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**Devotional Exercises**

Devotional exercises were conducted by the Reverend Julian Asucan of Montpelier.

**Pledge of Allegiance**

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

**Bill Referred to Committee on Appropriations****H. 199.**

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

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 54.**

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

By Senator Ashe,

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

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 6, 2018, it be to meet again no later than Tuesday, April 10, 2018.

**Proposals of Amendment Amended; Bill Passed in Concurrence with Proposals of Amendment****H. 271.**

House bill entitled:

An act relating to administration of the Supplemental Nutrition Assistance Program.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ingram moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 33 V.S.A. § 1701(a), in the last sentence, by inserting a comma between the words “nutritious” and “safe”

Second: In Sec. 1, 33 V.S.A. § 1703(a), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) Within 90 days after a change described pursuant to subdivision (1) of this subsection, the Department shall provide an analysis to the Chairs of any anticipated administrative costs to the Department and any impacts on SNAP applicants and participants as a result of the change.

Which was agreed to.

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

### **Bill Passed in Concurrence**

#### **H. 686.**

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

An act relating to establishing the Child Fatality Review Team.

### **Message from the House No. 40**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 221.** An act relating to establishing extreme risk protection orders.

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

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 4, 2018.

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**WEDNESDAY, APRIL 4, 2018**

The Senate was called to order by the President.

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**Devotional Exercises**

Devotional exercises were conducted by the Reverend Stan Baker of Burlington.

**Committee Relieved of Further Consideration; Bill Committed****H. 780.**

On motion of Senator Sirotkin, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of House bill entitled:

An act relating to portable rides at agricultural fairs, field days, and other similar events,

and the bill was committed to the Committee on Agriculture.

**Bill Referred to Committee on Finance****H. 526.**

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

An act relating to regulating notaries public.

**Third Reading Ordered****H. 589.**

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

An act relating to the reasonable and prudent parent standard.

Reported that the bill ought to pass in concurrence.

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

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock and fifteen minutes in the afternoon on Thursday, April 5, 2018.

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**THURSDAY, APRIL 5, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bill Passed in Concurrence****H. 589.**

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

An act relating to the reasonable and prudent parent standard.

**Proposals of Amendment; Third Reading Ordered****H. 562.**

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

An act relating to parentage proceedings.

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

First: In Sec. 1, Title 15C, in subdivision § 307(a)(2)(B), by striking out the following: “, provided there is no acknowledgment or denial prior to such hearing”

Second: In Sec.1, Title 15C, in subdivision § 308(a)(2), by striking out the following: “one year” and inserting in lieu thereof the following: two years

Third: In Sec. 1, Title 15C, in § 401, by adding a subsection (c) to read as follows:

(c) If a person files a petition alleging he or she is a presumed parent pursuant to subdivision (a)(4) of this section, the petition shall include an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fourth: In Sec. 1, Title 15C, in subdivision § 402(b)(3), by striking out the last sentence and inserting in lieu thereof the following: Evidence of duress, coercion, or threat of harm may include whether within the prior ten years, the person presumed to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation

of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fifth: In Sec. 1, Title 15C, in § 501(a)(2), by striking out the last sentence and inserting in lieu thereof the following: Such evidence may include whether within the prior ten years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Sixth: In Sec. 1, Title 15C, in § 502, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a)(1) A person seeking to be adjudicated a de facto parent of a child shall file a petition with the Family Division of the Superior Court before the child reaches 18 years of age. Both the person seeking to be adjudicated a de facto parent and the child must be alive at the time of the filing.

(2) The petition shall include:

(A) an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69; and

(B) a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child.

Seventh: In Sec. 1, Title 15C, in § 803, by striking out subdivision (a)(3) and inserting in lieu thereof the following:

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic testing indicates a genetic relationship between the gestational carrier and the child, parentage shall be determined by the Family Division of the Superior Court pursuant to chapters 1 through 6 of this title.

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

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

**House Proposals of Amendment Concurred In**

**S. 221.**

House proposals of amendment to Senate bill entitled:

An act relating to establishing extreme risk protection orders.

Were taken up.

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

First: In Sec. 1, 13 V.S.A. § 4053, in subdivision (c)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Second: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(1), by striking out the words “at the time of the hearing”

Third: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(2), by striking out the following: “60 days” and inserting in lieu thereof the following: six months

Fourth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (a)(1), at the end of the subdivision, by striking out the word “filed” and inserting in lieu thereof the word submitted

Fifth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(1), at the end of the subdivision, after the word “title” by inserting the following: , and the court shall deliver a copy to the holding station

Sixth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Seventh: In Sec. 1, in 13 V.S.A. § 4055, in subdivisions (b)(1) and (b)(2), by, in each instance, striking out the following: “60 days” and inserting in lieu thereof the following: six months

Eighth: In Sec. 1, in 13 V.S.A. § 4056, in subsection (a), in the second sentence, after the word “service” by inserting the following: , and shall deliver a copy to the holding station

Ninth: In Sec. 1, 13 V.S.A., after § 4060 by inserting a new § 4061 to read as follows:

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**§ 4061. EFFECT ON OTHER LAWS**

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

Thereupon, the question, Shall the Senate concur in the House proposals of amendment?, was decided in the affirmative on a roll call, Yeas 30, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Adjournment**

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

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**FRIDAY, APRIL 6, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Message from the House No. 41**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 15.** Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls.

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

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

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

And has adopted the same in concurrence.

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

**H. 693.** An act relating to the Honor and Remember Flag.

And has severally concurred therein.

**Message from the House No. 42**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 548.** An act relating to tax increment financing districts.

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

The House has adopted joint resolution of the following title:

**J.R.H. 16.** Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

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

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

**H. 422.** An act relating to removal of firearms from a person arrested or cited for domestic assault.

**H. 563.** An act relating to repealing the crimes of vagrancy.

**H. 611.** An act relating to compensation for victims of crime.

And has severally concurred therein.

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

**H. 771.** An act relating to the Vermont National Guard.

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

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

**H. 836.** An act relating to electronic court filings for relief from abuse orders.

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

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

**H.C.R. 302.** House concurrent resolution congratulating Bennington Fire Department's Eagle Hose Company No.4 President Joseph A. Wassick for his 60-year tenure as a company member.

**H.C.R. 303.** House concurrent resolution congratulating the 2018 Norwich University Cadets NCAA Division III championship women's ice hockey team.

**H.C.R. 304.** House concurrent resolution commemorating the 125th anniversary of the legislative incorporation of the Village of Essex Junction.

**H.C.R. 305.** House concurrent resolution designating Thursday, March 29, 2018 as Alzheimer's Awareness and Advocacy Day.

**H.C.R. 306.** House concurrent resolution congratulating the 2018 Rutland High School Raiders Division I championship boys' basketball team.

**H.C.R. 307.** House concurrent resolution congratulating the 2018 Sharon Academy Phoenix Division IV championship boys' basketball team.

**H.C.R. 308.** House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division I championship girls' basketball team.

**H.C.R. 309.** House concurrent resolution designating Tuesday, April 3, 2018 as National Service Day in Vermont.

**H.C.R. 310.** House concurrent resolution designating April 2018 as the Month of the Military Child in Vermont.

**H.C.R. 311.** House concurrent resolution commemorating the 150th anniversary of the founding of the Benevolent and Protective Order of Elks.

**H.C.R. 312.** House concurrent resolution congratulating Amy Rounds of Westminster on her selection as the 2018 Vermont State Mother of the Year.

**H.C.R. 313.** House concurrent resolution honoring Jeannine Griffin of Brandon as an educator and as a woman active in her faith community.

**H.C.R. 314.** House concurrent resolution congratulating the 2018 Essex High School Hornets Division I championship boys' ice hockey team.

**H.C.R. 315.** House concurrent resolution in memory of Antonio B. Pomerleau of Burlington.

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

**Rules Suspended; Bill Committed**

**H. 27.**

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

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Judiciary, Senator Sears moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Education with the report of the Committee on Judiciary *intact*,

Which was agreed to.

**Committee Relieved of Further Consideration; Bill Committed**

**H. 777.**

On motion of Senator MacDonald, the Committee on Natural Resources and Energy was relieved of further consideration of House bill entitled:

An act relating to the Clean Water State Revolving Loan Fund,  
and the bill was committed to the Committee on Institutions.

**Bill Referred to Committee on Finance**

**H. 894.**

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

An act relating to pensions, retirement, and setting the contribution rates for municipal employees.

**Joint Resolution Referred**

**J.R.H. 15.**

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

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls.

Whereas, millions of Americans would prefer not to receive annoying telephone calls soliciting them to make unwanted purchases, and

Whereas, in 1991, Congress enacted legislation that created the first Do Not Call registry; however, the registry was not federally maintained, and

Whereas, in 2003, Congress realized a more assertive federal response was required, and Congress adopted, with strong bipartisan support, a new Do Not Call registry and assigned its administration and enforcement to the Federal Trade Commission (FTC), and

Whereas, only one person at the FTC is responsible for maintaining the list of 230 million numbers, although contractors field 19,000 complaints daily and a relatively small contingent of FTC staff conduct enforcement proceedings, and

Whereas, the placement of a telephone number on the list is supposed to alert private telemarketers not to call that number, but it does not technically block a telemarketer from calling the number, and

Whereas, the advancement of robocalling technology greatly increased the number of telemarketing calls, and in 2009, the FTC adopted new regulations prohibiting most uses of robocalling, except by schools, political organizations, and other organizations not selling a product, and

Whereas, in 2016, the Federal Communications Commission (FCC), which shares jurisdiction with the FTC on these topics, convened the Robocall Strike Force, in which telecommunications industry leaders brainstormed, and

Whereas, an increasingly prevalent telemarketing phenomenon is known as neighborhood spoofing, a technology by which national telemarketers use a false local number to give cell phone owners the misleading impression that the call is from a neighbor, and

Whereas, separately, in 2015, the FCC adopted an order giving telecommunication carriers new authority to block certain robocalls directly, addressing in part, but not eliminating, the persisting and annoying problem of neighborhood spoofing, and

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Finance.

**Joint Resolution Placed on Calendar****J.R.H. 16.**

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

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State educational program, providing a group of girls entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, the Green Mountain Girls State education program serves as an outstanding leadership training forum for future women civic leaders in Vermont, and

Whereas, as part of their visit to the State's capital city, the girls conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Wednesday, June 20, 2018, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary Department of Vermont in Montpelier.

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

**Bill Referred**

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

**H. 548.** An act relating to tax increment financing districts.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment****H. 562.**

House bill entitled:

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An act relating to parentage proceedings.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment in Sec. 1, 15C V.S.A. § 611, by adding a new subsection (c) to read as follows:

(c) A genetic specimen taken pursuant to this section shall be destroyed after final determination of the parentage case.

Which was agreed to.

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

### **Third Reading Ordered**

#### **H. 843.**

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

An act relating to technical corrections.

Reported that the bill ought to pass in concurrence.

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

### **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 Reps. Morrissey and others,

By Senators Campion and Sears,

#### **H.C.R. 302.**

House concurrent resolution congratulating Bennington Fire Department's Eagle Hose Company No.4 President Joseph A. Wassick for his 60-year tenure as a company member.

By Reps. Donahue and others,

#### **H.C.R. 303.**

House concurrent resolution congratulating the 2018 Norwich University Cadets NCAA Division III championship women's ice hockey team.

By Reps. Houghton and Giambatista,

**H.C.R. 304.**

House concurrent resolution commemorating the 125th anniversary of the legislative incorporation of the Village of Essex Junction.

By Reps. Noyes and others,

**H.C.R. 305.**

House concurrent resolution designating Thursday, March 29, 2018 as Alzheimer's Awareness and Advocacy Day.

By Reps. Fagan and others,

By Senators Collamore, Flory and Soucy,

**H.C.R. 306.**

House concurrent resolution congratulating the 2018 Rutland High School Raiders Division I championship boys' basketball team.

By Reps. Masland and Briglin,

By Senators Clarkson, McCormack and Nitka,

**H.C.R. 307.**

House concurrent resolution congratulating the 2018 Sharon Academy Phoenix Division IV championship boys' basketball team.

By Reps. Beck and others,

By Senators Kitchel and Benning,

**H.C.R. 308.**

House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division I championship girls' basketball team.

By All Members of the House,

**H.C.R. 309.**

House concurrent resolution designating Tuesday, April 3, 2018 as National Service Day in Vermont.

By Reps. Head and others,

**H.C.R. 310.**

House concurrent resolution designating April 2018 as the Month of the Military Child in Vermont.

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By Reps. Dickinson and others,

**H.C.R. 311.**

House concurrent resolution commemorating the 150th anniversary of the founding of the Benevolent and Protective Order of Elks.

By Reps. Partridge and others,

By Senators Balint, White and Branagan,

**H.C.R. 312.**

House concurrent resolution congratulating Amy Rounds of Westminster on her selection as the 2018 Vermont State Mother of the Year.

By Reps. Shaw and Carr,

By Senators Collamore, Flory and Soucy,

**H.C.R. 313.**

House concurrent resolution honoring Jeannine Griffin of Brandon as an educator and as a woman active in her faith community.

By Reps. Myers and others,

**H.C.R. 314.**

House concurrent resolution congratulating the 2018 Essex High School Hornets Division I championship boys' ice hockey team.

By All Members of the House,

**H.C.R. 315.**

House concurrent resolution in memory of Antonio B. Pomerleau of Burlington.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, April 10, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 54.

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**TUESDAY, APRIL 10, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Adrienne Carr of Underhill.

**Pledge of Allegiance**

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

**House Bill Committed****H. 771.**

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

An act relating to the Vermont National Guard.

Was taken up and committed to the Committee on Appropriations.

**Message from the Governor  
Appointment Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to committee as indicated:

Boucher, Patricia LaBier of Enosburg Falls - Member of the Parole Board - from April 4, 2018 to February 28, 2021.

To the Committee on Institutions.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 55.**

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

By Senator Ashe,

**J.R.S. 55.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 13, 2018, it be to meet again no later than Tuesday, April 17, 2018.

**Bill Passed in Concurrence****H. 843.**

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

An act relating to technical corrections.

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**Third Reading Ordered****H. 673.**

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

An act relating to miscellaneous amendments to the Reach Up program.

Reported that the bill ought to pass in concurrence.

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

**Proposals of Amendment; Third Reading Ordered****H. 551.**

Senator Flory, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to flying the Green Mountain Boys Flag at the State House.

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

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

Sec. 5. 1 V.S.A. § 496c is added to read:

§ 496c. POW-MIA FLAG; FLYING ON STATE FLAGPOLES

The State of Vermont shall fly on State-owned flagpoles, where practicable, the National League of Families Prisoner of War and Missing in Action Flag, as designated in 36 U.S.C. § 189, provided the flag is donated.

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

Sec. 6. 1 V.S.A. § 496d is added to read:

§ 496d. FLAG PROTOCOL

The Department of Buildings and General Services shall adopt and update as necessary a protocol for the flying of any flag on a State-owned flagpole and on municipally owned flagpoles if statutorily directed. The protocol shall incorporate any existing flag-flying policies or protocols that the Department has previously adopted.

Third: By adding a Sec. 7 to read as follows:

Sec. 7. REPEAL

29 V.S.A. § 7 (POW-MIA flag) is repealed.

And by renumbering the remaining section to be numerically correct

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

An act relating to flags and flag-flying protocol

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

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

### **Proposal of Amendment; Third Readings Ordered**

#### **H. 566.**

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

An act relating to animal cruelty.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 352 is amended to read:

#### **§ 352. CRUELTY TO ANIMALS**

A person commits the crime of cruelty to animals if the person:

(1) ~~intentionally~~ Intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;\_

(2) ~~overworks~~ Overworks, overloads, tortures, torments, abandons, administers poison to, cruelly ~~beats~~ harms or mutilates an animal, or exposes a poison with intent that it be taken by an animal;\_

(3) ~~ties~~ Ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;\_

(4) ~~deprives~~ Deprives an animal ~~which~~ that a person owns, possesses, or acts as an agent for, of adequate food, water, shelter, rest, sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;\_

(5)(A) ~~owns~~ 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~~ 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.

(6) ~~aets~~ Acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight;

(7) ~~as~~ As poundkeeper, officer, or agent of a humane society or as an owner or employee of an establishment for treatment, board, or care of an animal, knowingly receives, sells, transfers, or otherwise conveys an animal in his or her care for the purpose of research or vivisection;

(8) ~~intentionally~~ Intentionally torments or harasses an animal owned or engaged by a police department or public agency of the State or its political subdivisions, or interferes with the lawful performance of a police animal;

(9) ~~knowingly~~ Knowingly sells, offers for sale, barter, or displays living baby chicks, ducklings, or other fowl ~~which~~ that have been dyed, colored, or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities;

(10) ~~uses~~ Uses a live animal as bait or lure in a race, game, or contest, or in training animals in a manner inconsistent with 10 V.S.A. Part 4 or the rules adopted thereunder;

(11)(A) ~~engages~~ Engages in sexual conduct with an animal;

(B) ~~possesses~~ Possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that it be used for sexual conduct;

(C) ~~organizes~~ Organizes, promotes, conducts, aids, abets, or participates in as an observer an act involving any sexual conduct with an animal;

(D) ~~causes~~ Causes, aids, or abets another person to engage in sexual conduct with an animal;

(E) ~~permits~~ Permits sexual conduct with an animal to be conducted on premises under his or her charge or control; ~~or~~.

(F) ~~advertises~~ Advertises, offers, or accepts the offer of an animal with the intent that it be subject to sexual conduct in this State.

Sec. 1a. 13 V.S.A. § 353(a) is amended to read:

(a) Penalties.

\* \* \*

(5) A person who violates subdivision 352(1) of this title by intentionally killing or attempting to kill an animal belonging to another or subdivision 352(2) of this title by torturing, administering poison to, or cruelly beating harms or mutilating an animal shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

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

## H. 874.

Senator Rodgers, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to inmate access to prescription drugs.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 801 is amended to read:

### § 801. MEDICAL CARE OF INMATES

\* \* \*

(e)(1) Except as otherwise provided in this subsection, an offender who is admitted to a correctional facility while under the medical care of a licensed physician, a licensed physician assistant, or a licensed advanced practice registered nurse, ~~or a licensed nurse practitioner~~ and who is taking medication at the time of admission pursuant to a valid prescription as verified by the inmate's pharmacy of record, primary care provider, other licensed care provider, or as verified by the Vermont Prescription Monitoring System or other prescription monitoring or information system shall be entitled to continue that medication and to be provided that medication by the Department pending an evaluation by a licensed physician, a licensed physician assistant, ~~a licensed nurse practitioner,~~ or a licensed advanced practice registered nurse.

(2) ~~However,~~ Notwithstanding subdivision (1) of this subsection, the Department may defer provision of a validly prescribed medication in

accordance with this subsection if, in the clinical judgment of a licensed physician, a physician assistant, ~~a nurse practitioner~~, or an advanced practice registered nurse, it is not ~~in the inmate's best interest~~ medically necessary to continue the medication at that time.

(3) The licensed practitioner who makes the clinical judgment to discontinue a medication shall ~~enter~~ cause the reason for the discontinuance to be entered into the inmate's permanent medical record, specifically stating the reason for the discontinuance. The inmate shall be provided, both orally and in writing, with a specific explanation of the decision to discontinue the medication and with notice of the right to have his or her community-based prescriber notified of the decision. If the inmate provides signed authorization, the Department shall notify the community-based prescriber in writing of the decision to discontinue the medication.

(4) It is not the intent of the General Assembly that this subsection shall create a new or additional private right of action.

\* \* \*

## Sec. 2. DATA COLLECTION

(a) The Department of Corrections shall collect information on: how often a medication for which an inmate has a valid prescription is continued or discontinued upon incarceration at each correctional facility, the name of the medication, and the reason for discontinuance.

(b) The Department shall collect this information for a period of at least six months and provide a written report of its findings based on the data collected, including a breakdown by correctional facility of record, to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on or before January 31, 2019. Prior to finalizing the report, the Department shall consult with the Prisoners' Rights Office and Disability Rights Vermont.

(c) Nothing in this section shall require the Department to reveal individually identifiable health information in violation of State or federal law.

## Sec. 3. EFFECTIVE DATES

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

(b) Sec. 1 shall take effect on July 1, 2018.

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

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

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 906.**

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

An act relating to professional licensing for service members and veterans.

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

First: In Sec. 1, 26 V.S.A. § 906(c)(3), after the following: “has completed a minimum of 8,000 hours and four years of active duty field work” by inserting the following: as a 12R Electrician or equivalent

Second: In Sec. 3, 26 V.S.A. § 2194(b)(3), after the following: “has completed a minimum of 8,000 hours and four years of active duty field work” by inserting the following: as a 12K Plumber or equivalent

Third: After Sec. 7, by inserting a Sec. 8 to read as follows:

#### **Sec. 8. REPORTING; UTILIZATION BY SERVICE MEMBERS AND VETERANS**

(a) The Executive Director of the Division of Fire Safety shall, on or before February 1 of each year, report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations regarding:

(1) the number of journeyman electrician licenses issued to service members and veterans pursuant to 26 V.S.A. § 906(c) during the previous calendar year;

(2) the number of journeyman plumber licenses issued to service members and veterans pursuant to 26 V.S.A. § 2194(b) during the previous calendar year; and

(3) the number of instances during the previous calendar year in which the Electrician’s Licensing Board, in determining the qualifications of a service member or veteran for a master electrician license, gave recognition to an applicant’s experience as a 12R Electrician or equivalent in the U.S. Armed Forces as required by 26 V.S.A. § 907(b).

(b) The Director of the Office of Professional Regulation shall, on or before February 1 of each year, report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations regarding:

(1) the number of licenses to practice as a registered nurse issued to service members and veterans pursuant to 26 V.S.A. § 1622(b) during the previous calendar year; and

(2) the number of licenses to practice as a nursing assistant issued to service members and veterans pursuant to 26 V.S.A. § 1643(b) during the previous calendar year.

(c) The Commissioner of Motor Vehicles shall, on or before February 1 of each year, report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations regarding the number of service members and veterans who, during the previous calendar year, were certified to perform inspections without being required to pass an examination as provided pursuant to 23 V.S.A. § 1227(b)(2).

(d) The Commissioner of Health shall, on or before February 1 of each year, report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations regarding the number of service members and veterans who, during the previous calendar year, were deemed to have knowledge of the prevention of food-borne disease, be able to apply the Hazard Analysis Critical Control Point principles, and have met the criteria for “demonstration of knowledge” requirements set forth by the Department of Health in rule for the purposes of obtaining a food establishment license as provided pursuant to 18 V.S.A. § 4303(b) and the total number of food establishment licenses issued to those service members and veterans.

And by renumbering the remaining section to be numerically correct.

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

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

**Joint Resolution Adopted in Concurrence****J.R.H. 16.**

Joint House resolution entitled:

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 11, 2018.

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**WEDNESDAY, APRIL 11, 2018**

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. 43**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 253.** An act relating to Vermont's adoption of the Interstate Medical Licensure Compact.

And has passed the same in concurrence.

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

**H. 271.** An act relating to administration of the Supplemental Nutrition Assistance Program.

And has severally concurred therein.

---

**Bill Referred to Committee on Appropriations****H. 903.**

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

An act relating to regenerative farming.

**Bill Passed in Concurrence with Proposals of Amendment****H. 551.**

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

An act relating to flying the Green Mountain Boys Flag at the State House.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment****H. 566.**

House bill entitled:

An act relating to animal cruelty.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ashe moved to amend the Senate proposal of amendment in Sec. 1a, 13 V.S.A. § 353(a) in subdivision (5), by striking out the word “harms” and inserting in lieu thereof the word harming

Which was agreed to.

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

**Bill Passed in Concurrence**

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

**H. 673.** An act relating to miscellaneous amendments to the Reach Up program.

**Bills Passed in Concurrence with Proposal of Amendment**

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

**H. 874.** An act relating to inmate access to prescription drugs.

**H. 906.** An act relating to professional licensing for service members and veterans.

**Third Reading Ordered**

**H. 429.**

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

An act relating to establishment of a communication facilitator program.

Reported that the bill ought to pass in concurrence.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 300.**

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

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 2293 is amended to read:

**§ 2293. EXTINGUISHMENT OF CLAIM FOR RELIEF**

A claim for relief with respect to a transfer or obligation under this chapter is extinguished unless action is brought:

(1) under subdivision 2288(a)(1) of this title not later than four years after the transfer was made or the obligation was incurred or, if later, not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) under subdivision 2288(a)(2) or subsection 2289(a) of this title not later than four years after the transfer was made or the obligation was incurred; ~~or~~

(3) under subsection 2289(b) of this title, not later than one year after the transfer was made or the obligation was incurred; or

(4) pursuant to the provisions of 32 V.S.A. chapter 133, subchapter 9 for a tax sale, not later than two years after the tax collector's deed is delivered to the successful bidder at the tax sale.

Sec. 2. 32 V.S.A. § 5263 is amended to read:

§ 5263. LIMITATION OF ACTIONS AGAINST GRANTEE IN  
POSSESSION

An action for the recovery of lands, or the possession thereof, shall not be maintained against the grantee of such lands in a tax collector's deed, duly recorded, or his or her heirs or assigns, when the grantee, his or her heirs or assigns have been in continuous and open possession of the land conveyed in such deed and have paid the taxes thereon, unless commenced within ~~three~~ one year after the cause of action first accrues to the plaintiff or those under whom he or she claims.

Sec. 3. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent, the collector may extend a warrant on such land. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(c), the collector shall, within 15 days ~~of~~ after the notice, commence tax sale proceedings to hold a tax sale within 60 days ~~of~~ after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by ~~registered~~ certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least 10 days prior thereto if the delinquent is a resident of the town, and 20 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned

unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least 10 days prior thereto if a resident of the town, and if a nonresident, 20 days' notice to the mortgagee or lien holder of record or his or her agent or attorney by registered certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

\* \* \*

Sec. 4. 32 V.S.A. § 5258 is amended to read:

§ 5258. FEES AND COSTS ALLOWED AFTER WARRANT AND LEVY  
RECORDED

(a) The fees and costs allowed after the warrant and levy for delinquent taxes have been recorded shall be as follows:

(1) levy and extending of warrant, \$10.00;

(2) recording levy and extending of warrant in the town clerk's office, \$10.00, to be paid to the town clerk;

(3) notices and publication of notices, actual costs incurred, including the costs of service pursuant to subdivisions 5252(a)(3) and (4) of this title;

(4) expenses actually and reasonably incurred by the town in securing a property for which property taxes are delinquent against illegal activity and fire hazards, to be paid to the town clerk, provided that the expenses shall not exceed 20 percent of the uncollected tax;

(5) when authorized by the selectboard, expenses actually and reasonably incurred by the tax collector for legal assistance in the preparation for or conduct of a tax sale, provided that the expenses shall not exceed 15 percent of the uncollected tax;

(6) travel reimbursement at the rate established by the contract governing State employees;

(7) attending and holding the sale, \$10.00;

(8) making return and recording the return in the town clerk's office, \$10.00, to be paid to the town clerk;

(9) collector's deed, \$30.00~~5~~<sub>2</sub>.

(b) ~~the~~ The fees and costs allowed in subsection (a) of this section, together with a collector's fee of up to eight percent, shall be in lieu of all other fees and costs.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

#### **House Proposal of Amendment to Senate Proposal of Amendment Concurred In**

#### **H. 836.**

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

An act relating to electronic court filings for relief from abuse orders.

Was taken up.

The House proposes to the Senate to amend the Senate proposal of amendment with further amendment thereto as follows:

By adding a new Sec. 3 to read as follows:

#### **Sec. 3. ORDERS AGAINST STALKING OR SEXUAL ASSAULT; REPORT FROM OFFICE OF COURT ADMINISTRATOR**

On or before March 1, 2019, the Office of the Court Administrator shall report to the House and Senate Committees on Judiciary regarding the feasibility of ensuring that orders against stalking or sexual assault issued under 12 V.S.A. chapter 178 are available after regular court hours and on weekends and holidays. The report required by this section may be provided through oral testimony.

And by renumbering the remaining section to be numerically correct.

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

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, April 12, 2018.

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**THURSDAY, APRIL 12, 2018**

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. 44**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 925.** An act relating to approval of amendments to the charter of the City of Barre.

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. 55.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the eleventh day of April, 2018 he approved and signed bills originating in the Senate of the following titles:

**S. 55.** An act relating to the disposition of unlawful and abandoned firearms.

**S. 128.** An act relating to executive sessions under the Open Meeting Law.

**S. 169.** An act relating to nonresident clergy authorized to solemnize marriages.

**S. 221.** An act relating to establishing extreme risk protection orders.

**S. 291.** An act relating to the annual town meeting of the unified towns and gores of Essex County.

### **Bill Referred**

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

**H. 925.** An act relating to approval of amendments to the charter of the City of Barre.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

### **Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 300.**

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

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

### **Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 429.**

House bill entitled:

An act relating to establishment of a communication facilitator program.

Was taken up.

Thereupon, pending third reading of the bill, Senator Lyons moved to amend the Senate proposal of amendment in Sec. 2, in the first sentence, after the word "establishment" by inserting the word of

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 Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, APRIL 13, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Message from the House No. 45**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 164.** An act relating to establishing the Unused Prescription Drug Repository Program.

**S. 182.** An act relating to the investment authority of municipal trustees of public funds.

**S. 237.** An act relating to providing representation to needy persons concerning immigration matters.

**S. 282.** An act relating to health care providers participating in Vermont's Medicaid program.

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

The Governor has informed the House that on April 11, 2018, he approved and signed bills originating in the House of the following titles:

**H. 422.** An act relating to removal of firearms from a person arrested or cited for domestic assault.

**H. 829.** An act relating to appointing town grand jurors.

**H. 846.** An act relating to the application of general law to chartered municipalities.

**Message from the House No. 46**

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

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Mr. President:

I am directed to inform the Senate that:

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

**H. 562.** An act relating to parentage proceedings.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

And the Speaker appointed as members of such Committee on the part of the House:

Rep. Lalonde of South Burlington

Rep. Grad of Moretown

Rep. Dickinson of St. Albans Town

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

**H.C.R. 316.** House concurrent resolution congratulating the 2018 Mount St. Joseph Academy Mounties on winning a fourth consecutive Division IV girls' basketball championship.

**H.C.R. 317.** House concurrent resolution congratulating the 2018 Windsor High School Yellowjackets Division III championship girls' basketball team.

**H.C.R. 318.** House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers State championship boys' alpine skiing team.

**H.C.R. 319.** House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2018 Youth of the Year honorees.

**H.C.R. 320.** House concurrent resolution recognizing the centrality of small business in the growth and prosperity of the Vermont economy.

**H.C.R. 321.** House concurrent resolution commemorating the 50th anniversary of the federal Fair Housing Act and designating April 2018 as Fair Housing Month in Vermont.

**H.C.R. 322.** House concurrent resolution congratulating the 2018 Jr Iron Chef VT winning teams.

**H.C.R. 323.** House concurrent resolution designating Tuesday, April 10, 2018 as Equal Pay Day.

**H.C.R. 324.** House concurrent resolution congratulating the 2018 Vermont FARMS 2+2 program for its contribution to Vermont's agricultural heritage and the program's 2018 scholarship recipients.

**H.C.R. 325.** House concurrent resolution honoring Rutland Superintendent of Schools Mary Moran on her extraordinary 47-year career in public education.

**H.C.R. 326.** House concurrent resolution congratulating Owen Pelletier of Rivendell Academy on being named a 2017 Valley News High School Athlete of the Year.

**H.C.R. 327.** House concurrent resolution honoring Chittenden community leader Robert Bearor.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 27.**

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

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1386 is added to read:

§ 1386. EMPLOYMENT AGREEMENTS

In accordance with 21 V.S.A. § 306, it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a vulnerable adult or minor.

Sec. 2. 16 V.S.A. § 253 is amended to read:

§ 253. CONFIDENTIALITY OF RECORDS

(a) Criminal records and criminal record information received under this subchapter are designated confidential unless, under State or federal law or regulation, the record or information may be disclosed to specifically designated persons.

(b) The Secretary, a superintendent, or a headmaster may disclose criminal records and criminal record information received under this subchapter to a qualified entity upon request, provided that the qualified entity has signed a user agreement and received authorization from the subject of the record

request. As used in this section, “qualified entity” means an individual, organization, or governmental body doing business in Vermont that has one or more individuals performing services for it within the State and that provides care or services to children, persons who are elders, or persons with disabilities as defined in 42 U.S.C. § 5119c.

(c) In accordance with 21 V.S.A. § 306, a board member, superintendent, or headmaster shall not enter into on behalf of a supervisory union, school district, or recognized or approved independent school a confidential employment separation agreement that inhibits the disclosure to prospective employers of factual information about a prospective employee’s background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor. Notwithstanding any provision of law to the contrary under 33 V.S.A. chapter 49, a board member, superintendent, or headmaster and employees of a supervisory union, school district, or recognized or approved independent school shall provide factually correct information concerning a former employee’s employment record with the supervisory union, school district, or recognized or approved independent school to a prospective employer of that individual if requested by the prospective employer. Nothing in this subsection shall permit the disclosure of information that is prohibited from disclosure by subsection (b) of this section. Notwithstanding any provision of law to the contrary, a person shall not be subject to civil or criminal liability for disclosing information that is required by this section to be disclosed if the person was acting in good faith and reasonably believed at the time of disclosure that the information disclosed was factually correct.

### Sec. 3. COMMITTEE FOR PROTECTING STUDENTS FROM SEXUAL EXPLOITATION

(a) Creation. There is created the Committee for Protecting Students from Sexual Exploitation.

(b) Membership. The Committee shall be composed of the following ten members:

(1) the Secretary of Education or designee;

(2) the Executive Director of the Vermont School Boards Association or designee;

(3) the Executive Director of the Vermont Independent Schools Association or designee;

(4) the Executive Director of the Vermont National Educators Association or designee;

(5) the Executive Director of Child Abuse Vermont or designee;

(6) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(7) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(8) the Defender General or designee;

(9) the Commissioner for Children and Families or designee; and

(10) the Executive Director of the Vermont Superintendents Association or designee.

(c) Powers and duties. The Committee, in consultation with school personnel, shall:

(1) develop a model policy for adoption by public schools and recognized and approved independent schools, as defined in 16 V.S.A. § 11, on electronic communications between school employees and students, designed to prevent improper communications; and

(2) recommend whether behaviors by an employee of, or contractor for, a public school or recognized or approved independent school designed to establish a romantic or sexual relationship with a child or a student, so called "grooming behaviors," should be unlawful under Vermont law, and, if the Committee recommends that grooming behaviors should be unlawful, shall include in its recommendation:

(A) how grooming behaviors should be defined;

(B) whether all students or children in a school environment should be covered;

(C) whether the behavior should result in a misdemeanor or a felony, and the related punishment; and

(D) the statute of limitations for bringing a related action.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Report. On or before October 15, 2019, the Committee shall submit a written report to the House and Senate Committees on Education and on Judiciary with its findings and any recommendations.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before July 15, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on October 16, 2019.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to sexual exploitation of students

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

Senator Benning, for the Committee on Education, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Judiciary with the following amendments thereto:

First: In 1, Sec. 13 V.S.A. § 1386, (employment agreements), after the words “prospective employers” by inserting the words or responsible licensing entities.

Second: In Sec. 2, 16 V.S.A. § 253, (confidentiality of records), subsection (c) in the first sentence, after the words “prospective employers” by inserting the words or responsible licensing entities

Third: By adding a new Sec. 4 to read as follows:

Sec. 4. 21 V.S.A. § 306 is amended to read:

§ 306. PUBLIC POLICY OF THE STATE OF VERMONT; EMPLOYMENT SEPARATION AGREEMENTS

In support of the State’s fundamental interest in protecting the safety of minors and vulnerable adults, as defined in 33 V.S.A. § 6902, it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers or responsible licensing entities of factual information about a prospective employee’s background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor or vulnerable adult. Any provision in an agreement entered into on or after the effective date of this section that attempts to do so is void and unenforceable.

And by renumbering the remaining section to be numerically correct.

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

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

Thereupon, the proposal of amendment recommended by the Committee on Judiciary, as amended, was agreed to and third reading of the bill was ordered.

### **Third Reading Ordered**

#### **H. 199.**

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

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders.

Reported that the bill ought to pass in concurrence.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

### **Appointments Confirmed**

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

The nomination of

Bailey, Richard of Hyde Park - Member, Transportation Board - March 1, 2018, to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Markowski, David of Florence - Member, Transportation Board - March 1, 2018, to February 28, 2021.

Was confirmed by the Senate.

The nomination of

Besio, Nathan of Colchester - Member, Human Rights Commission - January 5, 2018, to February 28, 2022.

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Was confirmed by the Senate.

The nomination of

Christie, Kevin of White River Junction - Chair, Human Rights Commission - March 1, 2018, to February 28, 2023.

Was confirmed by the Senate.

The nomination of

Coen, David of Shelburne - Chair, Transportation Board - March 1, 2018 to February 28, 2021.

Was confirmed by the Senate.

### **Appointment Confirmed**

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

The nomination of

Lorman, Joseph M. of Rutland - Magistrate, Family Court – November 6, 2017, to March 31, 2023.

Was confirmed by the Senate on a roll call, Yeas 27, Nays 0.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent and not voting were:** Benning, Kitchel, Soucy.

### **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 Reps. Howard and others,

By Senators Collamore, Flory and Soucy,

**H.C.R. 316.**

House concurrent resolution congratulating the 2018 Mount St. Joseph Academy Mounties on winning a fourth consecutive Division IV girls' basketball championship.

By Reps. Belaski and Bartholomew,  
By Senators Clarkson, McCormack and Nitka,

**H.C.R. 317.**

House concurrent resolution congratulating the 2018 Windsor High School Yellowjackets Division III championship girls' basketball team.

By Reps. Beck and others,  
By Senators Kitchel and Benning,

**H.C.R. 318.**

House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers State championship boys' alpine skiing team.

By Reps. Donovan and others,

**H.C.R. 319.**

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2018 Youth of the Year honorees.

By Reps. Botzow and Marcotte,  
By Senators Sirotkin and Clarkson,

**H.C.R. 320.**

House concurrent resolution recognizing the centrality of small business in the growth and prosperity of the Vermont economy.

By Reps. Head and others,

**H.C.R. 321.**

House concurrent resolution commemorating the 50th anniversary of the federal Fair Housing Act and designating April 2018 as Fair Housing Month in Vermont.

By Reps. Sibilila and others,

**H.C.R. 322.**

House concurrent resolution congratulating the 2018 Jr Iron Chef VT winning teams.

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By Reps. Burke and others,

By Senators Balint, Clarkson, Ingram, Pearson and White,

**H.C.R. 323.**

House concurrent resolution designating Tuesday, April 10, 2018 as Equal Pay Day.

By the Committee on Agriculture and Forestry,

**H.C.R. 324.**

House concurrent resolution congratulating the 2018 Vermont FARMS 2+2 program for its contribution to Vermont's agricultural heritage and the program's 2018 scholarship recipients.

By Reps. Fagan and others,

By Senators Collamore, Flory and Soucy,

**H.C.R. 325.**

House concurrent resolution honoring Rutland Superintendent of Schools Mary Moran on her extraordinary 47-year career in public education.

By Reps. Copeland-Hanzas and others,

**H.C.R. 326.**

House concurrent resolution congratulating Owen Pelletier of Rivendell Academy on being named a 2017 Valley News High School Athlete of the Year.

By Rep. Harrison,

By Senators Collamore, Flory and Soucy,

**H.C.R. 327.**

House concurrent resolution honoring Chittenden community leader Robert Bearor.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, April 17, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 55.

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**TUESDAY, APRIL 17, 2018**

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 Thomas Harty of Bethel.

### **Pledge of Allegiance**

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

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the sixteenth day of April, 2018 he returned without signature and *vetoed* a bill originating in the Senate of the following title:

**S. 103.** An act relating to the regulation of toxic substances and hazardous materials.

### **Text of Communication from Governor**

The text of the communication to the Senate from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 103** to the Senate is as follows:

“April 16, 2018

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State House  
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.103, *An act relating to the regulation of toxic substances and hazardous materials*, without my signature because of my objections described herein:

During the second half of this Legislative Biennium, I have been consistent in my commitment to support legislation that makes Vermont more affordable, grows the economy, and protects the most vulnerable. My concerns with this bill center around these priorities, because – while it aims to protect Vermonters – it is duplicative to existing measures that already achieve its desired protections. In my view S.103 will jeopardize jobs and make Vermont less competitive for businesses. However, as I detail below, we have a path

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forward to work together to enact this bill if the Legislature desires.

The State has taken clear and decisive action since the discovery of PFOA in the drinking water of Bennington and North Bennington in 2016 to address this public health crisis, hold the responsible parties accountable, and provide stronger protections from this happening again. This includes the enactment of Act 55 of 2017, which I proudly signed in to law last June. Act 55 has helped strengthen the State's response to PFOA contamination by establishing a process to hold parties that contaminate groundwater responsible for connecting impacted Vermonters to municipal water. We will continue to stand with the affected communities, and act forcefully, until we reach a complete resolution for those affected. This has resulted in one settlement agreement which provides a substantial although partial resolution. This case will be completely resolved either through an additional settlement agreement or as a result of litigation. Either way, we will ensure the polluter is held responsible for the contamination and the cleanup.

