not designated a surrogate pursuant to subdivision (1) of this subsection, or if the surrogate designated by the patient is not reasonably available or is unwilling to serve, then a surrogate shall be an interested individual who is:

(A) willing to provide or withhold informed consent for a DNR/COLST order for the patient in accordance with the patient's wishes and values, if known; and

(B) willing and available to consult with the patient's clinician.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, an individual shall not serve as a surrogate over the patient's objection, even if the patient lacks capacity.

(d) The patient's clinician, health care provider, or residential care provider may rely on the decision of a surrogate identified pursuant to this section as long as the clinician or provider documents in the patient's medical record that the surrogate has confirmed that one of the following circumstances applies:

(1)(A) All interested individuals agree on the decision to provide or withhold consent for a DNR/COLST order, in which case they shall designate one surrogate, as well as an alternate, if available, who is authorized to provide or withhold consent and whose name will be identified on the DNR/COLST form and in the patient's medical record.

(B) All interested individuals agree that a specific interested individual may make the decision regarding whether to provide or withhold consent for a DNR/COLST order, in which case they shall designate the individual as the surrogate, as well as an alternate, if available, who is

authorized to provide or withhold consent and whose name will be identified on the DNR/COLST form and in the patient's medical record.

(C) The surrogate or alternate, if applicable, is not reasonably available, in which case the clinician shall consult the interested individuals to request designation of another surrogate and alternate.

(2) If at any time the interested individuals are unable to agree on the designation of a surrogate, any interested individual may file a petition for guardianship in the Probate Division of the Superior Court.

(e) A surrogate providing informed consent for a DNR/COLST order shall use substituted judgment consistent with the patient's wishes and values and consistent with the parameters described in subsection 9711(d) of this title. The surrogate shall consult with the patient to the extent possible, and with the patient's clinician and any other appropriate health care providers and shall provide or withhold informed consent for a DNR/COLST order by attempting to determine what the patient would have wanted under the circumstances.

(f) The patient's clinician shall make reasonable efforts to inform the patient of any proposed treatment, or of any proposal to withhold or withdraw treatment, based on the decisions made by the surrogate.

(g) If the patient's clinician determines that the patient no longer lacks capacity and the DNR/COLST order was based on informed consent provided by a surrogate, the clinician shall seek the informed consent of the patient for any DNR/COLST order, which shall supersede the surrogate's consent.

(h) A surrogate shall have the same rights as a patient with capacity would have to the following, to the extent that it is related to providing or withholding informed consent for a DNR/COLST order:

(1) request, receive, review, and copy any oral or written information regarding the patient's physical or mental health, including medical and hospital records;

(2) participate in any meetings, discussions, or conferences concerning health care decisions related to the patient;

(3) consent to the disclosure of health care information; and

(4) file a complaint on behalf of the patient regarding a health care provider, health care facility, or residential care facility.

Sec. 2. 33 V.S.A. § 7306 is amended to read:

§ 7306. RESIDENT'S REPRESENTATIVE

(a) The Except as provided in subsection (b) of this section, the rights and obligations established under this chapter shall devolve to a resident's

~~reciprocal beneficiary~~, guardian, next of kin, sponsoring agency, or representative payee (except when the facility itself is a representative payee) if the resident:

(1) has been adjudicated incompetent;

(2) has been found by his or her physician to be medically incapable of understanding or exercising the rights granted under this chapter; or

(3) exhibits a communication barrier.

(b) Notwithstanding the provisions of subsection (a) of this section, consent for a do-not-resuscitate order or a clinician order for life-sustaining treatment shall be provided or withheld only by the resident, by the resident's guardian or agent, or by a surrogate designated pursuant to 18 V.S.A. chapter 231, subchapter 2.

(c)(1) A resident's representative identified in subsections (a) and (b) of this section shall make decisions for the resident by attempting to determine what the resident would have wanted under the circumstances. In making the determination, the resident's representative shall consider the following:

(A) the resident's specific instructions or wishes as expressed to a spouse, adult child, parent, adult sibling, adult grandchild, clergy person, health care provider, or any other adult who has exhibited specific care or concern for the resident; and

(B) the representative's knowledge of the resident's personal preferences, values, or religious or moral beliefs.

(2) If the resident's representative cannot determine what the resident would have wanted under the circumstances, the representative shall make a determination through an assessment of the resident's best interests. When making a decision for the resident on this basis, the representative shall not authorize the provision or withholding of health care on the basis of the resident's economic status or a preexisting, long-term mental or physical disability.

(3) When making a determination under this section, representatives shall not consider their own interests, wishes, values, or beliefs.

(d) Notwithstanding the provisions of subsection (a) of this section, the facility shall make every reasonable effort to communicate the rights and obligations established under this chapter directly to the resident.

Sec. 3. RULEMAKING

The Department of Disabilities, Aging, and Independent Living shall amend its nursing home rules to comply with 33 V.S.A. § 7306 as amended by this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2016.

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 Health and Welfare?, on motion of Senator Baruth consideration was postponed until tomorrow.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 66. An act relating to persons who are deaf or hard of hearing.

S. 122. An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles.

Message from the House No. 35

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. 20. An act relating to licensed alcohol and drug abuse counselors as participating providers in Medicaid.

H. 25. An act relating to natural burial grounds.

H. 105. An act relating to disclosure of sexually explicit images without consent.

H. 128. An act relating to the use of results-based accountability common language in Vermont law.

H. 217. An act relating to potable water or wastewater system permits for a change in use of a building.

H. 241. An act relating to rulemaking on emergency involuntary procedures.

H. 269. An act relating to the transportation and disposal of excavated development soils legally categorized as solid waste.

H. 304. An act relating to making miscellaneous amendments to Vermont's retirement laws.

H. 306. An act relating to unemployment compensation.

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

Adjournment

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

FRIDAY, MARCH 20, 2015

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Bill Referred to Committee on Rules

S. 94.

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 appointing municipal clerks and treasurers.

Bills Referred

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

H. 20.

An act relating to licensed alcohol and drug abuse counselors as participating providers in Medicaid.

To the Committee on Health & Welfare.

H. 25.

An act relating to natural burial grounds.

To the Committee on Health & Welfare.

H. 105.

An act relating to disclosure of sexually explicit images without consent.

To the Committee on Judiciary.

H. 128.

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

To the Committee on Government Operations.

H. 217.

An act relating to potable water or wastewater system permits for a change in use of a building.

To the Committee on Natural Resources & Energy.

H. 241.

An act relating to rulemaking on emergency involuntary procedures.

To the Committee on Health & Welfare.

H. 269.

An act relating to the transportation and disposal of excavated development soils legally categorized as solid waste.

To the Committee on Natural Resources & Energy.

H. 304.

An act relating to making miscellaneous amendments to Vermont's retirement laws.

To the Committee on Government Operations.

H. 306.

An act relating to unemployment compensation.

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

Consideration Resumed; Consideration Postponed**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 that consideration of the bill be postponed until Thursday, March 26, 2015.

Which was agreed to.

Bill Ordered to Lie

S. 133.

Senate bill entitled:

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

Was taken up.

Thereupon, pending the report of the Committee on Economic Development, Housing and General Affairs, on motion of Senator Baruth, the bill was ordered to lie.

Consideration Resumed; Bill Amended; Bill Passed

S. 93.

Consideration was resumed on Senate bill entitled:

An act relating to disclosure of lobbying advertisements.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators White, Benning, Bray, Collamore and Pollina? Senators Sirotkin, Sears, Mullin and Zuckerman moved to amend the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina as follows:

First: By striking out the *third* recommendation of amendment in its entirety and inserting in lieu thereof the following:

By striking out Sec. 3 (2 V.S.A. § 264 (reports of expenditures, compensation, and gifts; employers; lobbyists)) in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

(1) on or before January 3, for the preceding period beginning on July 1 and ending with December 31;

(2) on or before February 3, for the preceding period beginning on January 1 and ending with January 31;

(3) on or before March 3, for the preceding period beginning on February 1 and ending with the last day of February;

(4) on or before April 25 3, for the preceding period beginning on January 1 March 1 and ending with March 31;

(2)(5) on or before May 3, for the preceding period beginning on April 1 and ending with April 30; and

(6) on or before July 25 3, for the preceding period beginning on April May 1 and ending with June 30;

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

* * *

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline. [Repealed.]~~

* * *

Second: By inserting a new section to be numbered Sec. 6a to read as follows:

Sec. 6a. 17 V.S.A. § 2964 is amended to read:

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

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

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

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

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

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

(v) two weeks after the general election.

* * *

(3) In addition to the requirements set forth in subdivision (1) of this subsection, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter shall file with the Secretary of State a campaign finance report on April 15 in the first year of the two-year general election cycle.

* * *

Thereupon, pending the question, Shall the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina be amended as recommended by Senators Sirotkin, Sears, Mullin and Zuckerman?, Senator Sirotkin requested and was granted leave to withdraw the *second* recommendation of amendment.

Thereupon, the pending question, Shall the recommendation of amendment of Senators White, Benning, Bray, Collamore and Pollina be amended as recommended Senators Sirotkin, Sears, Mullin and Zuckerman?, was disagreed to on a roll call, Yeas 6, Nays 19.

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, MacDonald, Mullin, Sears, Sirotkin, Starr.

Those Senators who voted in the negative were: Balint, Baruth, Bray, Campion, Collamore, Cummings, Degree, Flory, Kitchel, Lyons, Mazza, McAllister, McCormack, Nitka, Pollina, Rodgers, Snelling, Westman, White.

Those Senators absent or not voting were: Ayer, Benning, Campbell (presiding), Doyle, Zuckerman.

Thereupon, the recurring question, Shall the bill be amended as recommended by Senators White, Benning, Bray, Collamore and Pollina? was agreed to.

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

Bill Amended; Third Reading Ordered

S. 58.

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

An act relating to requiring that the Defender General receive the same early retirement benefit as a State's Attorney.