No community should have to endure what the impacted communities are going through. The patience and perseverance of these communities, as we work together to resolve this crisis, has been amazing. We will continue to ensure all Vermonters have clean drinking water, however S.103 does nothing to enhance our ability to hold violators accountable, reconnect water lines, or directly address our ongoing response to the Per- and Polyfluoroalkyl Substances (PFAS) contamination. The bill ultimately has many negative unintended consequences, threatening our manufacturers' ability to continue to do business in Vermont, and therefore, our ability to retain and recruit more and better paying jobs.

In July of 2017, I established, via Executive Order, the Interagency Committee on Chemical Management (ICCM) and the Citizens Advisory Panel (CAP). My primary intent behind establishing these bodies was to better coordinate chemical management and identify gaps in management. Through the ICCM we continue to work to prevent future contamination and minimize the risk of harmful chemicals. This is one of several reasons many of the State's manufacturing employers have expressed opposition to this legislation. The ICCM and CAP in EO 13-17 have similar membership and responsibilities to those envisioned by S.103, making these sections duplicative. Instead of creating a redundant body, I propose we work together to align Sections 1 and 2 of S.103 to the existing ICCM and CAP membership and charge. That way the ICCM, which has been meeting for the better part of a year, can continue this important work unabated.

Further, to the extent this Executive branch entity has been given the resources of the Legislature's Council for legislative drafting and Joint Fiscal

Office for fiscal and economic analyses with the goal of recommending legislation to the Legislature, this bill presents a separation of powers issue by improperly allocating legislative resources to the Executive branch and charging the Executive branch with doing the work of the Legislature. Pursuant to Chapter II, Section 20 of the Vermont Constitution, the Governor has independent authority to bring such business before the Legislature as he deems necessary. Pursuant to Chapter II, Section 6, the Legislature has separate Constitutional authority to prepare bills and enact them into laws. The Legislature does not have the authority to enlist the Executive branch to provide services necessary to the Legislature for purposes of developing its own legislative initiatives. Also, since the bill originally created an “intergovernmental” hybrid Committee, which the Legislature must have recognized was constitutionally suspect under our tripartite system of government, the bill still includes unnecessary language on meeting structure and operations, which hampers the ability of the committee to effectively carry on its work.

The existing ICCM has already conducted a thorough review of current state chemical management, evaluated what it would take to create a unified chemical reporting system and which programs make sense to participate. It has also identified proposed changes to the Toxics Use and Hazardous Waste Use Reduction Act, and has identified a proposed process to conduct ongoing review of chemical management to ensure dynamic responses to changing health and use information. That work has been proposed to the CAP, and the CAP is scheduled to provide written comments by April 25. The ICCM is due to report its first round of recommendations to me on July 1, which if we align and codify the Committee in statute, can also be presented to the Legislature.

It is possible to continue to keep Vermonters safe without harming the economy or costing the state good jobs. We cannot afford to give manufacturers another reason to look elsewhere for their location or expansion needs. In Vermont, this sector has not rebounded as well from the Great Recession as compared to other parts of the country, and other states are more aggressively recruiting good paying manufacturing jobs. We must pursue policies that enhance and encourage the possibility for more production and jobs for Vermonters, not fewer. Section 8 of this bill puts the growth of this sector at risk by creating more uncertainty and unpredictability for business operations by disturbing a process laid out in Act 188 of 2014. Act 188 creates a robust regulatory process that requires manufacturers of children’s products disclose to the Department of Health whether a product contains any of the 66 chemicals listed in the law. The Department has collected millions of lines of data since the enactment of Act 188 and asks for more information than any other state. This information is maintained in a public database for interested

consumers and parents. While it took Washington State eight years to get such a program up and running, it took Vermont only two and a half years; manufacturers started reporting on January 1, 2017.

In addition, Act 188 addresses how to review other chemicals that may be added to the list by rule. The law directs the Commissioner of Health to provide to an established Working Group no fewer than two listed chemicals every year, for review, to determine whether that chemical should be labeled and/or banned from sale in children's or consumer products in Vermont. It would be virtually unprecedented when compared to other states with similar authority for there not to be a secondary review from a technical and practicality standpoint providing a check and balance when evolving the list. This Working Group met for the first time in July of 2017; its work is underway with a collaborative approach to responsible regulation. The regulatory process is working and should proceed as originally envisioned. With a robust process in place, children will not be any safer as a result of the proposed changes contained in this bill.

Additionally, the changes contained in Section 8 to the "weight of credible scientific evidence" and exposure requirements will make Vermont an outlier. Vermont will be a less friendly place for the manufacturers to locate and sell their products here. Furthermore, there are many federal laws and safety standards which are relevant to the regulation of chemicals. Our economy is diverse but still very small. We must not put ourselves at another competitive disadvantage versus other states in the region and nation.

In 2016 the manufacturing sector alone accounted \$1.67 billion in Vermont wages. As of the last reported quarter (3rdq17), it accounted for \$418 million in wages with 29,584 Vermonters employed in the manufacturing sector. If we add the natural resources and mining, and construction sectors to the above it would represent \$658 million in wages and 50,300 persons total working in the goods producing domain.

There is an economic multiplier for these sectors since most of the manufactured product is exported out of state thereby bringing more dollars into Vermont than a limited local market for the goods. To put these producers at risk without giving the ICCM, CAP and Act 188 Working Group time to do their work and formulate recommendations puts the employees engaged in those activities, and the state's overall economy, at greater risk.

If the Legislature agrees to make the changes I am seeking – simple codification of EO 13-17 in Sections 1 and 2, and removal of Section 8 – we can together enact legislation that will continue to contribute to public health and safety. Sections 3 through 6 will enable consumers to have greater

information about potential contaminants that may affect their health while at the same time not impacting the marketability of people's homes. I believe greater knowledge and understanding of threats to people's drinking water will help protect the most vulnerable Vermonters.

As noted, based on the outstanding objections outlined above I cannot support this legislation as written and must return it without my signature pursuant to Chapter II, §11 of the Vermont Constitution.

Sincerely,

/s/ Philip B. Scott

Philip B. Scott

Governor

PBS/kp”

### **Committee of Conference Appointed**

#### **H. 562.**

An act relating to parentage proceedings.

Was taken up. Pursuant to the request of the House, the President *pro tempore* announced the appointment of

Senator Nitka

Senator Sears

Senator Benning

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

### **Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 736.** An act relating to lead poisoning prevention.

**H. 901.** An act relating to health information technology and health information exchange.

**H. 912.** An act relating to the health care regulatory duties of the Green Mountain Care Board.

### **Joint Senate Resolution Adopted on the Part of the Senate**

#### **J.R.S. 56.**

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

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By Senator Ashe,

**J.R.S. 56.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 20, 2018, it be to meet again no later than Tuesday, April 24, 2018.

**Bills Referred**

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being referred to the Committee on Rules are hereby referred to their respective committees of jurisdictions:

**H. 920.**

An act relating to the authority of the Agency of Digital Services.

To the Committee on Government Operations.

**H. 925.**

An act relating to approval of amendments to the charter of the City of Barre.

To the Committee on Government Operations.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 27.**

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

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

**Bill Passed in Concurrence**

**H. 199.**

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

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders.

**Third Reading Ordered**

**H. 690.**

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

An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST.

Reported that the bill ought to pass in concurrence.

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

**Proposal of Amendment; Third Readings Ordered**

**H. 294.**

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

An act relating to inquiries about an applicant's salary history.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495m is added to read:

§ 495m. SALARY HISTORY; EMPLOYMENT APPLICATIONS

(a) An employer shall not:

(1) inquire about or seek information regarding a prospective employee's current or past compensation from either the prospective employee or a current or former employer of the prospective employee;

(2) require that a prospective employee's current or past compensation satisfy minimum or maximum criteria; or

(3) determine whether to interview a prospective employee based on the prospective employee's current or past compensation.

(b) Notwithstanding subdivision (a)(1) of this section, if a prospective employee voluntarily discloses information about his or her current or past compensation, an employer may, after making an offer of employment with compensation to the prospective employee, seek to confirm or request that the prospective employee confirm that information.

(c) Nothing in this section shall be construed to prevent an employer from:

(1) inquiring about a prospective employee's salary expectations or requirements; or

(2) providing information about the wages, benefits, compensation, or salary offered in relation to a position.

(d) As used in this section, “compensation” includes wages, salary, bonuses, benefits, fringe benefits, and equity-based compensation.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

## H. 333.

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

An act relating to identification of gender-free restrooms in public buildings and places of public accommodation.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Gender-Free Single Occupancy Restrooms \* \* \*

Sec. 1. 18 V.S.A. chapter 40 is added to read:

### CHAPTER 40. RESTROOMS

#### § 1791. DEFINITIONS

As used in this chapter:

(1) “Place of public accommodation” has the same meaning as in 9 V.S.A. § 4501.

(2) “Public building” has the same meaning as in 20 V.S.A. § 2730.

(3) “Single-user toilet facility” means a single-occupancy restroom with at least one water closet and with an outer door that can be locked by the occupant.

#### § 1792. SINGLE-USER RESTROOMS

(a) Notwithstanding any other provision of law, any single-user toilet facility in a public building or place of public accommodation shall be made available for use by persons of any gender, and designated for use by not more than one occupant at a time or for family or assisted use. A single-user toilet facility may be identified by a sign, provided that the sign marks the facility as a restroom and does not indicate any specific gender.

(b) The Commissioner of Public Safety may inspect for compliance under subsection (a) of this section during any inspection conducted pursuant to 20 V.S.A. § 2731(b) or 26 V.S.A. § 2173 or 2174.

#### § 1793. APPLICATION OF PLUMBING RULES

(a) Notwithstanding the requirements of any plumbing code adopted by the Plumber's Examining Board under 26 V.S.A. § 2173(a), a toilet facility may be designated for use by persons of any gender. No separate male or female facility is required if the total number of required plumbing fixtures is provided by toilet facilities designated for use by persons of any gender.

(b) When the total number of required plumbing fixtures in a plumbing code adopted by the Plumber's Examining Board under 26 V.S.A. § 2173(a) is fixed separately for women and men, the Plumber's Examining Board shall make rules consistent with this chapter to govern how plumbing fixtures in toilet facilities designated for use by persons of any gender shall contribute to the total number of plumbing fixtures required by the plumbing code.

\* \* \* Conforming Changes \* \* \*

Sec. 2. 26 V.S.A. § 2173 is amended to read:

#### § 2173. RULES ADOPTED BY THE BOARD

(a) The ~~plumber's examining board~~ Plumber's Examining Board may, pursuant to the provisions of 3 V.S.A. chapter 25 (Administrative Procedure Act), make and revise such plumbing rules as necessary for protection of the public health, except that no rule of the ~~board~~ Board may require the installation or maintenance of a water heater at a minimum temperature. To the extent that a rule of the ~~board~~ Board conflicts with this subsection or with 18 V.S.A. chapter 40, that rule shall be invalid and unenforceable. The rules shall be in effect in every city, village, and town having a public water system or public sewerage system and apply to all premises connected to the systems and all public buildings containing plumbing or water treatment and heating specialties whether they are connected to a public water or sewerage system. The local board of health and the ~~commissioner of public safety~~ Commissioner of Public Safety shall each have authority to enforce these rules. The rules shall be limited to minimum performance standards reasonably necessary for the protection of the public against accepted health hazards. The ~~board~~ Board may, if it finds it practicable to do so, adopt the provisions of a nationally recognized plumbing code.

\* \* \*

Sec. 3. 26 V.S.A. § 2174 is amended to read:

§ 2174. MUNICIPAL RULES AND REGULATIONS; MUNICIPAL INSPECTIONS

(a) The legislative body may establish inspection procedures and appoint trained, qualified master plumbers to conduct municipal inspections. If the ~~board~~ Board determines that the inspection procedures, training, and qualifications of the municipal plumbing inspectors are sufficient, the ~~commissioner~~ Commissioner may assign the responsibility to inspect plumbing installations within the municipality to the municipality. Municipal inspection standards shall be, at a minimum, equal to ~~state~~ State standards. Municipal standards may exceed ~~state~~ State standards with approval of the ~~board~~ Board. Municipal standards shall not prohibit implementation of 18 V.S.A. chapter 40. An assignment of responsibility under this subsection shall not affect the authority of the ~~board~~ Board or the ~~commissioner~~ Commissioner under this subchapter.

\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

**H. 603.**

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

An act relating to human trafficking.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 3, 15A V.S.A. § 3-504(a) subdivision (4), after the following: “resulting in the conception of,” by striking out the word “a” and by inserting the word the

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

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

**Proposals of Amendment; Third Reading Ordered**

**H. 696.**

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

An act relating to establishing a State individual mandate.

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

First: By striking out Sec. 1, 32 V.S.A. chapter 244, in its entirety and inserting in lieu thereof the following:

Sec. 1. [Deleted.]

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 18, 2018.

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**WEDNESDAY, APRIL 18, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rosaire Bisson of Barre.

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**Message from the House No. 47**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 29.** An act relating to decedents' estates.

**S. 101.** An act relating to the conduct of forestry operations.

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

**Bills Referred to Committee on Appropriations**

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

**H. 404.** An act relating to Medicaid reimbursement for long-acting reversible contraceptives.

**H. 718.** An act relating to creation of the Restorative Justice Study Committee.

**House Proposal of Amendment Concurred In**

**S. 164.**

House proposal of amendment to Senate bill entitled:

An act relating to establishing the Unused Prescription Drug Repository Program.

Was taken up.

The House proposes to the Senate to amend the bill in Sec. 1, unused prescription drug repository program; feasibility analysis; report, in subsection (b), by striking out the words "House Committee on Health Care" and inserting in lieu thereof the words House Committees on Health Care and on Human Services

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

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**House Proposals of Amendment Concurred In****S. 182.**

House proposals of amendment to Senate bill entitled:

An act relating to the investment authority of municipal trustees of public funds.

Were taken up.

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

First: In Sec. 1, 24 V.S.A. § 2432, in subsection (d), by striking the subsection in its entirety and inserting in lieu thereof the following:

(d) The trustees may delegate management and investment of funds under their charge to the extent that is prudent under the terms of the trust or endowment, and in accordance with section 3415 (delegation of management and investment functions) of the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. chapter 120. Notwithstanding the limitations on investments set forth in subsection (b) of this section, an agent exercising a delegated management or investment function, if investing, shall invest the funds in a publicly traded security that is:

(1) registered with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and listed on a national securities exchange;

(2) issued by an investment company registered pursuant to 15 U.S.C. § 80a-8;

(3) a corporate bond registered as an offering with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity whose stock is a publicly traded security;

(4) a municipal security;

(5) a deposit in federally insured financial institutions as defined in 8 V.S.A. § 11101(32); or

(6) a security issued, insured, or guaranteed by the United States.

Second: In Sec. 3, 18 V.S.A. § 5384, in subsection (b), in subdivision (3), by striking the subdivision in its entirety and inserting in lieu thereof the following:

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § section 3415 (delegation of management and investment functions) of the Uniform

Prudent Management of Institutional Funds Act, 14 V.S.A. chapter 120. An  
Notwithstanding the limitations on investments set forth in this subsection, an  
agent exercising a delegated management or investment function, if investing,  
may shall invest cemetery funds only in the securities enumerated in this  
section in a publicly traded security that is:

(A) registered with the Securities and Exchange Commission  
pursuant to 15 U.S.C. § 78l and listed on a national securities exchange;

(B) issued by an investment company registered pursuant to  
15 U.S.C. § 80a-8;

(C) a corporate bond registered as an offering with the Securities and  
Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity  
whose stock is a publicly traded security;

(D) a municipal security;

(E) a deposit in federally insured financial institutions as defined in  
8 V.S.A. § 11101(32); or

(F) a security issued, insured, or guaranteed by the United States.

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

### **S. 282.**

House proposals of amendment to Senate bill entitled:

An act relating to health care providers participating in Vermont's Medicaid program.

Were taken up.

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

First: In Sec. 1, Medicaid provider screening and enrollment, by striking  
out subsection (b) in its entirety and inserting in lieu thereof a new subsection  
(b) to read as follows:

(b) In the event that the Department of Vermont Health Access will be  
unable to meet the 60-day time frame required by subsection (a) of this section  
by July 1, 2019, the Commissioner of Vermont Health Access shall convene a  
meeting of interested stakeholders, including organizations representing health  
care providers and health care facilities, on or before February 1, 2019, to  
provide an update regarding the status of the Department's provider screening  
and enrollment efforts, including identifying the remaining barriers and any  
additional resources needed for the Department to be able to process

applications within 60 days following receipt and providing an alternative date by which the Department expects to begin meeting the 60-day time frame requirement.

Second: In Sec. 2, Medicaid participating provider concerns; report, in the section heading by striking out “; REPORT” and by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) On or before December 15, 2018, the Commissioner of Vermont Health Access shall convene a meeting of interested stakeholders to provide a summary of the Department’s responses to participating providers’ concerns regarding the Medicaid program and its administration and of the Department’s findings regarding the potential for making changes to the Medicaid fraud and abuse statutes and for creating an exception to recoupment as described in subsection (a) of this section.

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

#### **Bill Passed in Concurrence with Proposal of Amendment**

House bill of the following title:

**H. 294.** An act relating to inquiries about an applicant’s salary history.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

#### **Bill Passed in Concurrence with Proposal of Amendment**

House bill of the following title:

**H. 333.** An act relating to identification of gender-free restrooms in public buildings and places of public accommodation.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 603.**

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

An act relating to human trafficking.

**Bill Passed in Concurrence**

**H. 690.**

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

An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST.

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

**H. 696.**

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

An act relating to establishing a State individual mandate.

**Third Reading Ordered**

**J.R.H. 15.**

Senator Cummings, for the Committee on Finance, to which was referred joint House resolution entitled:

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls.

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.

**Proposals of Amendment; Third Reading Ordered**

**H. 914.**

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

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

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

First: In Sec. 1, Vermont Medicaid Next Generation ACO Pilot Project reports, in subsection (a), following “the Green Mountain Care Board,” by inserting the following: the Medicaid and Exchange Advisory Committee,

Second: In Sec. 2, All-Payer Model and accountable care organization reports, in subsection (a), following “the Health Reform Oversight Committee,” by inserting the following: the Medicaid and Exchange Advisory Committee,

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

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

**House Proposal of Amendment Concurred In**

**S. 237.**

House proposal of amendment to Senate bill entitled:

An act relating to providing representation to needy persons concerning immigration matters.

Was taken up.

The House proposes to the Senate to amend the bill by adding a new Sec. 1 to read as follows:

**Sec. 1. LEGISLATIVE INTENT**

It is the intent of the General Assembly that the Defender General, the Deputy Defender General, and public defenders shall, pursuant to 13 V.S.A. § 5203(3), continue to meet professional representation obligations to clients through representation that may extend to federal immigration court.

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And by renumbering the remaining sections to be numerically correct.

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

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, April 19, 2018.

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### **THURSDAY, APRIL 19, 2018**

The Senate was called to order by the President.

### **Devotional Exercises**

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

### **Message from the House No. 48**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 551.** An act relating to flags and flag-flying protocol.

**H. 566.** An act relating to animal cruelty.

And has severally concurred therein.

The Governor has informed the House that on April 17, 2018, he approved and signed bills originating in the House of the following titles:

**H. 585.** An act relating to management of records.

**H. 615.** An act relating to prohibiting the use of drones near correctional facilities.

**H. 616.** An act relating to thermal efficiency monies and biomass-led district heat.

**H. 686.** An act relating to establishing the Child Fatality Review Team.

**Rules Suspended; Bill Committed****H. 663.**

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

An act relating to municipal land use regulation of accessory on-farm businesses.

Was taken up for immediate consideration.

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

Which was agreed to.

**Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 684.** An act relating to professions and occupations regulated by the Office of Professional Regulation.

**H. 777.** An act relating to the Clean Water State Revolving Loan Fund.

**H. 780.** An act relating to portable rides at agricultural fairs, field days, and other similar events.

**H. 897.** An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support.

**H. 917.** An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

**Governor's Veto Overridden**

Senate Bill entitled:

**S. 103.** An act relating to the regulation of toxic substances and hazardous materials.

Was taken up.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 22, Nays 8. (the necessary *override* two-thirds vote *having* been attained).

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**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Kitchel, Lyons, MacDonald, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Starr, White.

**Those Senators who voted in the negative were:** Benning, Branagan, Brock, Collamore, Flory, Mazza, Soucy, Westman.

**Bill Passed in Concurrence with Proposals of Amendment****H. 914.**

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

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

**Joint Resolution Adopted in Concurrence****J.R.H. 15.**

Joint House resolution of the following title was read the third time and adopted in concurrence:

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls.

**Proposals of Amendment; Third Reading Ordered****H. 608.**

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

An act relating to creating an Older Vermonters Act working group.

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

First: In subsection (b), in the introductory paragraph, by striking out the number “15” and inserting in lieu thereof the number 18

Second: In subsection (b), by inserting a new subdivision to be subdivision (5) to read as follows:

(5) the Attorney General or designee;

and by renumbering the existing subdivisions (5)–(12) to be subdivisions (6)–(13)

Third: In subsection (b), by inserting two new subdivisions to be subdivisions (14) and (15) to read as follows:

(14) the Executive Director of the Alzheimer's Association, Vermont Chapter, or designee;

(15) the Director of Support and Services at Home (SASH) or designee;  
and by renumbering the existing subdivisions (13) and (14) to be subdivisions (16) and (17)

Fourth: In subsection (c), in the introductory paragraph, following "Community of Vermont Elders," by striking out the following: "the Alzheimer's Association,"

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

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare with the following amendment thereto:

By striking out Sec. 3, Older Vermonters Act working group; report, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. OLDER VERMONTERS ACT WORKING GROUP; REPORT

(a) Creation. There is created an Older Vermonters Act working group for the purpose of developing recommendations for an Older Vermonters Act that aligns with the federal Older Americans Act, the Vermont State Plan on Aging, and the Choices for Care program.

(b) Membership. The working group shall be composed of the following 18 members:

(1) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(2) the Director of Health Promotion and Disease Prevention at the Department of Health or designee;

(3) the Commissioner of Labor or designee;

(4) the Attorney General or designee;

(5) the Executive Director of the Vermont Association of Area Agencies on Aging or designee;

(6) the State Long-Term Care Ombudsman;

(7) the Director of Vermont Associates for Training and Development or designee;

(8) a representative of the Vermont Association of Adult Day Services, appointed by the Association;

(9) a representative of home health agencies, appointed jointly by the VNAs of Vermont and Bayada Home Health Care;

(10) a representative of long-term care facilities, appointed by the Vermont Health Care Association;

(11) the Director of the Center on Aging at the University of Vermont or designee;

(12) a representative of the Vermont Association of Senior Centers and Meal Providers, appointed by the Association;

(13) the Executive Director of the Alzheimer's Association, Vermont Chapter, or designee;

(14) the Director of Support and Services at Home or designee;

(15) two older Vermonters from different regions of the State, appointed by the Advisory Board established by 33 V.S.A. § 505; and

(16) two family caregivers of older Vermonters, one of whom is a family member of an older Vermonter and one of whom is an informal provider of in-home and community care, appointed by the Advisory Board established by 33 V.S.A. § 505.

(c) Powers and duties. The working group, in consultation with elder care mental health clinicians, the Vermont Chamber of Commerce, the Community of Vermont Elders, AARP Vermont, the Elder Law Project at Vermont Legal Aid, the Vermont Public Transportation Association, and other interested stakeholders, shall develop recommendations on the following:

(1) the authority and responsibilities of the Vermont Department of Disabilities, Aging, and Independent Living as a State Unit on Aging;

(2) the authority and responsibilities of the Vermont Department of Disabilities, Aging, and Independent Living with respect to the management, approval, and oversight of services provided to eligible older Vermonters through the Choices for Care program;

(3) the roles and responsibilities of the Area Agencies on Aging as the designated regional planning organizations serving older Vermonters and family caregivers;

(4) the roles and responsibilities of the network of providers of services to older Vermonters and family caregivers;

(5) a description of a comprehensive and coordinated system of services and supports for older Vermonters and family caregivers as envisioned by the Older Americans Act and the Choices for Care program, including supportive services, nutrition services, health promotion and disease prevention services, family caregiver services, employment services, and protective services;

(6) a description of how such a system would be coordinated across State agencies, provider networks, and geographic regions;

(7) how to ensure that such a system would target those in greatest economic and social need;

(8) ways to encourage and educate older Vermonters to continue in the workforce and to become or remain involved in their communities through participation in volunteer activities and opportunities for civic engagement; and

(9) ways to educate employers about the value of the older Vermonter talent cohort and the benefits of maintaining a multigenerational workforce, as well as identification of models that may be replicated across sectors and industries.

(d) Assistance. The working group shall have the administrative, technical, and legal assistance of the Department of Disabilities, Aging, and Independent Living.

(e) Report. On or before December 1, 2019, the working group shall submit its recommendations to the House Committee on Human Services and the Senate Committee on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Disabilities, Aging, and Independent Living or designee shall chair the working group and shall call the first meeting of the working group, which shall occur on or before September 15, 2018.

(2) The working group shall meet as often as reasonably necessary to develop its recommendations, but not less frequently than once every two months.

(3) The working group shall cease to exist upon submitting its report to the General Assembly on or before December 1, 2019.

(g) Compensation and reimbursement. Members of the working group who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance at meetings of the working group shall be entitled to reimbursement of expenses pursuant to 32 V.S.A. § 1010. Reimbursement payments to these members shall be made from

monies appropriated to the Department of Disabilities, Aging, and Independent Living.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposals of amendment recommended by the Committee on Health and Welfare, as amended, were agreed to and third reading of the bill was ordered.

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 921.**

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

An act relating to nursing home oversight.

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

First: In Sec. 1, nursing home oversight working group; report, in subsection (c), at the end of subdivision (4), by striking out the word “and” following the semicolon

Second: In Sec. 1, nursing home oversight working group; report, in subsection (c), at the end of subdivision (5)(C), by striking out the period and inserting in lieu thereof the following: ; and

Third: In Sec. 1, nursing home oversight working group; report, in subsection (c), by adding a subdivision (6) to read as follows:

(6) review the Division of Rate Setting’s rules regarding Medicaid reimbursements to nursing homes, including whether current reimbursement amounts support ongoing financial stability and whether a 90 percent occupancy level requirement continues to be necessary and appropriate.

Fourth: By striking out Secs. 3, transfer of ownership; expedited certificate of need process, and 4, effective dates, in their entirety and inserting in lieu thereof the following:

Sec. 3. TRANSFER OF NURSING HOME OWNERSHIP; INTERIM  
REVIEW PROCESS

(a) The Secretary of Human Services shall develop a process by which the Agency of Human Services shall accept and review applications for transfers of ownership of nursing homes in lieu of the certificate of need process, including:

(1) examining the potential buyer's financial and administrative capacity to purchase and operate the nursing home in a manner that will provide high-quality services and a safe and stable environment for nursing home residents;

(2) allowing the Agency of Human Services 30 calendar days from the date the application is complete to review the application and to request and obtain any additional information the Agency deems necessary in order to approve or deny the application for transfer of nursing home ownership; provided that the time during which the applicant is responding to the Agency's request for additional information shall not be included within the Agency's 30-day review period; and

(3) requiring the Agency of Human Services to issue a written decision approving or denying the application for transfer of nursing home ownership within 45 calendar days following the 30-day review period.

(b) Applicants who filed a letter of intent or application for a certificate of need with the Green Mountain Care Board for transfer of nursing home ownership on or before July 1, 2018 may elect to have the proposed transfer reviewed under the process established in subsection (a) of this section in lieu of continuing with the certificate of need process. Any such applicant shall file an application with the Agency of Human Services in accordance with the process established by the Secretary.

#### Sec. 4. EFFECTIVE DATES

(a) Sec. 1 (Nursing Home Oversight Working Group) and this section shall take effect on passage.

(b) Sec. 2 (18 V.S.A. § 9434) shall take effect on July 1, 2018 and shall apply to all transfers of ownership initiated on or after that date.

(c) Sec. 3 (transfer of nursing home ownership; interim review process) shall take effect on July 1, 2018.

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

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

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**Message from the House No. 49**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 482.** An act relating to consumer protection, credit card debt, and trustee process.

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. 56.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

**H. 300.** An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

**H. 429.** An act relating to establishment of a communication facilitator program.

**H. 906.** An act relating to professional licensing for service members and veterans.

And has severally concurred therein.

**Adjournment**

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

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**FRIDAY, APRIL 20, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Message from the House No. 50**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 926.** An act relating to approval of amendments to the charter of the Town of Colchester.

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

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

**S. 92.** An act relating to interchangeable biological products.

**S. 173.** An act relating to sealing criminal history records when there is no conviction.

**S. 289.** An act relating to protecting consumers and promoting an open Internet in Vermont..

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

The Governor has informed the House that on April 18, 2018, he approved and signed a bill originating in the House of the following title:

**H. 563.** An act relating to repealing the crimes of vagrancy.

The Governor has informed the House that on April 19, 2018, he approved and signed bills originating in the House of the following titles:

**H. 271.** An act relating to administration of the Supplemental Nutrition Assistance Program.

**H. 611.** An act relating to compensation for victims of crime.

**Message from the House No. 51**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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:

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**H.C.R. 328.** House concurrent resolution congratulating the 2017 Rivendell Academy Raptors Division IV championship boys' soccer team.

**H.C.R. 329.** House concurrent resolution commemorating the centennial of Newport City.

**H.C.R. 330.** House concurrent resolution congratulating the Our Community Cares Camp organization on entering its 10th year of operation.

**H.C.R. 331.** House concurrent resolution honoring Dawn Francis for her career achievements as a regional planner, municipal administrator, and public policy advocate.

**H.C.R. 332.** House concurrent resolution congratulating the 2018 BFA-St. Albans Comets Division I championship girls' ice hockey team.

**H.C.R. 333.** House concurrent resolution honoring Karen Richard for her exemplary municipal public service career in the town of Colchester.

**H.C.R. 334.** House concurrent resolution congratulating the 2018 BFA-St. Albans Comets State championship girls' snowboarding team.

**H.C.R. 335.** House concurrent resolution congratulating the Mount Anthony Union High School wrestling team on its 30th consecutive State championship.

**H.C.R. 336.** House concurrent resolution congratulating the 2018 Windsor High School Yellowjackets Division III championship boys' basketball team.

**H.C.R. 337.** House concurrent resolution designating April 2018 as Veterans Suicide Awareness Month in Vermont.

**H.C.R. 338.** House concurrent resolution congratulating the 2018 Middlebury Union High School Tigers Division II championship boys' Nordic skiing team.

**H.C.R. 339.** House concurrent resolution congratulating the 2018 Middlebury Union High School Tigers Division II championship girls' Nordic skiing team.

**H.C.R. 340.** House concurrent resolution honoring Vermont's electric utility lineworkers for their special role in the creation, maintenance, and restoration of the State's electric power line system.

**H.C.R. 341.** House concurrent resolution honoring the Vermont Senior Games Association for its encouragement of physical fitness for older Vermonters.

**H.C.R. 342.** House concurrent resolution congratulating Wallace L. Mattison of Pownal on his appointment as Chevalier of the Legion of Honor of France.

**H.C.R. 343.** House concurrent resolution congratulating Special Olympics International on its 50th anniversary and extending best wishes to the Special Olympics Vermont delegation competing in the Special Olympics 2018 USA Games.

**H.C.R. 344.** House concurrent resolution commending the agriculture community's contributions in support of the objectives of Earth Day.

**H.C.R. 345.** House concurrent resolution congratulating the 2018 Vermont-associated winter Olympians.

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

#### **Rules Suspended; Bill Committed**

##### **H. 675.**

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

An act relating to conditions of release prior to trial.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Judiciary, Senator Benning moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Education with the report of the Committee on Judiciary *intact*,

Which was agreed to.

#### **Bill Referred to Committee on Finance**

##### **H. 899.**

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

An act relating to fees for records filed in town offices and a town fee report and request.

#### **Bills Referred**

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

**H. 482.** An act relating to consumer protection, credit card debt, and trustee process.

and pursuant to Temporary Rule 44A was referred to the Committee on Rules.

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

**H. 926.** An act relating to approval of amendments to the charter of the Town of Colchester.

and pursuant to Temporary Rule 44A was referred to the Committee on Rules.

### **Bills Passed in Concurrence with Proposals of Amendment**

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

**H. 608.** An act relating to creating an Older Vermonters Act working group.

**H. 921.** An act relating to nursing home oversight.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 624.**

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

An act relating to the protection of information in the statewide voter checklist.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2154 is amended to read:

#### **§ 2154. STATEWIDE VOTER CHECKLIST**

(a) The Secretary of State shall ~~establish~~ maintain a uniform and nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall serve as the official voter registration list for all elections in the State. In ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

(1) limit ~~the~~ a town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying if whether the applicant is registered in another municipality in the State by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that ~~district's~~ official's district checklist;

(4) provide adequate security to prevent unauthorized access to the checklist; and

(5) ensure the compatibility and comparability of information on the checklist with information contained in the Department of Motor Vehicles' computer systems.

(b)(1) A registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number shall be kept confidential and are exempt from public ~~copying and inspection~~ and copying under the Public Records Act.

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose any information pertaining to a registered voter that is maintained in the statewide voter checklist or in a municipality's portion of the statewide voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist;

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose any voter information maintained in the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibition set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

Sec. 2. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

\* \* \*

(c) The following public records are exempt from public inspection and copying:

\* \* \*

(31) Records of a registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number contained in ~~an a voter registration application to the statewide voter checklist~~ or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

\* \* \*

Sec. 3. 17 V.S.A. § 2491 is amended to read:

§ 2491. POLITICAL SUBDIVISION; VOTE TABULATORS

(a) Except as provided in subsection (b) of this section, a board of civil authority may, at a meeting held not less than 60 days prior to an election and warned pursuant to 24 V.S.A. § 801, vote to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent local, primary, or general elections, or any combination of those.

(b) A town with 1,000 or more registered voters as of December 31 in an even-numbered year shall use vote tabulators for the registering and counting of votes in subsequent general elections.

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

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

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

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

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

(d)(1) Notwithstanding a town's use of vote tabulators under this section or any other provision of law, the Secretary of State may suspend the use of vote tabulators and require the hand count of votes in an election if the Secretary determines there are reasonable grounds to believe that the vote tabulators to be used in that election may have been rendered inoperable.

(2) Upon such a determination, the Secretary shall alert the clerks of the affected municipalities of his or her decision as soon as practicable.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to the protection of information in the statewide voter checklist and to the use of vote tabulators.

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

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

### **H. 828.**

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

An act relating to disclosures in campaign finance law.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. chapter 61 is amended to read:

#### CHAPTER 61. CAMPAIGN FINANCE

##### Subchapter 1. General Provisions

#### § 2901. DEFINITIONS

As used in this chapter:

\* \* \*

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

\* \* \*

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

\* \* \*

#### Subchapter 4. Reporting Requirements; Disclosures

\* \* \*

#### § 2968. CAMPAIGN REPORTS; LOCAL CANDIDATES

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

\* \* \*

#### § 2972. IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

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

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

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

(c)(1) In addition to the identification requirements in subsections (a) and (b) of this section, an electioneering communication paid for by or on behalf of a political committee or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that committee or party since the beginning of the two-year general election cycle in which the electioneering communication was made to the date on which the expenditure for the electioneering communication was made.

(2) For the purposes of this subsection, a political committee or political party shall be treated as having made an expenditure if the committee or party or person acting on behalf of the committee or party has executed a contract to make the expenditure.

(d) If it is not practicable to meet the identification requirements of this section within an electioneering communication that is broadcast over the Internet, such an electioneering communication shall contain a link that shall be clear and conspicuous and that, if clicked, takes the reader to a web page or social media page that provides all of the identification information as required by this section.

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

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

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include

in any communication that is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not ~~a natural person~~ an individual, the audio statement required by this section shall include the name of that ~~non-natural~~ person and the name and title of the treasurer, in the case of a ~~candidate's committee~~, political committee, or political party, or the principal officer, in the case of any other ~~non-natural~~ person that is not an individual.

\* \* \*

## Sec. 2. EFFECTIVE DATES

This act shall take effect on passage, except that in Sec. 1, 17 V.S.A. § 2968 (campaign reports; local candidates) shall take effect on December 14, 2018.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, on a division of the Senate, Yeas, 17, Nays 6.

Thereupon, third reading of the bill was ordered.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 903.**

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

An act relating to regenerative farming.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

## Sec. 1. FINDINGS

The General Assembly finds that:

(1) Farmers in Vermont face significant economic pressures as the costs of production often exceed prices paid for milk or other products.

(2) Many farmers have adopted regenerative farming practices to benefit from reduced input costs, improved yields, and better resilience to climatic extremes.

(3) Simultaneously with market conditions, farmers are facing regulatory pressures to improve management of agricultural waste and satisfy standards for the sale of food products.

(4) Some Vermont farmers may benefit economically from adopting regenerative farming practices.

(5) Regenerative agriculture describes farming and grazing practices that, among other benefits, reverse climate change by rebuilding organic matter in soil and restoring degraded soil biodiversity, resulting in carbon drawdown, improved retention of water in the soil, and improved water quality.

(6) Regenerative agriculture regenerates soil and revitalizes soil health, which may be essential to preserve farming in Vermont as the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) calculated that Vermont farmland loses on average 1.5 to 1.8 tons of soil per acre per year due to erosion by water.

(7) Through the Required Agricultural Practices, adopted under 6 V.S.A. § 4810, all farms in Vermont must adopt practices that improve soil health and water quality, including required cover cropping on floodplain fields and reducing erosion rates through the adoption of soil conservation management techniques.

(8) The Vermont Agricultural Water Quality Partnership (VAWQP) is dedicated to collaborating with and supporting agricultural producers in their efforts to improve water quality and improve soil health. The VAWQP is composed of the agencies and organizations that signed the Lake Champlain Memorandum of Understanding (MOU) in January 2012. The MOU partners currently include the U.S. Department of Agriculture's Natural Resources Conservation Service, the U.S. Department of Agriculture's Farm Service Agency, the Vermont Association of Conservation Districts, the U.S. Fish and Wildlife Service, the University of Vermont Extension, the Agency of Natural Resources, the Agency of Agriculture, Food and Markets, the Vermont Housing and Conservation Board, and the Lake Champlain Basin Program.

(9) The State of Vermont should establish a voluntary program to assist farmers to adopt regenerative farming practices and certify those farmers who have achieved a level of implementation that: contributes to generating or building soils and soil fertility and health; increases water percolation; increases water retention; increases the amount of clean water running off farms; increases biodiversity and ecosystem health and resiliency; and sequesters carbon in soils.

Sec. 2. 6 V.S.A. chapter 215, subchapter 7A is added to read:

Subchapter 7A. Regenerative Farming

§ 4961. PURPOSE

The purposes of this subchapter are to:

- (1) enhance the economic viability of farms in Vermont;
- (2) improve the health and productivity of the soils of Vermont;
- (3) encourage farmers to implement regenerative farming practices;
- (4) reduce the amount of agricultural waste entering the waters of Vermont;
- (5) enhance crop resilience to rainfall fluctuations and mitigate water damage to crops, land, and surrounding infrastructure;
- (6) promote cost-effective farming practices;
- (7) reinvigorate the rural economy; and
- (8) help the next generation of Vermont farmers learn regenerative farming practices so that farming remains integral to the economy, landscape, and culture of Vermont.

§ 4962. DEFINITIONS

As used in this subchapter:

(1) “Certified Vermont Environmental Steward” means an owner or operator of a farm who has achieved the thresholds for the Vermont Environmental Stewardship Program to be certified as a farm that improves soil health and contributes to improving water quality.

(2) “Regenerative farming” means a series of cropland management practices that:

(A) contributes to generating or building soils and soil fertility and health;

(B) increases water percolation, increases water retention, and increases the amount of clean water running off farms;

(C) increases biodiversity and ecosystem health and resiliency; and

(D) sequesters carbon in agricultural soils.

§ 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL STEWARDSHIP PROGRAM

(a) Establishment of program. There is created within the Agency of Agriculture, Food and Markets the Vermont Environmental Stewardship Program (VESP) to provide technical and financial assistance to Vermont farmers seeking to implement regenerative farming practices to achieve certification as a Certified Vermont Environmental Steward.

(b) Program standards; application. The Secretary of Agriculture, Food and Markets shall establish by procedure standards for certification as a Certified Environmental Steward. Application for certification shall be made in the manner required by the Secretary of Agriculture, Food and Markets.

(c) Program services. The VESP shall provide the following services to farmers voluntarily seeking to transition to achieve certification as a Certified Vermont Environmental Steward:

(1) information and education regarding the requirements for certification, including the method, timeline, and process of certification;

(2) technical assistance in completing any required application for certification;

(3) technical assistance in developing plans and implementing practices to achieve certification from the VESP; and

(4) technical assistance in complying with the requirements of the VESP after a farm is certified.

(d) Financial assistance; eligibility. An owner or operator of a farm participating in the VESP shall be eligible for financial assistance from existing Agency of Agriculture, Food and Markets financial assistance programs for costs incurred in implementing any of the practices required for certification as a Certified Environmental Steward.

(e) Revocation of certification. The Secretary may, after due notice and hearing, revoke a certification issued under this section when the owner or operator of a certified farm fails to comply with the standards for certification established under subsection (b) of this section.

(f) Administrative penalty; falsely advertising. The Secretary may assess an administrative penalty of up to \$1,000.00 against the owner or operator of a farm who knowingly advertises as a Certified Environmental Steward when not certified by the Secretary.