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

Sec. 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. 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. 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. 4. 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 that the bill ought to pass when so amended.

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

Bill Passed**S. 44.**

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

An act relating to creating flexibility in early college enrollment numbers.

Message from the House No. 36

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. 5. An act relating to hunting, fishing, and trapping.

H. 95. An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court.

H. 98. An act relating to reportable disease registries and data.

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

H. 310. An act relating to limited liability companies.

H. 320. An act relating to technical corrections.

H. 477. An act relating to miscellaneous amendments to election law.

H. 482. An act relating to principle-based valuation for life insurance reserves and a standard nonforfeiture law for life insurance policies.

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. 68. House concurrent resolution congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams.

H.C.R. 69. House concurrent resolution congratulating the 2015 Essex Union High School Hornets Division I girls' ice hockey championship team.

H.C.R. 70. House concurrent resolution congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team.

H.C.R. 71. House concurrent resolution honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way.

H.C.R. 72. House concurrent resolution congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point.

H.C.R. 73. House concurrent resolution designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont.

H.C.R. 74. House concurrent resolution congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship.

H.C.R. 75. House concurrent resolution honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont.

H.C.R. 76. House concurrent resolution recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House.

H.C.R. 77. House concurrent resolution welcoming the Friends of UVM Baseball to the State House.

H.C.R. 78. House concurrent resolution designating August 9, 2015, as Genealogy Day in Vermont.

H.C.R. 79. House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team.

H.C.R. 80. House concurrent resolution congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team.

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 Townsend and others,

H.C.R. 68.

House concurrent resolution congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams.

By Representative Myers and others,

H.C.R. 69.

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

By Representative Myers and others,

H.C.R. 70.

House concurrent resolution congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team.

By All Members of the House,

By All Members of the Senate,

H.C.R. 71.

House concurrent resolution honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way.

By Representative McFaun and others,

By Senators Cummings, Doyle, Pollina and Starr,

H.C.R. 72.

House concurrent resolution congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point.

By Representatives Krebs and Johnson,

H.C.R. 73.

House concurrent resolution designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 74.

House concurrent resolution congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship.

By Representative Ryerson and others,

H.C.R. 75.

House concurrent resolution honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont.

By Representative Pugh and others,

H.C.R. 76.

House concurrent resolution recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House.

By Representative Frank and others,

H.C.R. 77.

House concurrent resolution welcoming the Friends of UVM Baseball to the State House.

By Representative Yantachka and others,

By Senator Baruth,

H.C.R. 78.

House concurrent resolution designating August 9, 2015, as Genealogy Day in Vermont.

By Representative Townsend and others,

H.C.R. 79.

House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team.

By Representatives Macaig and McCullough,

By Senator Lyons,

H.C.R. 80.

House concurrent resolution congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 24, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 19.

TUESDAY, MARCH 24, 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**S. 138.**

Senate 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 promoting economic development.

Senate Resolution Referred**S.R. 7.**

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

By Senators Campion, Ashe, Balint, Baruth, Bray, Cummings, Lyons, MacDonald, McCormack, Pollina, Sears, Sirotkin, White, and Zuckerman,

S.R. 7. Senate resolution relating to climate change.

Whereas, according to the most credible body of climate experts in the world, the Intergovernmental Panel on Climate Change, the “warming in the climate system is unequivocal,” and “human influence on the climate system is clear,” 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, clean energy technologies can help Vermonters save money, cut pollution, and become energy self-sufficient, and

Whereas, in its rejection of the Schatz Amendment to S.1 (the Keystone Pipeline bill) on Wednesday, January 21, 2015, the U.S. Senate voted against recognizing that “it is extremely likely that global increases in atmospheric [greenhouse gas] concentrations and global temperatures are caused by human activities,” 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 real, that human activities make a substantive contribution to climate change, and that it is imperative Vermont take steps now to reduce its reliance on fossil fuels in order to promote energy independence and meet the State's statutory goals for reduced greenhouse gas emissions, *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.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Natural Resources & Energy.

Joint Resolution Placed on Calendar**J.R.S. 21.**

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

By Senators Baruth and Benning,

J.R.S. 21. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 27, 2015, it be to meet again no later than Tuesday, March 31, 2015.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Referred

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

H. 5.

An act relating to hunting, fishing, and trapping.

To the Committee on Natural Resources & Energy.

H. 95.

An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court.

To the Committee on Judiciary.

H. 98.

An act relating to reportable disease registries and data.

To the Committee on Health & Welfare.

H. 123.

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

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

H. 310.

An act relating to limited liability companies.

To the Committee on Finance.

H. 320.

An act relating to technical corrections.

To the Committee on Government Operations.

H. 477.

An act relating to miscellaneous amendments to election law.

To the Committee on Government Operations.

H. 482.

An act relating to principle-based valuation for life insurance reserves and a standard nonforfeiture law for life insurance policies.

To the Committee on Finance.

Bill Passed**S. 58.**

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

An act relating to requiring that the Defender General receive the same early retirement benefit as a State's Attorney.

Third Reading Ordered**J.R.H. 5.**

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

Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

Reported that the joint resolution ought to be adopted in concurrence.

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.

Bill Amended; Third Reading Ordered**S. 60.**

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

An act relating to payment for medical examinations for victims of sexual assault.

Reported recommending that the bill be amended as follows:

First: In Sec. 1, 8 V.S.A. § 4089, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A health insurer shall not impose any co-payment or coinsurance or, to the extent permitted under federal law, deductible or other cost-sharing requirement for the sexual assault examination of a victim of alleged sexual assault for health care services associated with specific procedure codes identified in a memorandum of understanding between the health insurer and the Vermont Center for Crime Victim Services.

Second: In Sec. 4, confidentiality; memorandum of understanding, by striking out the introductory paragraph in its entirety and inserting in lieu thereof the following:

On or before August 1, 2015, the Department of Vermont Health Access, the three private insurers with the greatest number of covered lives in this State, and the Vermont Center for Crime Victim Services shall enter into a memorandum of understanding to ensure that:

Third: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 (insurance coverage for victims of sexual assault) and 3 (costs borne by the State) shall take effect on October 1, 2015, except that the Victims' Compensation Fund shall reimburse health care facilities and health care providers at 60 percent of billed charges beginning on the date of passage of this act.

(b) Secs. 2 (health care services for uninsured crime victims) and 4 (confidentiality; memorandum of understanding) and this section shall take effect on passage.

And that when so amended the bill ought to pass.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported that it has considered the same and recommends that the bill be amended as recommended by the Committee on Health and Welfare and that the bill be further amended in Sec. 3, 32 V.S.A. § 1407, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) The State shall bear the costs of forensic medical and psychological examinations administered to victims of crime committed in this State, in instances where that examination is requested by a law enforcement officer or a prosecuting authority of the State or any of its subdivisions and the victim

does not have health coverage or the victim's health coverage does not cover the entire cost of the examination. The State shall also bear the costs of ~~medical examinations~~ sexual assault examinations, as defined in 8 V.S.A. § 4089, administered to victims in cases of alleged sexual assault where the victim obtains such an examination prior to receiving such a request if the victim does not have health coverage or the victim's health coverage does not cover the entire cost of the examination. If, as a result of a sexual assault examination, the alleged victim has been referred for mental health counseling, the State shall bear ~~the~~ any costs of such examination not covered by the victim's health coverage. These costs may be paid from the Victims' Compensation Fund from funds appropriated for that purpose.

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 the bill was amended as recommended by the Committee on Health and Welfare.

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

Thereupon, third reading of the bill was ordered.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 25, 2015.

WEDNESDAY, MARCH 25, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Donavee Copenhaver of Northfield.

Message from the House No. 37

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. 483. An act relating to home improvement fraud.

H. 484. An act relating to miscellaneous agricultural subjects.

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

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

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

And has concurred therein.

Committee Relieved of Further Consideration; Bill Committed

H. 306.

On motion of Senator Ashe, the Committee on Economic Development, Housing & General Affairs was relieved of further consideration of House bill entitled:

An act relating to unemployment compensation,
and the bill was committed to the Committee on Finance.

Committee Relieved of Further Consideration; Bill Committed

S. 127.

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

An act relating to a study regarding massage therapy licensure,
and the bill was committed to the Committee on Government Operations.

Bills Referred

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

H. 483.

An act relating to home improvement fraud.
To the Committee on Judiciary.

H. 484.

An act relating to miscellaneous agricultural subjects.
To the Committee on Agriculture.

Bill Amended; Third Reading Ordered**S. 141.**

Senate committee bill entitled:

An act relating to possession of firearms.

Having appeared on the Calendar for notice for one day, was taken up and read the second time.

Thereupon, pending the question, Shall the bill be read a third time?, Senators Sears, Benning, Nitka and White move to amend the bill as follows:

First: By striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

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 thereafter permitted to possess a firearm.

Second: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

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 18 V.S.A. § 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 thereafter permitted to possess a firearm.

Third: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

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) A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Court for an order that the person be relieved from the firearms disability imposed by that section. 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) In determining a petition filed under this section, 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:

(A) at least 18 months have elapsed since the date that the person was last in the custody of the Department of Mental Health; and

(B) 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 chapter, the respondent shall give notice of the petition to any victim of the offense 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.

Fourth: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

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.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Sears, Benning, Nitka and White?, Senator Benning moved to amend the recommendation of amendment in Sec. 7, 13 V.S.A. § 4825, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(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.

Which was disagreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by Senators Sears, Benning, Nitka and White?, was agreed to.

Thereupon, pending the question, Shall the bill be read the third time?, Senators Zuckerman and Westman moved to amend the bill by striking out Sec. 9 in its entirety and inserting in lieu thereof two new sections to be numbered Secs. 9 and 10 to read as follows:

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 the Department 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, 6, and 7 shall take effect on October 1, 2015, and shall apply to hospitalization orders issued pursuant to subdivision 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.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Sears moved to amend the bill in Sec. 7, 13 V.S.A. § 4825(a), before the word “Court” by inserting the words Family Division of the Superior

Which was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Rodgers moved that the bill be committed to the Committee on Appropriations?, which was disagreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 20, Nays 8.