### **Sec. 3. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP PROGRAM**

The Agency of Agriculture, Food and Markets shall use funds available to the Agency and eligible for use for water quality programs or projects to

provide financial assistance to Vermont farmers participating in the Vermont Environmental Stewardship Program to implement regenerative farming practices to achieve certification as a Certified Vermont Environmental Steward.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Agriculture with the following amendment thereto:

In Sec. 2, in 6 V.S.A. § 4963, in subsection (d), after “Financial assistance; eligibility.” and before “owner or operator” by striking out the word “An” and inserting in lieu thereof the following: Subject to the availability of funding, an

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

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

Thereupon, the proposal of amendment recommended by the Committee on Agriculture, as amended, was agreed to and third reading of the bill was ordered.

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 909.**

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

An act relating to technical and clarifying changes in transportation-related laws.

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

First: In Sec. 1, in subsection (a), by striking out the following: “International Association of Sheet Metal, Air, Rail and Transportation Workers or its successor” and inserting in lieu thereof the following: union representing the affected employee, if any

Second: By striking out Secs. 2 and 3 in their entirety and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

Sec. 2. 5 V.S.A. § 202 is amended to read:

§ 202. DEFINITIONS

As used in this part of this title, unless the context otherwise requires, the following definitions shall apply:

\* \* \*

(8)(A) “Airman” means an individual:

(i) in command, or as pilot, mechanic, or member of the crew, who engages in air navigation of navigates aircraft when underway and excepting an individual employed outside the United States or by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with aircraft, aircraft engines, propellers, or appliances, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him or her, an individual;

(ii) who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and or

(iii) an individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(B) “Airman” does not include an individual:

(i) employed outside the United States;

(ii) employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with aircraft, aircraft engines, propellers, or appliances; or

(iii) performing inspection or mechanical duties in connection with aircraft owned or operated by him or her.

\* \* \*

Sec. 3. [Deleted.]

Third: In Sec. 8, in subsection (a), by striking out the following: “~~the its~~ registration certificate ~~thereof is~~” and inserting in lieu thereof the following: the all required registration certificate thereof is certificates are

Fourth: In Sec. 8, in subsection (b), after the following: “or destruction of ~~such~~” by striking out the word “~~the~~” and inserting in lieu thereof the word a

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

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

### **House Proposal of Amendment Concurred In with Amendment**

#### **S. 29.**

House proposal of amendment to Senate bill entitled:

An act relating to decedents' estates.

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. 14 V.S.A. chapter 1 is amended to read:

#### **CHAPTER 1. WILLS**

##### **§ 1. WHO MAY MAKE**

~~A person of age and sound mind may devise, bequeath and dispose of his estate, real and personal, and of any right or interest which he has in any real or personal estate, by his last will and testament, and the word "person" shall include a married woman~~ Every individual 18 years of age or over or emancipated by court order who is of sound mind may make a will in writing.

##### **§ 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL DISPOSITION**

(a) ~~A testator may deposit a~~ A will may be deposited for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on the payment to the Court of the applicable fee required by 32 V.S.A. § 1434(a)(17). The register shall give to the testator a certificate of deposit receipt, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

(b) Each will so deposited shall be ~~inclosed~~ enclosed in a sealed wrapper ~~having inscribed thereon~~ envelope on which is written the name and residence address of the testator, ~~the day when and the person by whom it was deposited,~~ names and ~~the wrapper may also have indorsed thereon the name~~ addresses of the person to whom executors named in the will is to be delivered after the death of the testator. The wrapper will shall not be opened until it is delivered to a person entitled to receive it or until otherwise disposed of ~~as hereinafter provided by the court.~~

(c) During the life of the testator, that will shall be delivered only to the testator, or in accordance with the testator's order in writing duly acknowledged or otherwise proved by oath to the satisfaction of a subscribing witness the court, but the testator's duly authorized legal guardian or attorney-in-fact may at any time inspect and copy the will in the presence of the judge or register. ~~After the death of the testator it shall be delivered on demand to the person named in the indorsement.~~

(d) ~~If the will is not called for by the person named in the indorsement, it shall be publicly opened at a time to be appointed by the Court as soon as may be after notice of the testator's death. If a petition to open a decedent's estate is filed in a district other than where the will has been kept, the will shall be delivered to the executor therein named or to the person whose name is indorsed on the wrapper or shall be filed in the other Court, as the Court may order. [Repealed.]~~

(e) Except as provided herein in this section, wills deposited for safekeeping or any index of wills so deposited are not open to public inspection during the life of the testator.

### § 3. ~~AFTER ACQUIRED REAL ESTATE MAY PASS BY WILL MAY PASS ALL PROPERTY AND AFTER-ACQUIRED PROPERTY~~

~~Real estate acquired after making a will shall pass thereby as if the testator had possessed it at the time of making the will, if it appears by the will that such was his or her intention. A will may provide for the passage of all property the testator owns at death and all property acquired by the estate after the testator's death.~~

### § 4. ~~WHOLE INTEREST TO PASS; EXCEPTION~~

~~A devise of land in a will shall convey all the estate which the deviser could devise in such lands, unless it clearly appears by the will that he or she intended to convey a less estate. [Repealed.]~~

### § 5. ~~EXECUTION OF WILL; REQUISITES~~

~~Except such nuncupative wills as are hereinafter mentioned, a will shall not pass any real or personal estate, or charge or affect the same, unless it is A will shall be:~~

(1) in writing and;

(2) signed in the presence of two or more credible witnesses by the testator, or by in the testator's name written by some other person in the testator's presence and by the testator's express direction; and

(3) attested and subscribed by ~~two or more credible~~ the witnesses in the presence of the testator and of each other.

#### § 6. NUNCUPATIVE WILL

~~A nuncupative will shall not pass personal estate when the estate thereby bequeathed exceeds the value of \$200.00, nor shall such will be proved and allowed, unless a memorandum thereof is made in writing by a person present at the time of making such will, within six days from the making of it, nor unless it is presented for probate within six months from the death of the testator. [Repealed.]~~

#### § 7. HOW MADE BY SOLDIER OR SAILOR; MILITARY WILL

(a) The provisions of this chapter shall not prevent ~~a soldier~~ a person in actual active military service, ~~or a mariner or seaman at sea,~~ from disposing of his or her wages or other personal estate as he or she might otherwise have done.

(b) Notwithstanding any other provision of law, a military will prepared and executed in compliance with, and containing a provision stating that the will is prepared pursuant to, 10 U.S.C. § 1044d shall be deemed to be legally executed and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state State.

#### § 8. SUBSEQUENT INCOMPETENCY OF WITNESSES

~~If the witnesses attesting the execution of a will are competent at the time of attesting, their becoming subsequently incompetent shall not prevent the probate and allowance of the will. [Repealed.]~~

#### § 10. DEVISE OR LEGACY TO WITNESS

~~If a person, other than an heir at law, attests the execution of a will whereby he or she or his wife or her husband is given a beneficial devise, legacy or interest in or affecting real or personal estate, such devise, legacy or interest shall be void so far only as concerns such person or his wife or her husband or one claiming under such person, husband or wife, unless there are three other competent witnesses to such will. Such person so attesting shall be admitted as a witness as if such devise, legacy or interest had not been made or given. A mere charge on the real or personal estate of the testator for the payment of debts shall not prevent his creditors from being competent witnesses to his will. Any beneficial devise or legacy made or given in a will to a subscribing witness to the will or to the spouse of a subscribing witness shall be voidable unless there are two other competent, subscribing witnesses to the will. Notwithstanding this section, a provision in the will for payment of a debt shall not be void or disqualify the creditor as a witness to the will.~~

## § 11. HOW REVOKED

~~A will shall not be revoked, except by implication of law, otherwise than by some will, codicil or other writing, executed as provided in case of wills; or by burning, tearing, canceling or obliterating the same, with the intention of revoking it, by the testator himself, or by some person in his or her presence and by his or her express direction.~~

(a)(1) A will is revoked:

(A) by executing a subsequent will that revokes the previous will expressly or by inconsistency; or

(B) by performing a revocatory act on the will, if the testator performed the act with the intent and for the purpose of revoking the will or part or if another individual performed the act in the testator's conscious presence and by the testator's direction.

(2) As used in this subsection, "revocatory act on the will" includes burning, tearing, canceling, obliterating, or destroying the will or any part of it. A burning, tearing, or canceling is a revocatory act on the will, whether or not the burn, tear, or cancellation touched any of the words on the will.

(b) The testator is presumed to have intended a subsequent will to replace rather than supplement a previous will if the subsequent will makes a complete disposition of the testator's estate. If this presumption arises and is not rebutted by clear and convincing evidence, the previous will is revoked and only the subsequent will is operative on the testator's death.

(c) The testator is presumed to have intended a subsequent will to supplement rather than replace a previous will if the subsequent will does not make a complete disposition of the testator's estate. If this presumption arises and is not rebutted by clear and convincing evidence, the subsequent will revokes the previous will only to the extent the subsequent will is inconsistent with the previous will, and each will is fully operative on the testator's death to the extent they are not inconsistent.

Sec. 2. 14 V.S.A. chapter 3 is amended to read:

CHAPTER 3. PROBATE AND PROCEDURE FOR  
CONSTRUCTION OF WILL

## § 101. WILL NOT EFFECTIVE UNTIL ALLOWED

~~A will shall not pass either real or personal estate unless it is proved and To be effective, a will must be allowed in the probate division of the superior court Probate Division of the Superior Court, or by appeal in the superior or supreme court Civil Division of the Superior Court or the Supreme Court.~~

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§ 102. ALLOWANCE CONCLUSIVE AS TO EXECUTION

The allowance of a will of ~~real or personal estate~~ shall be conclusive as to its due execution and validity.

§ 103. CUSTODIAN OF WILL TO DELIVER

If a person has the custody of a will, within 30 days after learning of the death of the testator, the custodian shall deliver the will to ~~a probate division of the superior court~~ the Probate Division of the Superior Court where venue lies or to the executor named in the will.

§ 104. EXECUTOR TO PRESENT WILL AND ACCEPT OR REFUSE TRUST

(a) A person named executor in a will ~~and~~ who has knowledge thereof shall file a death certificate and petition to open the decedent's estate in the ~~probate division of the superior court~~ Probate Division of the Superior Court where venue lies with reasonable promptness.

(b) ~~If the person so named learns of the nomination prior to the testator's death, the petition shall be filed within 30 days of learning of the death. If learned after the testator's death, the petition shall be filed within 30 days of learning of being named executor. The person shall notify the court in the petition, or in another writing if a petition has been previously filed, whether the appointment as executor will be accepted by that person. A petition to open an estate need not be filed when no assets require probate administration. The named executor may file with the court an original death certificate and will without filing a petition to open an estate by notifying the court that no assets appear to require probate administration.~~

§ 105. PENALTY

~~Unless he or she gives a satisfactory excuse to the probate division of the superior court a person who neglects a duty required in sections 103 and 104 of this title shall forfeit \$10.00 for each month he or she so neglects after the 30 days mentioned therein, to be recovered with costs in an action on this statute by any person having an interest in the will. [Repealed.]~~

§ 106. ~~PERSON RETAINING WILL MAY BE COMMITTED~~ DUTY OF CUSTODIAN OF WILL; LIABILITY

~~If, after the death of the testator, a person having the custody of a will neglects without reasonable cause to deliver the same to a probate division of the superior court where venue lies, after order by the court and failure to deliver it, the court may issue a warrant committing the person to the custody of the commissioner of corrections until compliance is given.~~

(a) After the death of a testator and on request of an interested person, a person having custody of a will of the testator shall deliver it with reasonable promptness to an appropriate court. A person who intentionally refuses or fails to deliver a will after being ordered to do so by the court in a proceeding brought for the purpose of compelling delivery may be subject to proceedings for civil contempt under 12 V.S.A. § 122.

(b) A person who suffers damages as a result of another person's intentional failure to deliver a will shall have an action in Superior Court for damages and injunctive relief.

§ 107. COURT TO SCHEDULE HEARING ON ALLOWANCE OF WILL;  
CUSTODY OF PROPERTY

(a) When a will is delivered to a probate division of the superior court accompanied by a petition to commence a probate proceeding, the court shall schedule a hearing and notice shall be given as provided by the rules of probate procedure. If consents are filed by all the heirs at law and surviving spouse, a will may be allowed without hearing. If consents are not obtained, the court shall schedule a hearing and notice shall be given as provided by the Rules of Probate Procedure.

(b) The Objections to allowance of the will must be filed in writing not less than three business days prior to the hearing. In the event that no timely objections are filed, the will may be allowed without hearing if it meets criteria set out in section 108 of this title.

(c) After delivery of the will to the court, the person named as executor in a the will shall have power after delivery of the will to the court, and pending allowance thereof, to assume custody of the estate for its preservation, unless or until a special or other administrator is appointed and qualifies.

§ 108. HOW PROVED, WHEN UNCONTESTED SELF-PROVED WILLS

If a person does not appear to contest the allowance of a will at the time appointed, the court may allow the will on the testimony of only one of the subscribing witnesses, if the witness testifies that the will was executed as provided in chapter 1 of this title. If the allowance of the instrument is consented to in writing by the surviving spouse of the deceased, if any, and by all the heirs at law and next of kin, it may be allowed without testimony. A will may be self-proved as to its execution, by the sworn acknowledgment of the testator and the witnesses, made before a notary public or other official authorized to administer oaths in the place of execution in the following circumstances:

(1) The testator signed the instrument as the testator's will or expressly directed another to sign for the testator in the presence of two witnesses.

(2) The signing was the testator's free and voluntary act for the purposes expressed in the will.

(3) Each witness signed at the request of the testator, in the testator's presence, and in the presence of the other witness.

(4) To the best knowledge of each witness at the time of the signing, the testator was at least 18 years of age or emancipated by court order and was of sound mind and under no constraint or undue influence.

§ 109. ~~WHEN WITNESS DOES NOT RESIDE IN STATE~~

~~If none of the subscribing witnesses resides in the state at the time of the death of the testator, the court may admit the testimony of other witnesses to prove the sanity of the testator and the execution of the will although the subscribing witnesses are living. As evidence of the execution of the will, such court may admit proof of the handwriting of the testator and of the subscribing witnesses in cases where the names of such witnesses are subscribed to a certificate stating that the will was executed as provided in chapter 1 of this title. [Repealed.]~~

§ 110. ABSENCE OF WITNESS, PROOF

When it appears to the court that a will cannot be proven as otherwise provided by law, because one or more ~~or all~~ of the subscribing witnesses ~~to the will, at the time the will is offered for probate, are serving in or present with the armed forces of the United States or its allies or as merchant seamen, or by reason of such service are dead or mentally or physically~~ are unavailable or incapable of testifying ~~or otherwise unavailable~~, the court may admit the will to probate upon the testimony in person or by ~~deposition~~ affidavit of at least ~~two~~ one credible disinterested witnesses individual that the signature to the will is in the handwriting of the person whose will it purports to be, or upon other sufficient proof of ~~such~~ the handwriting, and the will on its face complies with other legal requirements. ~~The foregoing provision~~ This section shall not preclude the court, in its discretion, from requiring ~~in addition the~~ additional testimony ~~in person or by deposition~~ of any available subscribing witness or proof of ~~such~~ other pertinent facts and circumstances ~~as that the court may deem~~ deems necessary to admit the will to probate.

§ 111. NOTICE TO BENEFICIARIES

Within 30 days after the allowance of a will ~~containing a devise or a bequest~~, the court shall mail, postage paid, a written notice thereof to each beneficiary, devisee, or legatee named in the will, and to any other person who contested the allowance.

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§ 112. WILLS MADE OUT OF STATE

(a) A last will and testament executed ~~without outside~~ this state State in the mode prescribed by the law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state State, provided that ~~such~~ the last will and testament is in writing and subscribed by the testator.

(b) When a will is allowed pursuant to subsection (a) of this section, the Probate Division of the Superior Court shall grant letters testamentary or letters of administration with the will annexed, and the letters shall extend to all the estate of the testator in this State. After the payment of enforceable debts and expenses of administration, the estate shall be disposed of according to the will so far as the will may operate upon it, and the residue shall be disposed of as is provided in case of estates in this State belonging to persons who are residents of another state or country.

## § 113. WILLS ALLOWED OUT OF STATE—GENERALLY

A will allowed in any other state, or in a foreign country, according to the laws of that state or country, may be the subject of ancillary administration in the ~~probate division of the superior court~~ Probate Division of the Superior Court.

## § 114. PETITION AND HEARING ON

(a) When a will has been allowed in any other state or country, as provided in section 113 of this title, an executor or other person interested may file a petition for ancillary administration. The petition shall contain:

(1) A a duly authenticated copy of the decedent's will and the allowance thereof ~~(, where probate is required by the laws of~~ such the state or country); or

(2) A a duly authenticated certificate of the legal custodian of ~~such the~~ original will that the same is a true copy and that ~~such the~~ will has become operative by the laws of ~~such the~~ state or country ~~(, where probate is not required by the laws of~~ such the state or country); or

(3) A a copy of a notarial will in possession of a notary in a foreign state or country entitled to the custody thereof and duly authenticated by ~~such the~~ notary ~~(, the laws of~~ such the state or country requiring that ~~such the~~ will remain in the custody of such the notary).

(b) After receiving a petition for ancillary administration, the ~~probate division of the superior court~~ Probate Division of the Superior Court shall schedule a hearing, ~~and notice shall be given, as provided by the rules of~~

probate procedure and require notice as provided by the Rules of Probate Procedure. Objections to allowance of the will in Vermont shall be filed in writing not less than 14 business days prior to the hearing. In the event that no objections are filed, the will shall be allowed without hearing.

§ 115. ORDER FOR FILING

If the instrument is allowed in this state State as the last will and testament of the deceased, the copy shall be filed and recorded and the will shall have the same effect as if originally allowed in the same court.

§ 116. ~~ADMINISTRATION UNDER; ESTATE, HOW DISPOSED OF~~

~~When a will is thus allowed, the probate division of the superior court shall grant letters testamentary or letters of administration with the will annexed, and such letters shall extend to all the estate of the testator in this state. After the payment of just debts and expenses of administration, such estate shall be disposed of according to such will so far as such will may operate upon it and the residue shall be disposed of as is provided in case of estates in this state belonging to persons who are inhabitants of another state or country. [Repealed.]~~

§ 117. ~~CONSTRUCTION BY SUPERIOR COURT AND SUPREME COURT~~

~~In cases where the terms of a will are doubtful or in dispute, a person interested in the estate, either as legatee, devisee or heir at law, may bring a complaint before the superior court to have the will construed. The superior judge, or the supreme court on appeal, shall proceed to construe the will, and that decision shall be binding on parties who are served with process and all who appear in the cause, notwithstanding it appears that others may at some future time become interested under the will. [Repealed.]~~

§ 118. REFERRAL TO SUPERIOR COURT

The Probate Division of the Superior Court may, on its own motion or upon motion of an interested person, refer a matter directly to the Civil Division of the Superior Court for the purpose of conserving judicial resources. The Probate Division shall consult with and obtain the consent of the Civil Division before making a transfer pursuant to this section. A decision of the Civil Division whether to consent to a transfer under this section shall be final and shall not be appealed.

Sec. 3. 14 V.S.A. chapter 42 is amended to read:

CHAPTER 42. DESCENT AND SURVIVORS' RIGHTS

Subchapter 1. General Provisions

## § 301. INTESTATE ESTATE

(a) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs, except as modified by the decedent's will.

(b) A decedent's will may expressly exclude or limit the right of an individual or a class to inherit property. If such an individual or member of such a class survives the decedent, the share of the decedent's intestate estate which would have passed to that individual or member of such a class passes subject to any such limitation or exclusion set forth in the will.

(c) Nothing in this section shall preclude the surviving spouse of the decedent from making the election and receiving the benefits provided by section 319 of this title.

## § 302. DOWER AND CURTESY ABOLISHED

The estates of dower and curtesy are abolished.

## § 303. AFTERBORN HEIRS

For purposes of this chapter and chapter 1 of this title relating to wills, an individual in gestation at a particular time is treated as living at that time if the individual lives 120 hours or more after birth.

## Subchapter 2. Survivors' Rights and Allowances

## § 311. SHARE OF SURVIVING SPOUSE

After payment of the debts, funeral charges, allowances to the surviving spouse and children pursuant to sections 316 and 317 of this title and expenses of administration, the intestate share of the decedent's surviving spouse is as follows:

(1) The surviving spouse shall receive the entire intestate estate if no descendant of the decedent survives the decedent or if all of the decedent's surviving descendants are also descendants of the surviving spouse.

(2) In the event there shall survive the decedent one or more descendants of the decedent who are not descendants of the surviving spouse and are not excluded by the decedent's will from inheriting from the decedent, the surviving spouse shall receive one-half of the intestate estate.

## § 312. SURVIVING SPOUSE TO RECEIVE HOUSEHOLD GOODS

Upon motion, the surviving spouse of a decedent may receive out of the decedent's estate all furnishings and furniture in the decedent's household ~~when the decedent leaves no descendants who object~~. If any objection is made ~~by any of the descendants, the probate division of the superior court~~ Probate

Division of the Superior Court shall decide what, if any, of such personalty shall pass under this section. Goods and effects so assigned shall be in addition to the distributive share of the estate to which the surviving spouse is entitled under other provisions of law. In making a determination pursuant to this section, the ~~probate division of the superior court~~ Probate Division of the Superior Court may consider the length of the decedent's marriage, or civil union, the sentimental and monetary value of the property, and the source of the decedent's interest in the property.

§ 313. SURVIVING SPOUSE; VESSEL, SNOWMOBILE, OR  
ALL-TERRAIN VEHICLE

Whenever the estate of a decedent who dies intestate consists principally of a vessel, snowmobile, or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of the vessel, snowmobile, or all-terrain vehicle, and title to the vessel, snowmobile, or all-terrain vehicle shall automatically pass to the surviving spouse. The surviving spouse may register the vessel, snowmobile, or all-terrain vehicle pursuant to 23 V.S.A. § 3816.

§ 314. SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE

(a) The balance of the intestate estate not passing to the decedent's surviving spouse under section 311 of this title passes to the decedent's descendants by right of representation.

(b) If there is no taker under subsection (a) of this section, the intestate estate passes in the following order:

(1) to the decedent's parents equally if both survive or to the surviving parent;

(2) to the decedent's siblings and the descendants of any deceased siblings by right of representation;

(3) one-half of the intestate estate to the decedent's paternal grandparents equally if they both survive or to the surviving paternal grandparent and one-half of the intestate estate to the decedent's maternal grandparents equally if they both survive or to the surviving maternal grandparent and if decedent is survived by a grandparent, or grandparents on only one side, to that grandparent or those grandparents;

(4) in equal shares to the next of kin in equal degree.

(c) If property passes under this section by right of representation, the property shall be divided into as many equal shares as there are children or siblings of the decedent, as the case may be, who either survive the decedent or who predecease the decedent leaving surviving descendants.

## § 315. PARENT AND CHILD RELATIONSHIP

For the purpose of intestate succession, an individual is the child of his or her parents, regardless of their marital status, but a parent shall not inherit from a child unless the parent has openly acknowledged the child and not refused to support the child. The parent and child relationship may be established in parentage proceedings under 15 V.S.A. chapter 5, subchapter 3A of chapter 5 of Title 15.

§ 316. SUPPORT OF ALLOWANCES FOR SURVIVING SPOUSE AND FAMILY DURING SETTLEMENT ADMINISTRATION

~~The probate division of the superior court~~ Probate Division of the Superior Court may make reasonable allowance for the necessary expenses of support and maintenance of the surviving spouse and minor children or either, constituting the family of a decedent, out of the personal estate or the income of real or personal estate from date of death until settlement of the estate, but for no longer a period than until their shares in the estate are assigned to them or, in case of an insolvent estate, for not more than eight months after administration is granted. This allowance may take priority, in the discretion of the court, over debts of the estate.

## § 317. ALLOWANCE TO CHILDREN BEFORE PAYMENT OF DEBTS

~~When a person dies leaving children under 18 years of age, an~~ The court may make reasonable allowance ~~may be made~~ for the necessary expenses of support and maintenance of such any children of the decedent until they ~~become reach~~ 18 years of age. The court may order the executor or administrator to retain sufficient estate assets for that purpose, except where some provision is made by will for their support. ~~Such~~ The allowance shall be made before any distribution of the estate among creditors, heirs, or beneficiaries by will.

§ 318. ALLOWANCE TO CHILDREN ~~BEFORE~~ AFTER PAYMENT OF DEBTS

Before any partition or division of an estate among the heirs or beneficiaries by will, an allowance may be made for the necessary expenses of the support and maintenance of the children of the decedent under until they reach 18 years of age ~~until they arrive at that age.~~ ~~The probate division of the superior court~~ Probate Division of the Superior Court may order the executor or administrator to retain sufficient estate assets for that purpose, except where some provision is made by will for their support.

§ 319. WAIVER ELECTIVE SHARE OF WILL BY SURVIVING SPOUSE; NOTICE OF RIGHTS

(a) A Subject to subsection (d) of this section, a surviving spouse may elect to waive the provisions of the decedent's will and in lieu thereof elect to take one-half of the balance of the probate estate, after the payment of allowances, claims, and expenses.

(b) The surviving spouse must be living at the time this election is made. If An election under this section may be signed on behalf of the surviving spouse is mentally disabled and cannot make the election personally, by a guardian, an agent, or attorney-in-fact an attorney-in-fact under a valid durable power of attorney may do so that:

(1) expressly grants the authority to make the election; or

(2)(A) grants the agent or attorney-in-fact the authority to act in the management and disposition of the principal's property that is as broad or comprehensive as the principal could exercise for himself or herself; and

(B) does not expressly exclude the authority to make the election.

(c) An agent or attorney-in-fact may petition the Probate Division of the Superior Court to determine whether a power of attorney described in subdivision (b)(2) grants the agent or attorney-in-fact authority that is as broad or comprehensive as that which the principal could exercise for himself or herself.

(d) A surviving spouse may not elect against a deceased spouse's will under this section if the surviving spouse has waived the right to elect against the deceased spouse's will pursuant to section 323 of this title.

(e)(1) The court shall provide the surviving spouse with a notice of the rights of the surviving spouse not later than 30 days from the filing of the initial inventory.

(2) Unless otherwise ordered by the court, a surviving spouse shall file with the court a written election to waive the provisions of a decedent's will within four months of the later of the following dates:

(A) the date of service of the notice of rights of surviving spouse; or

(B) the date of service of the inventory.

(f) Upon the filing of any subsequent or amended inventory or any accounting that reports previously undisclosed property owned by the decedent as of the date of death, the surviving spouse shall have 30 days from the date of service of the filing to elect against the newly reported property, unless otherwise ordered by the court.

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### § 320. EFFECT OF DIVORCE ORDER

A final divorce or dissolution order from any state shall ~~have the effect of nullifying nullify~~ a gift by will ~~or inheritance by operation of law~~ to an individual who was the decedent's spouse at the time the will was executed and any nomination of the spouse as executor, executrix, trustee, guardian, or other fiduciary as named in the will, if the decedent was no longer married to or in a civil union with that individual at the time of death, unless ~~his or her the decedent's~~ will specifically states to the contrary.

### § 321. CONVEYANCE TO DEFEAT SPOUSE'S INTEREST

(a) A voluntary transfer of any property by an individual during a marriage or civil union and not to take effect until at or after the individual's death, made without adequate consideration and for the primary purpose of defeating a surviving spouse ~~in a claim to a spouse's right to claim the survivor's intestate or elective share of the decedent's property so transferred~~, shall be void and inoperative to bar the claim. ~~The, unless the surviving spouse waived the survivor's right to make a claim against the deceased spouse's estate or the property transferred pursuant to section 323 of this title. If the surviving spouse has not signed a waiver of spousal rights pursuant to section 323 of this title, then the~~ decedent shall be deemed at the time of his or her death to be the owner ~~and seised of an interest in such of the property sufficient for the purpose of assigning and setting out and the court may:~~

(1) increase the surviving spouse's share of the decedent's probate estate in an amount the court deems reasonable to account for the right the surviving spouse would otherwise have had in the property so transferred; or

(2) if the assets of the decedent's probate estate are insufficient to account for the right the surviving spouse would otherwise have had in the property, then order any other equitable relief the court deems appropriate.

(b) Neither this section nor any other provision of this title shall be construed to affect an enhanced life estate deed. As used in this subsection, "enhanced life estate deed," also known as a "Ladybird deed," shall mean a deed that conveys a future interest in real estate that is revocable or otherwise subject to limitation, with the transfer of the remaining title rights to take place when the grantor dies.

### § 322. UNLAWFUL KILLING AFFECTING INHERITANCE

Notwithstanding sections 311 through 314 of this title or provisions otherwise made, in any case in which an individual is entitled to inherit or receive property under the last will of a decedent, or otherwise, ~~such the~~ individual's share in the decedent's estate shall be forfeited and shall pass to the remaining heirs or beneficiaries of the decedent if the individual

intentionally and unlawfully kills the decedent. In any proceedings to contest the right of an individual to inherit or receive property under a will or otherwise, the record of that individual's conviction of intentionally and unlawfully killing the decedent shall be admissible in evidence and shall conclusively establish that ~~such~~ the individual did intentionally and unlawfully kill the decedent.

#### § 323. WRITTEN WAIVER OF SPOUSAL RIGHTS

(a) At any time before or during a marriage, a spouse may waive the right to an elective share of a deceased spouse's estate, waive the right to a homestead or other allowance, and waive any other spousal rights or interest in property, in whole or in part, by a written instrument signed by the waiving spouse.

(b) A written waiver of spousal rights is presumed to be valid unless the party contesting the waiver demonstrates that:

(1) the waiver was not voluntary, or was made as a result of fraud, duress, or coercion;

(2) the waiver was unconscionable when signed or is unconscionable in its application due to a material change in circumstances that arose subsequent to the execution of the instrument through no fault or no action of the contesting party;

(3) before signing the waiver, the waiving spouse was not provided fair and reasonable disclosure of the property and financial obligations of the decedent; or

(4) before signing the waiver, the waiving spouse did not have an opportunity for meaningful access to independent counsel.

(c) A waiver under this section may be signed on behalf of a waiving spouse by a guardian or by an agent or an attorney-in-fact under a power of attorney that:

(1) expressly grants the authority to make the election; or

(2)(A) grants the agent or attorney-in-fact the authority to act in the management and disposition of the principal's property that is as broad or comprehensive as the principal could exercise for himself or herself; and

(B) does not expressly exclude the authority to make the election.

(d) An agent or attorney-in-fact may petition the Probate Division of the Superior Court to determine whether a power of attorney described in subdivision (c)(2) grants the agent or attorney-in-fact authority that is as broad

or comprehensive as that which the principal could exercise for himself or herself.

Subchapter 3. Descent, Omitted Issue, and Lapsed Legacies

§ 331. DEGREES; HOW COMPUTED: KINDRED OF HALF-BLOOD

Kindred of the half-blood shall inherit the same share they would inherit if they were of the whole blood.

§ 332. SHARE OF AFTERBORN CHILD

When a child of a testator is born after the making of a will and provision is not ~~therein~~ made in the will for that child, he or she shall have the same share in the estate of the testator as if the testator had died intestate unless it is apparent from the will that it was the intention of the testator that provision should not be made for the child.

§ 333. SHARE OF CHILD OR DESCENDANT OF CHILD OMITTED  
FROM WILL

When a testator omits to provide in ~~his or her~~ the testator's will for any of ~~his or her children~~ child of the testator, or for the descendants of a deceased child, and it appears that the omission was made by mistake or accident, the child or descendants, as the case may be, shall have and be assigned the same share of the estate of the testator as if the testator had died intestate.

§ 334. AFTERBORN AND OMITTED CHILD; FROM WHAT PART OF  
ESTATE SHARE TAKEN

When a share of a testator's estate is assigned to a child born after the making of a will, or to a child or the descendant of a child omitted in the will, the share shall be taken first from the estate not disposed of by the will, if there is any. If that is not sufficient, so much as is necessary shall be taken from the devisees or legatees in proportion to the value of the estate they respectively receive under the will. If the obvious intention of the testator, as to some specific devise, legacy, or other provision in the will, would thereby be defeated, the specific devise, legacy, or provision may be exempted from ~~such~~ the apportionment and a different apportionment adopted in the discretion of the court.

§ 335. BENEFICIARY DYING BEFORE TESTATOR; DESCENDANTS  
TO TAKE

When a testamentary gift is made to a child or other kindred of the testator, and the designated beneficiary dies before the testator, leaving one or more descendants who survive the testator, ~~such~~ the descendants shall take the gift that the designated beneficiary would have taken if ~~he or she~~ the designated

beneficiary had survived the testator, unless a different disposition is required by the will.

§ 336. INDIVIDUAL ABSENT AND UNHEARD OF; SHARE OF ESTATE

If an individual entitled to a distributive share of the estate of a decedent is absent and unheard of for six years, two of which are after the death of the decedent, the ~~probate~~ court in which the decedent's estate is pending may order the share of the absent individual distributed in accordance with the terms of the decedent's will or the laws of intestacy as if ~~such~~ the absent individual had not survived the decedent. If the absent individual proves to be alive, he or she shall be entitled to the share of the estate notwithstanding prior distribution, and may recover in an action on this statute any portion thereof which any other individual received under order. Before an order is made for the payment or distribution of any money or estate as authorized in this section, notice shall be given as provided by the Vermont Rules of Probate Procedure.

§ 337. REQUIREMENT THAT INDIVIDUAL SURVIVE DECEDENT FOR 120 HOURS

Except as provided in the decedent's will, an individual who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property, intestate succession, and taking under decedent's will, and the decedent's heirs and beneficiaries shall be determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir or beneficiary survived the decedent by 120 hours, it is deemed that the individual failed to survive for the required period. This section is not to be applied if its application would result in escheat.

§ 338. DISTRIBUTION; ORDER IN WHICH ASSETS APPROPRIATED; ABATEMENT

(a)(1) Except as provided in subsection (b) of this section, shares of distributees given under a will abate, without any preference or priority as between real and personal property, in the following order:

- (A) property not disposed of by the will;
- (B) residuary devises and bequests;
- (C) general devises and bequests;
- (D) specific devises and bequests.

(2) For purpose of abatement, a general devise or bequest charged on any specific property or fund is a specific devise or bequest to the extent of the

value of the property on which it is charged, and upon the failure or insufficiency of the property on which it is charged, a general devise or bequest to the extent of the failure or insufficiency. Abatement within each classification is in proportion to the amounts of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will.

(b) If the will expresses an order of abatement or if the testamentary plan or the express or implied purpose of a devise or bequest would be defeated by the order of abatement listed in subsection (a) of this section, the shares of the distributees shall abate as may be necessary to give effect to the intention of the testator.

(c) If the subject of a preferred devise or bequest is sold or used incident to administration, abatement shall be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

Sec. 4. 14 V.S.A. chapter 49 is amended to read:

#### CHAPTER 49. ESCHEATS

##### § 681. PERSONS DYING TESTATE OR INTESTATE WITHOUT HEIRS OR KNOWN LEGATEES

When a person dies testate or intestate, seised of real or personal property in this State, leaving no heir nor person entitled to the same, the selectboard members of the town where the deceased last resided, if an inhabitant of the State, or of the town in which estate lies, if the absent person resided out of the State, may file a petition, on behalf of the town, with the Probate Division of the Superior Court for a hearing in accordance with the Rules of Probate Procedure.

##### § 683. ESCHEAT, PROCEEDS FROM SALE

If sufficient cause is not shown to the contrary, at the time appointed for that purpose, the court shall order and decree that the estate of the deceased in the ~~state~~ State, after the payment of just debts and charges, shall escheat. ~~Such~~ The court shall assign the personal estate to the town where ~~such~~ the deceased was last an inhabitant in the ~~state~~ State and the real estate to the towns in which the same is situated. If he ~~or she~~ were never an inhabitant of the ~~state~~ State, the whole estate shall be assigned to the towns where the same is located. ~~Such~~ The estate shall be for the use of schools in the towns respectively and shall be managed and disposed of like other property appropriated to the use of the town school districts. Any property decreed to a town by virtue of this chapter or subsequently conveyed to an incorporated school district within ~~such~~ the town for the use of its schools may be sold without restriction, provided the proceeds shall be expended for the use of the

schools of the town.

§ 684. RIGHTS OF HEIR SUBSEQUENTLY APPEARING

If a devisee, legatee, heir, widow, or other person, entitled to ~~such some~~ portion or all of an estate, appears within 17 years from the date of ~~such the~~ decree and files a claim with the ~~probate division of the superior court~~ Probate Division of the Superior Court which made ~~such the~~ decree, and establishes the claim to ~~such the~~ estate, he or she shall have possession of the same to the extent of the claim, or, if sold, the town shall be accountable to him or her for the avails, after deducting reasonable charges for the care of the estate. If the claim is not made within the time mentioned, it shall be barred.

Sec. 5. 14 V.S.A. chapter 61 is amended to read:

CHAPTER 61. EXECUTORS AND ADMINISTRATORS

Subchapter 1. General Provisions

§ 902. WILL ALLOWED; LETTERS TO EXECUTOR

When a will has been allowed, the ~~probate division of the superior court~~ Probate Division of the Superior Court shall issue letters ~~testamentary thereon~~ of administration to the person named executor ~~therein~~ if the person accepts ~~the trust appointment~~ and gives a ~~bond as required by law~~ any required bond.

§ 903. ADMINISTRATION; TO WHOM GRANTED

If an executor is not named in the will, or if a person dies intestate, ~~administration shall be granted~~ appointments to administer the estate may be made in the following manner:

(1) To the surviving ~~husband or wife, as the case may be,~~ spouse or next of kin, or both, or ~~to such the~~ person as such surviving husband or wife nominated by the surviving spouse or next of kin ~~request to have appointed;~~

(2) If ~~such the~~ surviving husband or wife, as the case may be, spouse or next of kin or the ~~persons selected~~ person nominated by them are is unsuitable, or if the ~~widow~~ surviving spouse or the next of kin ~~neglects for 30 days~~ does not within a reasonable period of time after the death of the person ~~to apply for letters of administration or to request that~~ nominate another person to whom letters of administration may be granted to some other person, it may be granted to, the court may grant letters of administration to one or more of the principal creditors, if competent and willing to serve;

(3) If there is not ~~such a~~ creditor who is competent and willing to serve, ~~the same~~ letters of administration may be ~~committed~~ issued to ~~such other~~ another person as appointed by the probate division of the superior court may

~~appoint; Probate Division of the Superior Court in its discretion.~~

~~(4) To such person as to the court shall seem suitable upon application of the reputed owner of land formerly owned by such deceased person, in case the title to such land is not clear. If the appointment is to enable a quiet title action or another action to clear title to lands, the court may appoint a suitable person as the administrator for that purpose upon application of the reputed owner of the land formerly owned by the decedent.~~

§ 904. ~~NONRESIDENT EXECUTOR OR ADMINISTRATOR OR  
EXECUTOR TO BE RESIDENT OF STATE; EXCEPTIONS;  
AGENT~~

~~(a) In all cases where the principal administration is in this state State, the probate division of the superior court Probate Division of the Superior Court shall not appoint a trustee not named in a will nor an executor or administrator who is not domiciled in this state at the time of appointment, nor an executor who is not domiciled in this state, except in State only at the discretion of the court; provided, however, that the court shall appoint an administrator who is not domiciled in the state when requested so to do by the surviving spouse, the surviving children of lawful age or the surviving parent or parents or a guardian, on motion in that order of sequence.~~

~~(b) In case of the appointment of a nonresident executor, administrator or trustee, the person appointed Any nonresident estate fiduciary shall forthwith designate in writing some person resident in the state from which letters testamentary, of administration or trusteeship are granted, upon whom a resident of this State who accepts appointment as the resident agent of the nonresident estate fiduciary and agrees to accept service of legal process may be made as agent of the nonresident executor, administrator or trustee and other communications on behalf of the executor or administrator. The appointment and acceptance shall be filed with the court. Service of legal process against the nonresident administrator, executor or trustee may be made by delivering to the agent a true and attested copy of the process with the officer's return thereon executor or administrator may be accomplished by serving the resident agent.~~

§ 905. ~~APPEAL TO THE CIVIL DIVISION OF THE SUPERIOR COURT~~

~~Upon appeal from If any person appeals to the Civil Division of the Superior Court an order appointing an administrator, if executor or administrator and the appeal is sustained, the superior court Civil Division of the Superior Court shall fill the vacancy by the immediate appointment of a suitable person, and the judgment and appointment shall be certified to the probate court. When the administrator files the bond required, the probate~~

court shall grant letters of administration appoint another suitable person as executor or administrator, and certify the judgment and subsequent appointment to the Probate Division of the Superior Court. The Probate Division shall set bond and, after the required bond is filed by the executor or administrator, grant letters of administration.

§ 906. BOND; AMOUNT, CONDITIONS

Before letters testamentary or of administration are issued, the person to be appointed shall give a bond in such reasonable sum as the probate division of the superior court directs, with one or more sufficient sureties, conditioned as follows. An executor or administrator shall give a bond to secure the executor's or administrator's performance of the executor's or administrator's duties. The Probate Division of the Superior Court shall set the amount of the bond and may order that the bond have sureties. The bond shall be for the security and benefit of all interested persons, except where a bond is to be taken to the adverse party, and shall be filed before the court issues letters of administration. The court shall set the conditions of any bond, which shall include the following:

(1) To to make and return an inventory to the probate division of the superior court Probate Division of the Superior Court within 30 60 days a true and perfect inventory of the goods, chattels, rights, credits and estate of the deceased, which shall come into the possession or knowledge of the person appointed, or into the possession of any other person for the person appointed as required by law and the rules of the court;

(2) To to administer according to law, if an executor, according to the will of the testator, all goods, chattels, rights, credits and estate which shall at any time come into the possession of the person appointed, or into the possession of any other person for the person appointed, and of the same, pay and discharge all debts, legacies and charges on the same, or dividends thereon as shall be decreed by the probate division of the superior court and the decedent's will, if any, all property comprising the decedent's estate, whether in the possession of the executor or administrator or others for the benefit of the executor or administrator, and discharge all debts, legacies, and charges;

(3) To to render a true and just an account of administration to the probate division of the superior court Probate Division within one year and at any other time when required by the court;

(4) To to pay to the state treasurer State of Vermont all inheritance and transfer taxes which the person appointed is required to pay by the provisions of 32 V.S.A. chapters 181 and 183 of Title 32 and to perform all other duties required by those chapters; and

(5) ~~To to perform all orders and decrees of the probate division of the superior court~~ Probate Division.

§ 907. ~~RESIDUARY LEGATEE AS EXECUTOR, BOND; BOND  
PROVISION IN WILL; FURTHER BOND~~

(a) ~~Instead of the bond required in section 906 of this title, an executor who is residuary legatee may give a bond in a sum and with those sureties as the probate division of the superior court directs, with the conditions only to pay the debts and legacies of the testator, and to return to the probate division of the superior court within 30 days a true and perfect inventory under oath according to the executor's best knowledge, information and belief of the goods, chattels, rights, credits and estate of the deceased which shall come to the executor's possession or knowledge, or to the possession of any other person for the executor.~~

(b) ~~If the testator by will directs that no bond, or only the individual bond of the executor be required, instead of the bond prescribed in section 906 of this title, an individual bond may be given as directed in the will. A bond shall also be given in a sum and with those sureties as the probate division of the superior court directs, with the conditions only to pay the debts of the testator and return to the probate division of the superior court a true inventory under oath, according to the executor's best knowledge, information and belief, of the real estate and all the goods, chattels, rights and credits of the deceased coming to the executor's possession or knowledge.~~

(c) ~~The probate division of the superior court may require of the executor a further bond in case of a subsequent change in circumstances, and for other sufficient cause with the second, third, and fourth conditions named in section 906 of this title. [Repealed.]~~

§ 908. ~~BONDS OF JOINT ADMINISTRATORS AND EXECUTORS~~

When two or more persons are appointed as executors or administrators, the ~~probate court~~ Probate Division of the Superior Court may take a separate bond from each, with or without sureties, or a joint bond with or without sureties from any or all.

§ 909. ~~EXECUTOR REFUSING TRUST, OR NOT GIVING BOND~~

A person named as an executor in a will who refuses to accept the ~~trust appointment~~ or neglects for 20 days to give a bond ~~for 20 days after the probate of such will~~ shall not intermeddle or act as executor. ~~In case of such refusal to accept or neglect to give a bond, the probate division of the superior court~~ If the person refuses to accept or neglects to give a bond, the Probate Division of the Superior Court may grant letters testamentary ~~to the other executors of administration to any other named executor who are~~ is capable

and willing to accept the trust the appointment and gives bond. If the other executors will not give a bond, administration, with the will annexed, shall be granted to the person who would have been entitled thereto had the testator died intestate named executors fail to accept the appointment or give a bond, the court shall grant letters of administration with the will annexed to one or more suitable persons who would have qualified to be appointed as administrator had the testator died intestate.

§ 910. WHEN EXECUTOR IS A MINOR

When a person named as executor in a will is under age at the time of proving such the will, issuance of letters of administration with the will annexed shall be granted during the minority of the executor as in cases of intestacy, unless there is may be granted to another executor named in such the will, who accepts the trust and gives a bond. In such case, the executor who gives a bond shall have letters testamentary and shall administer the estate until the minor is of age, when he may be admitted, on giving a bond, as joint executor appointment and gives the required bond, or to another suitable person if he or she fails to accept appointment or to post bond. A minor who attains the age of legal majority during the estate administration shall not displace the incumbent executor or administrator, but if a vacancy occurs during administration, the former minor may apply to the court for appointment as successor executor or administrator.

§ 911. EXECUTOR OF EXECUTOR NOT TO ADMINISTER FIRST ESTATE

~~The executor of an executor shall not, as such, administer the estate of the first testator. [Repealed.]~~

§ 912. MARRIED WOMAN

~~A married woman may be executrix or administratrix, and the marriage of a single woman shall not affect her authority to so act under a previous appointment. [Repealed.]~~

§ 913. DEATH OR REMOVAL OF EXECUTOR OR ADMINISTRATOR

When an executor or administrator dies, resigns, is removed or ~~his or her~~ the executor's or administrator's authority is otherwise extinguished, the any remaining executor or administrator may execute the trust complete the administration unless otherwise provided by the will. If there is no other executor or administrator then serving, the court may grant letters of administration may be granted to a another suitable person. The executor or administrator of an executor or administrator shall not administer the estate of the first decedent.

## § 914. POWER OF NEW ADMINISTRATOR

An administrator appointed in the place of a former executor or administrator shall have the same ~~power~~ authority in settling the estate ~~not administered as the former executor or administrator had.~~ ~~He or she may,~~ including the authority to prosecute or defend actions commenced by or against the former executor or administrator, and the new administrator may revive actions and have execution on ~~judgment~~ judgments recovered in the name of the former executor or administrator on behalf of the estate.

## § 915. APPOINTMENT OF ADMINISTRATOR TO ACT WITH SURVIVOR

When an executor or administrator dies, resigns, is removed or authority is otherwise extinguished, leaving a remaining executor or administrator, administration may be granted to some suitable person, to serve with the remaining executor or administrator, upon motion of any person interested in the estate of the deceased, ~~as widow, heir, creditor, devisee, legatee or their legal representatives.~~

## § 916. POWERS OF ADMINISTRATOR APPOINTED TO ACT WITH SURVIVOR

An executor or administrator appointed under section 915 of this title shall have the same ~~power~~ authority as the remaining executor or administrator ~~has and with such executor or administrator and~~ may prosecute or defend actions commenced by or against the former ~~executors or administrators~~ executor or administrator and may revive actions and have execution on judgments recovered in the name of the former executor or administrator on behalf of the estate.

## § 917. POWER OF REGULATION

~~The probate division of the superior court~~ Probate Division of the Superior Court shall regulate the conduct of persons appearing in proceedings or involved in the administration of estates or other matters within the court's jurisdiction. When it appears to the court that a person has failed to comply with procedures required by law or the ~~rules of probate procedure~~ Rules of Probate Procedure, or that an estate is not being promptly and properly administered, or that a fiduciary is incapable or unsuitable to discharge the trust, the court may give notice of the complaint or omission together with a notice to correct the deficiency or complaint within a specified period of time or cause the party to appear and answer the matter. Notice shall be given as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure. The court may restrain a person from performing specified acts or the exercise of any powers or discharge of any duties of office, or make any other order to

secure proper performance of duty. It may exercise the powers of contempt, tax costs including surcharge, order a party to pay to other parties the amount of reasonable expenses, including reasonable attorney's fees, or losses incurred because of an act or omission, and remove or suspend a fiduciary.

#### § 917a. TERMINATION OF APPOINTMENT

(a) Termination of appointment of ~~a fiduciary~~ an executor or administrator ends the rights and powers pertaining to the office as conferred by law, the ~~rules of probate procedure~~ Rules of Probate Procedure, or any will or trust. Termination does not discharge ~~a fiduciary~~ an executor or administrator from liability for transactions or omissions occurring before termination, or relieve the ~~fiduciary~~ executor or administrator of the duty to preserve assets subject to the ~~fiduciary's~~ executor's or administrator's control, ~~or to account therefor, and to for and deliver assets.~~ Termination does not affect the jurisdiction of the ~~probate division of the superior court~~ Probate Division of the Superior Court over the fiduciary, but terminates the estate fiduciary's authority.

(b) The appointment of ~~a fiduciary~~ an executor or administrator is terminated:

(1) upon death; ~~or~~

(2) when the estate is closed as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure; ~~or~~

(3) after resignation upon the appointment of a successor estate fiduciary and delivery of the assets to the successor; or

(4) upon removal by the ~~probate division of the superior court~~ Probate Division of the Superior Court.

#### § 918. ONE OF THE COEXECUTORS DISQUALIFIED, OTHERS MAY ACT

~~According to the provisions of this chapter, when executors~~ When coexecutors appointed in a will cannot act as such, those who can act may ~~perform the duties and discharge the trusts required by the will~~ be appointed to administer the estate.

#### § 919. PERSONS UNHEARD FROM FOR FIVE YEARS; SETTLEMENT OF ESTATE

When a person is absent and unheard from for five years or when a certificate of presumed death of a person has been issued under 18 V.S.A. § 5219, that person's estate shall be subject to administration by the ~~probate division of the superior court~~ Probate Division of the Superior Court. If a will exists, the will shall be presented to the court and may be allowed and the

estate closed thereunder. If no will is found, the court having jurisdiction of the estate may grant letters of administration thereof and proceed with the estate as in the settlement of intestate estates, ~~but distribution.~~ Distribution of the estate shall not be made until five years after the granting of administration or letters testamentary. Before granting an order for distribution or for payment of legacies named in any will which may have been allowed, the court shall require from the legatees or distributees a bond or bonds with sufficient surety to the court, which may take into account the likelihood of the reappearance of the person presumed deceased, conditioned to return the amount distributed or paid with lawful interest thereon to the person so absent and unheard from upon reappearance and demand for the same. If the distributee or legatee is unable to give the security ~~aforsaid~~ required by this section, the same shall be placed at interest upon security approved by the court or by the executor or administrator, as the case may be, and the interest shall be paid annually to the distributee or legatee and the estate shall remain at interest until the ~~probate division of the superior court~~ Probate Division of the Superior Court by which the letters of administration or letters testamentary were granted shall order it paid to the legatees or distributees. Upon motion, an order shall not be made permitting payment or distribution without the security ~~hereinbefore provided for~~ required by this section until at least seven years have elapsed since the granting of letters testamentary or of administration on the estate of the supposed decedent.

#### § 920. LIABILITY OF EXECUTOR; RIGHTS ON RETURN

After ~~such the~~ administration and distribution, the executor or administrator shall not be liable to the person so absent and unheard from in any action for the recovery of ~~such the~~ estate. If ~~such the~~ absent person proves to be alive, he or she shall be entitled to his or her estate notwithstanding ~~the a~~ settlement and distribution ~~aforsaid~~ made pursuant to section 919 of this title, and may bring an action to recover in an action on this statute any portion thereof of the estate which anyone received in such as a result of the settlement and distribution.

#### § 921. PROPERTY OF PERSONS SERVING IN ARMED FORCE – ABSENT PERSONS, CONSERVATOR

When a person, hereinafter referred to as an absentee, who is serving in or with the ~~armed forces of the United States~~ U.S. Armed Forces, its allies, or as a crew member of a merchant vessel, has been reported or listed as missing, missing in action, interned, or beleaguered, besieged, or captured by an enemy, and has an interest in any property in this state State and has not provided an adequate power of attorney authorizing another to act on the absentee's behalf in regard to the absentee's property, the ~~probate division of the superior court~~ Probate Division of the Superior Court may appoint a conservator to take

charge of the absentee's estate under the supervision and subject to the further orders of the court. The appointment may be made upon a petition alleging the foregoing facts, showing the necessity of providing for the care of property, and may be brought by any person who would have an interest in the property if the absentee were deceased, or on the court's own motion. The court shall schedule a hearing and notice shall be given as provided by the rules of probate procedure Rules of Probate Procedure.

§ 922. POWERS OF CONSERVATOR; BOND

The ~~probate division of the superior court~~ Probate Division of the Superior Court shall have full discretionary authority to appoint any suitable person as conservator and may require the conservator to post an adequate surety bond and to make reports the court may deem necessary. The conservator shall have the same powers and authority as the guardian of the property of a minor or incapacitated person.

§ 923. TERMINATION OF CONSERVATORSHIP

At any time upon motion signed by the absentee, or of an attorney-in-fact acting under an adequate power of attorney granted by the absentee, the ~~probate division of the superior court~~ Probate Division of the Superior Court shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney-in-fact. Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for the absentee's estate, the court shall direct the termination of the conservatorship, an accounting therein and the transfer of all property of the deceased absentee held thereunder to the executor or administrator.

§ 924. REVOCATION OF LETTERS OF ADMINISTRATION-WHEN  
WILL DISCOVERED

When, after granting letters of administration of the estate of a person as if dying intestate, a will of the deceased person is allowed, the letters of administration shall be revoked and the powers of the administrator cease, the letters of administration shall be surrendered and an accounting shall be filed as the ~~probate division of the superior court~~ Probate Division of the Superior Court directs.

§ 925. POWERS OF EXECUTOR OF DISCOVERED WILL

In such case, the executor of the will may demand, sue for and collect the goods, chattels, rights and credits of the deceased remaining unadministered, and may prosecute to final judgment actions commenced by the administrator before the revocation of his or her letters of administration.

§ 926. REVOCATION OF LETTERS NOT TO AVOID ACTS UNDER THEM

Before the revocation of his or her letters testamentary or of administration, the acts of an executor or administrator shall be valid the same as if revocation had not been made.

§ 927. EXECUTOR OR ADMINISTRATOR OF DECEASED PARTNER-ACCESS TO BOOKS

The executor or administrator of a deceased partner at all times shall have access to and make examination and take copies of the books and papers relating to the partnership business, and at all times shall have the right to examine and make invoices of the property belonging to ~~such~~ the partnership. The surviving partner or partners, on request, shall exhibit to him or her all ~~such~~ the books, papers, and property in their hands or control.

§ 928. PROBATE DIVISION OF THE SUPERIOR COURT MAY COMPEL COMPLIANCE

~~The probate division of the superior court~~ Probate Division of the Superior Court in which is pending a proceeding for the settlement of the estate of a deceased partner, on motion of the executor or administrator, may cite a surviving partner or partners before it, and, by a proper order or decree, compel the granting of the rights given in section 927 of this title and may enforce an order or decree by issuing its warrant to commit the partner or partners to the custody of the ~~commissioner of corrections~~ Commissioner of Corrections until compliance is given.

§ 929. BUILDINGS TO BE KEPT IN REPAIR

An executor or administrator shall maintain in tenantable repair the houses, buildings, and fences belonging to the estate and deliver the same in such repair to the heirs or devisees when directed by the ~~probate division of the superior court~~ Probate Division of the Superior Court.

§ 930. ESTATE NOT WILLED

An executor shall administer the estate of the testator not disposed of by will.

§ 931. LIMITATION ON CLAIMS OF CREDITORS

~~When a petition to open a decedent's estate is not filed in probate division of the superior court within 30 days of death, all~~ All claims against the decedent's estate which arose before the death of the decedent, including claims of the ~~state~~ State and any subdivision thereof, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not

barred earlier by other statute of limitations, are barred against the estate, the legal representative of the estate, and the heirs and devisees of the decedent, unless presented within ~~three years~~ one year after the decedent's death. Nothing in this section affects or prevents any proceeding to enforce any mortgage, pledge, or other lien upon the property of the estate.

## Subchapter 2. Special Administrators

### § 961. SPECIAL ADMINISTRATOR; APPOINTMENT WHEN ESTATE JEOPARDIZED; CONDUCT OF BUSINESS

When the interests of the estate of a deceased person will be jeopardized by the delay intervening between death and the appointment of an administrator or executor, the ~~probate division of the superior court~~ Probate Division of the Superior Court may, upon motion of an heir or next of kin, appoint a special administrator to act until an administrator or executor is appointed and qualified. The special administrator may continue operation of the business conducted by the deceased, including application for and operating under the transfer of any license held by the deceased for the dispensing of alcoholic beverages.

### § 962. APPOINTMENT IN CASE OF DELAY

When there is delay in granting letters testamentary or of administration, occasioned by an appeal from the allowance or disallowance of a will, or from other cause, the ~~probate division of the superior court~~ Probate Division of the Superior Court may appoint a special administrator to act in collecting and taking charge of the estate of the deceased until the questions causing the delay are decided and an executor or administrator is appointed. An appeal shall not be allowed from the appointment of a special administrator.

### § 963. POWERS

A special administrator shall collect the goods, chattels, and credits of the deceased and preserve the same for the executor or administrator afterwards appointed and for that purpose may commence and maintain actions as an administrator and may sell perishable and other personal estate as the ~~probate division of the superior court~~ Probate Division of the Superior Court orders sold and may allow or deny claims against the estate as otherwise provided by law.

### § 964. LIABILITY FOR DEBTS

~~Such~~ A special administrator shall not be liable to an action by a creditor or to pay any debts of the deceased. With the consent of the ~~probate division of the superior court~~ Probate Division of the Superior Court, he or she may pay the expenses of the last sickness and the funeral expenses of the deceased and

any bills against the estate of the deceased of his or her own contracting.

§ 965. BOND

Before entering upon the duties of his or her trust, ~~such a~~ a special administrator shall give a bond as the court directs, conditioned that he or she will make and return a true inventory of the goods, chattels, rights, credits and effects of the deceased which come to his or her possession or knowledge, and that he or she will truly account for such as are received by him or her, when required by the ~~probate division of the superior court~~ Probate Division of the Superior Court, and will deliver the same to the person afterwards appointed executor or administrator or to a person authorized to receive the same.

§ 966. POWERS TO CEASE, WHEN

Upon granting letters testamentary or of administration on the estate of the deceased, the powers of ~~such the~~ the special administrator shall cease. He or she shall forthwith deliver to the executor or administrator the goods, chattels, ~~moneys monies~~, and effects of the deceased in his or her hands, and the executor or administrator may prosecute to final judgment actions commenced by ~~such the~~ the special administrator.

Sec. 6. 14 V.S.A. chapter 63 is amended to read:

CHAPTER 63. INVENTORY, APPRAISAL, AND ACCOUNTS

§ 1051. INVENTORY

Within ~~30~~ 60 days after appointment, an executor or administrator, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall prepare an inventory of property owned by the decedent at the time of death, listing it with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any lien or encumbrance that may exist with reference to any item. The executor or administrator shall file the original of the inventory with the ~~probate division of the superior court~~ Probate Division of the Superior Court, and shall serve copies as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure. The time for filing the inventory may be extended by the court for ~~a period not to exceed a total of 90 days~~ good cause.

§ 1052. APPRAISERS

(a) The executor or administrator may employ a one or more qualified and disinterested ~~appraiser~~ appraisers to assist in ascertaining the fair market value as of the date of the decedent's death of any assets the value of which may be subject to reasonable doubt. ~~Different persons may be employed to appraise different kinds of assets included in the estate.~~ The names and addresses of

any appraiser appraisers shall be indicated on the inventory with the item or items appraised.

~~(b) If any property not included in the original inventory comes to the knowledge of an executor or administrator or if an executor or administrator learns that the value or description indicated in the original inventory for any item is erroneous or misleading, a supplementary inventory or appraisal shall be made showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisals or other data relied upon, if any, and file it with the court and serve copies of it as provided by the rules of probate procedure.~~

~~(c) Upon motion filed within 30 days of the filing of an inventory under section 1051 of this title or under subsection (b) of this section, by any creditor having a claim of more than \$500.00, or by any heir, devisee or legatee entitled to property or cash of value of more than \$500.00, on distribution of the estate, the court, after hearing, may appoint one or more special appraisers to reappraise any item of property reported in the inventory or supplementary inventory, or to appraise any property omitted from any inventory.~~

#### § 1053. SUPPLEMENTAL INVENTORY

(a) If the executor or administrator learns of the existence of any property not included in the original inventory or learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the executor or administrator shall:

(1) make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisals or other data relied upon, if any; and

(2) file the supplementary inventory or appraisal with the court and serve copies of it as provided by the Rules of Probate Procedure.

(b) Upon motion filed within 30 days after the filing of an original or supplemental inventory by any creditor having a claim of more than \$1,000.00, or by any heir, devisee, or legatee entitled to property or cash of value of more than \$500.00 on distribution of the estate, the court shall hold a hearing and may appoint one or more special appraisers to reappraise any item of property reported in the inventory or to appraise any property omitted from the inventory.

#### § 1054. ~~ARTICLES~~ ASSETS NOT INVENTORIED

~~Under the direction of the probate division of the superior court, the following items shall not be considered as assets of the estate, nor be~~

administered as such, nor shall they be included in the inventory:

- (1) ~~The wearing apparel of the deceased;~~
- (2) ~~The wearing apparel of the widow according to the estate and degree of her husband, if the deceased leaves a widow;~~
- (3) ~~The wearing apparel of the minor children if the deceased leaves minor children;~~
- (4) ~~Such provisions and other articles as will necessarily be consumed or used in the subsistence of the family of the deceased.~~ Wearing apparel of the deceased or any other member of the household, and provisions and other articles to be consumed or used in the subsistence of the household, shall not be considered as assets of the estate unless, after hearing upon motion, the court finds that an item has intrinsic value in addition to its value for wear or subsistence, or that its inclusion in inventory would otherwise benefit the estate.

§ 1055. ACCOUNTS OF EXECUTORS AND ADMINISTRATORS; TIME OF RENDERING; EXAMINATION

An executor or administrator shall render an account of his or her administration within one year from the time of receiving letters testamentary or of administration, and annually thereafter, ~~and at such other times as the court may require, or otherwise as ordered by the Probate Division of Superior Court until the estate is wholly settled, and he or she.~~ The fiduciary may be examined on oath upon any matter relating to his the account.

§ 1056. LIABILITY ON BOND FOR NEGLECT

When an executor or administrator, being duly cited by the ~~probate division of the superior court~~ Probate Division of the Superior Court, neglects to render ~~his or her a required account, he or she~~ the fiduciary shall be liable on ~~his or her the fiduciary's~~ bond for the damages which accrue.

§ 1057. FOR WHAT TO ACCOUNT

~~An executor or administrator shall be chargeable in his or her account with the goods, chattels, rights and credits of the deceased which come to his or her possession, also with the proceeds of the real estate sold for the payment of debts and legacies and with the interest, profit and income which come to his or her hands from the estate of the deceased. The executor or administrator shall account for the personal estate of the deceased at its appraisal, except as hereinafter provided.~~

The accounting of the executor or administrator shall:

- (1) be done on a cash basis;

(2) include the balance at the beginning of the period covered by the accounting, all receipts, all payments, and the balance at the end of the period covered by the accounting; and

(3) be prepared on forms provided by the court, or on any spreadsheet or generally accepted software format accepted by the court that provides the required information.

§ 1058. NOT TO GAIN OR LOSE BY INCREASE OR DECREASE IN  
VALUE

An executor or administrator shall not profit by the increase, nor suffer loss by the decrease or destruction, without ~~his~~ the fiduciary's fault, of any part of the personal estate. ~~He~~ The executor or administrator shall account for ~~the excess when he sells any of the personal estate~~ any gain or loss incurred when any property is sold for more or less than the appraisal inventory value. ~~If he sells any for less than the appraisal, he shall not be responsible for the loss, if it appears to be beneficial to the estate to sell it.~~

§ 1059. TO ACCOUNT FOR SELLING PRICE, IF SOLD BY ORDER OF  
COURT

~~When an executor or administrator sells personal estate under an order of the probate division of the superior court, he or she shall account for the same at the price for which it is sold. [Repealed.]~~

§ 1060. ACCOUNTABLE FOR PROCEEDS OF REALTY

~~The proceeds of real estate, sold for the payment of the debts and charges of administration, shall be assets in the hands of the administrator as if the same had been part of the goods and chattels of the deceased; and the executor or administrator and the sureties on his administration bond shall be accountable therefor. [Repealed.]~~

§ 1061. WHEN NOT ACCOUNTABLE FOR DEBTS DUE

An executor or administrator shall not be accountable for debts due the deceased if it appears that they remain uncollected without his or her fault.

§ 1062. ACCOUNTABLE FOR INCOME FROM REALTY USE BY  
EXECUTOR OR ADMINISTRATOR

~~An executor or administrator shall account for the income of the real estate while it remains in his or her possession and if the executor or administrator uses or occupies any part of it, he or she shall account for it as may be agreed upon among the parties interested, or adjudged by the court with their consent. If the parties do not agree upon the sum to be allowed, the same may be ascertained by a master appointed under the rules of probate procedure. If an~~

executor or administrator uses or occupies any asset of the estate, the executor or administrator shall account for the use or occupancy upon agreement of the interested parties. If the parties do not agree upon the amount to be allowed, the court shall determine the proper amount, with the assistance of a master at the court's discretion.

§ 1063. ACCOUNTABLE FOR LOSSES BY NEGLIGENCE

When an executor or administrator neglects or unreasonably delays to raise money by collecting the debts or selling the real or personal estate of the deceased, or neglects to pay over the money ~~he or she~~ the fiduciary has in his or her hands, and the value of the estate is thereby lessened, or unnecessary cost or interest accrues, or the persons interested suffer loss, the same shall be deemed waste, and the damages sustained may be charged and allowed against ~~him or her in his or her~~ the fiduciary in the fiduciary's account or ~~he or she~~ the fiduciary shall be liable ~~therefor~~ for the damages on ~~his or her~~ the fiduciary's bond.

§ 1064. COSTS TO BE ALLOWED

The amount paid by an executor or administrator for costs awarded against ~~him or her~~ him or her shall be allowed in ~~his or her administration~~ the fiduciary account, unless it appears that the action or proceeding in which the costs are taxed was prosecuted or resisted without just cause.

§ 1065. FEES AND EXPENSES

An executor or administrator shall be allowed necessary expenses in the care, management, and settlement of the estate and, ~~for his or her services, such fees as the law provides, with extra expenses~~ reasonable fees for services. When, by will, the deceased makes some other provisions for compensation to ~~his or her~~ the executor, that shall be a full satisfaction for his or her services, unless, by a written instrument filed in the ~~probate division of the superior court, he or she~~ Probate Division of the Superior Court, the executor renounces all claim to the compensation provided by the will, or unless otherwise ordered by the court.

§ 1066. VERIFICATION; RIGHT OF HEIR TO BE EXAMINED

~~The probate division of the superior court shall examine every executor and administrator on oath as to the correctness of his or her account before the same is allowed, except when objection is not made to the allowance of the account and its correctness is satisfactorily established by competent testimony. The heirs, legatees and distributees of an estate shall have the same privilege of being examined on oath upon any matter relating to an administration account that the executor or administrator has. An accounting that is consented to by all interested parties shall be allowed without hearing~~

unless the Probate Division of the Superior Court sets a hearing upon the accounting. At the hearing, the executor or administrator may be examined under oath by the court or interested parties. Interested parties may be examined under oath. An account shall not be rejected for de minimis discrepancies unless the court finds good cause to reject the account on that basis.

§ 1067. NOTICE OF ACCOUNTING

Before an administration account of an executor or administrator is allowed, notice shall be given as provided by the Rules of Probate Procedure.

§ 1068. SURETY MAY INTERVENE AND APPEAL

Upon the settlement of the account of an executor, administrator, or other person, a person liable as surety in respect to the account, upon motion, may intervene as a party and may appeal as provided in other cases of appeals from the decision of the ~~probate division of the superior court~~ Probate Division of the Superior Court. ~~The surety in such case, before~~ Before the appeal is allowed, ~~the surety~~ shall give a bond to secure the principal from damages and costs and to secure the intervening damages and costs to the adverse party.

§ 1069. WAIVER OF FINAL ACCOUNTING

If an estate has been open for at least six months and the remaining assets include no real estate, a final accounting may be waived if the executor or administrator files with the court:

(1) the fiduciary's verified representation that all claims and all other obligations of the estate have been satisfied;

(2) a schedule of remaining assets to be distributed;

(3) a schedule of proposed distribution;

(4) a waiver of a final accounting and consent to the proposed distribution by all interested parties; and

(5) a tax clearance from the Vermont Department of Taxes.

Sec. 6a. 14 V.S.A. § 1203 is amended to read:

§ 1203. LIMITATIONS ON PRESENTATION OF CLAIMS

(a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the state State and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, except claims for the possession of or title to, real estate and claims for injury to the person and

damage to property suffered by the act or default of the deceased, if not barred earlier by other statute of limitations, are barred against the estate, the executor or administrator, and the heirs and devisees of the decedent, unless presented as follows:

(1) within four months after the date of the first publication of notice to creditors if notice is given in compliance with the ~~rules of probate procedure~~ Rules of Probate Procedure; provided, claims barred by the nonclaim statute of the decedent's domicile before the first publication for claims in this ~~state~~ State are also barred in this ~~state~~ State;

(2) within ~~three years~~ one year after the decedent's death, if notice to creditors has not been published or otherwise given as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure.

(b) All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the ~~state~~ State and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are barred against the estate, the executor or administrator, and the heirs and devisees of the decedent, unless presented as follows:

(1) a claim based on a contract with the executor or administrator, within four months after performance by the executor or administrator is due;

(2) any other claim, within four months after it arises.

(c) Nothing in this section affects or prevents:

(1) any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate; or

(2) to the limits of the insurance protection only, any proceeding to establish liability of the decedent or the executor or administrator for which he or she is protected by liability insurance;

(3) the enforcement of any tax liability.

Sec. 7. 14 V.S.A. chapter 71 is amended to read:

## CHAPTER 71. ACTIONS BY AND AGAINST EXECUTORS AND ADMINISTRATORS

### Subchapter 1. General Provisions

#### § 1401. EXECUTOR OR ADMINISTRATOR MAY SUE AND DEFEND

An executor or administrator may commence, prosecute, or defend, in the right of the deceased, actions which survive to ~~such~~ the executor or administrator and are necessary for the recovery and protection of the property

or rights of the deceased and may prosecute or defend ~~such~~ the actions commenced in the lifetime of the deceased.

§ 1402. SUM RECOVERED PAID TO PERSON ENTITLED THERETO

When an executor or administrator commences or prosecutes an action founded on a debt, demand, or claim for damages, and is only a trustee of ~~such~~ the claim for the use of another person, and where the claim, although prosecuted in the name of the executor or administrator, belongs to another person, the sum or property recovered shall not be assets in the hands of ~~such~~ the executor or administrator, but shall be paid over to the person entitled ~~thereto to them~~, after deducting or being paid the costs and expenses of the prosecution.

§ 1410. REPRESENTATIVE MAY ~~COMPOUND~~ COMPROMISE CLAIMS OF THE ESTATE

With the approval of the ~~probate division of the superior court~~ Probate Division of the Superior Court, an executor or administrator may ~~compound~~ compromise with a debtor of the deceased for a debt due and may give a discharge of ~~such~~ the debt on receiving a ~~just dividend~~ payment of the estate of ~~such~~ debtor compromised amount.

§ 1411. DISPUTED CLAIM MAY BE REFERRED

When there is a disputed claim between an executor or administrator on behalf of the estate and another person, ~~with the consent of the parties in writing~~, it may be referred to a master as provided by the ~~rules of probate procedure, whether an appeal has been granted or not, if an appeal has not been entered in superior court~~ Rules of Probate Procedure. The award, made in writing and returned to and accepted by the court, shall be final between the parties.

§ 1412. CLAIM BETWEEN EXECUTOR AND ESTATE

When a claim exists between an executor or administrator and the estate, a special administrator may be appointed solely for the purpose of acting upon that claim.

§ 1413. DEBT AS PERSONALTY; REPRESENTATIVE MAY FORECLOSE MORTGAGE

A debt secured by mortgage belonging to the estate of a deceased person as mortgagee or assignee of the right of a mortgagee, when ~~such~~ the mortgage was not foreclosed in the lifetime of the deceased, shall be personal assets in the hands of the executor or administrator and administered and accounted for as such. The executor or administrator may foreclose the mortgage and take

possession of the mortgaged premises as the mortgagee or assignee decedent might have done in his the decedent's lifetime.

§ 1414. EQUITY OF REDEMPTION TO BE HELD IN TRUST;  
REDEMPTION

~~The executor or administrator shall hold the equity of redemption in mortgaged premises in trust for the creditors or other persons entitled to the same and on the redemption of such mortgaged premises and receipt of the money paid therefor, he shall release and discharge the same. [Repealed.]~~

§ 1415. DISPOSAL OF LANDS HELD UNDER MORTGAGE OR TAKEN  
ON EXECUTION

~~Real estate held under a mortgage by an executor or administrator may be sold for the payment of debts or legacies or the charges of administration, as any real estate of which the deceased person died seised, or may be assigned and set out to the person entitled to it as the other estate of the deceased. If more than one person is entitled to it, partition may be made between them, as in other cases. [Repealed.]~~

§ 1416. ESTATE NOT SUED WHEN MASTERS APPOINTED;  
EXCEPTIONS

Nothing in this chapter shall authorize a claimant to commence or prosecute an action against an executor or administrator where a master is appointed in the proceeding, nor where a time is allowed by an order of the probate division of the superior court Probate Division of the Superior Court for the executor or administrator to pay the debts against the deceased. Such an action shall not be commenced or prosecuted except as provided by law for that purpose.

§ 1417. PROSECUTION OF ACTION

A person having a contingent or other claim against a deceased person may prosecute the same claim against the executor, administrator, heirs, devisees, or legatees. ~~In such case, an~~ An action commenced against the deceased before death may be prosecuted to final judgment. A claimant having a lien on the real or personal estate of the deceased, by attachment previous to death, on obtaining judgment, may have execution against such the real or personal estate.

§ 1418. COSTS NOT TO BE TAXED AGAINST ESTATE

~~When costs are allowed against an executor or administrator, execution shall not issue against the estate of the deceased in his hands, but shall be awarded against him as for his own debt. [Repealed.]~~

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Subchapter 2. Survival of Causes

## § 1451. WHAT ACTIONS SURVIVE

Actions of ejectment or other proper actions to recover the seisin or possession of lands, tenements or hereditaments, actions of replevin, actions ~~of~~ on tort on account of the wrongful conversion of personal estate, and actions ~~of~~ on tort on account of a trespass or for damages done to real or personal estate shall survive, in addition to the actions which survive by common law, and may be commenced and prosecuted by the executor or administrator.

## § 1452. WHEN ACTIONS FOR PERSONAL INJURY SURVIVE

In an action for the recovery of damages for a bodily hurt or injury, occasioned to the plaintiff by the act or default of the defendant or defendants, if either party dies during the pendency of ~~such~~ the action, the action shall survive and may be prosecuted to final judgment by or against the executors or administrators of ~~such~~ the deceased party. When there are several defendants in ~~such~~ the action, and one or more, but not all, die, it shall be prosecuted against the surviving defendant or defendants, and against the estate of the deceased defendant or defendants.

## § 1453. SURVIVAL OF CAUSES OF ACTION

The causes of action mentioned in sections 1451 and 1452 of this title shall survive. Actions based thereon may be commenced and prosecuted by or against the executor or administrator. When ~~such~~ the actions are commenced in the lifetime of the deceased, after death the same may be prosecuted by or against the executor or administrator where by law that mode of prosecution is authorized.

## § 1454. TRESPASS; DAMAGES

In an action ~~of~~ on tort on account of a trespass commenced or prosecuted against an executor or administrator, the plaintiff or claimant shall recover for the value of the goods taken, or the actual damage, and not vindictive or exemplary damages.

## § 1455. HEIR MAY NOT SUE UNTIL SHARE ASSIGNED

When an executor or administrator is appointed and assumes the trust, an action of ejectment or other action to recover the seisin or possession of lands, or for damage done to ~~such~~ the lands, shall not be maintained by an heir or devisee until there is a decree of the ~~probate division of the superior court~~ Probate Division of the Superior Court assigning ~~such~~ the lands to ~~such~~ the heir or devisee, or the time allowed for paying debts has expired, unless the executor or administrator surrenders the possession to ~~such~~ the heir or devisee.

## Subchapter 3. Wrongful Death

§ 1491. RIGHT OF ACTION WHERE DEATH RESULTS FROM  
WRONGFUL ACT

When the death of a person is caused by the wrongful act, neglect, or default of a person or corporation, and the act, neglect, or default is such as would have entitled the party injured to maintain an action and recover damages in respect thereof, if death had not ensued, the person or corporation liable to such action shall be liable to an action for damages, notwithstanding the death of the person injured and although the death is caused under such circumstances as amount in law to a felony.

§ 1492. ACTION FOR DEATH FROM WRONGFUL ACT; PROCEDURE;  
DAMAGES

(a) ~~Such~~ The action shall be brought in the name of the personal representative of ~~such the~~ deceased person and commenced within two years from the discovery of the death of the person, but if the person against whom ~~such the~~ action accrues is out of the state State, the action may be commenced within two years after ~~such the~~ person comes into the state State. After ~~such the~~ cause of action accrues and before ~~such the~~ two years have run, if the person against whom it accrues is absent from and resides out of the state State and has no known property within the state State which can by common process of law be attached, the time of his or her absence shall not be taken as part of the time limited for the commencement of the action. If the death of the decedent occurred under circumstances such that probable cause is found to charge a person with homicide, the action shall be commenced within seven years after the discovery of the death of the decedent or not more than two years after the judgment in that criminal action has become final, whichever occurs later.

(b) The court or jury before whom the issue is tried may give such damages as are just, with reference to the pecuniary injuries resulting from ~~such the~~ death, to the ~~wife and next of kin or husband~~ spouse and next of kin, as the case may be. In the case where the decedent is a minor child, the term pecuniary injuries shall also include the loss of love and companionship of the child and for destruction of the parent-child relationship in ~~such an~~ amount as under all the circumstances of the case, may be just.

(c) The amount recovered shall be for the benefit of ~~such wife and next of kin or husband~~ the spouse and next of kin, as the case may be and shall be distributed by ~~such the~~ personal representative as hereinafter provided. ~~Such~~ The distribution, whether of the proceeds of a settlement or of an action, shall be in proportion to the pecuniary injuries suffered, the proportions to be

determined upon notice to all interested persons in such manner as the ~~superior court~~ Superior Court, or in the event ~~such the~~ court is not in session a ~~superior~~ Superior judge, shall deem proper and after a hearing at such time as ~~such the~~ court or judge may direct, upon application made by ~~such the~~ personal representative or by the ~~wife, husband~~ spouse or any next of kin. The distribution of the proceeds of a settlement or action shall be subject to the following provisions, viz:

(1) In case the decedent shall have left a spouse surviving, but no children, the damages recovered shall be for the sole benefit of ~~such the~~ spouse;

(2) In case the decedent leaves neither spouse nor children, but leaves a mother and leaves a father who has abandoned the decedent or has left the maintenance and support of the decedent to the mother, the damages or recovery shall be for the sole benefit of ~~such the~~ mother;

(3) In case the decedent leaves neither spouse nor children, but leaves a father and leaves a mother who has abandoned the decedent or has left the maintenance and support of the decedent to the father, the damages or recovery shall be for the sole benefit of ~~such the~~ father;

(4) No share of ~~such the~~ damages or recovery shall be allowed in the estate of a child to a parent who has neglected or refused to provide for ~~such the~~ child during infancy or who has abandoned ~~said the~~ child whether or not ~~such the~~ child dies during infancy, unless the parental duties have been subsequently and continuously resumed until the death of the child;

(5) No share of ~~such the~~ damages or recovery shall be allowed in the estate of a ~~deceased~~ spouse to his or her surviving spouse who has abandoned the decedent or ~~in the estate of a wife to a husband~~ who has persistently neglected to support ~~his wife the decedent~~ the decedent prior to ~~her the decedent's~~ death;

(6) The ~~superior court or superior judge, as the case may be,~~ Superior Court shall have jurisdiction to determine the questions of abandonment and failure to support under subdivisions (2), (3), (4), and (5) of this subsection and the ~~probate division of the superior court~~ Probate Division of the Superior Court having jurisdiction of the decedent's estate shall decree the net amount recovered pursuant to the final judgment order of the ~~superior court or superior judge~~ Superior Court.

(d) A party may appeal from the findings and decision rendered pursuant to subsection (c) of this section as in causes tried by a court.

(e) Notwithstanding subsection (a) of this section, if the death of the decedent was caused by an intentional act constituting murder, the action may

be commenced within seven years after the discovery of the death of the decedent.

Sec. 8. 14 V.S.A. chapter 73 is amended to read:

CHAPTER 73. PROCEEDINGS FOR RECOVERY OF  
PROPERTY EMBEZZLED AND FRAUDULENTLY CONVEYED

§ 1551. PERSON SUSPECTED OF EMBEZZLEMENT, CONCEALING  
PAPERS OR CONVEYING DECEDENT'S PROPERTY

~~If an executor or administrator, heir, legatee, creditor or other person interested in the estate of a deceased person files a motion in the probate division of the superior court alleging that a person is suspected of having concealed, embezzled or conveyed away any of the money, goods or chattels of the deceased, or has possession or knowledge of any deed, conveyance, bond, contract or other writing which contains evidence of, or tends to disclose, the right, title, interest or claim of the deceased to real or personal estate, or the last will and testament of the deceased, the probate division of the superior court may subpoena or otherwise order that person to appear before it to be examined on oath upon the matter. If the person so cited refuses to appear and submit to examination or to answer interrogatories, the court may issue a warrant committing the person to the custody of the commissioner of corrections until compliance is given. Such interrogatories and answers shall be in writing, signed by the party examined and filed in the court.~~

(a) An executor or administrator, heir, legatee, creditor, or other person interested in the estate of a deceased person may file a motion for discovery in the Probate Division of the Superior Court alleging that a person is suspected of having concealed, embezzled, or conveyed any of the deceased's property, or has possession or knowledge of any deed, conveyance, bond contract, or other writing which contains evidence of, or tends to disclose, the right, title, interest, or claim of the deceased to real or personal estate, or the last will and testament of the deceased.