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, Balint, Baruth, Benning, Bray, Campbell, Champion, Cummings, Kitchel, Lyons, MacDonald, McCormack, Nitka, Pollina, Sears, Sirotkin, Snelling, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Collamore, Degree, Flory, Mazza, McAllister, Mullin, Rodgers, Starr.

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

Bill Amended; Third Reading Ordered

S. 18.

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

An act relating to privacy protection.

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

Sec. 1. SPECIAL COMMITTEE ON PRIVACY IN VERMONT

(a) Creation. There is created a Special Committee on Privacy in Vermont to study issues related to the privacy of Vermonters.

(b) Membership, consulting.

(1) The Committee shall be composed of the following members:

(A) the Chair of the Senate Committee on Judiciary;

(B) the Chair of the House Committee on Judiciary;

(C) four current members of the Senate, who shall be members of the Senate Committee on Judiciary, appointed by the Committee on Committees;

(D) four current members of the House of Representatives, who shall be members of the House Committee on Judiciary, appointed by the Speaker of the House.

(2) The Committee shall consult with:

(A) The Attorney General.

(B) The American Civil Liberties Union of Vermont.

(C) The Department of State's Attorneys and Sheriffs.

(D) The Vermont Bankers Association.

(E) The Department of Financial Regulation.

(F) The Defender General.

(G) The Agency of Commerce and Community Development.

(H) The Vermont Retail and Grocers Association.

(I) Any other party whom the Committee determines would be of assistance.

(c) Duties. The Committee shall evaluate privacy issues affecting Vermonters in the areas of commerce, law enforcement, and health care, and shall examine the manner in which the laws of this State can be improved to enhance the privacy of Vermonters. The Committee shall consider:

(1) the use of drones by public agencies and private commercial entities;

(2) how commercial enterprises collect and use data about consumers;

(3) appropriate access to personal medical records;

(4) the ability of a criminal defendant to access data from any law enforcement data set that would assist his or her defense;

(5) the collection of customer and user data by companies providing electronic communication services;

(6) the appropriate retention period for data collected by automated license plate readers, and who should be able to access the data; and

(7) any other issues related to privacy identified by the Committee.

(d) Staffing. The Committee shall have the assistance of all relevant State agencies, the Office of the Legislative Council, and the Joint Fiscal Office.

(e) Meetings.

(1) The Chairs of the Senate and House Committees on Judiciary shall serve as co-chairs of the Committee.

(2)(A) A majority of members of the Committee shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(C) The Committee may take action only if there is both a quorum and a majority vote of all members of the Committee.

(3) The Committee may meet up to six times, at least one of which shall be a public hearing, and shall cease to exist on January 1, 2016.

(f) Report. The Committee shall report any proposed legislation to the House and Senate Committees on Judiciary on or before December 15, 2015.

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

Sec. 2. 2013 Acts and Resolves No. 69, Sec. 3 is amended to read:

Sec. 3. EFFECTIVE DATE AND SUNSET

(a) This act shall take effect on July 1, 2013.

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2015~~ 2016.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported that they have considered the same and recommend that the bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

By striking out Sec. 1 in its entirety.

And by renumbering the remaining sections to be numerically correct.

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 the recommendation of amendment of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

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

Thereupon, third reading of the bill was ordered.

Bill Passed

S. 60.

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

An act relating to payment for medical examinations for victims of sexual assault.

Joint Resolution Adopted in Concurrence

J.R.H. 5.

Joint House resolution of the following title was read the third time and adopted in concurrence:

Joint resolution urging the Federal Communications Commission to adopt the new net neutrality rules as Commission Chair Thomas Wheeler has proposed.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 21.

Joint Senate resolution entitled:

Joint resolution relating to weekend adjournment.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Message from the House No. 38

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. 363. An act relating to the Petroleum Cleanup Fund.

H. 480. An act relating to making miscellaneous technical and other amendments to education laws.

In the passage 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 Thursday, March 26, 2015.

THURSDAY, MARCH 26, 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 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:

Kurrle, Lindsay of Middlesex - Member of the Vermont State Lottery Commission, - from April 16, 2015, to February 28, 2018.

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

Skinner, Mary Just of Middlesex - Member of the Human Services Board, - from March 18, 2015, to February 28, 2021.

To the Committee on Health & Welfare.

Goodrich, Steve of North Bennington - Member of the Plumbers' Examining Board, - from March 18, 2015, to February 28, 2019.

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

Lang, Lisa of Waitsfield - Member of the Travel Information Council, - from March 18, 2015, to February 28, 2017.

To the Committee on Transportation.

Clattenburg, Richard of Perkinsville - Member of the Medical Practice, Board of, - from May 1, 2015, to December 31, 2019.

To the Committee on Health & Welfare.

Berry, Stuart of Belmont - Member of the Children and Family Council for Prevention Programs, - from March 18, 2015, to February 28, 2018.

To the Committee on Health & Welfare.

Pinkham, Kreig of Northfield - Member of the Children and Family Council for Prevention Programs, - from March 18, 2015, to February 28, 2018.

To the Committee on Health & Welfare.

Fischer, Robert of Barre - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from March 18, 2015, to February 28, 2018.

To the Committee on Natural Resources & Energy.

MacDonald, Alexander of Lincoln - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from March 18, 2015, to February 28, 2018.

To the Committee on Natural Resources & Energy.

Smith, Denise of St. Albans - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from March 18, 2015, to February 28, 2018.

To the Committee on Natural Resources & Energy.

Ehlers, James of Colchester - Member of the VT Citizens' Advisory Council on Lake Champlain's Future, - from March 18, 2015, to February 28, 2018.

To the Committee on Natural Resources & Energy.

Davis, John of Williston - Member of the Vermont Economic Progress Council, - from April 1, 2015, to March 31, 2019.

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

Marvin, Emma of Hyde Park - Member of the Vermont Economic Progress Council, - from April 1, 2015, to March 31, 2019.

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

Morse, Stephan of Newfane - Member of the Vermont Economic Progress Council, - from April 1, 2015, to March 31, 2019.

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

Kenney, Frederick of Jericho - Executive Director of the Vermont Economic Progress Council, - from April 1, 2015, to March 31, 2017.

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

Straffin, Shawn of West Burke - Member of the Vermont Economic Progress Council, - from April 1, 2015, to March 31, 2019.

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

Bill Referred to Committee on Appropriations

S. 138.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to promoting economic development.

Bills Referred

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

H. 363.

An act relating to the Petroleum Cleanup Fund.

To the Committee on Rules.

H. 480.

An act relating to making miscellaneous technical and other amendments to education laws.

To the Committee on Education.

Bill Amended; Third Reading Ordered

S. 29.

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

An act relating to election day registration.

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

Sec. 1. 17 V.S.A. § 2142 is amended to read:

§ 2142. REVISION OF CHECKLIST

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

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

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

Sec. 2. 17 V.S.A. § 2144 is amended to read:

§ 2144. ~~DEADLINE FOR~~ SUBMITTING APPLICATIONS

(a) ~~The town clerk shall not accept applications for persons' names to be placed on the checklist after 5:00 p.m. on the Wednesday preceding the day of the election. The town clerk's office shall be kept open on the Wednesday preceding the day of the election from no later than 3:00 p.m. until 5:00 p.m., for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted, or accepted by 5:00 p.m. of the Wednesday preceding the day of the election.~~ On any day other than the day of an election, the town clerk shall accept a person's application for his or her name to be placed on the checklist at the town clerk's office during all normal business hours.

(b) ~~If a person is not eligible to register prior to the voter registration deadline, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to the voter registration deadline, and the town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.~~ On the day of an election:

(1) A person may submit an application for addition to the checklist to the presiding officer at the polling place of the town in which the person seeks to register during the hours of voting established by the board of civil authority for that polling place. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

(2) The presiding officer shall review all applications submitted at the polling place and shall approve those applications that meet the requirements of this chapter. Upon approval, the applicant's name shall be added to the checklist at the polling place, and the applicant shall be provided with the opportunity to vote in the election. The town clerk shall add the information in the application to the statewide voter checklist within three days of the day of the election.

(3) If the presiding officer cannot determine from an application submitted on election day that an applicant meets the requirements of section 2121 of this chapter, the presiding officer shall immediately refer the application to any members of the board of civil authority present at the polling place who shall meet immediately and proceed under section 2146 of this chapter to determine whether the applicant meets the requirements of section 2121 of this chapter. For purposes of adding applicant's names to the checklist under this subdivision (3), a quorum shall consist of three members of the board of civil authority. If the board rejects an applicant, it shall notify him or her at the polling place.

~~(c) If a person is not eligible to register prior to the voter registration deadline, and has submitted a written notice of intent to apply in accord with subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots. [Repealed.]~~

~~(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in subsection 2640(b) of this title, the "day of election" shall be the first Tuesday in March. [Repealed.]~~

Sec. 3. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license as provided in section 2145a of this ~~title~~ chapter.

(2) By completing a voter registration application at a voter registration agency.

(3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident.

(4) By completing a voter registration application and delivering it to the presiding officer before the close of the polls at the polling place of the town in which the person seeks to register. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

Sec. 4. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

(a) An application for, or renewal of, a motor vehicle driver's license shall serve as a simultaneous application to register to vote unless the applicant declines to sign the voter registration portion of the application.

(b) The voter registration portion of the motor vehicle driver's license application shall provide and request the information required to be provided under section 2145 of this ~~title~~ chapter and shall be in the form approved by the Secretary of State.

(c) An application for voter registration under this section shall update any previous voter registration by the applicant. Any change of address form submitted to the Department of Motor Vehicles in connection with an application for a motor vehicle driver's license shall serve to update voter registration information previously provided by the voter, unless the voter states on the form that the change of address is not for voter registration purposes.

(d) The Department of Motor Vehicles shall transmit voter registration applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

(e) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

Sec. 5. 17 V.S.A. § 2145b is amended to read:

§ 2145b. VOTER REGISTRATION AGENCIES

(a) Each voter registration agency shall:

(1) ~~Distribute~~ distribute voter registration application forms approved under section 2145 of this title-;

(2) ~~Assist~~ assist applicants in completing voter registration application forms, unless the applicant refuses such assistance-; and

(3) ~~Accept~~ accept completed voter registration applications and transmit completed applications to the Secretary of State not later than 10 days after the date of acceptance, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

(b) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

* * *

Sec. 6. 17 V.S.A. § 2145c is amended to read:

§ 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER PERSONS OR ORGANIZATIONS

Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

Sec. 7. 17 V.S.A. § 2147 is amended to read:

§ 2147. ALTERATION OF CHECKLIST

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

* * *

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

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

* * *

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

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

Sec. 8. 17 V.S.A. § 2563 is amended to read:

§ 2563. ADMITTING VOTER

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place.

(1) If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

(1)(A)(i) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter.

(ii) If the person is unable to produce the required information, the person shall be afforded the opportunity to ~~cast a provisional ballot, as provided in subchapter 6A of this chapter~~ complete a new application for addition to the checklist in accordance with section 2144 of this title.

(iii) The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2)(B) If the voter is not a first-time voter in the municipality, no identification shall be required, ~~the~~. The clerk shall place a check next to the

voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the name does not appear, the person shall be afforded the opportunity to complete an application for addition to the checklist in accordance with section 2144 of this title.

Sec. 9. SECRETARY OF STATE REPORT

The Secretary of State shall consult with town clerks and report on or before January 15, 2016 to the Senate and House Committees on Government Operations regarding the feasibility of:

(1) permitting a town clerk to deposit in a vote tabulator on the day before an election any early voter absentee ballots he or she has received, while still complying with other provisions of election law; and

(2) ensuring that all towns have Internet access at each polling place on the day of an election.

Sec. 10. EFFECTIVE DATES

This act shall take effect on April 1, 2016, except for Sec. 9 (Secretary of State report), which shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, Senators Collamore, Bray, Pollina and White moved to amend the recommendation of amendment of the Committee on Government Operations in Sec. 10 (effective dates) by striking out the following: "April 1, 2016" and inserting in lieu thereof the following: January 1, 2017

Which was agreed to.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Government Operations, as amend? was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 20, Nays 7.

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, Balint, Baruth, Bray, Campbell, Campion, Collamore, Cummings, Kitchel, Lyons,

MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Sears, Sirotkin, Snelling, White.

Those Senators who voted in the negative were: Benning, Degree, Flory, McAllister, Rodgers, Starr, Westman.

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

Bill Ordered to Lie

S. 137.

Senate bill entitled:

An act relating to penalties for selling and dispensing marijuana.

Was taken up.

Thereupon, pending the second reading of the bill, on motion of Senator Sears, the bill was ordered to lie.

Bill Amended; Third Reading Ordered

S. 42.

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

An act relating to the substance abuse system of care.

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

Sec. 1. 16 V.S.A. § 909(a) is amended to read:

(a) The Secretary, in conjunction with the ~~Alcohol and Drug~~ Substance Abuse Advisory Council, and where appropriate, with the Division of ~~Health Promotion~~ Alcohol and Drug Abuse Programs, shall develop a sequential alcohol and drug abuse prevention education curriculum for elementary and secondary schools. The curriculum shall include teaching about the effects and legal consequences of the possession and use of tobacco products.

Sec. 2. 18 V.S.A. chapter 94 is redesignated to read:

~~CHAPTER 94. DIVISION OF ALCOHOL AND DRUG ABUSE PROGRAMS~~ SUBSTANCE ABUSE PREVENTION AND CARE

Sec. 3. 18 V.S.A. chapter 94, subchapters 1, 2, 3, and 4 are added to read:

Subchapter 1. System of Care

§ 4811. PRINCIPLES

The General Assembly adopts the following principles pertaining to substance abuse prevention, intervention, treatment, and recovery services:

(1) Substance abuse and substance use disorders are health problems, and shall therefore be addressed using a public health approach. A public health approach emphasizes prevention and wellness for the entire population, not only those individuals with an illness or disease.

(2) The State of Vermont's substance abuse system of care shall be patient-centered and trauma-informed. It shall reflect effectiveness, ease of access, evidence-based practices, cultural competency, and the highest standards of care.

(3) A coordinated continuum of substance abuse prevention, intervention, treatment, and recovery services shall be provided throughout the State, including by the Agency of Human Services, hospitals, approved providers, preferred providers, alcohol and drug abuse counselors, regardless of whether or not the counselor is affiliated with an approved provider or preferred provider, and community and peer partners to ensure that services are available to individuals at all stages of substance misuse and substance use disorders. All providers within the continuum shall move towards the goal of providing services based on current research on addiction, medicine, clinical treatment, and evidence-based best practices.

(4) Programs addressing substance abuse prevention, intervention, treatment, or recovery shall be data driven and responsive to changes in demonstrated need, service delivery practices, and funding resources.

(5) Determinations as to the appropriate level of care shall be made in accordance with evidence-based guidelines. Consideration shall also be given to the age appropriateness of services.

(6) To the extent possible, the delivery of substance abuse services shall be integrated into Vermont's health care system and across the Agency of Human Services.

(7) Patients and providers shall share responsibility for treatment outcomes.

(8) The delivery of substance abuse services shall be consistent throughout the State in terms of both access to care and the type of services offered.

(9) Recognizing the ongoing challenges and potential for relapse among individuals with a substance use disorder, services addressing both episodic and chronic substance use disorders shall be accessible throughout the State.

(10) The Commissioners of Health and of Vermont Health Access shall ensure that oversight and accountability are built into all aspects of the system of care for substance abuse services, including for alcohol and drug abuse

counselors, regardless of whether or not the counselor is affiliated with an approved provider or preferred provider.

§ 4812. DEFINITIONS

As used in this chapter:

(1) “Alcohol and drug abuse counselor” means the same as in 26 V.S.A. chapter 62.

(2) “Approved provider” means a substance abuse organization that has attained a certificate of operation from the Department of Health’s Division of Alcohol and Drug Abuse Programs, but does not currently have an existing contract or grant from the Division to provide substance abuse treatment.

(3) “Client” means a person who receives treatment services from an approved provider, preferred provider, or alcohol and drug abuse counselor.

(4) “Continuum of care” means an optimal mix of interventions to address substance abuse and substance use disorders.

(5) “Cultural competence” means a set of behaviors, attitudes, and policies that are culturally and linguistically appropriate to the needs of the population served.

(6) “Designated agency” means the same as in section 7252 of this title.

(7) “Incapacitated” means that a person, as a result of his or her use of alcohol or other drugs, is in a state of intoxication or of mental confusion resulting from withdrawal such that the person:

(A) appears to need medical care or supervision by an approved provider to ensure his or her safety; or

(B) appears to present a direct active or passive threat to the safety of others.

(8) “Intervention” means processes and programs used to identify and act on early signs of substance abuse before it becomes a lifelong problem, including prevention screenings and brief, early interventions and referrals.

(9) “Intoxicated” means a condition in which the mental or physical functioning of an individual is substantially impaired as a result of the presence of alcohol or other drugs in his or her system.

(10) “Law enforcement officer” means a law enforcement officer certified by the Vermont Criminal Justice Training Council as provided in 20 V.S.A. §§ 2355–2358 or appointed by the Commissioner of Public Safety as provided in 20 V.S.A. § 1911.

(11) “Licensed hospital” means a hospital licensed under chapter 43 of this title.

(12) “Person-centered care” means a service delivery mode that gives an individual a primary decision making role in directing his or her care, including having control over his or her own plan and service delivery decisions.

(13) “Preferred provider” means any substance abuse organization that has attained a certificate of operation from the Department of Health’s Division of Alcohol and Drug Abuse Programs and has an existing contract or grant from the Division to provide substance abuse treatment.

(14) “Prevention” means the promotion of healthy lifestyles that reduce substance abuse and substance use disorder prior to the onset of a disorder.

(15) “Protective custody” means a civil status in which an incapacitated person is detained by a law enforcement officer for the purposes of:

(A) ensuring the safety of the individual or the public, or both; and

(B) assisting the individual to return to a functional condition.

(16) “Recovery” means a process of change in which an individual with a substance use disorder improves his or her health and wellness, lives in a self-directed manner, and strives to reach his or her full potential.

(17) “Secretary” means the Secretary of Human Services or the Secretary’s designee.

(18) “Substance abuse” means a range of harmful or hazardous behaviors such as underage use of alcohol, excessive drinking, use of alcohol during pregnancy, prescription drug misuse, and use of illicit drugs.

(19) “Substance use disorder” means the recurrent use of alcohol, drugs, or both that causes a clinically and functionally significant impairment consistent with the definition in the Diagnostic and Statistical Manual (DSM-5) or its successor.

(20) “System of care” means the continuum of substance abuse prevention, intervention, treatment, and recovery services offered consistently throughout geographically diverse regions of the State.

(21) “Trauma-informed care” means the provision of services that identify the impact of trauma and pathways for recovery; recognize the signs and symptoms of trauma; respond by fully-integrating knowledge about trauma into policies, procedures, and practices; and seek to actively avoid retraumatization.

(22) “Treatment” means the broad range of services including withdrawal management, outpatient, intensive outpatient, residential, and recovery services that are needed by persons with a substance use disorder and may include a variety of other medical, social, vocational, and educational supports and services, including care management, aftercare, and follow-up services relevant to the recovery of these persons.

(23) “Withdrawal management” means the planned withdrawal of an individual from a state of acute or chronic intoxication consistent with the definition in the Diagnostic and Statistical Manual (DSM-5) or its successor.