(b) The court may subpoena or otherwise order a person to appear before it to be examined under oath upon the matter or to answer interrogatories or requests to produce to be filed with the court. If the person so ordered refuses to appear and submit to examination or to answer interrogatories, the person may be subject to proceedings for civil contempt under 12 V.S.A. § 122. Interrogatories and answers to interrogatories shall be in writing, signed under oath by the party examined, and filed with the court.

§ 1552. PERSON ENTRUSTED WITH ESTATE MAY BE COMPELLED  
TO RENDER ACCOUNT

~~On motion of an executor or administrator, the court may cite a person who~~

~~is entrusted by an executor or administrator with any part of the estate of the deceased person to appear before it, and may require the person to render a full account, on oath, of the money, goods, chattels, bonds, accounts or other papers belonging to the estate which have come into the person's possession, in trust for the executor or administrator, and of any proceedings thereon. If the person so cited refuses to appear and render an account, the court may proceed as provided in section 1551 of this title. On motion of an executor or administrator, the court may order a person who is entrusted by an executor or administrator with any part of the estate of the deceased person to appear under oath and render a full accounting of the property. If the person so ordered refuses to appear and render an account, the person may be subject to proceedings for civil contempt under 12 V.S.A. § 122.~~

§ 1553. FORFEITURE BY PERSON EMBEZZLING BEFORE LETTERS  
ISSUED

~~If a person embezzles or alienates any of the moneys, goods, chattels or effects of a decedent before the granting of letters testamentary or of administration on his estate, such person shall be liable to an action in favor of the executor or administrator of such estate for double the value of the property so embezzled or alienated, to be recovered for the benefit of such estate. If a person embezzles or converts any of the property of a decedent before the appointment of the executor or administrator, the person shall be liable to the executor or administrator of the estate for double the value of the property embezzled or converted, to be recovered for the benefit of the estate.~~

§ 1554. RECOVERY OF ESTATE FRAUDULENTLY CONVEYED BY  
DECEASED

~~If it appears to the probate division of the superior court on the settlement of the estate of a deceased person that the avails of the real and personal estate, chargeable with the payment of the debts of the deceased, have been expended and are insufficient to pay such debts, and it is shown to the court that the deceased, in his or her lifetime, conveyed real estate or a right or interest therein with intent to defraud his or her creditors, or to avoid a right, debt or duty of a person, or had so conveyed such estate that by law the conveyance is void as against his or her creditors, and the estate attempted to be conveyed would be liable to attachment or execution by a creditor of the deceased in his or her lifetime, the probate division of the superior court may license the executor or administrator to sell so much of the real estate so fraudulently conveyed as is necessary to make up the deficiency of assets in his or her hands to pay the debts of the deceased.~~

(a) If the executor or administrator determines there is a deficiency of assets in the estate, the fiduciary may bring an action in the Probate Division of the Superior Court for the benefit of the creditors to recover any property fraudulently conveyed by the deceased in his or her lifetime.

(b) The court may license the executor or administrator to sell so much of the property fraudulently conveyed as is necessary to make up the deficiency of assets in the estate to pay the debts of the decedent if it appears to the court that:

(1) there are insufficient assets to pay the debts of the deceased;

(2) the deceased conveyed property or a right or interest therein:

(A) with the intent to defraud creditors;

(B) to avoid a debt or duty; or

(C) with respect to real estate, in a manner that by law renders the conveyance void as against his or her creditor; and

(3) the estate attempted to be conveyed would be subject to attachment or execution by a creditor of the deceased in his or her lifetime.

#### § 1555. SALE, HOW CONDUCTED

The license to sell ~~such~~ the real estate shall be granted and the sale conducted as provided for the sale of real estate for the payment of the debts of a deceased person. The sale and conveyance so made by the executor or administrator shall be valid and effectual to convey ~~such~~ the real estate.

#### § 1556. ~~REPRESENTATIVE MAY SUE FOR ESTATE SO CONVEYED~~

~~When there is a deficiency of assets in the hands of an executor or administrator, and when the deceased person made such fraudulent conveyance of real estate in his lifetime, the executor or administrator may commence and prosecute to final judgment an action for the recovery of, and may recover for the benefit of the creditors, such real estate; and also, for the benefit of the creditors, may sue and recover for goods, chattels, rights or credits fraudulently conveyed by the deceased in his lifetime. [Repealed.]~~

#### § 1557. SALE OF FRAUDULENTLY CONVEYED ESTATE; MOTION OF CREDITORS

(a) An executor or administrator shall not be bound to make sale of estate, so fraudulently conveyed, under a license from the probate division of the superior court Probate Division of the Superior Court, nor sue for the estate for the benefit of the creditors unless on motion of creditors of the deceased, nor unless the creditors filing the motion pay that part of the costs and expenses, or

give security to the executor or administrator as the court judges equitable.

(b) An executor or administrator shall not be required to sell fraudulently conveyed property under a license from the Probate Division of the Superior Court, or sue for the fraudulently conveyed property for the benefit of the creditors unless the creditors of the deceased file a motion to do so and comply with any court requirements to pay associated costs and expenses or give security to the executor or administrator.

§ 1558. CREDITOR MAY ACT

~~When there is a deficiency of assets in the hands of an executor or administrator, and when the deceased person made, in his or her lifetime, such fraudulent conveyance of his or her real estate or of a right or interest therein, by license of the probate division of the superior court, any creditor of the estate may commence and prosecute to final judgment an action, for the recovery of the same in the name of the executor or administrator. Such creditor may recover for the benefit of the creditors such real estate or interest therein, so conveyed, and for the benefit of the creditors, by license of the probate division of the superior court, may sue and recover, in the name of the executor or administrator, for all goods, chattels, rights or credits conveyed by the deceased in his or her lifetime by a fraudulent or void conveyance. Such action shall not be commenced until the creditor files in the probate division of the superior court a bond with sufficient sureties conditioned to indemnify the executor or administrator against the costs of such action.~~

(a) If there is a deficiency of assets in the estate, any creditor of the estate who obtains a license to do so from the Probate Division of the Superior Court may bring an action in the name of the executor or administrator in the Probate Division to recover any property fraudulently conveyed by the deceased in his or her lifetime. The action shall be for the benefit of the creditors and shall be brought in the same manner as an action by the executor or administrator under section 1554 of this title. A creditor licensed by the court to bring an action under this section may recover any property conveyed by the deceased in his or her lifetime by a fraudulent or void conveyance.

(b) An action under this section shall not be commenced until the creditor files with the court a bond with sufficient sureties conditioned to indemnify the executor or administrator against the costs of the action.

(c) A creditor who brings an action under this section shall have a lien upon the judgment recovered by him or her for the costs incurred and any other expenses the court deems equitable.

§ 1559. ~~CREDITOR'S LIEN~~

~~Such creditor shall have a lien upon the judgment so recovered by him or her for the costs incurred and such other expenses as the probate division of the superior court deems equitable. [Repealed.]~~

Sec. 9. 14 V.S.A. chapter 75 is amended to read:

CHAPTER 75: LICENSE TO SELL AND CONVEY REAL AND  
PERSONAL PROPERTY

Subchapter 1. General Provisions

§ 1611. ~~COURT MAY ORDER PERSONALTY~~ PERSONAL AND REAL  
ESTATE SOLD

~~On the motion of the executor or administrator, the probate division of the superior court~~ The Probate Division of the Superior Court may order the personal estate, sale of all or part of it, to be sold the personal or real estate of the estate when it appears necessary or beneficial for the purpose of paying debts, legacies or expenses of administration or for the preservation of the property estate.

§ 1612. ~~REALTY MAY BE SOLD, THOUGH PERSONALTY NOT  
EXHAUSTED~~

~~When the personal estate of the deceased is not sufficient to pay the debts and charges of administration without injuring the business of those interested in the estate, or otherwise prejudicing their interests, and where a testator has not otherwise made sufficient provision for the payment of debts and charges, the probate division of the superior court, on motion of the executor or administrator, with the written consent of the heirs, devisees, and legatees, may grant license for that purpose to the executor or administrator to sell real in lieu of personal estate, if it clearly appears that a sale of real estate would be beneficial to the persons interested and will not defeat any devise of lands; in which case, the consent of the devisee shall be required. [Repealed.]~~

§ 1613. ~~WHEN WHOLE OF REAL ESTATE MAY BE SOLD~~

~~When an executor or administrator makes application to the probate division of the superior court for license to sell real estate for payment of debts or charges of administration, and it appears that a part of such estate is sufficient for that purpose, and that such part cannot be sold without injury to those interested in the remainder, the court may grant license to sell the whole of such estate or such part as is necessary or beneficial to those concerned therein. [Repealed.]~~

§ 1614. ~~PERSONS INTERESTED~~ PERSONS MAY PREVENT SALE;  
BOND

~~Such A~~ license to sell real estate shall not be granted if any ~~of the persons~~ interested ~~person in the estate~~ gives a bond in such sum and with such sureties as the ~~probate division of the superior court~~ Probate Division of the Superior Court directs, conditioned to pay the debts and expenses of administration within such time as the court directs. ~~Such~~ The bond shall be for the security and may be prosecuted for the benefit of the creditors as well as of the executor or administrator.

§ 1615. ~~CLAIMS MAY BE SOLD OR ASSIGNED~~

~~Claims belonging to an estate remaining in the hands of an executor or administrator before final settlement of such estate, which, in the opinion of the probate division of the superior court, cannot be collected by the executor or administrator without unreasonable or inconvenient delay, may be sold or assigned by the executor or administrator, under the direction of the probate division of the superior court. [Repealed.]~~

§ 1616. ~~PURCHASER OF CLAIMS MAY SUE~~

~~Actions upon claims sold by an executor or administrator as provided in section 1615 of this title shall be brought in the name of the purchaser. The fact of the sale and purchase by the plaintiff shall be set forth in the complaint, and the defendant may avail himself of any defense of which he could have availed himself in an action upon such claim by the deceased. [Repealed.]~~

Subchapter 2. Licenses To Sell—Procedure

§ 1651. LICENSE TO SELL ESTATE; PROCEDURE

When an executor or administrator considers it necessary or beneficial to sell real or personal estate, the ~~probate division of the superior court~~ Probate Division of the Superior Court may grant license, when it appears necessary or beneficial, under the following regulations:

(1) The executor or administrator shall ~~present to the court~~ file a motion setting forth the ~~amount of debts due from the deceased, the charges of administration, the value of personal estate and the situation of the estate to be sold, or those other facts as~~ that show that the sale is necessary or beneficial;.

(2) In cases where the consent of the ~~heirs, devisees and legatees~~ interested persons is required, the executor or administrator shall ~~produce to the court~~ file their consent in writing; written consents with the court.

(3) ~~The probate division of the superior court~~ In the event that the consent of interested persons is required but cannot be obtained, the court shall

schedule a hearing and notice shall be given as provided in the ~~rules of probate procedure~~; Rules of Probate Procedure.

(4) ~~If the probate division of the superior court requires it, before~~ Before license is granted, the ~~court~~ may require the executor or administrator ~~shall to~~ give a new bond in an amount and with sureties as the court directs, conditioned that the executor or administrator shall account for the proceeds of the sale;.

(5) The executor or administrator shall be sworn before the ~~probate division of the superior court~~, or before some other person authorized to administer oaths, and a certificate thereof shall be returned to the court before sale under the order granting license;.

(6) ~~If the proof produced evidence satisfies the court, and if the regulations in the first four subdivisions of this section are complied with, the court, by decree, may authorize the executor or administrator to sell that part of the estate deemed necessary or beneficial, either at public or private sale, as will be most beneficial to all parties concerned, and furnish the executor or administrator a certificate or copy of the license to sell or order of sale;~~

(7) If the order is to sell the estate at auction, the court shall designate the ~~mode~~ manner of giving notice of the time and place of sale, which shall be stated in the copy ~~or certificate~~ of the license to sell or order of sale furnished to the executor or administrator;

(8) ~~The record copy of the license to sell or the order of sale in the probate division of the superior court and the copy of certificate of the order furnished to the executor or administrator shall state the regulations prescribed in the first four subdivisions include findings addressing the requirements of subdivisions (1) through (4) of this section with which the sale must comply. The certificate or~~ A certified copy of the license to sell real estate or order of sale shall be recorded in the office where a deed of the lands real property to be sold is required to be recorded;

(9) ~~The~~ If ordered by the court, the executor or administrator shall submit to the probate division of the superior court reports file a report with the Probate Division of the Superior Court on the action authorized by the each license granted under this section within 60 days from the date of the sale of any real or personal property.

(10) If the power to sell all or part of the testator's real or personal estate is expressly conferred by the will, the court shall issue a license to sell to the executor or administrator without requiring notice or hearing with respect to any property subject to the testamentary power, except a dwelling house in which the surviving spouse or an heir, devisee, or legatee is residing.

(11) Notwithstanding any provision of this section, no beneficial license to sell that is inconsistent with the provisions or intent of a will shall be issued.

(12) If an executor or administrator enters into a listing agreement, purchase and sales agreement, or any other agreement concerning the sale of real property, the agreement is not void ab initio and may be validated by the subsequent issuance of a license or order to sell.

§ 1652. DEED OF EXECUTOR OR ADMINISTRATOR

~~The deed of an executor or administrator, who has such certificate or obtained a certified copy of an order of sale or license to sell real estate from the probate division of the superior court~~ Probate Division of the Superior Court, shall be as valid to convey the real estate of a deceased person, thereby authorized to be sold, as if the deed had been executed by the deceased in his or her lifetime.

§ 1653. ~~LICENSE TO SELL; WHEN BENEFICIAL~~

~~(a) When it appears to the probate division of the superior court that it will be beneficial to interested persons, that a part or the whole of the estate, except the part thereof which passes to the surviving spouse, should be sold, on motion of the executor or administrator, the court may grant license to sell a part or the whole of the estate although not necessary to pay debts, legacies or charges of administration. The court shall schedule a hearing and notice shall be given as provided by the rules of probate procedure. With the consent in writing of the surviving spouse of the deceased or the legal representative of the surviving spouse, the license may include authority to sell the interest of the surviving spouse, as the case may be, in such real estate.~~

~~(b) If the power to sell all or part of the testator's real or personal estate is expressly conferred by the will, the court shall issue a license to the executor or administrator c.t.a., without notice or hearing, as to any property subject to the testamentary power except a dwelling house in which the surviving spouse or an heir, devisee or legatee is residing.~~

~~(c) Notwithstanding any provision of this section no beneficial license to sell inconsistent with the provisions or intent of a will shall be issued.~~  
[Repealed.]

§ 1654. DISPOSAL OF PROCEEDS OF BENEFICIAL SALE

In case of such the sale of property for the benefit of interested persons, the proceeds shall be decreed and assigned to the those persons otherwise entitled to the estate and in the same proportions the property.

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§ 1655. ~~REALTY TAKEN ON EXECUTION MAY BE SOLD~~

~~(a) When it appears that such sale will be beneficial to all persons interested in such real estate, the probate division of the superior court may grant license to an executor or administrator to sell real estate taken by the executor or administrator on execution or held by him or her under a mortgage, although not necessary for the payment of debts, legacies or charges of administration.~~

~~(b) Such license shall be granted under the same regulations as provided in this chapter for the sale of other real estate. [Repealed.]~~

§ 1656. ESTATE SOLD TO PAY DEBTS AND LEGACIES IN OTHER STATES

When the sale of real or personal estate is not necessary to pay the debts against of the deceased person in this state State, and it appears to the ~~probate division of the superior court~~, Probate Division of the Superior Court by the records and proceedings of a probate court in another state that the estate of the deceased in such the other state is not sufficient to pay the debts and legacies in that state, the ~~probate division of the superior court~~ Probate Division of the Superior Court in this state State may license the executor or administrator to sell the real or personal estate for the payment of debts and legacies in the other state, in the same manner as provided for the payment of debts and legacies in this state State.

§ 1657. ~~REALTY~~ REAL ESTATE SOLD TO PAY LEGACY

When the personal property of the estate is insufficient to satisfy a legacy is given by will ~~which, for want of sufficient personal estate or otherwise, is chargeable upon the real estate of the deceased~~, the executor may be licensed by the ~~probate division of the superior court~~ Probate Division of the Superior Court to sell such real estate of the estate for the purpose of paying such the legacy ~~as provided in the sale of real estate for the payment of debts~~.

§ 1658. ADMINISTRATOR DYING DEATH, RESIGNATION, OR REMOVAL OF FIDUCIARY; NEW LICENSE

In case of the death, resignation, or removal of an executor or administrator before the completion of a sale of real estate under a license granted by the ~~probate division of the superior court~~ Probate Division of the Superior Court, on motion at any time within two years after issuing a prior license, the court may issue a new license to the successor fiduciary without further notice or hearing.

§ 1659. LICENSE WHEN DECEASED UNDER CONTRACT TO  
CONVEY; COURT MAY GRANT; EFFECT OF DEED

(a) ~~When a deceased person in his or her lifetime was under~~ decedent had contracted to convey real estate and the party contracted with has performed or is ready to perform the conditions of the contract, binding at law or in equity, to deed lands, on application motion for that purpose, the probate division of the superior court Probate Division of the Superior Court may grant license to the executor or administrator of the ~~deceased person estate~~ to convey ~~such the~~ lands according to ~~such the~~ contract, ~~or with such including any~~ modifications as ~~are agreed upon by to it. If the parties and approved by executor or administrator is the court; and, if transferee under the contract is to convey lands to the executor or administrator,~~ the judge of the court shall execute the deed. The deed, executed by the executor, administrator, ~~or judge, or special administrator or master appointed by the court~~ shall be ~~as effectual valid to convey such lands as if executed by the deceased person in his or her lifetime the real estate authorized to be conveyed under the contract.~~

(b) The Probate Division of the Superior Court shall not grant a license to convey the real estate of a deceased person under contract if it appears to the court after hearing that the assets in the hands of the executor or administrator will be reduced by the conveyance in an amount that prevents a creditor from receiving the whole debt and the value of the real estate to be sold is materially greater than the contract price.

§ 1660. ~~LICENSE GRANTED BY COURT, WHEN; NOTICE; HEARING~~

~~A probate division of the superior court shall not grant such license to deed the lands of a deceased person until notice has been given if it appears to the court upon a hearing that the assets in the hands of the executor or administrator will thereby be so reduced as to prevent a creditor from receiving his or her whole debt, or diminish his or her dividend. [Repealed.]~~

§ 1661. REAL ESTATE HELD IN TRUST LANDS; LICENSE TO  
CONVEY TO BENEFICIARY

When a person dies seized of lands real estate held in trust for another person or seized of lands real estate by virtue of a decree of foreclosure or sale on execution to the deceased or to an executor or administrator on a debt nominally owed to the deceased but actually owed to another person, after notice, the ~~probate division of the superior court~~ Probate Division of the Superior Court may grant license to the executor or administrator to ~~deed those lands~~ convey the real estate to the person, or to an executor or administrator, for whose use and benefit they are ~~holden~~ held, and the court may decree the execution of the trust, whether created by deed or by law.

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§ 1662. SALE OF ENCUMBERED PROPERTY OF DECEASED;  
DISPOSITION OF SURPLUS

~~The~~ When the executor or administrator is licensed to sell real or personal estate of a deceased person, ~~which the decedent that is mortgaged or pledged or has a lien thereon for the security of a debt, on motion of the executor, administrator or creditor, may be sold under the order of the probate division of the superior court. The net~~ subject to any mortgage or other lien, the net sale proceeds shall be first applied towards to the payment of the secured debt which shall be reduced by the amount of the net proceeds of such sale. An executor or administrator may be licensed or ordered to sell any such real or personal estate under the same regulations as are provided in this chapter for the sale of real estate for the payment of debts. If the property sold is subject to a devise under the will of the decedent, any surplus sale proceeds shall be distributed to the devisee of the property. If the property sold is not subject to a devise under the will of the decedent, any surplus sale proceeds shall be administered by the executor or administrator as property of the estate.

§ 1663. ~~MANNER OF SALE OF ENCUMBERED PROPERTY; DEED~~

~~Such sale shall be made in such manner as the court directs. The sale of such real estate shall be at public auction unless it can otherwise be sold for a sum sufficient to satisfy the mortgage secured thereon. The executor or administrator and creditor shall execute the necessary deeds and papers for effecting the conveyance. [Repealed.]~~

§ 1664. ~~ENCUMBERED PROPERTY; DISPOSITION OF SURPLUS~~

~~After payment of the debts secured, the surplus of such sale shall be administered by the executor or administrator as such property would be if it were not held as security. A certificate of such sale, filed by the executor or administrator in the office of the clerk where by law a deed of such property is required to be recorded, shall operate as a discharge of such mortgage or lien. [Repealed.]~~

§ 1665. ~~EXCEPTION; APPLICATION OF LAW~~

~~Sections 1662–1664~~ Section 1662 of this title shall not affect the rights of a widow surviving spouse, but shall apply to the application of the net proceeds of a sale of mortgaged real estate sold pursuant to a license granted by the ~~probate division of the superior court~~ Probate Division of the Superior Court after February 1, 1901, under other provisions of this chapter, and to the ~~certificate of such sale filed by the executor or administrator in the office where by law a deed of such real estate is required to be recorded.~~

Sec. 10. 14 V.S.A. chapter 77 is amended to read:

CHAPTER 77. DECREES OF DISTRIBUTION OR PARTITION OF  
ESTATES

§ 1721. DISTRIBUTION; COURT TO ORDER; PERSONS ENTITLED TO  
SHARES MAY RECOVER

(a) After payment of or provision for the debts, funeral charges, and expenses of administration ~~and after the allowance, allowances made for the maintenance of the family of the deceased and for the support of his or her the minor children under seven years of age, and after the assignment of to the surviving spouse of his her interest in the real estate and of his or her the elective or intestate share in the personal estate, or when sufficient effects are reserved in the hands of the~~ of decedent's estate:

(1) ~~the executor or administrator for the above purposes may distribute without court order personal estate in partial or full satisfaction of legacies, bequests, and residuary interests in an aggregate amount not to exceed one-half of the remaining estate;~~

(2) ~~the court, upon motion of the executor or administrator, may order partial distribution of devises, legacies, bequests, and residual shares, or order other payments, before a final accounting and distribution; and~~

(3) ~~after the Probate Division of the Superior Court approves a final accounting and the Department of Taxes provides a notice of clearance, the probate division of the superior court shall assign order the residue distribution of the remaining estate to the persons entitled to the same.~~

(b) ~~In its order orders of distribution, the court shall name the persons and proportions or parts to which each is entitled, and such persons may demand and recover their respective shares from the executor or administrator or any other person having the same in his possession. The court may decline to make such distribution until suitable gravestones are erected at the grave of the deceased, if buried in this state, or the court may appropriate sufficient funds to supply such gravestones. The court may provide for the care of the burial lot of the deceased as hereinafter provided, before making such distribution possession of them. In the event that the assets remaining in the hands of the executor or administrator after one or more partial distributions are insufficient to satisfy the ultimate expenses and charges against the estate, those persons having received the distributions shall be liable to repay the executor or administrator on a pro rata basis. If the executor or administrator cannot collect against one or more of the persons to whom the distributions were made, the amount not recoverable shall be equitably apportioned by the court~~

among the other persons subject to apportionment. The court may assign the claim for recovery of previously distributed assets to persons directed by the court to repay a disproportionate amount of the total.

(c) On final settlement of a solvent estate, the probate division of the superior court may set aside funds of such estate not to exceed \$500.00 for the perpetual care of the burial lot of the deceased, and may order that the funds shall be kept in trust for the purpose of this subsection. If the burial lot of the deceased is in the cemetery of an incorporated cemetery association, the funds shall be deposited with such association. The executor or administrator shall include in its application for distribution of the residue that the decedent has been cremated and decedent's remains properly disposed of, or that a suitable gravestone has been erected or provided for at the grave of the deceased if buried in this State, and that perpetual care has been provided for the burial lot, if any.

#### § 1722. PARTIES INTERESTED MAY HAVE ORDER ON GIVING BOND

An order for distribution may be made on motion of the executor or administrator or of ~~a person~~ one or more persons interested in the estate. The heirs, devisees, or legatees shall not be entitled to an order for distribution of their shares until the payment of the debts and allowances mentioned conditions for distribution described in section 1721 of this title and the several expenses there mentioned have been made or provided for satisfied, unless they give a bond, with a such surety ~~or sureties~~ as the court directs, to secure the payment of such debts and expenses, or such part thereof as remains unprovided for the amounts necessary to satisfy the conditions and to indemnify the executor or administrator against the same.

#### § 1723. ADVANCEMENT; HOW ASSERTED; WHAT CONSTITUTES

An interested party may assert a claim that the decedent made a transfer during life that was an advancement. The party making the claim shall have the burden of proving it. Real or personal estate given by a decedent during the intestate in his decedent's lifetime to his or her child or other lineal descendant shall be reckoned toward the share of such heir the decedent's estate otherwise allocable to the person to whom the lifetime gift was made as an advancement, and for that purpose shall be considered a part of the estate, if any of the intestate. Such estate shall be deemed to be given in advancement only when, following apply:

(1) The decedent declares in a writing, signed in the presence of and subscribed by two disinterested persons, that a gift or grant, it is expressed to be in was made as an advancement or is for the consideration of love and affection, or when such estate is charged as such by the deceased in writing, or

~~when such estate is acknowledged as such by the heir in writing, or when personal estate is delivered, expressly as advancement, before two witnesses requested to take notice of it.~~

(2) The gift or grant is acknowledged in a signed writing as an advancement by the recipient of the gift or grant.

#### § 1724. ADVANCEMENT RECKONED TOWARD HEIR'S SHARE

~~If the amount so advanced exceeds the share of the heir, he or she other estate beneficiary, he or she shall be excluded from any further share in the estate and he or she but shall not be liable to refund any part of the amount so advanced. If the advancement is less than the share of such the heir, he or she other estate beneficiary, he or she shall receive such a further sum that, with such the advancement as, will be equal to equals his or her legal share in the estate.~~

#### § 1725. APPLICATION OF ADVANCEMENT

(a) ~~If the amount so advanced an advancement is in real estate property, the same shall be set off, first, toward against the heir's or other beneficiary's share of real estate, and property in the estate, including the real property so advanced, and the excess value, if it is more than his or her share of real estate, the balance any, shall be set off toward his against the heir's or her other beneficiary's share of the decedent's personal estate.~~

(b) ~~If the an advancement is in personal estate, the same shall be set off, first, toward against the heir's or other beneficiary's share in the personal estate, and then toward his or her the excess value, if any, shall be offset against the heir's or other beneficiary's share in the real property of the estate.~~

(c) ~~If the heirs or beneficiaries consent, a different application of the advancement may be made.~~

#### § 1726. ADVANCEMENT RECKONED TOWARD SHARE OF REPRESENTATIVE OF DECEASED HEIR

~~If the child or other lineal descendant, to whom such recipient of an advancement is made, dies before the intestate decedent, the advancement shall be reckoned toward against the share of those interested in the representative estate by right of representation of the recipient, as it would be reckoned toward the share of the heir recipient, if living.~~

#### § 1727. VALUATION OF ADVANCEMENT

~~Where the value of an advancement is expressed in the conveyance or in the charge thereof made by the intestate, or in the acknowledgment of the person receiving it decedent, or by the intestate decedent at the time of delivering it~~

declaration before two witnesses, ~~such~~ the advancement shall be taken to be of the value so expressed or declared; otherwise it shall be estimated according to the value at the time ~~of making~~ it was made.

§ 1728. COURT TO DETERMINE QUESTIONS OF ADVANCEMENT

Questions as to an advancement made or alleged to have been made by the deceased ~~to an heir~~ may be heard and determined by the ~~probate division of the superior court~~ Probate Division of the Superior Court and shall be specified in the decree assigning the estate, regardless of whether the subject of a prior court order. The final decree of the ~~probate division~~, Probate Division of the Superior Court or of the ~~supreme court~~ Supreme Court on appeal, shall be binding on ~~the~~ all persons interested in the estate.

§ 1729. PARTITION

When the real or personal estate assigned to two or more heirs, devisees, or legatees is in common and undivided, and their respective shares are not separated and distinguished, partition and distribution of the same estate shall be made pursuant to 12 V.S.A. chapter 179 or, if the court consents, by the ~~probate division of the superior court~~ Probate Division of the Superior Court upon application by any interested heir, devisee, or legatee, and shall be conclusive on ~~the heirs and devisees and persons claiming under them and upon~~ all persons interested.

§ 1730. PARTITION OF REAL ESTATE IN DIFFERENT COUNTIES

If the real estate lies in different counties, the ~~probate division of the superior court~~ Probate Division of the Superior Court may appoint different commissioners for each county. ~~In such case, the~~ The estate in each county shall be divided separately as though there were no other estate to be divided.

§ 1731. PARTITION UNNECESSARY WHEN PARTIES AGREE

When the ~~probate division of the superior court~~ Probate Division of the Superior Court distributes ~~the residue~~ assets of an estate to one or more persons entitled to the same, it shall not be necessary to make partition of the estate, assets distributed if the parties to whom the assignment is made agree to ~~dispense with~~ an allocation of assets without partition.

§ 1734. PARTITION WHEN OWNERSHIP HAS CHANGED

Partition of ~~the~~ real estate may be made although some of the original heirs or devisees have conveyed their shares to other persons. ~~Such~~ The shares shall be set out to the persons holding the same, as they would have been to the heirs or devisees.

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§ 1735. SHARES, HOW SET OUT IN PARTITION

The shares in the real and personal estate shall be set out to each individual, in proportion to his or her right, by ~~such~~ metes and bounds or other description that ~~the same can~~ permits the shares to be easily distinguished, ~~unless except to the extent that~~ two or more of the parties interested consent to have their shares set out so as to be held by them in common and undivided.

§ 1736. SEVERANCE FROM ESTATE OF THIRD PERSONS

When partition of real estate among heirs or devisees is required and the real estate lies in common and undivided with the real estate of another person, the court shall ~~first~~ have jurisdiction over the real estate and the other person, and shall divide and sever the estate of the deceased from the estate with which it lies in common of the other person. A division made pursuant to this section by the ~~probate division of the superior court~~ Probate Division of the Superior Court shall be binding on persons interested.

§ 1737. WHEN ESTATE CANNOT BE DIVIDED WITHOUT INJURY; TO BE SOLD; PROCEDURE

When the real estate of a decedent, or any part ~~thereof of it~~ greater than the share ~~therein~~ in it of any one of the heirs, cannot be divided without prejudice or inconvenience to the owners, proceedings may be had for the assignment or sale of the real estate in the probate division of the superior court for the assignment or sale thereof Probate Division of the Superior Court.

§ 1739. FINAL DECREE OF DISTRIBUTION OR PARTITION; BOND

The ~~probate division of the superior court~~ Probate Division of the Superior Court shall not make a final decree of distribution or partition in an estate against which a person engaged in the military service of the United States and ~~without outside this state~~ State has a claim, until a bond is filed in ~~such the~~ court by the creditors, heirs, legatees, or devisees or some one or more of them, in ~~such a~~ such a sum and with ~~such~~ such sureties as the court directs, conditioned to pay ~~such the~~ the claimant ~~such the~~ the sum of money as that is finally allowed him or her against ~~such the~~ the estate.

§ 1740. PAYMENT OF EXPENSES; FROM ESTATE, IF SUFFICIENT

At the time of partition or distribution of an estate, if the executor or administrator has retained sufficient ~~effects in his hands which~~ assets that may lawfully be applied for that purpose, the expenses of ~~such~~ partition or distribution may be paid by the executor or administrator when it appears to the court equitable and not inconsistent with the intention of a testator.

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§ 1741. PARTIES TO PAY COST OF PARTITION, WHEN

If there are ~~no effects~~ insufficient assets in the hands of the executor or administrator ~~which that~~ may be lawfully applied to ~~that purpose~~ the costs of partition, the expenses and charges of partition, ~~being ascertained in the probate division of the superior court,~~ determined by the Probate Division of the Superior Court shall be paid by the parties interested in the partition in proportion to their respective shares or interests in the premises and the proportions shall be ~~settled and allowed by the probate division of the superior court.~~ If a person interested in the partition does not pay his or her proportion or share, the court may issue ~~an execution~~ a judgment order for the sum assessed, ~~in for the name~~ benefit of the executor or administrator against the party not paying, returnable in 60 days from the date ~~thereof~~ of the order.

## § 1742. RECORD OF DECREES RELATING TO REAL ESTATE; WHERE RECORDED

Certified copies of final orders or decrees of a ~~probate division of the superior court~~ Probate Division of the Superior Court relating to real estate shall be recorded in the office where by law a deed of ~~such~~ the real estate is required to be recorded.

## § 1743. PARTIAL DISTRIBUTIONS

~~Probate divisions of the superior courts are hereby authorized to issue orders directing payment of devises, legacies, bequests and partial payment of distributions or shares upon motion of the executor or an administrator for this purpose. An order shall issue when the court is satisfied that sufficient assets have been reserved by the executor or administrator in order to satisfy the several expenses mentioned in section 1721 of this title along with the anticipated administrative expenses and taxes that may be charged to the estate. In the event that the assets remaining in the hands of the executor or administrator thereafter are insufficient to satisfy the ultimate expenses and charges against the estate, those persons having received these distributions shall be liable to repay the executor or administrator on a pro rata basis. However, if the executor or administrator cannot collect against a person, the amount not recoverable shall be equitably apportioned by the court among the other persons subject to apportionment. [Repealed.]~~

Sec. 11. 14 V.S.A. chapter 79 is amended to read:

## CHAPTER 79. CONVEYANCE WHEN RECORD HOLDER DECEASED

§ 1801. TITLE IN DECEASED PERSONS; PETITION TO PROBATE  
DIVISION OF THE SUPERIOR COURT

When the record title to real estate or an interest therein stands in the name

of a person who has been deceased for more than seven years and the estate of ~~such the~~ person has not been probated and the interest of the heirs in that real estate has not been conveyed or has been defectively conveyed, the ~~probate division of the superior court~~ Probate Division of the Superior Court where venue lies, upon verified petition and after notice and hearing as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure, shall determine whether the deceased person or the decedent's heirs are possessed of an existing enforceable title or interest in that real estate.

#### § 1802. DETERMINATION BY COURT OF PERSONS ENTITLED TO ESTATE

If the court ~~shall determine~~ determines that the heirs or personal representatives of the deceased person are not at the time of ~~such the~~ hearing in possession of the real estate and are not entitled to re-enter ~~the same it~~ or to institute and maintain a suit to recover possession ~~thereof of it~~, the court shall adjudge and decree that the real estate constitutes no beneficial part of the estate of ~~such the~~ deceased person and may appoint an administrator to convey the record title of the real estate to the person or persons adjudged by ~~it the~~ court to be legally entitled ~~thereto to it~~.

#### § 1803. PETITION

A petition under this chapter may be brought by any person in possession or who claims the right to possession of the real estate. It shall recite the facts upon which it is based and shall specify the names and addresses of the heirs and representatives of the deceased person, and of all claimants so far as each class is known to the petitioner.

#### § 1804. APPEARANCE; APPEAL

A person not so served may become a party defendant by entering his or her appearance with the ~~probate division of the superior court~~ Probate Division of the Superior Court before the expiration of the time ~~herein limited~~ provided by this section for appeal. An appeal may be taken by any person in interest within 30 days from any final decree of the ~~probate division of the superior court hereunder by any person in interest~~ issued under this chapter by the Probate Division of the Superior Court.

Sec. 12. 14 V.S.A. chapter 80 is added to read:

### CHAPTER 80. WAIVER OF ADMINISTRATION

#### § 1851. APPLICABILITY

This chapter shall apply to all estates, testate, and intestate, other than small estates administered under chapter 81 of this title.

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§ 1852. MOTION FOR WAIVER OF ADMINISTRATION; ORDER

(a) A motion for waiver of administration may be submitted to the Probate Division of the Superior Court with the petition to open the estate or at any time before an accounting is due. The motion shall be made under oath and shall state that:

(1)(A) if the decedent died testate, the moving party is the sole beneficiary of the decedent's estate, and has been nominated and proposes to serve as sole executor; or

(B) if the decedent died intestate, the moving party is the sole heir of the decedent's estate and proposes to serve as sole administrator;

(2) the moving party is the sole fiduciary of the estate;

(3) the decedent owned no real property in the State of Vermont; and

(4) the administration of the estate will be complete without supervision by the Probate Division of the Superior Court in accordance with the decedent's will and applicable law.

(b) The court may grant the motion to waive further administration if it finds that:

(1) the moving party is the only estate beneficiary under the will of a decedent or the only heir of a decedent who died intestate;

(2) the moving party is the sole fiduciary of the estate; and

(3) the decedent owned no real property in the State of Vermont.

(c) If the court grants a motion to waive further administration filed under subsection (a) of this section, it shall issue an order waiving the duty to file an inventory, waiving or discharging the fiduciary bond, and dispensing with further filing with the court other than the final affidavit of administration.

§ 1853. ADMINISTRATION

(a) Administration of an estate under this chapter may be completed upon the court's approval of the executor's or administrator's affidavit of administration. Unless extended by the court, the affidavit shall be filed not less than six months or more than one year after the date of appointment of the executor or administrator.

(b)(1) The affidavit of administration shall state that to the best of the knowledge and belief of the executor or administrator:

(A) there are no outstanding expenses of administration, or unpaid or unsatisfied debts, obligations, or claims attributable to the decedent's estate; and

(B) no taxes are due to the State of Vermont, and tax clearance has been received from the Department of Taxes.

(2) If the executor or administrator fails to file the affidavit of administration within the time prescribed by subsection (a) of this section, the executor or administrator shall be in default. If he or she fails to file the affidavit or a request for additional time within 15 days after receiving notice of default, the court may impose sanctions it deems appropriate, including an order that waiver of administration is no longer available. The court shall provide notice of the default to the executor or administrator by first-class mail or other means allowed by the Rules of Probate Procedure.

#### § 1854. DISCHARGE OF EXECUTOR OR ADMINISTRATOR

Upon the submission of an affidavit of administration, the Probate Division of the Superior Court may close the estate and discharge the executor or administrator if it determines that the provisions of sections 1851 and 1852 of this title have been met.

Sec. 13. 14 V.S.A. chapter 101 is amended to read:

#### CHAPTER 101. PROBATE BONDS; EXECUTORS, ADMINISTRATORS, TRUSTEES, GUARDIANS

##### § 2101. PROBATE BONDS; AMOUNT; SURETIES; FOR WHOSE BENEFIT; TO WHOM TAKEN

Bonds required to be taken by order of the ~~probate division of the superior court~~ Probate Division of the Superior Court shall be for such sum and with such surety or sureties as the court directs, except where the law otherwise prescribes. ~~Such~~ The bonds shall be for the security and benefit of all persons interested and shall be taken to the ~~probate division of the superior court~~ Probate Division of the Superior Court except where they are to be taken to the adverse party.

##### § 2102. FOREIGN COMPANY; CERTIFICATE OF AUTHORITY; FEE

A Probate Division of the Superior Court shall not accept a foreign fidelity insurance company as surety on a bond required to be filed in ~~such the court~~, unless ~~such the~~ the company is authorized to do business in this State and has filed in ~~such Court~~ the court a certificate of the Commissioner of Financial Regulation that ~~such the~~ the company is so authorized. A fee of \$1.00 for each certificate so issued shall be paid to the Commissioner of Financial Regulation for the benefit of the State by the company requesting its issuance.

##### § 2103. RECORD; EVIDENCE

Upon acceptance and approval of bonds required to be given to a ~~probate~~

~~division of the superior court~~ Probate Division of the Superior Court, ~~such the~~ bonds shall be filed and docketed in the office of ~~such the~~ court to which they are given. A copy ~~thereof~~ of the bond duly certified by ~~such the~~ court shall be evidence in all cases as to the facts ~~therein~~ stated in it, as though the original were produced.

§ 2104. MOTION, WHEN BOND IS INSUFFICIENT

If a surviving spouse, heir, creditor, devisee, or legatee of a decedent or their legal representatives, or a person interested in a trust estate, considers the bond given to the ~~probate division of the superior court~~ Probate Division of the Superior Court by a fiduciary insufficient, they may file a motion for an additional bond. The court shall ~~thereupon~~ schedule a hearing and notice shall be given as provided by the ~~rules of probate procedure~~ Rules of Probate Procedure. If it appears to the court that the bond is not sufficient, it shall order the fiduciary to give a new and sufficient bond within the time limited. If the new bond is not filed within that new time, the court shall remove the fiduciary and fill the vacancy.

§ 2105. SURETY MAY MOVE FOR NEW BOND AND SETTLEMENT;  
REMOVAL

If the surety for a fiduciary considers himself or herself in danger of being injured thereby, a motion may be filed to order the fiduciary to settle the account and give a new bond. Upon notice and hearing, if it appears to the ~~probate division of the superior court~~ Probate Division of the Superior Court that the surety is in danger of being injured, it shall order the fiduciary to settle the account and give a new bond. When a new bond is filed and approved, the surety shall be discharged. If the fiduciary does not settle the accounts and give a new bond when so ordered, the ~~probate division of the superior court~~ shall remove the fiduciary and fill the vacancy.

§ 2106. NEW BOND

When a fiduciary desires to file a new bond with sureties in substitution for the bond then on file, the ~~probate division of the superior court~~ Probate Division of the Superior Court, in its discretion and upon notice, may allow a new bond to be filed. Upon approving the new bond, the court may accept ~~the same~~ it in substitution for any and all bonds previously filed by the fiduciary and discharge the sureties on the former bond or bonds from liability accruing after the substituted bond is filed.