§ 4813. DIVISION OF ALCOHOL AND DRUG ABUSE PROGRAMS

(a) The Division of Alcohol and Drug Abuse Programs shall plan, operate, and evaluate a consistent, effective, and comprehensive continuum of substance abuse programs. These programs shall coordinate care with Vermont’s health, mental health, and human services systems. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

(b) Under the direction of the Commissioner of Health, the Deputy Commissioner of Alcohol and Drug Abuse Programs shall review, approve, and coordinate all alcohol and drug programs developed or administered by any State agency or department, except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Substance Abuse Advisory Council pursuant to 16 V.S.A. § 909.

(c)(1) Any federal or private funds received by the State for purposes of alcohol and drug programs shall be in the budget of and administered by the Agency of Human Services. This subdivision shall not apply to the programs of the Department of Corrections.

(2) To the extent possible, funds shall be used in a manner that creates a comprehensive and coordinated network of services throughout the State.

(d) The Division of Alcohol and Drug Abuse Programs shall be responsible for the direct oversight and delivery of the programs administered by the Secretary pursuant to subdivision (c)(1) of this section. It shall also be authorized to inspect and monitor these programs and services to ensure quality of care and compliance with State and national standards.

(e) With regard to alcohol and drug treatment, the Commissioner of Health may contract with the Secretary of State for the provision of adjudicative services of one or more administrative law officers and other investigative, legal, and administrative services related to licensure and discipline of alcohol and drug abuse counselors.

§ 4814. AUTHORITY AND ACCOUNTABILITY FOR SUBSTANCE ABUSE SERVICES; RULES FOR ACCEPTANCE INTO TREATMENT

(a) The Secretary shall have the authority and accountability for providing or arranging for the provision of a comprehensive system of substance abuse prevention, intervention, treatment, and recovery services.

(b) The Secretary shall adopt rules and standards pursuant to 3 V.S.A. chapter 25 for the implementation of the provisions of this chapter. In establishing rules regarding the administration and adherence to substance abuse treatment program standards, the Secretary shall adhere to the following guidelines:

(1) A client shall be initially assessed and assigned to the appropriate level of care using evidence-based tools.

(2) A person shall not be denied treatment solely because he or she has withdrawn from treatment against medical advice on a prior occasion or because he or she has relapsed after earlier treatment.

(3) An individualized treatment plan shall be prepared and maintained on a current basis for each client.

(4) Provision shall be made for a continuum of coordinated treatment and recovery services, so that a person who leaves a program or a form of treatment shall have other appropriate services available.

§ 4815. SYSTEM OF CARE

(a) The Commissioner of Health shall coordinate and supervise a continuum of geographically diverse substance abuse services throughout the State that shall include at least the following:

(1) prevention programming and services, including initiatives to deter substance use among youths;

(2) early intervention, including Screening, Brief Intervention, Referral to Treatment (SBIRT) in health care and human services settings;

(3) treatment, including medication-assisted treatment, outpatient services supervised by a licensed alcohol and drug abuse counselor regardless of whether the counselor is affiliated with an approved provider or preferred provider, and inpatient and residential services;

(4) recovery support services;

(5) transitional housing;

(6) coordination of complex care between health, mental health; and

(7) licensure of alcohol and drug abuse counselors pursuant to 26 V.S.A. § 3235.

(b) The Commissioners of Health, of Mental Health, and of Vermont Health Access, in consultation with the Substance Abuse Advisory Council, Green Mountain Care Board, preferred providers, and other community partners, shall develop and implement a plan aimed at creating a cohesive substance abuse system of care in Vermont. The plan shall foster a unified provider network in which providers are reimbursed for comprehensive services that are responsive to patient needs. The plan shall:

(1) balance the delivery of episodic and chronic treatment services;

(2) ensure the coordination of care and payment;

(3) enable treatment based on the American Society of Addiction Medicine's definition of medical necessity and established levels of care;

(4) make case management services available to chronically lapsing patients to ensure consistency in treatment and recovery over time; and

(5) incorporate any payment reform recommendations offered by the Green Mountain Care Board.

§ 4816. REPORTING REQUIREMENTS

The Department of Health, in consultation with the Departments of Mental Health and of Vermont Health Access, shall report annually on or before January 15 to the Senate Committee on Health and Welfare and to the House Committee on Human Services on the following:

(1) adequacy of system capacity, including the utilization and timeliness of services across the continuum of care;

(2) system performance and client outcomes, based on:

(A) national research-based measure sets;

(B) clinical best practices;

(C) measures established by the Department of Health that reflect the priorities in its strategic plan;

(D) program objectives and performance measures consistent with those established pursuant to 2014 Acts and Resolves No. 179, § E.306.2(a)(1); and

(E) any other measures reported on the Department of Health's performance dashboard;

(3) gaps in services or quality of care; and

(4) projection of future needs within the State's substance abuse system of care.

Subchapter 2. Abuse of Alcohol

§ 4821. DECLARATION OF POLICY

(a) It is the policy of the State of Vermont that persons who abuse alcohol are correctly perceived as persons with health and social problems rather than as persons committing criminal transgressions against the welfare and morals of the public.

(b) The General Assembly therefore declares that:

(1) persons who abuse alcohol shall no longer be subjected to criminal prosecution solely because of their consumption of alcoholic beverages or other behavior related to consumption which is not directly injurious to the welfare or property of the public; and

(2) persons who abuse alcohol shall be treated as persons who are sick and shall be provided adequate and appropriate medical and other humane rehabilitative services congruent with their needs.

Subchapter 3. Substance Abuse Advisory Council

§ 4831. SUBSTANCE ABUSE ADVISORY COUNCIL

(a) Creation. There is created a substance abuse advisory council to foster coordination and integration of substance abuse services across the substance abuse system of care.

(b) Membership. The Council shall be composed of the following 19 members:

(1) the Chair of the Senate Committee on Health and Welfare or designee;

(2) the Chair of the House Committee on Human Services or designee;

(3) the Secretary of Human Services or designee;

(4) the Secretary of Education or designee;

(5) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs;

(6) the Commissioner of Mental Health or designee;

(7) the Commissioner of Vermont Health Access or designee;

(8) the Director of the Blueprint or designee;

(9) a representative of an approved provider or preferred provider that shall also be a designated agency;

(10) a representative of an approved provider or preferred provider that provides residential treatment services;

(11) two licensed alcohol and drug abuse counselors serving different regions of the State, appointed by the Governor;

(12) a physician in private practice with expertise treating substance use disorders, appointed by the Governor;

(13) a representative of hospitals, appointed by the Vermont Association of Hospitals and Health Systems;

(14) a representative of the criminal justice community, appointed by the Governor;

(15) an educator involved in substance abuse prevention services, appointed by the Governor;

(16) a youth substance abuse prevention specialist, appointed by the Governor;

(17) a community prevention coalition member, appointed by the Governor; and

(18) a member of the peer community involved in recovery services, appointed by the Governor.

(c) Report. Annually on or before November 15, the Council shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(d) Meetings.

(1) The Secretary of Human Services shall call the first meeting of the Council to occur on or before August 1, 2015.

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

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

(e) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Council shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four meetings annually.

(2) Members of the Council who are not employees of the State of Vermont and 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 four meetings annually.

§ 4832. ADMINISTRATIVE SUPPORT

The Agency of Human Services shall provide the Council with such administrative support as is necessary for it to accomplish the purposes of this chapter.

§ 4833. POWERS AND DUTIES

The Council shall:

(1) assess substance abuse services and service delivery in the State, including the following:

(A) the effectiveness of existing substance abuse services in Vermont and opportunities for improved treatment; and

(B) strategies for enhancing the coordination and integration of substance abuse services across the system of care;

(2) provide recommendations to the Department of Health as it develops a plan for the substance abuse system of care pursuant to subsection 4815(b) of this title, including regarding the integration of substance abuse services with health care reform initiatives, such as value-based payment methodologies;

(3) provide recommendations to the General Assembly and Agency of Human Services regarding the improvement of statutes and rules governing the substance abuse system of care; and

(4) provide recommendations to the General Assembly regarding State policy and programs for individuals experiencing public inebriation.

Subchapter 4. Law Enforcement and Incarceration

§ 4841. TREATMENT AND SERVICES

(a) When a law enforcement officer encounters a person who, in the judgment of the officer, is intoxicated as defined in section 4812 of this title, the officer may assist the person, if he or she consents, to his or her home, to an approved provider, a preferred provider, or to some other mutually agreeable location.

(b) When a law enforcement officer encounters a person who, in the judgment of the officer, is incapacitated as defined in section 4812 of this title, the person shall be taken into protective custody by the officer. The officer

shall transport the incapacitated person directly to an approved provider or preferred provider with withdrawal management capabilities, or to the emergency room of a licensed general hospital for treatment, except that if an alcohol and drug abuse counselor exists in the vicinity and is available, the person may be released to the counselor at any location mutually agreeable between the officer and the counselor. The period of protective custody shall end when the person is released to an alcohol and drug abuse counselor, a clinical staff person of an approved provider or preferred provider with withdrawal management capabilities, or a professional medical staff person at a licensed general hospital emergency room. The person may be released to his or her own devices if, at any time, the officer judges him or her to be no longer incapacitated. Protective custody shall in no event exceed 24 hours.

(c) If an incapacitated person is taken to an approved provider or preferred provider with withdrawal management capabilities and the program is at capacity, the person shall be taken to the nearest licensed general hospital emergency room for treatment.

(d) A person judged by a law enforcement officer to be incapacitated, and who has not been charged with a crime, may be lodged in protective custody in a secure facility not operated by the Department of Corrections for up to 24 hours or until judged by the person in charge of the facility to be no longer incapacitated, if and only if:

(1) the person refuses to be transported to an appropriate facility for treatment or, if once there, refuses treatment or leaves the facility before he or she is considered by the responsible staff of that facility to be no longer incapacitated; or

(2) no approved provider or preferred provider with withdrawal management capabilities and no staff physician or other medical professional at the nearest licensed general hospital can be found who will accept the person for treatment.

(e) A person shall not be lodged in a secure facility under subsection (d) of this section without first being evaluated and found to be indeed incapacitated by an alcohol and drug abuse counselor, a clinical staff person of an approved provider or preferred provider with withdrawal management capabilities, or a professional medical staff person at a licensed general hospital emergency room.

(f) Except for a facility operated by the Department of Corrections, a lockup facility shall not refuse to admit an incapacitated person in protective custody whose admission is requested by a law enforcement officer, in compliance with the conditions of this section.

(g) Notwithstanding subsection (d) of this section, a person under 18 years of age who is judged by a law enforcement officer to be incapacitated and who has not been charged with a crime shall not be held at a lockup facility or community correctional center. If needed treatment is not readily available, the person shall be released to his or her parent or guardian. If the person has no parent or guardian in the area, arrangements shall be made to house him or her according to the provisions of 33 V.S.A. chapter 53. The official in charge of an adult jail or lockup facility shall notify the Deputy Commissioner of Alcohol and Drug Abuse Programs of any person under 18 years of age brought to an adult jail or lockup facility pursuant to this chapter.

(h) If an incapacitated person in protective custody is lodged in a secure facility, his or her family or next of kin shall be notified as promptly as possible. If the person is an adult and requests that there be no notification, his or her request shall be respected.

(i) A taking into protective custody under this section is not an arrest.

(j) Law enforcement officers, persons responsible for supervision in a secure facility, and alcohol and drug abuse counselors who act under the authority of this section are acting in the course of their official duty and are not criminally or civilly liable therefor, unless for gross negligence or willful or wanton injury.

§ 4842. INCARCERATION FOR INEBRIATION PROHIBITED

A person who has not been charged with a crime shall not be incarcerated in a facility operated by the Department of Corrections on account of the person's inebriation.

Sec. 4. RULEMAKING; SYSTEM OF CARE PLAN

(a) On or before January 15, 2016, the Commissioners of Health, of Mental Health, and of Vermont Health Access shall present the plan developed pursuant to 18 V.S.A. § 4816(b) to the Senate Committee on Health and Welfare and to the House Committee on Human Services. The Commissioners shall update the Committees on their respective Departments' strategies for implementing the plan.

(b) No sooner than July 1, 2016, the Commissioner of Health shall adopt into rule the plan developed pursuant to 18 V.S.A. § 4816(b). The rule shall address the movement of people throughout the substance abuse system of care based on medical necessity. The rule shall also develop a list of outcome measures that must be present in contracts between the Departments of Health, Mental Health, or Vermont Health Access and preferred providers for all substance abuse related services.

Sec. 5. REPORT; SUBSTANCE ABUSE PREVENTION IN SCHOOLS

On or before January 15, 2016, the Secretary of Education shall report to the Senate Committee on Health and Welfare and to the House Committee on Human Services regarding:

(1) the status of the comprehensive health education program as it pertains to substance abuse;

(2) all other Agency initiatives aimed at preventing or treating substance abuse among students; and

(3) the most effective evidence-based practices pertaining to substance abuse in schools.

Sec. 6. REPORT; SERVICES FOR MENTAL HEALTH, SUBSTANCE ABUSE, AND CO-OCCURRING DISORDERS

(a) On or before January 15, 2016, the Blueprint for Health, in consultation with the Department of Mental Health, the Department of Health's Division of Alcohol and Drug Abuse Programs, and stakeholders, shall survey and report on those services provided to individuals with a mental health, substance abuse, or co-occurring disorder by designated agencies, approved providers, preferred providers, federally qualified health centers, and the Blueprint for Health's community health teams. The report shall:

(1) catalogue services for individuals with mental health, substance abuse, and co-occurring disorders to identify where, if any, gaps in services or overlapping services exist;

(2) identify collaboration models, including the benefits and challenges of each, and any recommendations for the development of a related framework or training program;

(3) propose any structural changes necessary to foster a collaborative relationship between the designated agencies, approved providers, preferred providers, federally qualified health centers, and community health teams;

(4) survey and consolidate information on which federally qualified health centers and designated agencies are using behavior change models, and which model is used by each; and

(5) survey the relative pay scales of providers employed by the designated agencies, approved providers, preferred providers, federally qualified health centers, and community health teams by provider type and county.

(b) The Blueprint for Health may consolidate the filing of this report with any other similar report requested by the General Assembly. Where the filing

dates of the consolidated reports are inconsistent, they shall be filed in accordance with the earliest filing date.

Sec. 7. REPEAL

(a) 18 V.S.A. §§ 4801–4807 (Division of Alcohol and Drug Abuse Programs) are repealed on July 1, 2015.

(b) 18 V.S.A. § 4808 (treatment and services) and 18 V.S.A. § 4809 (incarceration for inebriation prohibited) are repealed on July 1, 2017.

(c) The annual reporting requirement on program objectives and performance measures established pursuant to 2014 Acts and Resolves No. 179, Sec. E.306.2(a)(2) is repealed on passage of this act.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except 18 V.S.A. §§ 4841 (treatment and services) and 4842 (incarceration for inebriation prohibited) shall take effect on July 1, 2017.

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that they have considered the same and recommend that the bill be amended as recommended by the Committee on Health & Welfare with the following amendments thereto:

First: By striking out Sec. 1 in its entirety.

Second: In Sec. 3, 18 V.S.A. § 4813, subsection (b), by striking out the following: “Substance Abuse Advisory Council” and inserting in lieu thereof the following: Alcohol and Drug Abuse Council

Third: In Sec. 3, 18 V.S.A. § 4815, subsection (b), in the first sentence, by striking out the following: “Substance Abuse Advisory Council.”

Fourth: In Sec. 3, by striking out Subchapter 3 in its entirety and inserting in lieu thereof a new Subchapter 3 to read as follows:

Subchapter 3. Alcohol and Drug Abuse Council

§ 4831. ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS; PER DIEM

(a) The Alcohol and Drug Abuse Council is established within the Agency of Human Services to promote the reduction of problems arising from alcohol and drug abuse by advising the Secretary on policy areas that can inform Agency programs.

(b) The Council shall consist of 11 members:

(1) The Secretary of Human Services, Commissioner of Public Safety, Secretary of Education, Commissioner of Liquor Control, and Commissioner of Motor Vehicles or their designees.

(2) One member shall be a member of a mental health or substance abuse agency who shall be appointed by the Governor.

(3) Five members shall be appointed by the Governor of which every consideration shall be given, if possible, to equal geographic apportionment. Consideration will be given for one of these members to be a certified practicing teacher and one of these members to be a school administrator.

(c) The term of office of members appointed pursuant to subdivisions (b)(2) and (3) of this section shall be three years.

(d) The Council membership shall annually elect a member to serve as chair.

(e) All members shall be voting members.

(f) At the expiration of the term of an appointed member or in the event of a vacancy during an unexpired term, the new member shall be appointed in the same manner as his or her predecessor. Members of the Council may be reappointed.

(g) Each member of the Council not otherwise receiving compensation from the State of Vermont or any political subdivision thereof shall be entitled to receive per diem compensation as provided in 32 V.S.A. § 1010(b). Each member shall be entitled to his or her actual and necessary expenses.

§ 4832. ADMINISTRATIVE SUPPORT

The Agency of Human Services shall provide the Council with such administrative support as is necessary for it to accomplish the purposes of this chapter.

§ 4833. DUTIES

The Council shall:

(1) advise the Governor as to the nature and extent of alcohol and drug abuse problems and the programs necessary to understand, prevent, and alleviate those problems;

(2) make recommendations to the Governor for developing a comprehensive and coordinated system for delivering effective programs, including any appropriate reassignment of responsibility for such programs;

(3) provide for coordination and communication among the regional alcohol and drug abuse councils, State agencies and departments, providers, consumers, consumer advocates, and interested citizens;

(4) jointly, with the State Board of Education, develop educational and preventive programs; and

(5) develop a five-year plan for effectively providing preventive, education, and treatment services to the Vermont public.

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 the recommendation of amendment of the Committee on Health & Welfare was amended as recommended by the Committee on Appropriations.

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.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 18. An act relating to privacy protection.

S. 141. An act relating to possession of firearms.

Adjournment

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

FRIDAY, MARCH 27, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Thomas Hardy of Randolph.

Message from the House No. 39

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. 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.

H. 282. An act relating to professions and occupations regulated by the Office of Professional Regulation.

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

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

J.R.S. 21. Joint resolution relating to weekend adjournment .

And has adopted the same in concurrence.

**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 its committee as indicated:

Pickens, William of Wolcott - Member of the Fish and Wildlife Board, - from March 26, 2015, to February 28, 2021.

To the Committee on Natural Resources & Energy.

Bill Ordered to Lie

S. 139.

Senate committee bill entitled:

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

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Campbell, the bill was ordered to lie.

Consideration Resumed; Bill Ordered to Lie

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?, on motion of Senator Campbell, the bill was ordered to lie.

Bill Called Up

S. 133.

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

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

Bill Referred to Committee on Rules

S. 114.

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 the Open Meeting Law.

Bills Referred

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

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.

To the Committee on Rules.

H. 282.

An act relating to professions and occupations regulated by the Office of Professional Regulation.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered

S. 102.

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

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

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

Sec. 1. 13 V.S.A. § 352 is amended to read:

§ 352. CRUELTY TO ANIMALS

A person commits the crime of cruelty to animals if the person:

* * *

(5)(A) owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting, or possesses, keeps, or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control; or

(B) owns, possesses, ships, transports, delivers, or keeps a device, equipment, or implement for the purpose of training or conditioning an animal for participation in animal fighting, or enhancing an animal's fighting capability.

* * *

Sec. 2. 13 V.S.A. § 364 is amended to read:

§ 364. ANIMAL FIGHTS

(a) A person who participates in a fighting exhibition of animals shall be in violation of subdivisions 352(5) and (6) of this title.