§ 2107. DISCHARGE OF EXECUTOR, ADMINISTRATOR, TRUSTEE,  
GUARDIAN; ACCOUNT; EXONERATION OF SURETY

When an executor, administrator, trustee, or guardian has paid and delivered over to the persons entitled ~~thereto~~ to it the money or other property in his or

her hands as required by a decree of the ~~probate division of the superior court~~ Probate Division of the Superior Court, he or she may perpetuate the evidence thereof by presenting to ~~such the~~ the court within one year after the decree is made or within ~~such a~~ a time thereafter as ~~that the court may allow~~ allows, an account of ~~such the~~ the payment or the delivery over of ~~such the~~ the property. If it is proved to the satisfaction of the court and verified by the oath of the accountant, ~~such the~~ the account shall be allowed as his or her final discharge and ordered to be recorded. ~~Such~~ The discharge shall forever exonerate the accountant and his or her sureties from liability under ~~such the~~ the decree, unless his or her account is impeached for fraud or manifest error.

#### § 2108. HOW PROSECUTED

Bonds given to the ~~probate division of the superior court~~ Probate Division of the Superior Court shall be prosecuted in the ~~superior court~~ Superior Court of the county in which they were given for the benefit of those injured by the breach of their conditions, in the following manner:

(1) A person claiming to be injured by a breach of the condition of a bond may file a motion for permission to prosecute the ~~same bond~~ same bond and shall give a bond to the adverse party to the satisfaction of the ~~probate division of the superior court~~ Probate Division of the Superior Court, on the condition that he or she will prosecute ~~the same~~ it to effect and pay the costs awarded if recovery is not obtained;

(2) The ~~probate division of the superior court~~ Probate Division of the Superior Court shall grant permission to prosecute the bond, ~~and on paying the fees,~~ when the fees have been paid, shall furnish to the applicant a certified copy of the bond, with a certificate that leave to prosecute it has been granted, and the name and residence of the applicant;

(3) The applicant shall cause his or her name to be indorsed as prosecutor upon the writ and shall file the copy of the bond and the certificate furnished by the ~~probate division of the superior court~~ Probate Division of the Superior Court, with the writ, in the ~~superior court~~ Superior Court to which and when it is returnable; and ~~such the~~ the applicant shall be deemed to be the prosecutor of ~~such the~~ the bond;

(4) The complaint on the bond shall definitely assign and set forth the breaches of the conditions on which the prosecutor relies;

(5) The ~~superior court~~ Superior Court to which the writ is returned shall render judgment, as on ~~nihil-dicit~~ default, for the penalty of the bond in favor of the ~~probate division of the superior court~~ Probate Division of the Superior Court and against the defendants, or ~~such of them as~~ those defendants who do

not comply with the terms ~~mentioned~~ provided in subdivision (6) of this section, but costs shall not be taxed on ~~such~~ the judgment;.

(6) The defendants who ~~may~~ wish to resist ~~such~~ the judgment shall, on or before 21 days after the service of ~~such~~ the writ, plead a general denial, and, with their plea, file their affidavit, stating that they believe or are advised that they did not execute or deliver ~~such~~ the bond; or they shall demur to the complaint;.

(7) On trial, if the issue on ~~such~~ the plea or demurrer is found in favor of the plaintiff, judgment shall be rendered for the penalty of the bond, as ~~mentioned~~ provided in subdivision (5) of this section, and the prosecutor shall recover against the defendants entering ~~such~~ the plea or demurrer the costs ~~occasioned thereby~~ of the action, and ~~forthwith~~ have execution for ~~the same~~ them in his or her own name;.

(8) When judgment is rendered for the penalty of the bond against all the defendants, the ~~same~~ judgment shall remain in force as security for other breaches of the conditions of the bond, which may be afterwards assigned and proved;.

(9) The action shall thereafter proceed and be prosecuted in the name of the prosecutor, on the breaches assigned. Upon prevailing, the prosecutor shall have judgment in his or her own name for damages and costs, but if judgment is rendered for the defendants on an issue joined in ~~such~~ the action or on nonsuit, they shall recover double costs against the prosecutor.

#### § 2109. PERSON INJURED; ACTION ON BOND OR JUDGMENT

After a person is injured by the breach of the condition of the bond, he or she may bring from time to time an action in his or her own name on the judgment rendered for the penalty of the bond. In that action, he or she shall assign and set forth the breaches on which he or she relies and may recover ~~such damage as~~ the damages that he or she proves, with costs.

#### § 2110. CLAIMS FOR BREACH MAY BE PROSECUTED BY REPRESENTATIVES

Claims for damages for breach of the conditions of a bond may be prosecuted by an executor, administrator, or guardian in behalf of those he or she represents, in the same manner as by persons living. ~~Such~~ The claims may be prosecuted against the representatives of deceased persons as other claims against decedents.

Sec. 14. 14 V.S.A. chapter 103 is amended to read:

#### CHAPTER 103. MORTGAGES AND LEASES BY EXECUTORS, ADMINISTRATORS, TRUSTEES, OR GUARDIANS

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§ 2201. MORTGAGE OF PROPERTY BY FIDUCIARY; MOTION;  
ORDER; LICENSE

~~If on~~ (a) On motion and after notice and hearing it appears to be for with the benefit written consent of the estate interested persons, or after hearing, the ~~probate division of the superior court~~ Probate Division of the Superior Court may authorize a fiduciary to mortgage any of the real estate or to mortgage, pledge, or assign any of the personalty of the estate for the following purposes: ~~to prevent a sacrifice~~ benefit of the estate; ~~to make repairs and improvements upon the estate; to pay debts, legacies or charges of administration; to pay an existing mortgage, lien or tax on the estate, or to support a ward.~~ The probate ~~division of the superior court~~ court may authorize a fiduciary to ~~make enter into an agreement for the extension or renewal of that an existing mortgage or lien or of any other mortgage, lien, pledge, or assignment created under the provisions of this chapter.~~

(b) A motion filed under this section shall describe the property to be mortgaged, pledged, or assigned and shall include the purpose of the obligation, the limits of the principal amount, the interest rate, and the term of the note to be secured by the mortgage. A license issued by the Probate Division pursuant to this section shall fix the terms and conditions under which the property may be mortgaged, pledged, or assigned. The court may order all or any part of the obligation secured by the mortgage to be paid from time to time out of the income of the property mortgaged. A certified copy of the license shall be recorded in the office where the mortgage is recorded.

§ 2202. MOTION; DECREE

~~The motion shall set forth a description of the property to be mortgaged, pledged or assigned, the amount of money necessary to be raised, the nature and amount of the obligation to be secured and the purpose for which the money or security is required. The decree of the probate division of the superior court shall fix the amount for which the mortgage, pledge or assignment may be given, the terms thereof and the rate of interest which may be paid thereon, and the court may order the whole or any part of the money secured by the mortgage to be paid from time to time out of the income of the property mortgaged. [Repealed.]~~

§ 2203. LEASE; WHEN AUTHORIZED OF PROPERTY BY FIDUCIARY;  
ORDER; LICENSE

~~Upon~~ (a) On motion ~~of~~ and with the written consent of the interested parties, or after hearing, the Probate Division of the Superior Court may authorize a fiduciary describing to lease all or part of the real or personal property of the estate which the for the benefit of the estate. The court may

~~authorize a fiduciary considers necessary or expedient to lease, therein stating the length of the term and the reason for executing a to enter into an agreement for the extension or renewal of an existing lease, after notice and hearing, if it appears to be necessary or expedient, the probate division of the superior court may authorize the petitioner to execute a written lease of a part or all of the property, and the order of the court or of any other lease created under the provisions of this chapter. A lease for a period of less than seven consecutive months shall not require a license.~~

~~(b) A motion filed under this section shall describe the property to be leased and shall include the prospective lessee, if known, the proposed use of the leased property, the limits of the proposed term of the lease, and the proposed rental. A license issued by the Probate Division of the Superior Court pursuant to this section shall fix the terms and conditions under which it the property may be leased.~~

Sec. 15. 14 V.S.A. chapter 105 is amended to read:

#### CHAPTER 105. TRUSTS AND TRUSTEES

##### ~~§ 2303. FILED; HOW SUED~~

~~A bond shall be filed in the probate division of the superior court and when the superior court upon application so orders, the bond may be sued in the name of the probate division of the superior court to which the same is taken for the benefit of persons interested. [Repealed.]~~

##### ~~§ 2305. TRUSTEES OF ABSENT PERSONS-DEFINITION~~

~~For the purposes of sections 2306-2310 of this title, an absent person is defined as one having a domicile, property, or evidences of property in this State who suddenly or mysteriously disappears under such circumstances as to satisfy the Probate Division of the Superior Court of the proper district that there is reasonable ground to believe that he or she is lost, dead, or lacks capacity due to a mental condition or psychiatric disability, or is one who, having a domicile, property, or evidences of property in this State, remains beyond the sea or absents himself or herself in this State or elsewhere and is unheard of for three years. [Repealed.]~~

##### ~~§ 2306. TRUSTEES; APPOINTMENT OVER ABSENT PERSON'S ESTATE~~

~~(a) In the case of an absent person, the probate division of the superior court shall appoint one or more trustees of the absent person's estate on application by petition, the appointment to take precedence and apply to all property belonging to such absent person wherever the same may be located.~~

~~(b) A petition to appoint one or more trustees of an absent person's estate shall be made by:~~

~~(1) One or more of his or her nearest relatives; or~~

~~(2) The executor or administrator aforesaid; or~~

~~(3) The town service officer of the town where the absent person had a last known domicile in the state, or in case he or she had no domicile in the state, then where his or her property or any portion thereof is located. [Repealed.]~~

~~§ 2307. NOTICE OF APPOINTMENT; ACCOUNT; PAYMENT TO TRUSTEE; APPEAL~~

~~(a) Upon the petition of an executor or administrator for the appointment of a trustee under the provisions of sections 2305 and 2306 of this title, notice shall be given as provided by the rules of probate procedure and the same proceedings shall be had as upon the allowance of an administrator's account.~~

~~(b) The executor or administrator shall render to the probate division of the superior court an account of the moneys or securities representing the legacy or distributive share of the absent person in the hands of the executor or administrator, and all reasonable charges and expenses pertaining to the care and management thereof. On order of the probate division of the superior court, the executor or administrator shall turn over and pay to the trustee so appointed by the court to receive the same the sums due the absent person, and thereupon the executor or administrator shall be discharged from further liability in the premises.~~

~~(c) The same appeal may be had from the appointment of a trustee as from the appointment of administrators and upon the settlement of their accounts. [Repealed.]~~

~~§ 2308. POWERS OF TRUSTEES FOR ABSENT PERSONS~~

~~The trustees shall be vested with all the property, real and personal, rights, choses in action and evidences of property or indebtedness belonging to such absent person, and may take possession of such property and collect the demands, pay the debts of such person and may maintain or defend an action necessary to protect the property or rights of such person. [Repealed.]~~

~~§ 2309. CLAIMS AGAINST ESTATE OF ABSENT PERSON; PROCEDURE~~

~~If claims against such person are disputed, the same proceedings shall be had for ascertaining the amount due and its payment as provided in the case of disputed claims against wards. [Repealed.]~~

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§ 2310. ~~APPEARANCE OF ABSENT PERSON; SURRENDER OF PROPERTY~~

~~If the person so absent proves to be alive, the trustees shall surrender to him or her all property, or the proceeds of the same, which shall have come into their hands. If administration has been or shall be granted on his or her estate, the trustees shall surrender to the executor or administrator all property, effects and estate of such absent person, upon rendering an account of their trusteeship in the same manner and upon the same notice as in case of settlement of an administrator's account. [Repealed.]~~

§ 2318. ~~OTHER TRUSTEES, WHEN~~

~~The probate division of the superior court may appoint trustees in cases not otherwise provided for when the use of property, real or personal, descends to a person for life or for a term of years, and shall have the same power to enforce such trust which such court has in case of guardians of minor children. [Repealed.]~~

§ 2327. ~~FURTHER POWERS OF COURT; EQUITY POWERS~~

~~The probate division of the superior court may further hear and determine in equity all other matters relating to the trusts mentioned in this chapter. [Repealed.]~~

§ 2329. ~~TESTAMENTARY ADDITIONS TO TRUSTS; POUR OVER TRUSTS~~

A devise or bequest, the validity of which is determinable by the law of this state State, may be made by a will to the trustee or trustees of a trust established or to be established by the testator or by the testator and some other person or persons or by some other person or persons (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts), if the trust is identified in the testator's will and its terms are set forth in a written instrument (other than a will), executed before or concurrently with the execution of the testator's will or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character of the corpus of the trust). The devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised or bequeathed: (a) shall not be deemed to be held under a testamentary trust of the testator, but shall become a part of the trust to which it is given; and (b) shall be administered and disposed of in accordance with the provisions of the instrument or a will of a person other than the testator setting forth the terms of the trust, including any amendments

thereto made before the death of the testator ~~(, regardless of whether made before or after the execution of the testator's will),~~ and, if the testator's will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator shall cause the devise or bequest to lapse. However, when the testator's will specifically sets forth the terms of the trust, whether or not ~~such the~~ trust is subsequently amended, revoked, or terminated, the property devised or bequeathed under the will shall be deemed to be held under a testamentary trust of the testator and shall be administered and disposed of in accordance with the provision of the testator's will.

Sec. 16. 14 V.S.A. chapter 107 is amended to read:

CHAPTER 107. CONVEYANCES AND DEVISES TO  
UNCERTAIN BENEFICIARIES

§ 2401. UNCERTAIN BENEFICIARIES; ~~GOVERNOR~~ PROBATE  
DIVISION OF THE SUPERIOR COURT MAY APPOINT AGENT  
OR ATTORNEY

When a devise, legacy, gift, or trust is made to or for the benefit of a class or classes of beneficiaries in this state State, whose members are not all ascertained or definitely ascertainable, ~~in his discretion, the governor the~~ Probate Division of the Superior Court may in its discretion appoint a person or persons as agent or attorney to represent ~~such the~~ beneficiaries, who shall act for them and their interests, without expense to the state State, in any litigation, contest, or compromise in relation to ~~such the~~ devise, legacy, gift, trust, will, contract, or instrument by which the same is given.

§ 2402. PROBATE DIVISION OF THE SUPERIOR COURT MAY  
APPOINT TRUSTEES; DUTIES

(a) When, under the provisions of a will probated in another state or country, or of a decree of a court of another state or country, a devise, legacy, gift, or trust belongs to or for the benefit of a class or classes of beneficiaries in this state State, whose members are not all ascertained or definitely ascertainable, or is appropriated or devoted to any purpose or benefit in which the public or a class of the public in this state State is interested, the Probate Division of the Superior Court may appoint one or more trustees to take charge of the payment and distribution of the devise, legacy, gift, or trust under the will or decree.

(b) The trustee or trustees shall give bonds and render accounts annually of all transactions to the ~~probate division of the superior court~~ Probate Division of the Superior Court and shall be subject to the same liabilities, and the court

shall have the same power as in case of other trustees appointed by the ~~probate division of the superior court~~ Probate Division of the Superior Court.

§ 2403. TRUSTEES, WHEN APPOINTED

A trustee may be appointed by the ~~probate division of the superior court~~ Probate Division of the Superior Court upon petition of any person, class, or beneficiary coming within the provision of the will or decree, or upon petition of a corporation representing beneficiaries under the will or decree.

§ 2404. ~~DUTIES OF EXECUTOR OR TRUSTEE UNDER WILL OR DECREE~~

~~The executor or trustee under such will or decree shall pay over to such trustee or trustees named in section 2402 of this title, the amount to be given or distributed to such beneficiaries under such will or decree and take a receipt for the same, and such trustee or trustees shall pay out and distribute the same according to the provisions of such will or decree. [Repealed.]~~

Sec. 17. 14 V.S.A. chapter 109 is amended to read:

CHAPTER 109. PHILANTHROPIC TRUSTS

§ 2501. ~~CHARITABLE, CEMETERY, AND PHILANTHROPIC TRUSTS;  
ANNUAL REPORTS~~

~~Every trustee or board of trustees, incorporated or unincorporated, who holds in trust, within this state, property given, devised, or bequeathed to cemetery associations or societies and towns which hold funds for cemetery purposes, and who administers or is under a duty to administer the same in whole or in part for such purposes, annually, on or before the first day of September, shall make a written report to the probate division of the superior court showing the property so held and administered, the receipts and expenditures in connection therewith, the whole number of beneficiaries thereof and such other information as the probate division of the superior court may require.~~

§ 2502. ~~PENALTY~~

~~Failure for two successive years to file such report shall constitute a breach of trust and shall be reported by such probate division of the Superior Court to the attorney general or state's attorney, who shall take such action as may be appropriate to compel compliance with this chapter.~~

§ 2503. ~~EXEMPTION~~

~~A trustee or board of trustees who makes a printed annual report that is satisfactory to a town, city, incorporated village or town school district interested in a trust fund shall be exempt from the provisions of this chapter.~~

[Repealed.]

Sec. 18. 14 V.S.A. § 2659 is amended to read:

§ 2659. FINANCIAL GUARDIANSHIP; MINORS

\* \* \*

(e) The duties of a financial guardian shall include the duty to:

(1) pursue, receive, and manage any property right of the minor's, including inheritances, insurance benefits, litigation proceeds, or any other real or personal property, provided the benefits or property shall not be expended without prior court approval;

(2) deposit any cash resources of the minor in accounts established for the guardianship, provided the cash resources of the minor shall not be comingled with the guardian's assets;

(3) responsibly invest and ~~re-invest~~ reinvest the cash resources of the minor;

(4) obtain court approval for expenditures of funds to meet extraordinary needs of the minor which cannot be met with other family resources;

(5) establish ~~special needs trusts~~ with court approval:

(A) special needs trusts;

(B) trusts for the benefit of the minor payable over the minor's lifetime or for such shorter periods as deemed reasonable; or

(C) structured settlements providing for payment of litigation proceeds over the minor's lifetime or for such shorter periods as deemed reasonable; and

(6) file an annual financial accounting with the Probate Division of the Superior Court stating the funds received, managed, and spent on behalf of the minor.

Sec. 19. EFFECTIVE DATE

This act shall take effect on July 1, 2018 and shall apply to wills executed or offered for admission on or after that date.

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

First: In Sec. 5, 14 V.S.A. chapter 61, by striking out § 931 in its entirety and inserting in lieu thereof a new § 931 to read as follows:

§ 931. LIMITATION ON CLAIMS OF CREDITORS

~~When a petition to open a decedent's estate is not filed in probate division of the superior court within 30 days of death, all~~ All claims against the decedent's estate which arose before the death of the decedent, including claims of the state State and any subdivision thereof, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the legal representative of the estate, and the heirs and devisees of the decedent, unless presented within three years after the decedent's death. Nothing in this section affects or prevents any proceeding to enforce any mortgage, pledge, or other lien upon the property of the estate.

Second: By striking out Sec. 6a in its entirety.

Third: In Sec. 9, 14 V.S.A. chapter 75, in § 1651, by striking out subdivision (12) in its entirety.

Which was agreed to.

**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 Rep. Copeland-Hanzas,

By Senators Benning, Kitchel and MacDonald,

**H.C.R. 328.**

House concurrent resolution congratulating the 2017 Rivendell Academy Raptors Division IV championship boys' soccer team.

By Reps. Marcotte and Viens,

By Senators Rodgers and Starr,

**H.C.R. 329.**

House concurrent resolution commemorating the centennial of Newport City.

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By Reps. Gardner and others,

By Senators Ashe, Baruth, Ingram, Lyons, Pearson and Sirotkin,

**H.C.R. 330.**

House concurrent resolution congratulating the Our Community Cares Camp organization on entering its 10th year of operation.

By Reps. Taylor and others,

By Senator Mazza,

**H.C.R. 331.**

House concurrent resolution honoring Dawn Francis for her career achievements as a regional planner, municipal administrator, and public policy advocate.

By Reps. Parent and others,

**H.C.R. 332.**

House concurrent resolution congratulating the 2018 BFA-St. Albans Comets Division I championship girls' ice hockey team.

By Reps. Brennan and others,

By Senator Mazza,

**H.C.R. 333.**

House concurrent resolution honoring Karen Richard for her exemplary municipal public service career in the town of Colchester.

By Reps. Parent and others,

**H.C.R. 334.**

House concurrent resolution congratulating the 2018 BFA-St. Albans Comets State championship girls' snowboarding team.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 335.**

House concurrent resolution congratulating the Mount Anthony Union High School wrestling team on its 30th consecutive State championship.

By Reps. Belaski and Bartholomew,

By Senators Clarkson, McCormack and Nitka,

**H.C.R. 336.**

House concurrent resolution congratulating the 2018 Windsor High School Yellowjackets Division III championship boys' basketball team.

By Reps. Strong and others,

**H.C.R. 337.**

House concurrent resolution designating April 2018 as Veterans Suicide Awareness Month in Vermont.

By Reps. Conlon and others,

**H.C.R. 338.**

House concurrent resolution congratulating the 2018 Middlebury Union High School Tigers Division II championship boys' Nordic skiing team.

By Reps. Conlon and others,

**H.C.R. 339.**

House concurrent resolution congratulating the 2018 Middlebury Union High School Tigers Division II championship girls' Nordic skiing team.

By Rep. Young,

By Senator Westman,

**H.C.R. 340.**

House concurrent resolution honoring Vermont's electric utility lineworkers for their special role in the creation, maintenance, and restoration of the State's electric power line system.

By Reps. Masland and others,

**H.C.R. 341.**

House concurrent resolution honoring the Vermont Senior Games Association for its encouragement of physical fitness for older Vermonters.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 342.**

House concurrent resolution congratulating Wallace L. Mattison of Pownal on his appointment as Chevalier of the Legion of Honor of France.

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By Reps. Wood and others,

By Senators Balint, Branagan, Bray, Brock, Clarkson, Collamore, Flory, McCormack, Nitka, Soucy and White,

**H.C.R. 343.**

House concurrent resolution congratulating Special Olympics International on its 50th anniversary and extending best wishes to the Special Olympics Vermont delegation competing in the Special Olympics 2018 USA Games.

By the Committee on Agriculture and Forestry,

**H.C.R. 344.**

House concurrent resolution commending the agriculture community's contributions in support of the objectives of Earth Day.

By All Members of the House,

**H.C.R. 345.**

House concurrent resolution congratulating the 2018 Vermont-associated winter Olympians.

**Appointment Confirmed**

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

The nomination of

Barra, David A. of Essex Junction - Superior Judge - February 21, 2018, to March 31, 2020.

Was confirmed by the Senate on a roll call Yeas 29, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**The Senator absent and not voting was:** Clarkson.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, April 24, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 56.

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**TUESDAY, APRIL 24, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

**Pledge of Allegiance**

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

**Bill Referred to Committee on Finance****H. 925.**

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

An act relating to approval of amendments to the charter of the City of Barre.

**Bills Referred to Committee on Appropriations**

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

**H. 894.** An act relating to pensions, retirement, and setting the contribution rates for municipal employees.

**H. 907.** An act relating to improving rental housing safety.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 57.**

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

By Senator Ashe,

**J.R.S. 57.** Joint resolution relating to weekend adjournment.

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***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 27, 2018, it be to meet again no later than Tuesday, May 1, 2018.

**Bill Passed in Concurrence with Proposal of Amendment****H. 828.**

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

An act relating to disclosures in campaign finance law.

**Bill Passed in Concurrence with Proposals of Amendment****H. 909.**

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

An act relating to technical and clarifying changes in transportation-related laws.

**Proposal of Amendment; Third Reading Ordered****H. 25.**

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

An act relating to sexual assault survivors' rights.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3501 is amended to read:

§ 3501. DEFINITIONS

(a) As used in this chapter:

\* \* \*

(7) "Weapon of mass destruction" means:

(A) a chemical warfare agent, weaponized biological or biologic warfare agent, nuclear agent, or radiological agent; or

(B) any firearm possessed with the intent to inflict injury or death on multiple persons.

\* \* \*

Sec. 2. 13 V.S.A. § 4003 is amended to read:

§ 4003. CARRYING DANGEROUS WEAPONS

A person who carries or possesses a dangerous or deadly weapon, ~~openly or concealed, or with the intent or avowed purpose of injuring a fellow man, who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, to injure another~~ shall be imprisoned not more than two years or fined not more than ~~\$200.00~~ \$2,000.00, or both. It shall be a felony punishable by not more than 10 years or a fine of \$25,000.00, or both, if the person intends to injure multiple persons.

Sec. 3. 13 V.S.A. § 1703 is added to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) “Domestic terrorism” shall mean threatening to engage in, engaging in, or taking substantial steps to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple people; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Substantial step” shall mean conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who knowingly and willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to domestic terrorism.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Judiciary?,

Senator Sears moved to amend the proposal of amendment of the Committee on Judiciary, as follows:

First: In Sec. 3, 13 V.S.A. § 1703(a), subdivision (1), by striking out the following: “threatening to engage in,”

Second: By striking out Sec. 1, 13 V.S.A. § 3501, in its entirety and renumbering the remaining sections to be numerically accurate.

Which was agreed to.

Thereupon, the proposal of amendment recommended by the Committee on Judiciary, as amended, was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 30, Nays 0.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

#### **Proposal of Amendment; Third Reading Ordered**

#### **H. 378.**

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

An act relating to the creation of the Artificial Intelligence Task Force.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

#### **Sec. 1. ARTIFICIAL INTELLIGENCE TASK FORCE; REPORT**

(a) Creation. There is created the Artificial Intelligence Task Force to:

(1) investigate the field of artificial intelligence; and

(2) make recommendations on the responsible growth of Vermont’s emerging technology markets, the use of artificial intelligence in State government, and State regulation of the artificial intelligence field.

(b) Definition. As used in this section, “artificial intelligence” means models and systems performing functions generally associated with human intelligence, such as reasoning and learning.

(c) Membership. The Task Force shall be composed of the following 12 members:

(1) the Secretary of Commerce and Community Development or designee;

(2) the Secretary of Digital Services or designee;

(3) the Commissioner of Public Safety or designee;

(4) one member to represent the interests of workers appointed by the President of the Vermont State Labor Council, AFL-CIO;

(5) the Executive Director of the American Civil Liberties Union of Vermont or designee;

(6) one member appointed by the Chief Justice of the Supreme Court;

(7) two members who are academics at a postsecondary institute, with one appointed by the Speaker and one appointed by the Committee on Committees;

(8) one member with experience in the field of ethics and human rights, appointed by the Vermont chapter of the National Association of Social Workers;

(9) one member appointed by the Vermont Society of Engineers;

(10) one member who is a secondary or postsecondary student in Vermont, appointed by the Governor; and

(11) one member appointed by the Vermont Medical Society.

(d) Powers and duties. The Task Force shall study the field of artificial intelligence, including the following:

(1) an assessment of the development and use of artificial intelligence technology, including benefits and risks;

(2) whether and how to use artificial intelligence in State government, including an analysis of the fiscal impact, if any, on the State; and

(3) whether State regulation of the artificial intelligence field is needed.

(e) Meetings.

(1) The Secretary of Commerce and Community Development or designee shall call the first meeting of the Task Force to occur on or before October 1, 2018.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) The Task Force shall meet not more than 10 times and shall cease to exist on June 30, 2019.

(f) Quorum. A majority of membership shall constitute a quorum of the Task Force.

(g) Staff services. The Task Force shall be entitled to staff services of the Agency of Commerce and Community Development.

(h) Reports. On or before February 15, 2019, the Task Force shall submit an update to the Senate Committee on Government Operations and the House Committee on Energy and Technology. On or before June 30, 2019, the Task Force shall submit a final report to the Senate Committee on Government Operations and the House Committee on Energy and Technology that shall include:

(1) a summary of the development and current use of artificial intelligence in Vermont;

(2) a proposal for a definition of artificial intelligence, if needed;

(3) a proposal for State regulation of artificial intelligence, if needed;

(4) a proposal for the responsible and ethical development of artificial intelligence in the State, including an identification of the potential risks and benefits of such development; and

(5) a recommendation on whether the General Assembly should establish a permanent commission to study the artificial intelligence field.

(i) The update and report described in subsection (h) of this section shall be submitted electronically to the Senate Committee on Government Operations and the House Committee on Energy and Technology, unless otherwise requested.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

---

**Proposal of Amendment; Third Reading Ordered****H. 404.**

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

An act relating to Medicaid reimbursement for long-acting reversible contraceptives.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

**Sec. 2. COVERAGE FOR CERTAIN OVER-THE-COUNTER  
CONTRACEPTIVES; REPORT**

(a) Each health insurer offering qualified health benefit plans through the Vermont Health Benefit Exchange shall, in consultation with its pharmacy benefit manager, if any, determine how to provide coverage for over-the-counter oral contraceptives and over-the-counter emergency contraceptives in its Exchange and non-Exchange plans without requiring a prescription and without imposing cost-sharing requirements.

(b) On or before January 15, 2019, each health insurer shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on how it could provide coverage for over-the-counter oral and emergency contraceptives in its health insurance plans without a prescription or cost-sharing, including any estimated impact on health insurance premiums, and whether the insurer intends to add this benefit to any or all of its health insurance plans.

**Sec. 3. EFFECTIVE DATES**

(a) Sec. 1 (Medicaid reimbursement) shall take effect on July 1, 2018.

(b) Sec. 2 (over-the-counter contraceptives) and this section shall take effect on passage.

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

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

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.

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**Proposal of Amendment; Third Reading Ordered****H. 710.**

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

An act relating to beer franchises.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REDESIGNATION; ADDITION OF SUBCHAPTER

7 V.S.A. chapter 23, subchapter 1, which shall include 7 V.S.A. §§ 701-709, is added to read:

Subchapter 1. General Provisions

Sec. 2. 7 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

As Except as otherwise provided pursuant to section 752 of this chapter, as used in this chapter:

\* \* \*

(2) “Franchise” or “agreement” shall mean one or more of the following:

\* \* \*

(E) a relationship that has been in existence for at least one year in which the wholesale dealer’s business is substantially reliant on the certificate of approval holder or manufacturer for the continued supply of malt beverages or vinous beverages; ~~and~~ or

(F) a written or oral arrangement for a definite or indefinite period that has been in existence for at least one year in which a certificate of approval holder or manufacturer grants to a wholesale dealer a license to use a trade name, ~~trade mark~~ trademark, service mark, or related characteristic, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

\* \* \*

(7) “Wholesale dealer” means a packager licensed pursuant to section 272 of this title or a wholesale dealer licensed pursuant to section 273 of this title.

Sec. 3. 7 V.S.A. § 702 is amended to read:

§ 702. PROHIBITED ACTS BY MANUFACTURER OR CERTIFICATE OF APPROVAL HOLDER

A manufacturer or certificate of approval holder shall not do any of the following:

(1) ~~induce~~ Induce or coerce, or attempt to induce or coerce, any wholesale dealer to accept delivery of any alcoholic beverage, any form of advertisement, or any other commodity, that was not ordered by the wholesale dealer;

(2) ~~induce~~ Induce or coerce, or attempt to induce or coerce, any wholesale dealer to do any illegal act or thing by threatening to cancel or terminate the wholesale dealer's malt beverages or vinous beverages franchise agreement; ~~or~~

(3) ~~fail~~ Fail or refuse to deliver promptly to a wholesale dealer after the receipt of its order any malt beverages or vinous beverages when the product is ~~publicly advertised~~ available for immediate sale. If a manufacturer or certificate of approval holder believes in good faith that it does not have a sufficient amount of a product available for immediate sale to satisfy the demand of a wholesale dealer and its other customers, it shall allocate the available product between the wholesale dealer and its other customers in a fair and equitable manner.

(4) Require a wholesale dealer to agree to any condition, stipulation, or provision limiting the wholesale dealer's rights to sell the product of another manufacturer or certificate of approval holder.

Sec. 4. 7 V.S.A. § 707 is amended to read:

§ 707. SALE OR TRANSFER; PURCHASE BY MANUFACTURER

\* \* \*

(e) The provisions of subsections (b) through (d) of this section shall not apply to the sale or transfer of a franchise to the spouse, child, grandchild, sibling, parent, foster child, child-in-law, sibling-in-law, niece, or nephew of the owner of the wholesale dealer.

Sec. 5. 7 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Small Manufacturers and Certificate of Approval Holders

§ 751. APPLICATION

(a) The provisions of this subchapter shall apply to any franchise between a wholesale dealer and either:

(1) a certificate of approval holder that produces or distributes a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer's total annual sales of malt beverages by volume; or

(2) a manufacturer that produces a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer's total annual sales of malt beverages by volume.

(b) The provisions of sections 702, 705, and 706 of this title shall apply to any franchise that is subject to the provisions of this subchapter.

#### § 752. DEFINITIONS

As used in this subchapter:

(1) "Barrel" means 31 gallons of malt beverages.

(2) "Certificate of approval holder" means a holder of a certificate of approval issued by the Liquor Control Board pursuant to section 274 of this title that produces or distributes a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of a wholesale dealer's total annual sales of malt beverages by volume.

(3) "Compensation" means the cost of a wholesale dealer's laid-in inventory related to a franchise that has been or is about to be terminated plus five times the average annual gross profits earned by the wholesale dealer on the sale of products pursuant to the franchise during the last three calendar years or, if the franchise has not been in existence for three years, the period of time during which the franchise has been in existence. "Gross profits" shall equal the revenue earned by the wholesale dealer on the sale of products pursuant to the franchise minus the cost of those products, including shipping and taxes.

(4) "Franchise" means an agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer that was entered into on or after January 1, 2019 and has existed for at least one year and has one or more of the following characteristics:

(A) the wholesale dealer is granted the right to offer and sell the brands of malt beverages offered by the certificate of approval holder or manufacturer;

(B) the wholesale dealer, as an independent business, constitutes a component of a certificate of approval holder's or manufacturer's distribution system;

(C) the wholesale dealer's business is substantially associated with the certificate of approval holder's or manufacturer's brand, advertising, or other commercial symbol designating the manufacturer;

(D) the wholesale dealer's business is substantially reliant on the certificate of approval holder or manufacturer for the continued supply of malt beverages; or

(E) the certificate of approval holder or manufacturer has granted the wholesale dealer a license to use a trade name, trademark, service mark, or related characteristic, and there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

(5) "Manufacturer" means a manufacturer licensed pursuant to section 271 of this title that produces a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of a wholesale dealer's total annual sales of malt beverages by volume.

(6) "Total annual sales" means the total volume of all malt beverages sold by a wholesale dealer in the last four completed calendar quarters. A wholesale dealer's total annual sales of malt beverages shall include the worldwide, aggregate amount of all brands of malt beverages that were sold, directly or indirectly, during the last four completed calendar quarters by the wholesale dealer and any entity that controlled, was controlled by, or was under common control with the wholesale dealer.

(7) "Total annual volume" means:

(A) the amount of malt beverages manufactured worldwide during the last four completed calendar quarters, directly or indirectly, by or on behalf of:

(i) the certificate of approval holder or manufacturer;

(ii) any employee, director, or officer of a certificate of approval holder or manufacturer; or

(iii) an affiliate of the certificate of approval holder or manufacturer, regardless of whether the affiliation is corporate, or is by management, direction, or control; or

(B) the amount of malt beverages distributed worldwide during the last four completed calendar quarters directly or indirectly, by or on behalf of:

(i) the certificate of approval holder;

(ii) any employee, director, or officer of a certificate of approval holder; or

(iii) an affiliate of the certificate of approval holder, regardless of whether the affiliation is corporate, or is by management, direction, or control.

#### § 753. CANCELLATION OF FRANCHISE

(a) The terms of a written franchise between the certificate of approval holder or manufacturer and the wholesale dealer shall govern the right to cancel, terminate, refuse to continue, or to cause a wholesale dealer to relinquish a franchise.

(b) In the absence of a provision in a written franchise agreement to the contrary, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision in a written franchise agreement to the contrary, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

#### § 754. CANCELLATION FOR GOOD CAUSE; NOTICE; RECTIFICATION

(a)(1) Except as otherwise provided pursuant to section 753 of this subchapter and subsection (d) of this section, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for good cause shall provide the franchisee with at least 120 days' written notice of the intent to terminate or cancel the franchise.

(2) The notice shall state the causes and reasons for the intended termination or cancellation.

(b) A franchisee shall have 120 days in which to rectify any claimed deficiency.

(c) The Superior Court, upon petition and after providing both parties with notice and opportunity for a hearing, shall determine whether good cause exists to allow termination or cancellation of the franchise.

(d) The notice provisions of subsection (a) of this section may be waived if the reason for termination or cancellation is insolvency, the occurrence of an assignment for the benefit of creditors, bankruptcy, or if the certificate of approval holder or manufacturer is able to prove to the court that providing the required notice would do irreparable harm to the marketing of its product.

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§ 755. CANCELLATION FOR NO CAUSE; NOTICE; COMPENSATION

Except as otherwise provided pursuant to section 753 of this subchapter, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for no cause shall:

(1) Provide the franchisee with written notice of the intent to cancel or terminate the franchise at least 30 days before the date on which the franchise shall terminate.

(2) On or before the date the franchise shall be canceled or terminated, pay, or have paid on its behalf by a designated wholesale dealer, compensation, as defined pursuant to section 752 of this subchapter, for the franchisee's interest in the franchise. The compensation shall be the wholesale dealer's sole and exclusive remedy for any termination or cancellation pursuant to this section.

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

(2) The notice of intended sale or transfer shall give the full name and address of the proposed transferee, along with full details outlining the qualifications of the proposed transferee which, in the opinion of the wholesale dealer, make the proposed transferee competent to operate the franchise.

(b) If the certificate of approval holder or manufacturer opposes the proposed sale or transfer to the proposed transferee, the certificate of approval holder or manufacturer may either:

(1) prevent the proposed sale or transfer from occurring by paying compensation for the wholesale dealer's interest in the franchise in the same manner as if the franchise were being terminated for no cause pursuant to section 755 of this subchapter; or

(2) not less than 60 days before the date of the proposed sale or transfer, file a petition with the Superior Court that clearly states the certificate of approval holder's or manufacturer's reasons for resisting the proposed sale or transfer.

(c)(1) Upon receipt of a petition pursuant to subdivision (b)(2) of this section, the Superior Court shall hold a hearing on the proposed transfer or sale. The court shall make a full inquiry into the qualifications of the proposed transferee and shall determine whether or not the proposed transferee is in a

position to continue substantially the operations of the franchise, to assume the obligations of the franchise holder, and to conduct the business in a manner that will protect the legitimate interests of the certificate of approval holder or manufacturer.

(2) If the Superior Court finds the proposed transferee is qualified to operate the franchise, it shall approve the transfer of the franchise to the proposed transferee.

(d) The provisions of subsections (b) and (c) of this section shall not apply to the sale or transfer of a franchise to the spouse, child, grandchild, sibling, parent, foster child, child-in-law, sibling-in-law, niece, or nephew of the owner of the wholesale dealer.

#### § 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

#### § 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a franchise that is subject to this subchapter.

Sec. 6. 7 V.S.A. § 759 is added to read:

#### § 759. WRITTEN AGREEMENT

All franchises entered into pursuant to this subchapter shall be in writing.

Sec. 7. 7 V.S.A. § 752 is amended to read:

#### § 752. DEFINITIONS

As used in this subchapter:

\* \* \*

(4) “Franchise” means ~~an~~ a written agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer ~~that was entered into after January 1, 2019 and~~ has existed for at least one year and has one or more of the following characteristics:

\* \* \*

Sec. 8. 7 V.S.A. § 753 is amended to read:

§ 753. CANCELLATION OF FRANCHISE

(a) The terms of a ~~written~~ franchise between the certificate of approval holder or manufacturer and the wholesale dealer shall govern the right to cancel, terminate, refuse to continue, or to cause a wholesale dealer to relinquish a franchise.

(b) In the absence of a provision in a written franchise agreement to the contrary, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision in a written franchise agreement to the contrary, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

Sec. 9. 7 V.S.A. § 756 is amended to read:

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

\* \* \*

Sec. 10. 7 V.S.A. § 757 is amended to read:

§ 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

Sec. 11. 7 V.S.A. § 758 is amended to read:

§ 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a franchise that is subject to this subchapter.

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**Sec. 12. TRANSITION TO WRITTEN CONTRACTS**

(a) Franchise agreements that were entered into before January 1, 2019 and are not in writing shall transition to a written franchise agreement as provided pursuant to this subsection:

(1) A certificate of approval holder or manufacturer and a wholesale dealer who are parties to a franchise agreement that was entered into before January 1, 2019 and is not in writing shall negotiate a written franchise agreement to take effect on or before July 1, 2022.

(2) If the certificate of approval holder or manufacturer and the wholesale dealer are unable to reach agreement on the terms of a written franchise agreement on or before July 1, 2022 or if the parties mutually agree that the franchise shall not continue beyond that date, the franchise shall be deemed to terminate on July 1, 2022 and the certificate of approval holder or manufacturer shall pay the wholesale dealer compensation for its interest in the franchise in the same manner as if the franchise were terminated for no cause pursuant to 7 V.S.A. § 755.

(b) As used in this section:

(1) “Certificate of approval holder” has the same meaning as in 7 V.S.A. § 752.

(2) “Manufacturer” has the same meaning as in 7 V.S.A. § 752.

(3) “Wholesale dealer” has the same meaning as in 7 V.S.A. § 701.

**Sec. 13. APPLICATION OF ACT TO EXISTING AND PROSPECTIVE FRANCHISE AGREEMENTS**

(a) Definitions. As used in this section:

(1) “Certificate of approval holder” has the same meaning as in 7 V.S.A. § 752.