(b) ~~In~~ Notwithstanding any provision of law to the contrary, in addition to seizure of fighting birds or animals involved in a fighting exhibition, a law enforcement officer or humane officer may seize:

(1) any equipment associated with that activity;

(2) any other personal property which is used to engage in a violation or further a violation of subdivisions 352(5) and (6) of this title; and

(3) monies, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of subdivisions 352(5) and (6) of this title.

(c) In addition to the imposition of a penalty under this chapter, conviction under this section shall result in forfeiture of all seized fighting animals ~~and~~ equipment, and other property subject to seizure under this section. The animals may be destroyed humanely or otherwise disposed of as directed by the court.

(d) Property subject to forfeiture under this subsection may be seized upon process issued by the court having jurisdiction over the property. Seizure without process may be made:

(1) incident to a lawful arrest;

(2) pursuant to a search warrant; or

(3) if there is probable cause to believe that the property was used or is intended to be used in violation of this section.

(e) Forfeiture proceedings instituted pursuant to the provisions of this section for property other than animals are subject to the procedures and requirements for forfeiture as set forth in 18 V.S.A. chapter 84, subchapter 2.

Sec. 3. 18 V.S.A. § 4241 is amended to read:

§ 4241. SCOPE

(a) The following property shall be subject to this subchapter:

* * *

(7) Any property seized pursuant to 13 V.S.A. § 364.

~~(b) This subchapter shall not apply to any property used or intended for use in an offense involving two ounces or less of marijuana or in connection with hemp or hemp products as defined in 6 V.S.A. § 562. This subchapter shall apply to property for which forfeiture is sought in connection with:~~

(1) a violation under chapter 84, subchapter 1 of this title that carries by law a maximum penalty of ten years' incarceration or greater; or

(2) a violation of 13 V.S.A. § 364.

Sec. 4. 18 V.S.A. § 4242 is amended to read:

§ 4242. SEIZURE

* * *

(b) Any property subject to forfeiture under this subchapter may be seized upon process. Seizure without process may be made when:

(1) the seizure is incident to an arrest with probable cause or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the ~~state~~ State in a forfeiture proceeding under this subchapter; or

(3) the seizure is incident to a valid warrantless search.

(c) If property is seized without process under subdivision (b)(1) or (3) of this section, the ~~state~~ State shall forthwith petition the court for a preliminary order or process under subsection (a) of this section.

(d) ~~All~~ Notwithstanding subsection 4241(b) of this title, all regulated drugs the possession of which is prohibited under this chapter are contraband and shall be automatically forfeited to the state and destroyed.

Sec. 5. 18 V.S.A. § 4243 is amended to read:

§ 4243. ~~PETITION FOR~~ JUDICIAL FORFEITURE PROCEDURE

(a) ~~The State~~ Conviction required. An asset is subject to forfeiture by judicial determination under section 4241 of this title and 13 V.S.A. § 364 if:

(1) a person is convicted of the criminal offense related to the action for forfeiture; or

(2) a person is not charged with a criminal offense related to the action for forfeiture based in whole or in part on the person's agreement to provide information regarding the criminal activity of another person.

(b) Evidence. The State may introduce into evidence in the judicial forfeiture case the fact of a conviction in the Criminal Division or any agreement made under subdivision (a)(2) of this section.

(c) Burden of proof. The State bears the burden of proving by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense.

(d) Notice. Within 60 days from when the seizure occurs, the State shall notify any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. Upon motion by the State, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown.

(e) Return of property. If notice is not sent in accordance with subsection (d) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person from whom the property was seized. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. Nothing in this subsection shall require the agency to return contraband, evidence, or other property that the person from whom the property was seized is not entitled to lawfully possess.

(f) Filing of petition. Except as provided in section 4243a of this title, the State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the

preliminary order or process is issued. The petition shall be filed in the ~~superior court~~ Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.

~~(b)~~(g) Service of petition. A copy of the petition shall be ~~sent by certified mail to~~ served on all persons named in the petition as provided for in the Vermont Rules of Civil Procedure. In addition, the ~~state~~ State shall cause notice of the petition to be published in a newspaper of general circulation in the ~~state~~ State, as ordered by the court. The petition shall state:

(1) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and the type and quantity of regulated drug involved;

(2) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.

Sec. 6. 18 V.S.A. § 4243a is added to read:

§ 4243a. ADMINISTRATIVE FORFEITURE PROCEDURE

(a) Scope. Forfeiture of property described in section 4241 of this title and in 13 V.S.A. § 364 that does not exceed \$25,000 in value may be administratively forfeited under this section.

(b) Notice. Within 60 days from seizure, all persons known to have an ownership, possessory, or security interest in seized property must be notified of the seizure and the intent to forfeit the property. Notice shall be served as provided for in the Vermont Rules of Civil Procedure. If there is reason to believe that notice may have an adverse result, a supervisory law enforcement official of the seizing agency may extend the period for sending notice for a period not to exceed 30 days. Upon motion to the Superior Court by the State, the Court may extend the period for sending notice for a period not to exceed 60 days.

(c) Content of notice. The notice shall contain:

(1) a description of the property;

(2) the date of the seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review.

(d) Return of property. If notice is not sent in accordance with subsection (b) of this section, and no time extension is granted or the extension period has

expired, the law enforcement agency shall return the property to the person from whom the property was seized. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. Nothing in this subsection shall require the agency to return contraband, evidence or other property that the person from whom the property was seized is not entitled to lawfully possess.

(e) Claims.

(1) Any person claiming property seized under this section may file a claim with the Superior Court.

(2) A claim under this subsection must be filed within 60 days after notice is received.

(3) A claim shall:

(A) identify the specific property being claimed;

(B) state the claimant's interest in such property; and

(C) be made under oath.

Sec. 7. 18 V.S.A. § 4244 is amended to read:

§ 4244. FORFEITURE HEARING

(a) ~~The court~~ Within 60 days following service of notice of seizure and forfeiture under sections 4243 and 4243a of this title, a claimant may file a demand for judicial determination of the forfeiture. The demand must be in the form of a civil complaint accompanied by a sworn affidavit setting forth the facts upon which the claimant intends to rely, including, if relevant, the noncriminal source of the asset or currency at issue. The demand must be filed with the court administrator in the county in which the seizure occurred.

(b) Except as provided in section 4243a, the Court shall hold a hearing on the petition no less than 14 nor more than 30 days after notice. For good cause shown, or on the court's own motion, the court may stay the forfeiture proceedings pending resolution of related criminal proceedings. If a person named in the petition is a defendant in a related criminal proceeding and the proceeding is dismissed or results in a judgment of acquittal, the petition shall be dismissed as to the defendant's interest in the property as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution.

(b)(c) A lienholder who has received notice of a forfeiture proceeding may intervene as a party. If the ~~court~~ Court finds that the lienholder has a valid, good faith interest in the subject property which is not held through a straw purchase, trust or otherwise for the actual benefit of another and that the

lienholder did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law, the ~~court~~ Court upon forfeiture shall order compensation to the lienholder to the extent of the lienholder's interest.

(d) The Court shall not order the forfeiture of property if an owner, co-owner, or person who regularly uses the property, other than the defendant, shows by a preponderance of the evidence that the owner, co-owner, or regular user did not consent to or have any express or implied knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture, or that the owner, co-owner, or regular user had no reasonable opportunity or capacity to prevent the defendant from using the property.

~~(e)~~(e) The proceeding shall be against the property and shall be deemed civil in nature. The ~~state~~ State shall have the burden of proving all material facts by clear and convincing evidence.

~~(f)~~(f) The ~~court~~ Court shall make findings of fact and conclusions of law and shall issue a final order. If the petition is granted, the ~~court~~ Court shall order the property held for evidentiary purposes, delivered to the ~~state treasurer~~ State Treasurer, or, in the case of regulated drugs or property which is harmful to the public, destroyed.

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 first be used 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. Remaining proceeds shall be distributed as follows:

(1)(A) Sixty percent shall be distributed among the:

(i) Judiciary;

(ii) Office of the Attorney General;

(iii) Office of the Defender General;

(iv) Department of State's Attorneys and Sheriffs; and

(v) 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 allocate proceeds to the prosecutor and law enforcement agency or agencies that participated in the enforcement effort resulting in the forfeiture. 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 operating funds.

(1) The remaining 40 percent shall be deposited in the General Fund.

Sec. 9. ANIMAL CRUELTY RESPONSE TASK FORCE

(a) Creation. There is created a task force to evaluate the state of animal cruelty investigation and response in Vermont, including the resources devoted to animal investigation and response services and to recommend ways to consolidate, collaborate, or reorganize to use more effectively limited resources while improving the response to animal cruelty.

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

(1) a representative from the Governor's office;

(2) a member of the Vermont State Police;

(3) a member of the VT Police Chiefs Association;

(4) a representative of the VT Animal Control Association;

(5) a Humane Officer from a VT humane society focusing on domestic animals;

(6) a Humane Officer of a VT humane society focusing on large animals (livestock);

(7) a representative of the Vermont Humane Federation;

(8) a representative of the Vermont Federation of Dog Clubs;

(9) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(10) a representative of the Vermont Veterinary Medical Association;

(11) a representative of the Vermont Agency of Agriculture, Food and Markets;

(12) a representative of the VT Constables Association;

(13) a representative of the VT Town Clerks Association; and

(14) a representative of the Department for Children and Families.

(c) Powers and duties. The Task Force, in consultation with the Office of the Defender General, shall study and make recommendations concerning:

(1) training for humane agents, animal control officers, law enforcement officers, and prosecutors;

(2) the development of uniform response protocols for receiving, investigating, and following up on complaints of animal cruelty, including sentencing recommendations;

(3) the development of a centralized data collection system capable of sharing data collected from both the public and private sectors on animal cruelty complaints and outcomes;

(4) funding the various responsibilities that are involved with an animal cruelty investigation, including which State agencies should be responsible for any State level authority and oversight; and

(5) any other issue the Task Force determines is relevant to improve the efficiency, process, and results of animal cruelty response actions in Vermont.

(d) Report. On or before January 15, 2016, the Task Force shall report its findings and recommendations to the House and Senate Committees on Judiciary.

(e) Meetings and sunset.

(1) The representative from the Governor's office shall call the first meeting of the Task Force.

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

(3) The Task Force shall hold its first meeting no later than August 15, 2015.

(4) Meetings of the Task Force shall be public meetings.

(5) The Task Force shall cease to exist on January 16, 2016.

Sec. 10. 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 forfeiture of property associated with animal fighting and certain regulated drug possession, sale, and trafficking violations.

And that when so amended the bill ought to pass.

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

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 first be used 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. Remaining proceeds shall be distributed as follows:

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

(i) Office of the Attorney General;

(ii) Office of the Defender General;

(iii) 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 allocate proceeds to the prosecutor and law enforcement agency or agencies that participated in the enforcement effort resulting in the forfeiture. 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 operating funds.

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

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 the recommendation of amendment of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

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

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered

H. 240.

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

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

Reported recommending that the Senate propose to the House to amend the bill in Sec. 12, 23 V.S.A. § 458, by striking out the second sentence in its entirety and inserting in lieu thereof the following:

~~The purchaser, if~~ If a properly licensed, on attaching the number plate with temporary validation stickers, temporary plate or decal purchaser either attaches to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle, or carries in the motorboat such number plate or decal, he or she may operate the same for a period not to exceed 60 consecutive days immediately following the purchase.

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.

Consideration Postponed

S. 29.

Senate bill entitled:

An act relating to election day registration.

Was taken up.

Thereupon, pending third reading of the bill, Senator Degree moved to amend the bill by striking out Sec. 10 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. EFFECTIVE DATES

(a)(1) Except as provided in subsection (b) of this section, this act shall not take effect unless the Secretary of State confirms in writing to the General Assembly that each town is able to have Internet access at each polling place on the day of an election.

(2) If the Secretary of State makes the written confirmation described in subdivision (1) of this subsection, this act shall take effect on January 1, 2017 or on the first day of the month following the month in which the Secretary makes that written confirmation, whichever is later.

(b) Sec. 9 (Secretary of State report) shall take effect on passage.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Degree?, Senator White, moved that consideration of the bill be postponed until Wednesday, April 1, 2015, which was agreed to.

Bill Amended; Bill Passed

S. 42.

Senate bill entitled:

An act relating to the substance abuse system of care.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved to amend the bill in Sec. 3, 18 V.S.A. § 4813, subsection (c) subdivision (1), in the first sentence, by striking out the words “federal or private” and inserting in lieu thereof the words Substance Abuse and Mental Health Services Administration

Which was agreed to.

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

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:

Connolly, Scott of Burlington - Member, Vermont Tobacco Evaluation and Review Board - July 1, 2014, to June 30, 2017.

Fuller-Ball, Dawn of Randolph - Member, Vermont Tobacco Evaluation and Review Board - January 12, 2015, to June 30, 2017.

Holmes, Jessica of Cornwall - Member, Green Mountain Care Board - October 8, 2014, to September 30, 2020.

Stephens, Mary of Forestdale - Alternate Member, Parole Board - March 1, 2015, to February 28, 2018.

Boucher, Patricia of Enosburg Falls - Member, Parole Board - March 1, 2015, to February 28, 2018.

Hoser, William of Chester - Member, Medical Practice, Board of – January 1, 2015, to December 31, 2019.

Miller, Mary P. of Waterbury - Member, Vermont State Housing Authority - March 1, 2015, to February 29, 2020.

Greemore, Robert of Barre - Member, State Labor Relations Board – July 1, 2014, to June 30, 2016.

Flynn, Sarah of Burlington - Member, Community High School of Vermont Board - March 1, 2015, to February 28, 2018.

Hindes, Churchill of Colchester - Member, Vermont State Colleges Board of Trustees - March 1, 2015, to February 28, 2021.

Pieciak, Michael of Winooski - Member, Vermont State Colleges Board of Trustees - March 1, 2015, to February 28, 2021.

Wilschek, Joslyn L. of Montpelier - Member, Human Services Board - September 3, 2014, to February 8, 2017.

Senate Concurrent Resolutions

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

By Senators Kitchel, Benning, Starr and Westman,

By Representative Batchelor and others,

S.C.R. 13.

Senate concurrent resolution congratulating Maple Grove Farms on its centennial anniversary.

By Senators Flory, Collamore and Mullin,

By Representative Cupoli and others,

S.C.R. 14.

Senate concurrent resolution congratulating Matt Lorman on his selection as a 2015 Down Under Sports cross country runner.

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 Connor and others,

By Senators Degree and McAllister,

H.C.R. 81.

House concurrent resolution congratulating Carol Willey on being named the 2015 Vermont Mother of the Year.

By Representative Dakin and others,

H.C.R. 82.

House concurrent resolution congratulating the 2015 Vermont Prudential Spirit of Community Award winners.

By Representative Botzow and others,

By Senators Campion and Sears,

H.C.R. 83.

House concurrent resolution congratulating the Pownal Historical Society on its 20th anniversary.

By Representative Morrissey and others,

By Senators Campion and Sears,

H.C.R. 84.

House concurrent resolution congratulating the record-breaking 2015 Mt. Anthony Union High School Patriots State and New England championship wrestling team.

By Representative Jewett and others,

H.C.R. 85.

House concurrent resolution congratulating Caitlin C. Gregg on winning a bronze medal at the FIS (International Ski Federation) Nordic World Ski Championships 2015.

By Representatives Lenex and Greshin,

By Senators Sears, Baruth, Balint, Benning, Campion, Collamore, Cummings, Flory, McCormack, Mullin, Pollina, Snelling, White and Zuckerman,

H.C.R. 86.

House concurrent resolution commemorating the 100th anniversary of the start of the Armenian Genocide.

By Representative Graham and others,

By Senator MacDonald,

H.C.R. 87.

House concurrent resolution congratulating the 2015 Williamstown Blue Devils Division III championship boys' basketball team.

By Representative Burke and others,

H.C.R. 88.

House concurrent resolution honoring Sandy Ware of Brattleboro for her creative leadership as a nursing home activities director.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 31, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 21.

TUESDAY, MARCH 31, 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 Stephen Edington of Montpelier.

Pledge of Allegiance

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

Message from the House No. 40

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 108. An act relating to electrical installations.

H. 135. An act relating to authorizing the Vermont Department of Health to charge fees necessary to support Vermont's status as a Nuclear Regulatory Commission Agreement State.

H. 488. An act relating to the State's Transportation Program and miscellaneous changes to laws related to transportation.

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. 2. An act relating to the establishment of a State Latin Motto.

And has passed the same in concurrence.

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

H.C.R. 81. House concurrent resolution congratulating Carol Willey on being named the 2015 Vermont Mother of the Year.

H.C.R. 82. House concurrent resolution congratulating the 2015 Vermont Prudential Spirit of Community Award winners.

H.C.R. 83. House concurrent resolution congratulating the Pownal Historical Society on its 20th anniversary.

H.C.R. 84. House concurrent resolution congratulating the record-breaking 2015 Mt. Anthony Union High School Patriots State and New England championship wrestling team.

H.C.R. 85. House concurrent resolution congratulating Caitlin C. Gregg on winning a bronze medal at the FIS (International Ski Federation) Nordic World Ski Championships 2015.

H.C.R. 86. House concurrent resolution commemorating the 100th anniversary of the start of the Armenian Genocide.

H.C.R. 87. House concurrent resolution congratulating the 2015 Williamstown Blue Devils Division III championship boys' basketball team.

H.C.R. 88. House concurrent resolution honoring Sandy Ware of Brattleboro for her creative leadership as a nursing home activities director.

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

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

S.C.R. 13. Senate concurrent resolution congratulating Maple Grove Farms on its centennial anniversary.

S.C.R. 14. Senate concurrent resolution congratulating Matt Lorman on his selection as a 2015 Down Under Sports cross country runner.

And has adopted the same in concurrence.

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. 22. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 3, 2015, it be to meet again no later than Tuesday, April 7, 2015.

Bills Referred

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

H. 108.

An act relating to electrical installations.

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

H. 135.

An act relating to authorizing the Vermont Department of Health to charge fees necessary to support Vermont's status as a Nuclear Regulatory Commission Agreement State.

To the Committee on Finance.

H. 488.

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

To the Committee on Transportation.

Consideration Postponed

Senate bill entitled:

S. 20.

An act relating to establishing and regulating licensed dental practitioners.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Health & Welfare, Senator White moved that consideration of the bill be postponed until Thursday, April 2, 2015, which was agreed to.

Bill Amended; Third Reading Refused**S. 133.**

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

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

Reported recommending that the bill be amended in Sec. 2, 21 V.S.A. § 495j by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) An employer, employment agency, or labor organization shall not discharge or penalize an employee because the employee has used, or attempted to use, accrued employer-provided sick leave or other employer-provided benefits.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, on a division of the Senate, Yeas 15, Nays 11.

Thereupon, third reading of the bill was refused on a roll call, Yeas 12, Nays 14.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Balint, Baruth, Cummings, Lyons, MacDonald, McCormack, Mullin, Pollina, Sirotkin, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Bray, Campion, Collamore, Degree, Flory, Kitchel, Mazza, McAllister, Nitka, Rodgers, Snelling, Starr, Westman.

Those Senators absent or not voting were: Ayer, Campbell (presiding), Doyle, Sears.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**H. 240.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Westman moved to amend the Senate proposal of amendment by striking out Sec. 21 in its entirety, and by renumbering the remaining sections to be numerically correct.

Which was agreed to.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 1, 2015.

WEDNESDAY, APRIL 1, 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. 41

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 489. An act relating to revenue.

H. 490. An act relating to making appropriations for the support of government.

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

Bills Referred

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

H. 489.

An act relating to revenue.

To the Committee on Finance.