(2) “Manufacturer” has the same meaning as in 7 V.S.A. § 752.

(3) “Wholesale dealer” has the same meaning as in 7 V.S.A. § 701.

(b) Existing Franchise Agreements.

(1) Until July 1, 2022, the provisions of 7 V.S.A. chapter 23, subchapter 1 (existing franchise law) shall apply to all franchise agreements that were entered into before January 1, 2019.

(2) Between January 1, 2019 and July 1, 2022, certificate of approval holders, manufacturers, and wholesale dealers who are parties to a franchise agreement that was entered into before January 1, 2019 and is not in writing

shall negotiate a written franchise agreement to take effect on or before July 1, 2022 as provided pursuant to Sec. 12 of this act.

(3) Beginning on July 1, 2022, the provisions of 7 V.S.A. chapter 23, subchapter 2 shall apply to franchise agreements between a certificate of approval holder or manufacturer and a wholesale dealer.

(c) Prospective franchise agreements. The provisions of 7 V.S.A. chapter 23, subchapter 2 shall apply to franchise agreements between a certificate of approval holder or manufacturer and a wholesale dealer that are entered into on or after January 1, 2019.

#### Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 3, 4, 5, 12, and 13 shall take effect on January 1, 2019.

(b) The remaining sections shall take effect on July 1, 2022.

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

#### **Senator Ashe Assumes the Chair**

#### **President Resumes the Chair**

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

#### **Proposal of Amendment; Third Reading Ordered**

#### **H. 718.**

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

An act relating to creation of the Restorative Justice Study Committee.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. FINDINGS

The General Assembly finds that:

(1) Restorative justice has proven to be very helpful in reducing offender recidivism, and, in many cases, has resulted in positive outcomes for victims.

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(2) Victims thrive when they have options. Because the criminal justice system does not always meet victims' needs, restorative justice may provide options to improve victims' outcomes.

Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

(a) Creation. There is created the Restorative Justice Study Committee for the purpose of conducting a comprehensive examination of whether there is a role for victim-centered restorative justice principles and processes in domestic and sexual violence and stalking cases.

(b) Membership. The Committee shall be composed of the following members:

(1) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(2) an executive director of a dual domestic and sexual violence Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(3) an executive director of a sexual violence Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(4) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(5) a representative of the Vermont Association of Court Diversion Programs;

(6) a representative of a Vermont community justice program;

(7) a prosecutor who handles, in whole or in part, domestic violence, sexual violence, and stalking cases, appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;

(8) the Executive Director of Vermonters for Criminal Justice Reform or designee;

(9) a representative of the Vermont Abenaki community, appointed by the Governor;

(10) the Executive Director of the Discussing Intimate Partner Violence and Accessing Support (DIVAS) Program for incarcerated women;

(11) the Coordinator of the Vermont Domestic Violence Council;

(12) the Commissioner of Corrections or a designee familiar with community and restorative justice programs;

(13) a representative of the Office of the Defender General;

(14) the Court Diversion and Pretrial Services Director;

(15) three members, appointed by the Vermont Network Against Domestic and Sexual Violence;

(16) two victims of domestic and sexual violence or stalking appointed by the Vermont Network Against Domestic and Sexual Violence; and

(17) the Commissioner for Children and Families or designee.

(c) Powers and duties. The Committee shall study whether restorative justice can be an effective process for holding perpetrators of domestic and sexual violence and stalking accountable while preventing future crime and keeping victims and the greater community safe. In deciding whether restorative justice can be suitable both in the community and in an incarcerative setting for each subset of cases, the Committee shall study the following:

(1) the development of specialized processes to ensure the safety, confidentiality, and privacy of victims;

(2) the nature of different offenses such as domestic violence, sexual violence, and stalking, including the level of harm caused by or violence involved in the offenses;

(3) the appropriateness of restorative justice in relation to the offense;

(4) a review of the potential power imbalances between the people who are to take part in restorative justice for these offenses;

(5) ways to protect the physical and psychological safety of anyone who is to take part in restorative justice for these offenses;

(6) training opportunities related to intake-level staff in domestic and sexual violence and stalking;

(7) community collaboration opportunities in the implementation of statewide protocols among restorative justice programs and local domestic and sexual violence organizations, prosecutors, corrections, and organizations that represent marginalized Vermonters;

(8) the importance of victims' input in the development of any restorative justice process related to domestic and sexual violence and stalking cases;

(9) opportunities for a victim to participate in a restorative justice process, which may include alternatives to face-to-face meetings with an offender;

(10) risk-assessment tools that can assess perpetrators for risk prior to acceptance of referral;

(11) any necessary data collection to provide the opportunity for ongoing improvement of victim-centered response; and

(12) resources required to provide adequate trainings, ensure needed data gathering, support collaborative information sharing, and sustain relevant expertise at restorative justice programs.

(d) Assistance. The Vermont Network Against Domestic and Sexual Violence shall convene the first meeting of the Committee and provide support services.

(e) Reports. On or before December 1, 2018, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit an interim written report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary. On or before July 1, 2019, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit a final report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Vermont Network Against Domestic and Sexual Violence shall convene the meetings of the Committee, the first one to occur on or before August 1, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall meet not more than ten times and shall cease to exist on July 1, 2019.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than ten meetings as follows:

(1) Compensation and reimbursement for the two victims of domestic and sexual violence or stalking appointed by the Vermont Network Against Domestic and Sexual Violence shall be paid by the Vermont Network Against Domestic and Sexual Violence.

(2) Compensation and reimbursement for the representative of the Vermont Abenaki community appointed by the Governor as provided in subdivision (b)(9) of this section and the three members appointed by the Vermont Network Against Domestic and Sexual Violence as provided in subdivision (b)(15) of this section shall be paid by the Secretary of Administration from General Funds appropriated to Agency of Administration.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Ashe, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

In Sec. 2, subsection (g) after the words “ten meetings” by inserting the words from funds appropriated to the Agency of Administration or

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

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

Thereupon, the proposal of amendment recommended by the Committee on Judiciary, as amended, was agreed to and third reading of the bill was ordered.

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 719.**

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

An act relating to insurance companies and trust companies.

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

First: By striking out Sec. 5 in its entirety and following the existing reader assistance heading by inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. 8 V.S.A. § 3665(d) is amended to read:

(d)(1) If an insurer fails to pay timely ~~a~~ an uncontested claim, it shall pay interest on the amount of the claim beginning 30 days after a beneficiary files

a properly executed proof of loss. The interest rate shall be the rate paid on proceeds left on deposit, or six percent, whichever is greater.

(2) In the event more than 60 days elapse from the date payment on an uncontested claim is due to a beneficiary, or in the event judgment is entered for a beneficiary or the Department or a settlement agreement between the insurer and the beneficiary or the Department is executed, interest shall accrue from 30 days after the beneficiary filed a proof of loss. ~~The interest rate imposed on the insurer shall be at~~ the judgment rate allowed by law.

Second: By adding two new sections to be Secs. 9 and 10 and one accompanying reader assistance heading to read as follows:

\* \* \* Captive Insurance; Affiliated Reinsurance Companies \* \* \*

Sec. 9. 8 V.S.A. § 6001(5) is amended to read:

(5) “Captive insurance company” means any pure captive insurance company, association captive insurance company, sponsored captive insurance company, industrial insured captive insurance company, agency captive insurance company, risk retention group, affiliated reinsurance company, or special purpose financial insurance company formed or licensed under the provisions of this chapter. For purposes of this chapter, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this State, unless otherwise permitted by the Commissioner.

Sec. 10. 8 V.S.A. chapter 141, subchapter 5 is added to read:

#### Subchapter 5. Affiliated Reinsurance Companies

##### § 6049a. APPLICABLE LAW

(a) An affiliated reinsurance company shall be subject to the provisions of this subchapter and to the provisions of subchapter 1 of this chapter. In the event of any conflict between the provisions of this subchapter and the provisions of subchapter 1 of this chapter, the provisions of this subchapter shall control.

(b) An affiliated reinsurance company shall be subject to all applicable rules adopted pursuant to section 6015 of this chapter that are in effect as of the effective date of this subchapter and those that are adopted after the effective date of this subchapter.

##### § 6049b. DEFINITIONS

As used in this subchapter:

(1) “Affiliated reinsurance company” means a company licensed by the Commissioner pursuant to this subchapter to reinsure risks ceded by a ceding insurer that is its parent or affiliate.

(2) “Ceding insurer” means an insurance company approved by the Commissioner and licensed or otherwise authorized to transact the business of insurance or reinsurance in its state or country of domicile, which cedes risk to an affiliated reinsurance company pursuant to a reinsurance contract.

(3) “Organizational documents” means the affiliated reinsurance company’s articles of incorporation and bylaws and such other documents as shall be approved by the Commissioner.

(4) “Reinsurance contract” means a contract between an affiliated reinsurance company and a ceding insurer pursuant to which the affiliated reinsurance company agrees to provide reinsurance to the ceding insurer.

§ 6049c. LICENSING; AUTHORITY

(a) An affiliated reinsurance company shall only reinsure the risks of a ceding insurer. An affiliated reinsurance company may cede the risks assumed under a reinsurance contract to another reinsurer, subject to the prior approval of the Commissioner.

(b) In conjunction with the issuance of a license to an affiliated reinsurance company, the Commissioner may issue an order that includes any provisions, terms, and conditions regarding the organization, licensing, and operation of the affiliated reinsurance company that are deemed appropriate by the Commissioner and that are not inconsistent with the provisions of this chapter.

(c) To qualify for a license, an affiliated reinsurance company shall be subject, in addition to the requirements of subsection 6002(c) of this chapter, to the following:

(1) The information submitted to the Commissioner pursuant to subsection 6002(c)(1)(B) of this chapter shall include:

(A) the source and form of the affiliated reinsurance company’s capital and surplus;

(B) the investment policy of the affiliated reinsurance company, which shall provide for a diversified investment portfolio both as to type and issue and shall include a requirement for liquidity and for the reasonable preservation, administration, and management of such assets with respect to the risks associated with any reinsurance transactions.

(2) The application shall include copies of all agreements and documentation, including reinsurance agreements, described in subdivision (1)

of this subsection (c) unless otherwise approved by the Commissioner and any other statements or documents required by the Commissioner to evaluate the affiliated reinsurance company's application for licensure.

(d) Subdivision 6002(c)(3) of this chapter shall apply to all information submitted pursuant to subsection (c) of this section and to any order issued to the affiliated reinsurance company pursuant to subsection (b) of this section.

§ 6049d. FORMATION

(a) An affiliated reinsurance company may be incorporated as a stock insurer with its capital divided into shares, or in such other organizational form as may be approved by the Commissioner.

(b) An affiliated reinsurance company's organizational documents shall limit the affiliated reinsurance company's authority to the transaction of the business of insurance or reinsurance and to those activities that the affiliated reinsurance company conducts to accomplish its purposes as expressed in this subchapter.

§ 6049e. MINIMUM CAPITAL AND SURPLUS

An affiliated reinsurance company shall not be issued a license unless it possesses and thereafter maintains unimpaired paid-in capital and surplus of not less than \$5,000,000.00. The Commissioner may prescribe additional capital and surplus based upon the type, volume, and nature of reinsurance business transacted. Except as otherwise provided in this section, the provisions of chapter 159 of this title, Risk Based Capital for Insurers, shall apply in full to an affiliated reinsurance company.

§ 6049f. PERMITTED REINSURANCE

(a) An affiliated reinsurance company shall only reinsure the risks of a ceding insurer, pursuant to a reinsurance contract. An affiliated reinsurance company shall not issue a contract of insurance or a contract for assumption of risk or indemnification of loss other than such reinsurance contract.

(b) The reinsurance contract shall contain all provisions reasonably required or approved by the Commissioner, which requirements shall take into account the laws applicable to the ceding insurer regarding the ceding insurer's taking credit for the reinsurance provided under such reinsurance contract.

(c) An affiliated reinsurance company may cede risks assumed through a reinsurance contract to one or more reinsurers through the purchase of reinsurance, subject to the prior approval of the Commissioner. Except as otherwise provided in this section, the provisions of subchapter 10 of chapter 101 of this title, reinsurance of risks, shall apply in full to an affiliated reinsurance company.

(d) Unless otherwise approved in advance by the Commissioner, a reinsurance contract shall not contain any provision for payment by the affiliated reinsurance company in discharge of its obligations under the reinsurance contract to any person other than the ceding insurer or any receiver of the ceding insurer.

(e) An affiliated reinsurance company shall notify the Commissioner immediately of any action by a ceding insurer or any other person to foreclose on or otherwise take possession of collateral provided by the affiliated reinsurance company to secure any obligation of the affiliated reinsurance company.

#### § 6049g. DISPOSITION OF ASSETS; INVESTMENTS

(a) The assets of an affiliated reinsurance company shall be preserved and administered by or on behalf of the affiliated reinsurance company to satisfy the liabilities and obligations of the affiliated reinsurance company incident to the reinsurance contract and other related agreements.

(b) The Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the affiliated reinsurance company unless the investment is otherwise approved in its plan of operation or in an order issued to the affiliated reinsurance company pursuant to subsection 6049c of this chapter.

#### § 6049h. ANNUAL REPORT; BOOKS AND RECORDS

(a) For the purposes of subsection 6007(b) of this chapter:

(1) Each affiliated reinsurance company shall file its report in the form required by subsection 3561(a) of this title, and each affiliated reinsurance company shall comply with the requirements set forth in section 3569 of this title; and

(2) An affiliated reinsurance company shall report using statutory accounting principles, unless the Commissioner requires, approves, or accepts the use of generally accepted accounting principles or another comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations required or approved or accepted by the Commissioner and as supplemented by additional information required by the Commissioner.

(b) Unless otherwise approved in advance by the Commissioner, an affiliated reinsurance company shall maintain its books, records, documents, accounts, vouchers, and agreements in this State. An affiliated reinsurance company shall make its books, records, documents, accounts, vouchers, and agreements available for inspection by the Commissioner at any time. An

affiliated reinsurance company shall keep its books and records in such manner that its financial condition, affairs, and operations can be readily ascertained and so that the Commissioner may readily verify its financial statements and determine its compliance with this chapter.

(c) Unless otherwise approved in advance by the Commissioner, all original books, records, documents, accounts, vouchers, and agreements shall be preserved and kept available in this State for the purpose of examination and inspection and until such time as the Commissioner approves the destruction or other disposition of such books, records, documents, accounts, vouchers, and agreements. If the Commissioner approves the keeping outside this State of the items listed in this subsection, the affiliated reinsurance company shall maintain in this State a complete and true copy of each such original. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically

(d) The provisions of sections 3578a (annual financial reporting) and 3579 (qualified accountants) of this title shall apply in full to an affiliated reinsurance company.

#### § 6049i. INSURANCE HOLDING COMPANY SYSTEMS

Except as otherwise provided in this section, the provisions of subchapter 13 of chapter 101 of this title shall apply in full to an affiliated reinsurance company.

#### § 6049j. CORPORATE GOVERNANCE; DISCLOSURE

Except as otherwise provided in this section, the provisions of section 3316 of this title shall apply in full to an affiliated reinsurance company.

#### § 6049k. OWN RISK AND SOLVENCY ASSESSMENT

Except as otherwise provided in this section, the provisions of chapter 101, subchapter 7A (own risk and solvency assessment) of this title shall apply in full to an affiliated reinsurance company.

#### § 6049l. REQUIREMENTS FOR ACTUARIAL OPINIONS

Except as otherwise provided in this section, the provisions of chapter 101, section 3577 (requirements for actuarial opinions) of this title shall apply in full to an affiliated reinsurance company.

#### § 6049m. CONFIDENTIALITY

(a) All documents, materials, and other information, including confidential and privileged documents, examination reports, preliminary examination reports or results, working papers, recorded information, and copies of any of

these produced by, obtained by, or disclosed to the Commissioner or any other person in the course of an examination made under this subchapter are confidential and shall not be:

(1) subject to subpoena;  
(2) subject to public inspection and copying under the Public Records Act; or

(3) discoverable or admissible in evidence in any private civil action.

(b) In furtherance of his or her regulatory duties, the Commissioner may:

(1) share documents, materials, and other information, including those that are confidential and privileged, with other state, federal, or international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3, and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, and other information;

(2) receive documents, materials, and information, including those that are confidential and privileged, from other state, federal, and international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3, and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(3) enter into written agreements with other state, federal, and international regulatory agencies and law enforcement authorities, the National Association of Insurance Commissioners, the North American Securities Administrators Association, self-regulatory organizations organized under 15 U.S.C. §§ 78f, 78o-3 and 78q-1, and other self-regulatory organizations and their affiliates or subsidiaries governing the sharing and use of information consistent with this section, including agreements providing for cooperation between the Commissioner and other agencies in relation to the activities of a supervisory college; and

(4) participate in a supervisory college for any affiliated reinsurance company that is part of an affiliated group with international operations in order to assess the insurer's compliance with Vermont laws and regulations, as

well as to assess its business strategy, financial condition, risk exposure, risk management, governance processes, and legal and regulatory position.

(c) Prior to sharing information under subsection (b) of this section, the Commissioner shall determine that sharing the information will substantially further the performance of the regulatory or law enforcement duties of the recipient and that the information shall not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except to the extent provided in subsection (b) of this section.

And by renumbering the remaining section to be numerically correct.

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

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

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 915.**

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

An act relating to the protection of pollinators.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 641 is amended to read:

#### **§ 641. DEFINITIONS**

As used in this chapter:

(1) “Agricultural seed” includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized as agricultural seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds used as agricultural seed.

(2) “Secretary” means the Secretary of Agriculture, Food and Markets or ~~his or her~~ designee.

(3) “Agency” means the Agency of Agriculture, Food and Markets.

(4) "Flower seed" includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed.

\* \* \*

(7) "Vegetable seeds" include the seeds of those crops ~~which~~ that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this State.

\* \* \*

(11) "Economic poison" shall have the same meaning as in section 911 of this title.

(12) "Neonicotinoid pesticide" means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(13) "Treated corn or soybean seed" means a corn or soybean seed that is treated or covered with a neonicotinoid pesticide.

(14) "Untreated corn or soybean seed" means corn or soybean seed that is not treated with a neonicotinoid pesticide.

Sec. 2. 6 V.S.A. chapter 35, subchapter 3 is added to read:

Subchapter 3. Seed Supply; Untreated Corn or Soybean Seed

§ 650. SEED SUPPLY; UNTREATED CORN OR SOYBEAN SEED

A person who sells treated corn or soybean seed in the State shall offer for sale untreated corn or soybean seed. As used in this section, "offer for sale" includes arranging for or taking orders for the delivery of untreated corn or soybean seed.

Sec. 3. IMPLEMENTATION OF REQUIREMENT TO OFFER  
UNTREATED CORN OR SOYBEAN SEED

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A person shall be required to offer untreated corn or soybean seed for sale under 6 V.S.A. § 650 beginning on July 1, 2018 for the purpose of use during the planting season in 2019.

Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS REPORT  
ON IMPACT OF NEONICOTINOID-TREATED SEEDS ON  
POLLINATORS

(a) The Secretary of Agriculture, Food and Markets (Secretary) shall assess the effect of neonicotinoid-treated seeds on the loss of pollinator populations in Vermont by independently reviewing claims of pollinator losses by beekeepers. On or before January 15, 2019, the Secretary shall submit to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture the results of the assessment of pollinator losses. The report shall include:

(1) data collected by the Secretary regarding pollinator losses in the State, provided that the data shall be provided in an aggregated form that does not disclose the identity of individual persons, households, or businesses from whom the data were obtained;

(2) the causes of pollinator losses;

(3) an assessment of whether neonicotinoid-treated seeds caused or contributed to any pollinator losses in Vermont; and

(4) recommendations, if any, for preventing pollinator losses in Vermont.

(b) As used in this section:

(1) “Economic poison” shall have the same meaning as in 6 V.S.A. § 911.

(2) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.

(3) “Neonicotinoid-treated seed” means agricultural seed treated with a neonicotinoid pesticide.

Sec. 5. EDUCATIONAL CAMPAIGN; PESTICIDES AND POLLINATORS

The Secretary of Agriculture, Food and Markets shall develop and implement an educational program to inform users of pesticides in the State of the effects of pesticides on pollinators and methods or techniques for mitigating the effects of pesticides on pollinators. The Secretary of Agriculture, Food and Markets shall conduct the educational program at least until July 1, 2020.

**Sec. 6. EFFECTIVE DATE**

This act shall take effect on July 1, 2018.

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.

**Appointment Confirmed**

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

The nomination of

Kline, Scot L. of Essex - Superior Judge - March 13, 2018, to March 31, 2023.

Was confirmed by the Senate on a roll call Yeas 30, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 25, 2018.

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**WEDNESDAY, APRIL 25, 2018**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Julian Asucan of Montpelier.

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**Message from the House No. 52**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, 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. 927.** An act relating to approval of amendments to the charter of the City of Montpelier.

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

The Governor has informed the House that on April 20, 2018, he approved and signed a bill originating in the House of the following title:

**H. 589.** An act relating to the reasonable and prudent parent standard.

**Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 559.** An act relating to miscellaneous environmental subjects.

**H. 764.** An act relating to data brokers and consumer protection.

**Bill Referred to Committee on Appropriations****H. 675.**

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

An act relating to conditions of release prior to trial.

**Bill Referred**

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

**H. 927.** An act relating to approval of amendments to the charter of the City of Montpelier.

and pursuant to Temporary Rule 44A was referred to the Committee on Rules.

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**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

**H. 624.**

House bill entitled:

An act relating to the protection of information in the statewide voter checklist.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment by striking out Sec. 1, 17 V.S.A. § 2154 (statewide voter checklist) in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 17 V.S.A. § 2154 is amended to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The Secretary of State shall ~~establish~~ maintain a uniform and nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall serve as the official voter registration list for all elections in the State. In ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

(1) limit ~~the~~ a town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying if whether the applicant is registered in another municipality in the State by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that ~~district's~~ official's district checklist;

(4) provide adequate security to prevent unauthorized access to the checklist; and

(5) ensure the compatibility and comparability of information on the checklist with information contained in the Department of Motor Vehicles' computer systems.

(b)(1) A registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number shall be kept confidential and are exempt from public ~~copying and inspection~~ and copying under the Public Records Act.

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose a copy of all of the statewide voter checklist or a municipality's portion of the statewide voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist;

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibited purposes for using the checklist set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

Which was agreed to.

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

#### **House Proposal of Amendment Concurred In with Amendment**

#### **S. 101.**

House proposal of amendment to Senate bill entitled:

An act relating to the conduct of forestry operations.

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. 12 V.S.A. chapter 196 is added to read:

CHAPTER 196. VERMONT RIGHT TO CONDUCT FORESTRY  
OPERATIONS

§ 5755. FINDINGS

The General Assembly finds that:

(1) Private and public forestlands:

(A) constitute unique and irreplaceable resources, benefits, and values of statewide importance;

(B) contribute to the protection and conservation of wildlife, wildlife habitat, air, water, and soil resources of the State;

(C) provide a resource for the State constitutional right to hunt, fish, and trap;

(D) mitigate the effects of climate change; and

(E) result in general benefit to the health and welfare of the people of the State.

(2) The forest products industry, including maple sap collection:

(A) is a major contributor to and is valuable to the State's economy by providing jobs to its citizens;

(B) is essential to the manufacture of forest products that are used and enjoyed by the people of the State; and

(C) benefits the general welfare of the people of the State.

(3) Private and public forestlands are critical for and contribute significantly to the State's outdoor recreation and tourism economies.

(4) The economic management of public and private forestlands contributes to sustaining long-term forest health, integrity, and productivity.

(5) Forestry operations are adversely impacted by the encroachment of urban, commercial, and residential land uses throughout the State that result in forest fragmentation and conversion and erode the health and sustainability of remaining forests.

(6) As a result of encroachment on forests, conflicts have arisen between traditional forestry land uses and urban, commercial, and residential land uses that threaten to permanently convert forestland to other uses,

resulting in an adverse impact to the economy and natural environment of the State.

(7) The encouragement, development, improvement, and continuation of forestry operations will result in a general benefit to the health and welfare of the people of the State and the State's economy.

(8) The forest products industry, in order to survive, likely will need to change, adopt new technologies, and diversify into new products.

(9) Conventional forestry practices, including logging, transportation, and processing of forest products may be subject to unnecessary or adversarial lawsuits based on the theory of nuisance. Nuisance suits could encourage and result in the conversion of forestland and loss of the forest products industry.

(10) It is in the public interest of the people of the State to ensure that lawfully conducted conventional forestry practices are protected and encouraged and are not subject to public and private nuisance actions arising out of conflicts between forestry operations and urban, commercial, and residential uses.

#### § 5756. DEFINITIONS

As used in this chapter:

(1) "Commissioner" means the Commissioner of Forests, Parks and Recreation.

(2) "Conventional forestry practices" means:

(A) forestry operations;

(B) a change in ownership or size of a parcel on which a forestry operation is being conducted;

(C) cessation or interruption of a forestry operation or a change in a forestry operation, including a change in the type of a forestry operation;

(D) enrollment in governmental forestry or conservation programs;

(E) adoption of new forestry technology;

(F) construction, maintenance, and repair of log landings, logging roads, and skid trails;

(G) visual changes due to the removal, storage, or stockpiling of vegetation or forest products;

(H) noise from forestry equipment used as part of a forestry operation; or

(I) the transport or trucking of forest products or of equipment on, to, or from the site of a forestry operation.

(3) “Forest product” means logs; pulpwood; veneer; bolt wood; wood chips; stud wood; poles; pilings; biomass; fuel wood; maple sap; or bark.

(4) “Forestry operation” means activities related to the management of forests, including timber harvests; removal, storage, or stockpiling of vegetation or timber; pruning; planting; lumber processing with portable sawmills; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. “Forestry operation” includes one or both of the following:

(A) the primary processing of forest products on a parcel where a timber harvest occurs; and

(B) the primary processing of forest products at a site that is not the harvest site, provided that:

(i) the person conducting the forestry operations owns or has permission to use the site for the forestry operation;

(ii) the forestry operation was established prior to surrounding activities that are not forestry operations;

(iii) the site is used by the forestry operation for 12 or fewer months in any two-year period or 24 or fewer months in any five-year period;

(iv) the forestry operation complies with all applicable law; and

(v) only portable, nonpermanent equipment is used to process the forest products at the site.

(5) “Timber” means trees, saplings, seedlings, and sprouts from which trees of every size, nature, kind, and description may grow.

(6) “Timber harvest” means a forestry operation involving the harvesting of timber.

#### § 5757. FORESTRY OPERATIONS; PROTECTION FROM NUISANCE LAWSUITS

(a) Except as provided for under subsections (b) and (c) of this section, a person conducting a conventional forestry practice shall be entitled to a rebuttable presumption that the conventional forestry practice does not constitute a public or private nuisance if the person conducts the conventional forestry practice in compliance with the following:

(1) the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont as adopted by the Commissioner under 10 V.S.A. § 2622; and

(2) other applicable law.

(b) The presumption under subsection (a) of this section that a person conducting a conventional forestry practice does not constitute a nuisance may be rebutted by showing that a nuisance resulted from:

(1) the negligent operation of the conventional forestry practice; or

(2) a violation of State, federal, or other applicable law during the conduct of the conventional forestry practice.

(c) Nothing in this section shall be construed to limit the authority of State or local boards of health to abate nuisances affecting the public health.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

In Sec. 1, by striking out 12 V.S.A. § 5757 in its entirety and inserting in lieu thereof a new 12 V.S.A. § 5757 to read as follows:

### § 5757. FORESTRY OPERATIONS; PROTECTION FROM NUISANCE LAWSUITS

(a) Except as provided for under subsections (b) and (c) of this section, a person conducting a conventional forestry practice shall be entitled to a rebuttable presumption that the conventional forestry practice does not constitute a public or private nuisance if the person conducts the conventional forestry practice in compliance with the following:

(1) the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont as adopted by the Commissioner under 10 V.S.A. § 2622; and

(2) other applicable law.

(b) The presumption under subsection (a) of this section that a person conducting a conventional forestry practice does not constitute a nuisance may be rebutted by showing:

(1) a nuisance resulted from the negligent operation of the conventional forestry practice;

(2) a nuisance resulted from a violation of State, federal, or other applicable law during the conduct of the conventional forestry practice; or

(3) clear and convincing evidence that the conventional forestry practice has a substantial adverse effect on the health, safety, or welfare of the complaining party.

(c) Nothing in this section shall be construed to limit the authority of State or local boards of health to abate nuisances affecting the public health.

Which was agreed to.

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 593.**

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

An act relating to miscellaneous consumer protection provisions.

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

First: In Sec. 4, in 9 V.S.A. § 2480a, by striking out subdivision (12) in its entirety and inserting in lieu thereof a new subdivision (12) to read as follows:

(12) “Protected consumer” means a natural person who, at the time a request for a security freeze is made, is:

- (A) under 16 years of age;
- (B) an incapacitated person; or
- (C) a protected person.

Second: In Sec. 4, in 9 V.S.A. § 2480a, by striking out subdivision (18) in its entirety and inserting in lieu thereof a new subdivision (18) to read as follows:

(18) “Sufficient proof of authority” means documentation that shows that a person has authority to act on behalf of a protected consumer, including:

- (A) a birth certificate;
- (B) a court order;
- (C) a lawfully executed power of attorney; or
- (D) a written, notarized statement signed by the person that expressly describes the person’s authority to act on behalf of the protected consumer.

Third: In Sec. 5, in 9 V.S.A. § 2483a, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A consumer reporting agency shall place a security freeze for a protected consumer if the protected consumer's representative submits a request, including proper authority, to the address and in the manner specified by the consumer reporting agency.

Fourth: In Sec. 5, in 9 V.S.A. § 2483a, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d)(1) A credit reporting agency shall lift temporarily a protected consumer security freeze to allow access by a specific party or parties or for a specific period of time, upon a request from the protected consumer's representative.

(2) The protected consumer's representative shall submit the request to the address and in the manner specified by the consumer reporting agency.

(3) The request shall include:

(A) proper authority; and

(B) the unique personal identification number, password, or other method of authentication provided by the credit reporting agency pursuant to subsection (c) of this section.

Fifth: In Sec. 5, in 9 V.S.A. § 2483a, by striking out subsection (j) in its entirety and inserting in lieu thereof a new subsection (j) to read as follows:

(j)(1) A protected consumer security freeze shall remain in place until the credit reporting agency receives a request to remove the freeze from:

(A) the protected consumer's representative; or

(B) the consumer who is subject to the protected consumer security freeze.

(2) A credit reporting agency shall remove a protected consumer security freeze within three business days after receiving a proper request for removal.

(3) The party requesting the removal of a protected consumer security freeze pursuant to subdivision (1) of this subsection shall submit the request to the address and in the manner specified by the consumer reporting agency.

(4) The request shall include:

(A) proper authority; and

(B) the unique personal identification number, password, or other method of authentication provided by the credit reporting agency pursuant to subsection (c) of this section.

Sixth: By adding a Sec. 6a to read as follows:

Sec. 6a. ONE-STOP FREEZE NOTIFICATION

(a) The Attorney General, in consultation with industry stakeholders, shall consider one or more methods to ease the burden on consumers when placing or lifting a credit security freeze, including the right to place a freeze with a single nationwide credit reporting agency and require that agency to initiate a freeze with other agencies.

(b) On or before January 15, 2019, the Attorney General shall report his or her findings and recommendations to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs.

Seventh: In Sec. 7, effective dates, in subsection (a), after the word “section” by inserting the following: and 6a

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

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

**Bill Passed in Concurrence with Proposal of Amendment; Rules  
Suspended; Bill Messaged**

**H. 25.**

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

An act relating to sexual assault survivors’ rights.

Thereupon, on motion of Senator Sears, the rules were suspended, and the bill was ordered messaged to the House forthwith.

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

**H. 378.**

House bill entitled:

An act relating to the creation of the Artificial Intelligence Task Force.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ashe moved to amend the Senate proposal of amendment in Sec. 1, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Membership. The Task Force shall be composed of the following 14 members:

(1) the Secretary of Commerce and Community Development or designee;

(2) the Secretary of Digital Services or designee;

(3) the Commissioner of Public Safety or designee;

(4) the Secretary of Transportation or designee;

(5) one member to represent the interests of workers appointed by the President of the Vermont State Labor Council, AFL-CIO;

(6) the Executive Director of the American Civil Liberties Union of Vermont or designee;

(7) one member appointed by the Chief Justice of the Supreme Court;

(8) two members who are academics at a postsecondary institute, with one appointed by the Speaker and one appointed by the Committee on Committees;

(9) one member with experience in the field of ethics and human rights, appointed by the Vermont chapter of the National Association of Social Workers;

(10) one member appointed by the Vermont Society of Engineers;

(11) one member appointed by the Vermont Academy of Science and Engineering;

(12) one member who is a secondary or postsecondary student in Vermont, appointed by the Governor; and

(13) one member appointed by the Vermont Medical Society.

Which was agreed to.

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

#### **Bill Passed in Concurrence with Proposal of Amendment**

House bill of the following title:

**H. 404.** An act relating to Medicaid reimbursement for long-acting reversible contraceptives.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 29, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**The Senator absent and not voting was:** Bray.

**Bills Passed in Concurrence with Proposal of Amendment**

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

**H. 710.** An act relating to beer franchises.

**H. 718.** An act relating to creation of the Restorative Justice Study Committee.

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

**H. 719.**

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

An act relating to insurance companies and trust companies.

**Proposal of Amendment; Third Reading Ordered**

**H. 676.**

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

An act relating to miscellaneous energy subjects.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 30 V.S.A. § 248(s) is amended to read:

(s) This subsection sets minimum setback requirements that shall apply to in-state ground-mounted solar electric generation facilities approved under this section, unless the facility is installed on a canopy constructed on an area primarily used for parking vehicles that is in existence or permitted on the date the application for the facility is filed.

---

\* \* \*

(3) On review of an application, the Commission may:

(A) require a larger setback than this subsection requires; ~~or~~

(B) approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback; or

(C) require a setback for a facility constructed on an area primarily used for parking vehicles, if the application concerns such a facility.

\* \* \*

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

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

**Proposal of Amendment; Third Reading Ordered**

**H. 892.**

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

An act relating to regulation of short-term, limited-duration health insurance coverage and association health plans.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4062(h)(1) is amended to read:

(h)(1) The authority of the Board under this section shall apply only to the rate review process for policies for major medical insurance coverage and shall not apply to the policy forms for major medical insurance coverage or to the rate and policy form review process for policies for specific disease, accident, injury, hospital indemnity, dental care, vision care, disability income, long-term care, student health insurance coverage, Medicare supplemental coverage, or other limited benefit coverage; to short-term, limited-duration health insurance coverage; or to benefit plans that are paid directly to an individual insured or to his or her assigns and for which the amount of the benefit is not based on potential medical costs or actual costs incurred. Premium rates and rules for the classification of risk for Medicare supplemental insurance policies shall be governed by sections 4062b and 4080e of this title.

Sec. 2. 8 V.S.A. § 4079a is added to read:

§ 4079a. ASSOCIATION HEALTH PLANS

(a) As used in this section, “association health plan” means a policy issued to an association; to a trust; or to one or more trustees of a fund established, created, or maintained for the benefit of the members of one or more associations or a contract or plan issued by an association or trust or by a multiple employer welfare arrangement as defined in the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq.

(b) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 regulating association health plans in order to protect Vermont consumers and promote the stability of Vermont’s health insurance markets, to the extent permitted under federal law, including rules regarding licensure, solvency and reserve requirements, and rating requirements.

(c) The provisions of section 3661 of this title shall apply to association health plans.

Sec. 3. 8 V.S.A. § 4084a is added to read:

§ 4084a. SHORT-TERM, LIMITED-DURATION HEALTH INSURANCE

(a) As used in this section, “short-term, limited-duration health insurance” means health insurance that provides medical, hospital, or major medical expense benefits coverage pursuant to a policy or contract with an insurer and that has an expiration date specified in the policy or contract that is three months or less after the original effective date of the policy or contract.

(b) An insurer shall not provide short-term, limited-duration health insurance coverage unless the insurer has a certificate of authority from the Commissioner to offer health insurance as defined in subdivision 3301(a)(2) of this title or is licensed or registered with the Commissioner as a nonprofit hospital or medical service corporation, health maintenance organization, or managed care organization, unless the insurer is exempted by subdivision 3368(a)(4) of this title.

(c) A short-term, limited-duration health insurance policy or contract shall be nonrenewable, and an insurer shall not issue a short-term, limited-duration health insurance policy or contract to any person if the issuance would result in the person being covered by short-term, limited-duration health insurance coverage for more than three months in any 12-month period.

(d) A policy or contract for short-term, limited-duration health insurance coverage shall display prominently in the policy or contract and in any application materials provided in connection with enrollment in that coverage, in at least 14-point type, certain disclosures regarding the scope of short-term,

limited-duration health insurance coverage, including the types of benefits and consumer protections that are and are not included. The Commissioner shall determine the specific disclosure language that shall be used in all short-term, limited-duration health insurance policies, contracts, and application materials and shall provide the language to the insurers offering that coverage.

(e) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25:

(1) establishing the minimum financial, marketing, service, and other requirements for registration of an insurer to provide short-term, limited-duration health insurance coverage to individuals in this State;

(2) requiring an insurer seeking to provide short-term, limited-duration health insurance coverage to individuals in this State to file its rates and forms with the Commissioner for his or her approval;

(3) requiring an insurer seeking to provide short-term, limited-duration health insurance coverage to individuals in this State to file its advertising materials with the Commissioner for his or her approval; and

(4) establishing such other requirements as the Commissioner deems necessary to protect Vermont consumers and promote the stability of Vermont's health insurance markets.

(f) The provisions of section 4089f of this title, and any rules adopted under that section, shall apply to short-term, limited-duration health insurance coverage.

Sec. 4. 32 V.S.A. § 10401 is amended to read:

#### § 10401. DEFINITIONS

As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, any dental service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans; short-term, limited-duration health insurance policies and contracts as defined in 8 V.S.A. § 4084a; student health insurance policies; and Medicare supplemental policies, contracts, or plans, but does not include Medicaid or any other State health care assistance program in which claims are financed in whole or in part through a federal program unless authorized by federal law and approved by the General Assembly. The term does not include policies

issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

\* \* \*

Sec. 5. 33 V.S.A. § 1802 is amended to read:

§ 1802. DEFINITIONS

As used in this subchapter:

\* \* \*

(3) “Health benefit plan” means a policy, contract, certificate, or agreement offered or issued by a health insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of health services. This term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage where benefits for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; short-term, limited-duration health insurance; specific disease or other limited benefit coverage, Medicare supplemental health benefits, Medicare Advantage plans, and other similar benefits excluded under the Affordable Care Act.

\* \* \*

Sec. 6. 33 V.S.A. § 1811 is amended to read:

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL EMPLOYERS

(a) As used in this section:

(1) “Health benefit plan” means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan offered through the Vermont Health Benefit Exchange or a reflective silver plan offered in accordance with section 1813 of this title that is issued to an individual or to an employee of a small employer. The term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage in which benefits

for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; short-term, limited-duration health insurance; specific disease or other limited benefit coverage, Medicare supplemental health benefits, Medicare Advantage plans, and other similar benefits excluded under the Affordable Care Act.

\* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

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

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

#### **House Proposal of Amendment Concurred In**

#### **S. 173.**

House proposal of amendment to Senate bill entitled:

An act relating to sealing criminal history records when there is no conviction.

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. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,  
POSTCONVICTION; PROCEDURE

\* \* \*

(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 10 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 in the last 7 years.~~

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

\* \* \*

Sec. 2. 13 V.S.A. § 7603 is amended to read:

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO  
CONVICTION; PROCEDURE

(a) ~~A person who was cited or arrested for a qualifying crime or qualifying crimes arising out of the same incident or occurrence may file a petition with the court requesting expungement or~~ Unless either party objects in the interest of justice, the court shall issue an order sealing of the criminal history record related to the citation or arrest if one of the following conditions is met of a person:

~~(1) No criminal charge is filed by the State and the statute of limitations has expired.~~

~~(2) The twelve months after the dismissal if:~~

~~(A) the court does not make a determination of probable cause at the time of arraignment or dismisses the charge at the time of arraignment and the statute of limitations has expired; or~~

~~(3)(B) The charge is dismissed before trial:~~

~~(A) without prejudice and the statute of limitations has expired; or~~

~~(B) with prejudice.~~

~~(4)(2) The at any time if the prosecuting attorney and the defendant and the respondent stipulate that the court may grant the petition to expunge and seal the record.~~

(b) ~~The State's Attorney or Attorney General shall be the respondent in the matter. If a party objects to sealing or expunging a record pursuant to this section, the court shall schedule a hearing to determine if sealing or expunging the record serves the interest of justice. The petitioner defendant and the respondent prosecuting attorney shall be the only parties in the matter.~~

~~(c) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if it finds that expungement of the criminal history record serves the interest of justice. [Repealed.]~~

~~(d) 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:~~

~~(1) The court finds that sealing the criminal history record better serves the interest of justice than expungement.~~

~~(2) The person committed the qualifying crime after reaching 19 years of age. [Repealed.]~~

(e) Unless either party objects in the interest of justice, the court shall issue an order expunging a criminal history record related to the citation or arrest of a person:

(1) not more than 45 days after:

(A) acquittal if the defendant is acquitted of the charges; or

(B) dismissal if the charge is dismissed with prejudice before trial;

(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to expunge the record.

(f) Unless either party objects in the interest of justice, the court shall issue an order to expunge a record sealed pursuant to subsection (a) or (g) of this section after the statute of limitations has expired.

(g) A person may file a petition with the court requesting sealing or expungement of a criminal history record related to the citation or arrest of the person at any time. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interest of justice.

(h) The court may expunge any records that were sealed pursuant to this section prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subsection, the court shall provide to the State's Attorney's office that prosecuted the case written notice of its intent to expunge the record.

Sec. 3. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

\* \* \*

(d)(1) The court ~~may~~ shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to ~~section 7602 or 7603 of this title~~ this chapter. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case ~~or by the court if the court finds that inspection of the documents is necessary to serve the interest of justice~~. The Administrative Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) All other court documents in a case that are subject to an expungement order shall be destroyed.

(5) The Court Administrator shall establish policies for implementing this subsection.

(e) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that "NO RECORD EXISTS."

Sec. 4. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;  
EXPUNGEMENT-ELIGIBLE CRIMES; AUTOMATIC  
EXPUNGEMENT AND SEALING OF CRIMINAL HISTORY  
RECORDS; REPORT

The Department of State's Attorneys and Sheriffs, in consultation with the Office of the Court Administrator, the Vermont Crime Information Center, the Office of the Attorney General, the Office of the Defender General, the Center for Crime Victim Services, and Vermont Legal Aid, shall:

(1) consider:

(A) expanding the list of qualifying crimes eligible for expungement pursuant to 13 V.S.A. § 7601 to include any nonviolent drug-related offenses;

(B) the implications of such an expansion on public health, economic development, and law enforcement efforts in the State; and

(C) the viability of automating the process of expunging and sealing criminal history records;

(2) seek input from the Vermont Governor's Opioid Coordination Council; and

(3) on or before November 1, 2018, report to the Joint Legislative Justice Oversight Committee on the findings of the group, including any recommendations on specific crimes to add to the definition of qualifying crimes pursuant to 13 V.S.A. § 7601.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

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

**S. 289.**

House proposal of amendment to Senate bill entitled:

An act relating to protecting consumers and promoting an open Internet in Vermont..

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:

\* \* \* Legislative Findings \* \* \*

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) Our State has a compelling interest in preserving and promoting an open Internet in Vermont.

(2) As Vermont is a rural state with many geographically remote locations, broadband Internet access service is essential for supporting economic and educational opportunities, strengthening health and public safety networks, and reinforcing freedom of expression and democratic, social, and civic engagement.

(3) The accessibility and quality of communications networks in Vermont, specifically broadband Internet access service, will critically impact our State's future.

(4) Net neutrality is an important topic for many Vermonters. Nearly 50,000 comments attributed to Vermonters were submitted to the FCC during

the Notice of Proposed Rulemaking regarding the Restoring Internet Freedom Order, WC Docket No. 17-108, FCC 17-166. Transparency with respect to the network management practices of ISPs doing business in Vermont will continue to be of great interest to many Vermonters.

(5) In 1996, Congress recognized that “[t]he Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity” and “[i]ncreasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.” 47 U.S.C. § 230(a)(3) and (5).

(6) Many Vermonters do not have the ability to choose easily between Internet service providers (ISPs). This lack of a thriving competitive market, particularly in isolated locations, disadvantages the ability of consumers and businesses to protect their interests sufficiently.

(7) Without net neutrality, “ISPs will have the power to decide which websites you can access and at what speed each will load. In other words, they’ll be able to decide which companies succeed online, which voices are heard – and which are silenced.” Tim Berners-Lee, founder of the World Wide Web and Director of the World Wide Web Consortium (W3C), December 13, 2017.

(8) The Federal Communications Commission’s (FCC’s) recent repeal of the federal net neutrality rules pursuant to its *Restoring Internet Freedom Order* manifests a fundamental shift in policy.

(9) The FCC anticipates that a “light-touch” regulatory approach under Title I of the Communications Act of 1934, rather than “utility-style” regulation under Title II, will further advance the Congressional goals of promoting broadband deployment and infrastructure investment.

(10) The FCC’s regulatory approach is unlikely to achieve the intended results in Vermont. The policy does little, if anything, to overcome the financial challenges of bringing broadband service to hard-to-reach locations with low population density. However, it may result in degraded Internet quality or service. The State has a compelling interest in preserving and protecting consumer access to high quality Internet service.

(11) The economic theory advanced by the FCC in 2010 known as the “virtuous circle of innovation” seems more relevant to the market conditions in Vermont. See *In re Preserving the Open Internet*, 25 F.C.C.R. 17905, 17910-11 (2010).

(12) As explained in the FCC’s 2010 Order, “The Internet’s openness. . . enables a virtuous circle of innovation in which new uses of the network –

including new content, applications, services, and devices – lead to increased end-user demand for broadband, which drives network improvements, which in turn lead to further innovative network uses. Novel, improved, or lower-cost offerings introduced by content, application, service, and device providers spur end-user demand and encourage broadband providers to expand their networks and invest in new broadband technologies.” 25 FCC Rcd. at 17910-11, upheld by *Verizon v. FCC*, 740 F.3d 623, 644-45 (D.C. Circuit 2014).

(13) As affirmed by the FCC five years later, “[t]he key insight of the virtuous cycle is that broadband providers have both the incentive and the ability to act as gatekeepers standing between edge providers and consumers. As gatekeepers, they can block access altogether; they can target competitors, including competitors in their own video services; and they can extract unfair tolls.” *Open Internet Order*, 30 FCC Rcd at para. 20.

(14) The State may exercise its traditional role in protecting consumers from potentially unfair and anticompetitive business practices. Doing so will provide critical protections for Vermont individuals, entrepreneurs, and small businesses that do not have the financial clout to negotiate effectively with commercial providers, some of whom may provide services and content that directly compete with Vermont companies or companies with whom Vermonters do business.

(15) The FCC’s most recent order expressly contemplates state exercise of traditional police powers on behalf of consumers: “we do not disturb or displace the states’ traditional role in generally policing such matters as fraud, taxation, and general commercial dealings, so long as the administration of such general state laws does not interfere with federal regulatory objectives.” *Restoring Internet Freedom Order*, WC Docket No. 17-108, FCC 17-166, para. 196.

(16) The benefits of State measures designed to protect the ability of Vermonters to have unfettered access to the Internet far outweigh the benefits of allowing ISPs to manipulate Internet traffic for pecuniary gain.

(17) The most recent order of the FCC contemplates federal and local enforcement agencies preventing harm to consumers: “In the unlikely event that ISPs engage in conduct that harms Internet openness. . . we find that utility-style regulation is unnecessary to address such conduct. Other legal regimes – particularly antitrust law and the FTC’s authority under Section 5 of the FTC Act to prohibit unfair and deceptive practices – provide protections to consumers.” para. 140. The Attorney General enforces antitrust violations or violations of the Consumer Protection Act in Vermont.

(18) The Governor's Executive Order No. 2-18, requiring all State agency contracts with Internet service providers to include net neutrality protections, manifests a significant and reasonable step toward preserving an open Internet in Vermont.

(19) The State has a compelling interest in knowing with certainty what services it receives pursuant to State contracts.

(20) Procurement laws are for the benefit of the State. When acting as a market participant, the government enjoys unrestricted power to contract with whomever it deems appropriate and purchase only those goods or services it desires.

(21) The disclosures required by this act are a reasonable exercise of the State's traditional police powers and will support the State's efforts to monitor consumer protection and economic factors in Vermont, particularly with regard to competition, business practices, and consumer choice, and will also enable consumers to stay apprised of the network management practices of ISPs offering service in Vermont.

(22) The State is in the best position to balance the needs of its constituencies with policies that best serve the public interest. The State has a compelling interest in promoting Internet consumer protection and net neutrality standards. Any incidental burden on interstate commerce resulting from the requirements of this act is far outweighed by the compelling interests the State advances.

\* \* \* Consumer Protection; Disclosure; Net Neutrality Compliance \* \* \*

Sec. 2. 9 V.S.A. § 2466c is added to read:

§ 2466c. INTERNET SERVICE; NETWORK MANAGEMENT;  
ATTORNEY GENERAL REVIEW AND DISCLOSURE

(a) The Attorney General shall review the network management practices of Internet service providers in Vermont and, to the extent possible, make a determination as to whether the provider's broadband Internet access service complies with the open Internet rules contained in the Federal Communications Commission's 2015 Open Internet Order, "Protecting and Promoting the Open Internet," WC Docket No. 14-28, Report and Order on Remand, Declaratory Ruling and Order, 30 FCC Rcd 5601.

(b) The Attorney General shall disclose his or her findings under this section on a publicly available, easily accessible website maintained by his or her office.

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\* \* \* Net Neutrality Study; Attorney General \* \* \*

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### Sec. 3. NET NEUTRALITY STUDY

On or before December 15, 2018, the Attorney General, in consultation with the Commissioner of Public Service and with input from industry and consumer stakeholders, shall submit findings and recommendations in the form of a report or draft legislation to the Senate Committees on Finance and on Economic Development, Housing and General Affairs and the House Committees on Energy and Technology and on Commerce and Economic Development reflecting whether and to what extent the State should enact net neutrality rules applicable to Internet service providers offering broadband Internet access service in Vermont. Among other things, the Attorney General shall consider:

(1) the scope and status of federal law related to net neutrality and ISP regulation;

(2) the scope and status of net neutrality rules proposed or enacted in state and local jurisdictions;

(3) methods for and recommendations pertaining to the enforcement of net neutrality requirements;

(4) the economic impact of federal or state changes to net neutrality policy, including to the extent practicable methods for and recommendations pertaining to tracking broadband investment and deployment in Vermont and otherwise monitoring market conditions in the State;

(5) the efficacy of the Governor's Executive Order No. 2-18, requiring all State agency contracts with Internet service providers to include net neutrality protections;

(6) proposed courses of action that balance the benefits to society that the communications industry brings with actual and potential harms the industry may pose to consumers; and

(7) any other factors and considerations the Attorney General deems relevant to making recommendations pursuant to this section.

\* \* \* Connectivity Initiative; Grant Eligibility; H.581 \* \* \*

Sec. 4. 30 V.S.A. § 7515b is amended to read:

### § 7515b. CONNECTIVITY INITIATIVE

(a) The purpose of the Connectivity Initiative is to provide each service location in Vermont access to Internet service that is capable of speeds of at least 10 Mbps download and 1 Mbps upload, or the FCC speed requirements

established under Connect America Fund Phase II, whichever is higher, beginning with locations not served as of December 31, 2013 according to the minimum technical service characteristic objectives applicable at that time. Within this category of service locations, priority shall be given first to unserved and then to underserved locations. As used in this section, “unserved” means a location having access to only satellite or dial-up Internet service and “underserved” means a location having access to Internet service with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps download and 1 Mbps upload. Any new services funded in whole or in part by monies from this Initiative shall be capable of being continuously upgraded to reflect the best available, most economically feasible service capabilities.

(b) The Department of Public Service shall publish annually a list of census blocks eligible for funding based on the Department’s most recent broadband mapping data. The Department annually shall solicit proposals from service providers to deploy broadband to eligible census blocks. Funding shall be available for capital improvements only, not for operating and maintenance expenses. The Department shall give priority to proposals that reflect the lowest cost of providing services to unserved and underserved locations; however, the Department also shall consider:

- (1) the proposed data transfer rates and other data transmission characteristics of services that would be available to consumers;
- (2) the price to consumers of services;
- (3) the proposed cost to consumers of any new construction, equipment installation service, or facility required to obtain service;
- (4) whether the proposal would use the best available technology that is economically feasible;
- (5) the availability of service of comparable quality and speed; and
- (6) the objectives of the State’s Telecommunications Plan.

\* \* \* Effective Date \* \* \*

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Sirotkin, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Thereupon, pursuant to the request of the Senate, the President announced the appointment of

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Senator Lyons  
Senator Campion  
Senator Sirotkin

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, April 26, 2018.

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### **THURSDAY, APRIL 26, 2018**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Rabbi Amy Joy Small of Burlington.

### **Message from the House No. 53**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 85.** An act relating to simplifying government for small businesses.

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

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

**H. 294.** An act relating to inquiries about an applicant's salary history.

**H. 333.** An act relating to identification of gender-free restrooms in public buildings and places of public accommodation.

**H. 603.** An act relating to human trafficking.

And has severally concurred therein.

**Senate Bill Recommitted****H. 903.**

Senate bill entitled:

An act relating to regenerative farming.

Was taken up.

Thereupon, pending third reading of the bill, on motion of Senator Starr, the bill was recommitted to the Committee on Agriculture.

**Bill Referred to Committee on Appropriations****H. 897.**

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

An act relating to enhancing the effectiveness, availability, and equity of services provided to students who require additional support.

**Message from the Governor  
Appointments Referred**

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

Howland, William G. of Isle La Monte - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from April 15, 2018 to February 28, 2021.

To the Committee on Natural Resources and Energy.

Fischer, Robert of Barre - Member of the VT Citizens' Advisory Council on Lake Champlain's Future - from April 15, 2018 to February 28, 2021.

To the Committee on Natural Resources and Energy.

Kolsun, Michael W. of Island Pond - Member of the Fish and Wildlife Board - from April 15, 2018 to February 29, 2024.

To the Committee on Natural Resources and Energy.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of  
Amendment****H. 915.**

House bill entitled:

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An act relating to the protection of pollinators.

Was taken up.

Thereupon, pending third reading of the bill, Senators Baruth, Balint, Bray, Campion and Sirotkin move to amend the Senate proposal of amendment as follows:

First: In Sec. 4 (report on impact of neonicotinoid-treated seeds on pollinators), in subsection (a), after the following: “beekeepers.” and before the following: “On or before January 15, 2019,” by inserting the following: As part of the assessment, the Secretary shall review the recommendations of the Pollinator Protection Committee for reducing pollinator losses that were submitted to the General Assembly in February of 2017 in the report required under 2016 Acts and Resolves No. 83.

And in subdivision (a)(3), by striking out the word “and” following the semicolon

And by striking out subdivision (a)(4) in its entirety and inserting in lieu thereof new subdivisions (a)(4) and (5) to read as follows:

(4) a State pollinator protection plan as required by 2016 Acts and Resolves No. 83; and

(5) recommendations for preventing pollinator losses in Vermont.

Second: By striking out Sec. 6, Effective Date, in its entirety and inserting in lieu thereof Secs. 6, 7 and 8 to read as follows:

Sec. 6. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

\* \* \*

(4) “Economic poison” shall have the meaning stated in subdivision 911(5) of this title.

\* \* \*

(6) “Pesticide” for the purposes of this chapter shall be used interchangeably with “economic poison.”

\* \* \*

(8) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

- (B) nithiazine;
- (C) acetamiprid;
- (D) clothianidin;
- (E) dinotefuran;
- (F) thiacloprid;
- (G) thiamethoxam; and
- (H) any other chemical designated by the Secretary by rule.

(9) "Ornamental plants" means any shrub, bush, tree, or other plant used or intended for a use other than farming as that term is defined in 10 V.S.A. § 6001.

Sec. 7. 6 V.S.A. § 1105b is added to read:

§ 1105b. APPLICATION OF NEONICOTINOID PESTICIDES

A person shall not apply neonicotinoid pesticides to ornamental plants in the State, except:

(1) as authorized by the Secretary of Agriculture, Food and Markets under a right-of-way permit for the application of pesticides; or

(2) as authorized for application on a golf course regulated by the Secretary of Agriculture, Food and Markets.

Sec. 8. EFFECTIVE DATES

This act shall take effect passage, except that Secs. 6 and 7 (neonicotinoid pesticide application to ornamental plants) shall take effect January 1, 2021.

Which was agreed to on a roll call, Yeas 29, 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:** Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**The Senator absent and not voting was:** Ashe.

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

Senator Branagan 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, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**The Senator absent and not voting was:** Ayer.

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

**H. 593.**

House bill of the following title:

An act relating to miscellaneous consumer protection provisions.

Was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 30, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

**Those Senators who voted in the negative were:** None.

**Bills Passed in Concurrence with Proposal of Amendment**

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

**H. 676.** An act relating to miscellaneous energy subjects.

**H. 892.** An act relating to regulation of short-term, limited-duration health insurance coverage and association health plans.

**Proposal of Amendment; Third Reading Ordered**

**H. 711.**

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

An act relating to employment protections for crime victims.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Employment Protection for Crime Victims \* \* \*

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, age, or disability;

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age to discriminate against any individual or against a

qualified individual with a disability or to limit, segregate, or qualify its membership;

\* \* \*

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(14) “Pregnancy-related condition” means a limitation of an employee’s ability to perform the functions of a job caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

(15) “Crime victim” means any of the following:

(A) a person who has obtained a relief from abuse order issued under 15 V.S.A. § 1103;

(B) a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178;

(C) a person who has obtained an order against abuse of a vulnerable adult issued under 33 V.S.A. chapter 69; or

(D)(i) a victim as defined in 13 V.S.A. § 5301, provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction; and

(ii) shall include the victim’s child, stepchild, foster child, parent, spouse, or a ward of the victim who lives with the victim, or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as the defendant.

Sec. 3. 21 V.S.A. § 472c is added to read:

§ 472c. LEAVE; CRIME VICTIMS

(a) As used in this section:

(1) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(2) “Employee” means a person who is a crime victim as defined in section 495d of this chapter and, in consideration of direct or indirect gain or

profit, has been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week.

(b) In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave from employment for the purpose of attending a deposition or court proceeding related to:

(1) a criminal proceeding, when the employee is a victim as defined in 13 V.S.A. § 5301 and the employee has a right or obligation to appear at the proceeding;

(2) a relief from abuse hearing pursuant to 15 V.S.A. § 1103, when the employee seeks the order as plaintiff;

(3) a hearing concerning an order against stalking or sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff; or

(4) a relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff.

(c) During the leave, at the employee's option, the employee may use accrued sick leave, vacation leave, or any other accrued paid leave. Use of accrued paid leave shall not extend the leave provided pursuant to this section.

(d) The employer shall continue employment benefits for the duration of the leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. The employer may require that the employee contribute to the cost of benefits during the leave at the existing rate of employee contribution.

(e) The employer shall post and maintain in a conspicuous place in and about each of its places of business printed notices of the provisions of this section on forms provided by the Commissioner of Labor.

(f)(1) Upon return from leave taken under this section, an employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day leave began.

(2) This subsection shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate.

(3) This subsection shall not apply if the employer can demonstrate by clear and convincing evidence that during the period of leave the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave or the condition for which the leave was granted.

(g) An employer may adopt a leave policy more generous than the leave provided by this section. Nothing in this section shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater leave rights than the rights provided by this section. A collective bargaining agreement or employment benefit program or plan shall not diminish rights provided by this section. Notwithstanding the provisions of this section, an employee may, at the time a need for leave arises, waive some or all of the rights under this section, provided that the waiver is informed and voluntary and that any changes in conditions of employment related to the waiver shall be mutually agreed upon between the employer and the employee.

(h) Subsection (b) of this section shall not apply to an employer that provides goods or services to the general public if the employee's absence would require the employer to suspend all business operations at a location that is open to the general public.

\* \* \* Employment Protection for Volunteer First Responders \* \* \*

Sec. 4. 21 V.S.A. § 495o is added to read:

§ 495o. VOLUNTEER EMERGENCY RESPONDERS

(a) As used in this section:

(1) "Emergency medical personnel" shall include "emergency medical personnel," "ambulance service," "emergency medical services," and "first responder service" as defined in 24 V.S.A. § 2651.

(2) "Firefighter" shall have the same meaning as in 20 V.S.A. § 3151(3).

(3) "Volunteer emergency responder" means a volunteer firefighter or volunteer emergency medical personnel.

(b) An employer shall not discharge, discriminate, or retaliate against an employee because the employee was absent from work to perform duty as a volunteer emergency responder.

(c) This section shall not apply to:

(1) a public safety agency or provider of emergency medical services if, as determined by the employer, the employee's absence would hinder the availability of public safety or emergency medical services; or

(2) an employer that provides goods or services to the general public if the employee's absence would require the employer to suspend all business operations at a location that is open to the general public.

(d) An employee who is a volunteer emergency responder shall notify his or her employer at the time of hire or at the time that the employee becomes a volunteer emergency responder and shall provide the employer with a written statement signed by the chief of the volunteer fire department or the designated director or chief of the ambulance service or emergency medical services stating that the employee is a volunteer emergency responder.

(e) Nothing in this section shall prohibit an employer from requiring an employee to provide reasonable notice that the employee is leaving work to respond to an emergency.

(f)(1) An employer shall not be required to compensate an employee for time that an employee is absent from employment while performing his or her duty as a volunteer emergency responder.

(2)(A) An employer may require an employee to use any accrued time off for time that the employee is absent from work while performing his or her duty as a volunteer emergency responder, provided that the employer shall compensate the employee for any accrued time off used at his or her normal hourly wage rate.

(B) Notwithstanding subdivision (A) of this subdivision (2), an employer shall not prevent an employee from performing his or her duty as a volunteer emergency responder due to a lack of accrued time off or paid leave.

\* \* \* Effective Date \* \* \*

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to on a roll call, Yeas 30, Nays 0.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

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**Those Senators who voted in the negative were:** None.

Thereupon, third reading of the bill was ordered.

**Proposal of Amendment; Third Readings Ordered**

**H. 806.**

Senator Soucy, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to the Southeast State Correctional Facility.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. SOUTHEAST STATE CORRECTIONAL FACILITY; REPORT**

(a) The Commissioner of Buildings and General Services shall investigate and analyze options for the future use of the Southeast State Correctional Facility and the surrounding 118.57 acres of land owned by the Department of Buildings and General Services. As part of the investigation, the Commissioner shall consult with the Secretary of Administration and any other State entities that would have a potential use for the facility or land.

(b) On or before December 15, 2018, the Commissioner of Buildings and General Services shall submit a report, which shall include an analysis and recommendations, if any, on the highest and best State use resulting from the investigation described in subsection (a) of this section to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Chair of the Town of Windsor Selectboard.

**Sec. 2. EFFECTIVE DATE**

This act shall take effect on passage.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered on a division of the Senate, Yeas, 18, Nays 11.

**H. 856.**

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

An act relating to miscellaneous amendments to municipal law.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Municipal Elections and Appointments \* \* \*

Sec. 1. 17 V.S.A. § 2651a is amended to read:

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL

(a)(1) A town may vote by Australian ballot at an annual meeting to authorize the ~~selectmen~~ selectboard to appoint a first constable, and if needed a second constable, in which case at least a first constable shall be appointed.

(2) A constable so appointed may be removed by the ~~selectmen~~ selectboard for just cause after notice and hearing.

(3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint constables, the ~~selectmen's~~ selectboard's authority to make such appointments shall remain in effect until the town rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual meeting, duly warned for that purpose.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a vote to authorize the ~~selectmen~~ selectboard to appoint constables shall become effective only upon a two-thirds vote of those present and voting, if a written protest against the authorization is filed with the ~~legislative body~~ selectboard at least 15 days before the vote by at least five percent of the voters of the municipality town.

(c) The authority to authorize the selectboard to appoint the constable as provided in this section shall extend to all towns except those that have a charter that specifically provides for the election or appointment of the office of constable.

Sec. 2. 17 V.S.A. § 2651b is amended to read:

§ 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF PUBLIC ACCOUNTANT

(a)(1) A town may vote by ballot at an annual meeting to eliminate the office of town auditor.

(2)(A) If a town votes to eliminate the office of town auditor, the selectboard shall contract with a public accountant, licensed in this State, to perform an annual financial audit of all funds of the town except the funds audited pursuant to 16 V.S.A. § 323.

(B) Unless otherwise provided by law, the selectboard shall provide for all other ~~auditor~~ auditor's duties to be performed.

(3) A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting, by ballot, at an annual meeting duly warned for that purpose.

(b) The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date upon which the selectboard enters into a contract with a public accountant under this section, whichever occurs first.

(c) The authority to vote to eliminate the office of town auditor as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

Sec. 3. 17 V.S.A. § 2651c is amended to read:

§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;  
ELIMINATION OF OFFICE

(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a ~~municipality~~ town falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in Title 32 V.S.A. ~~chapter 121, subchapter 2~~ until the next annual meeting.

(2) The appointed person need not be a resident of the ~~municipality~~ town and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the ~~municipality~~ town.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

(2)(A) If a town votes to eliminate the office of lister, the selectboard shall contract with or employ a professionally qualified assessor, who need not be a resident of the town.

(B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

(2)(3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the ~~legal~~ registered voters present and voting at an annual meeting warned for that purpose.

~~(3)~~(c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first.

(4)(d) The authority to vote to eliminate the office of lister as provided in this ~~subsection~~ section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

Sec. 4. 17 V.S.A. § 2651d is amended to read:

§ 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;  
REMOVAL

(a)(1) A municipality may vote at an annual or special municipal meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer.

(2) A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

Sec. 5. 17 V.S.A. § 2651e is amended to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk.

(2) A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 6. 17 V.S.A. § 2651f is amended to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer.

(2) A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the ~~legal~~ registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

\* \* \* Local Incompatible Offices \* \* \*

Sec. 7. 17 V.S.A. § 2647 is amended to read:

§ 2647. INCOMPATIBLE OFFICES

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

(2) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, assistant town treasurer, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner or library trustee shall not be town treasurer, assistant town treasurer, or auditor.

(4) A town manager shall not hold any elective office in ~~the~~ that town or town school district.

(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.

\* \* \*

\* \* \* Smoking on Municipal Grounds \* \* \*

Sec. 8. 18 V.S.A. § 1742 is amended to read:

§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

(a) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State or a municipality; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free.

\* \* \*

\* \* \* Animal Pounds \* \* \*

Sec. 9. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

Subchapter 2. Pounds and Impounding

Article 1. General Provisions

§ 3381. MAINTENANCE OF POUNDS

(a)(1) Each organized town shall maintain as many good and sufficient pounds as it may need for the impounding of ~~beasts~~ animals liable to be impounded.

(2) The pound may be kept in an adjacent town if the adjacent town consents and the poundkeeper may be a resident of an adjacent town.

(b) Each town may regulate the operation of its pounds except as to matters regulated by statute law.

§ 3382. ~~PENALTY FOR FAILURE TO MAINTAIN POUND~~

~~If a town, for the term of six months at one time, is without such pound, it shall be fined \$30.00. [Repealed.]~~

\* \* \*

Sec. 10. LEGISLATIVE COUNCIL; CONFORMING REVISIONS; 20  
V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE “BEAST”  
WITH “ANIMAL”

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall replace “beast” with “animal” and “beasts” with “animals” throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and impounding), provided the revisions have no other effect on the meaning of the affected statutes.

\* \* \* Assistant Town Clerks \* \* \*

Sec. 11. 24 V.S.A. § 1171 is amended to read:

§ 1171. DUTIES OF ASSISTANT CLERK

(a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the recording and filing duties of the town clerk, to issue licenses and certified copies of records, and, in the absence, death, or disability of the town clerk, is further authorized to perform all other duties of ~~such~~ the clerk.

(b) ~~If the~~ there is a vacancy in the office of town clerk dies, the authority of the assistant town clerk to perform the duties of the town clerk shall continue until a successor is appointed by the selectboard under section 963 of this title.

\* \* \* Municipal Managers \* \* \*

Sec. 12. 24 V.S.A. § 1236 is amended to read:

§ 1236. POWERS AND DUTIES IN PARTICULAR

The manager shall have authority and it shall be his or her duty:

\* \* \*

(4) To have charge and supervision of all public town buildings; ~~and repairs thereon, and repairs of buildings of the town school district upon requisition of the school directors; and all building done undertaken~~ by the

~~town or town school district~~, unless otherwise ~~pecially voted~~ provided for by the selectboard, shall be done under his or her charge and supervision.

\* \* \*

(8) To supervise and expend all special appropriations of the town, as if the same were a separate department of the town, unless otherwise ~~voted~~ provided for by the ~~town~~ selectboard.

\* \* \*

\* \* \* Municipal Finances \* \* \*

Sec. 13. 24 V.S.A. chapter 51 is amended to read:

CHAPTER 51. FINANCES; ACCOUNTS AND AUDITS

Subchapter 1. Taxes

\* \* \*

§ 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

(a) The board of civil authority, with the listers and the town treasurer, shall constitute a board for the abatement of town, ~~town school district~~, and current-use property taxes and water and sewer charges.

(b) The act of a majority of a quorum at a meeting shall be treated as the act of the board. This quorum requirement need not be met if the town treasurer, a majority of the listers, and a majority of the selectboard are present at the meeting.

\* \* \*

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonresidential property, accruing to the town in the following cases:

- (1) taxes or charges of persons who have died insolvent;
- (2) taxes or charges of persons who have ~~removed~~ moved from the State;
- (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
- (4) taxes in which there is manifest error or a mistake of the listers;
- (5) taxes or charges upon real or personal property lost or destroyed during the tax year;

(6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7), (8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof; or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town; or denies an application for abatement, state in detail in writing the reasons for its decision.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year, or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for such payment of the refund.

\* \* \*

### Subchapter 3. Orders Drawn by Selectboard Municipal Bodies

\* \* \*

## § 1622. TOWN ORDERS; RECORD

(a)(1) The chair of the selectboard shall keep or cause to be kept a single record of all orders drawn by the board showing the number, date, to whom payable, for what purpose, and the amount of each ~~such~~ order.

(2) All other officers authorized by law to draw orders upon the town treasurer shall keep or cause to be kept a like record.

(b) Such records shall be submitted to the town auditors annually on or before February 1.

(c) If the records of orders named in this section are made by an assistant clerk, the assistant clerk shall not be the town treasurer, ~~or the wife or husband spouse of such~~ the town treasurer, or any person acting in the capacity of clerk for the town treasurer.

#### § 1623. SIGNING ORDERS

(a) The selectboard may do either of the following:

(1) Authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment.

(A) Orders shall state definitely the purpose for which ~~they are~~ each is drawn and shall serve as full authority to the treasurer to make the payments.

(B) The selectboard shall be provided with a record of orders drawn under this subdivision (1) whenever orders are signed by less than a majority of the board; ~~or~~

(2) Submit to the town treasurer a certified copy of those portions of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom and for what purpose each payment is to be made by the treasurer. The certified copy of the minutes shall serve as full authority to the treasurer to make the approved payments.

(b) This section shall apply to all municipal public bodies authorized by law to draw orders on the municipal treasurer.

\* \* \*

#### Subchapter. 5. Auditors and Audits

\* \* \*

#### § 1684. TRUST ASSETS; INDEBTEDNESS

The auditors shall make a detailed statement showing:

(1) ~~The~~ the condition of all trust funds in which the town is interested ~~with and~~ a list of the assets of such funds, including the account of receipts and disbursements for the preceding year;

(2) ~~What~~ what bonds of the town ~~or town school district~~ are outstanding ~~with and~~ the rate of interest and the amount thereof; and

(3) ~~What interest-bearing~~ what interest-bearing notes or orders of the town or town school district are outstanding ~~with~~ and the serial number, date, amount, payee, and rate of interest of each, and the total amount thereof.

\* \* \* Penalties for Municipal Violations \* \* \*

Sec. 14. 24 V.S.A. § 1974 is amended to read:

§ 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

(a)(1) The violation of a criminal ordinance or rule adopted by a municipality under this chapter shall be a misdemeanor.

(2) The criminal ordinance or rule may provide for a fine or imprisonment, but no fine ~~may~~ shall exceed ~~\$500.00~~ \$800.00, nor may any term of imprisonment exceed one year.

(3) Each day the violation continues shall constitute a separate offense.

\* \* \*

Sec. 15. 24 V.S.A. § 2201 is amended to read:

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

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

\* \* \*

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than ~~\$500.00~~ \$800.00.

(1) This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, a solid waste management district attorney, an environmental enforcement officer employed by the Agency of Natural Resources, a grand juror, ~~or a~~ a designee of the legislative body of the municipality, or ~~by~~ any duly authorized law enforcement officer.

(2) If the throwing, placing, or depositing was done from a snowmobile, vessel, or motor vehicle, except a motor bus, there shall be a rebuttable presumption that the throwing, placing, or depositing was done by the operator of ~~such~~ the snowmobile, vessel, or motor vehicle.

(3) Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

\* \* \*

Sec. 16. 24 V.S.A. § 2297a is amended to read:

§ 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN, CITY, OR INCORPORATED VILLAGE

(a) Solid waste order. A legislative body may issue and enforce a solid waste order in accordance with this section. A solid waste order may include a directive that the respondent take actions necessary to achieve compliance with the ordinance, to abate hazards created as a result of noncompliance, or to restore the environment to the condition existing before the violation and may include a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day. In determining the amount of civil penalty to be ordered, the legislative body shall consider the following:

- (1) the degree of actual or potential impact on public health, safety, welfare, and the environment resulting from the violation;
- (2) whether the respondent has cured the violation;
- (3) the presence of mitigating circumstances;
- (4) whether the respondent knew or had reason to know the violation existed;
- (5) the respondent's record of compliance;
- (6) the economic benefit gained from the violation;
- (7) the deterrent effect of the penalty;
- (8) the costs of enforcement;
- (9) the length of time the violation has existed.

\* \* \*

(e) Contents of proposed order. A proposed order shall include:

\* \* \*

(5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day.

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\* \* \* Municipal Planning and Development Bylaws \* \* \*

Sec. 17. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

\* \* \*

(G) A residential care home or group home to be operated under state ~~State~~ licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, ~~except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.~~ This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot.

\* \* \*

\* \* \* Road Commissioner Compensation \* \* \*

Sec. 18. 32 V.S.A. § 1225 is amended to read:

§ 1225. TOWN ROAD COMMISSIONER

The compensation of a town road commissioner shall be fixed by the selectboard, ~~shall not be less than \$2.00 per day for time actually spent, and shall be paid out of the Transportation Fund.~~

\* \* \* Property Appraisal Appeals \* \* \*

Sec. 19. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

(a) Within 14 days after the date of notice thereof, a person aggrieved by the final decision of the listers under the provisions of section 4221 of this title, may appeal in writing therefrom to the board of civil authority, by lodging his or her appeal with the town clerk, who shall record the same in the book containing the abstract of individual lists. The grounds upon which ~~such~~ the appeal is based shall therein be briefly set forth.

(b)(1) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at ~~such~~ a time, not later than

14 days after the last date allowed for notice of appeal, and at ~~such~~ a place within the town as that he or she shall designate.

(2) Notice of ~~such~~ the time and place shall be given by posting a warning therefor in three or more public places in ~~such~~ the town, and by mailing a copy of ~~such~~ the warning, postage prepaid, to each member of the board, the agent of the town to prosecute and defend suits, the chair of the board of listers, and to all persons so appealing.

(c)(1) The ~~Board~~ board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine ~~such~~ the appeals until all questions and objections are heard and decided.

(2)(A) Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board ~~who~~. At least one lister shall be allowed to attend the inspection. The committee shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given.

(B) If, after notice, the appellant refuses to allow an inspection of the property or attendance of at least one lister, or both, as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn.

(3) The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk, who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of the action of ~~such~~ the board, by certified mail.

(4)(A) If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value ~~which~~ that will produce a tax liability equal to the tax liability for the preceding year.

(B) The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of such person.

(d) Listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while

convened to hear and determine ~~such~~ those appeals nor shall an appellant, or his or her servant, agent, or attorney be eligible to serve as a member of the ~~Board~~ board while convened to hear and determine any appeals. However, listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.

\* \* \* State Holidays \* \* \*

Sec. 20. 1 V.S.A. § 371 is amended to read:

§ 371. LEGAL HOLIDAYS

(a) The following shall be legal holidays:

New Year's Day, January 1;

Martin Luther King, Jr.'s Birthday, the third Monday in January;

~~Lincoln's Birthday, February 12;~~

~~Washington's Birthday~~ Presidents' Day, the third Monday in February;

Town Meeting Day, the first Tuesday in March;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Bennington Battle Day, August 16;

Labor Day, the first Monday in September;

Columbus Day, the second Monday in October;

Veterans' Day, November 11;

Thanksgiving Day, the fourth Thursday in November;

Christmas Day, December 25.

\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 21. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to on a division of the Senate, Yeas 22, Nays 6.

Thereupon, third reading of the bill was ordered.

### **Adjournment**

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

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### **FRIDAY, APRIL 27, 2018**

The Senate was called to order by the President.

### **Devotional Exercises**

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

### **Message from the House No. 54**

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

Mr. President:

I am directed to inform the Senate that:

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

**S. 225.** An act relating to pilot programs for coverage by commercial health insurers of costs associated with medication-assisted treatment.

And has passed the same in concurrence.

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

**S. 203.** An act relating to systemic improvements of the mental health system.

**S. 272.** An act relating to miscellaneous changes to laws related to motor vehicles.

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

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

**J.R.S. 57.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

**H. 27.** An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Webb of Shelburne  
Rep. Joseph of North Hero  
Rep. Mattos of Milton.

The House has considered Senate proposal of amendment to House bill entitled:

**H. 696.** An act relating to establishing a State individual mandate.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Briglin of Thetford  
Rep. Donahue of Northfield  
Reps. Jickling of Randolph.

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

**H. 914.** An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

And has severally concurred therein.

The House has considered the Governor's veto on Senate bill of the following title:

**S. 103.** An act relating to the regulation of toxic substances and hazardous materials.

And has sustained the Governor's veto.

#### **Message from the House No. 55**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 143.** An act relating to automobile insurance requirements and transportation network companies.

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

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

**H. 874.** An act relating to inmate access to prescription drugs.

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

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

**S. 29.** An act relating to decedents' estates.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses.

The Speaker appointed as members of such Committee on the part of the House:

Rep. Willhoit of St. Johnsbury  
Rep. Dickinson of St. Albans Town  
Rep. Grad of Moretown.

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

**H. 921.** An act relating to nursing home oversight.

And has severally concurred therein.

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

**H.C.R. 346.** House concurrent resolution congratulating 2018 Winter Olympics gold medal winners Jessie Diggins, Amanda Pelkey, and Mikaela Shiffrin.

**H.C.R. 347.** House concurrent resolution congratulating the 2018 Champlain Valley Union High School Redhawks State championship gymnastics team.

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**H.C.R. 348.** House concurrent resolution designating April 19, 2018 as Vermont Golf Day.

**H.C.R. 349.** House concurrent resolution congratulating the 2018 Mill River Union High School Minutemen Division II championship cheerleading team.

**H.C.R. 350.** House concurrent resolution honoring Peter Gilbert for his outstanding leadership of the Vermont Humanities Council.

**H.C.R. 351.** House concurrent resolution congratulating George Thomson on being named the 2018 Vermont Elementary School Principal of the Year.

**H.C.R. 352.** House concurrent resolution honoring Angelo Odato of Braintree for his outstanding volunteer leadership in the governance of schools in Orange County.

**H.C.R. 353.** House concurrent resolution congratulating the Vermont team on winning the 2018 New England Nordic Skiing Association U-16 championship.

**H.C.R. 354.** House concurrent resolution congratulating the 2018 winners of the Vermont Forest Products Association and the Northeast Loggers Association awards.

**H.C.R. 355.** House concurrent resolution congratulating Elliott Rice on winning the Vermont State competition of the 2018 American Legion Oratorical Contest.

**H.C.R. 356.** House concurrent resolution congratulating the 2018 Woodstock Union High School Wasps Division II championship boys' ice hockey team.

**H.C.R. 357.** House concurrent resolution congratulating Sister Janice Ryan on her receipt of the 2018 New England Board of Higher Education's Vermont State Award.

**H.C.R. 358.** House concurrent resolution congratulating the George J. Brooks Memorial Library on its 50th Anniversary.

**H.C.R. 359.** House concurrent resolution congratulating Camille Hanna on her indoor track accomplishments as a Milton High School Yellowjacket.

**H.C.R. 360.** House concurrent resolution congratulating Douglas Heavisides on being named the 2018 Vermont Career Center Director of the Year.

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

The Governor has informed the House that on April 25, 2018, he approved and signed bills originating in the House of the following titles:

**H. 620.** An act relating to State-owned airports and economic development.

**H. 673.** An act relating to miscellaneous amendments to the Reach Up program.

**H. 836.** An act relating to electronic court filings for relief from abuse orders.

#### **Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 196.** An act relating to paid family leave.

**H. 636.** An act relating to miscellaneous fish and wildlife subjects.

#### **Bills Referred to Committee on Appropriations**

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

**H. 660.** An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification.

**H. 707.** An act relating to the prevention of sexual harassment.

**H. 777.** An act relating to the Clean Water State Revolving Loan Fund.

**H. 899.** An act relating to fees for records filed in town offices and a town fee report and request.

**H. 913.** An act relating to boards and commissions.

**H. 923.** An act relating to capital construction and State bonding budget adjustment.

#### **Proposal of Amendment; Third Reading Ordered**

##### **H. 924.**

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

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

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2019 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2019. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2018. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2019 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2019.

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

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2019.

Sec. A.103 DEFINITIONS

(a) As used in this act:

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

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

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

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

#### Sec. A.104 RELATIONSHIP TO EXISTING LAWS

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

#### Sec. A.105 OFFSETTING APPROPRIATIONS

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

#### Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2019, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2019, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2018 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor’s request for approval.

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 Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2019 except for new positions authorized by the 2018 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction, nor shall positions created pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, by 2016 Acts and Resolves No. 172, Sec. E.100.2, and by 2017 Acts and Resolves No. 85, Sec. E.100.1, and as further amended by Sec. E.100.1 of this act.

## Sec. A.108 LEGEND

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

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

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

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

Personal services	783,191
Operating expenses	<u>203,429</u>
Total	986,620
Source of funds	
General fund	886,620
Special funds	<u>100,000</u>
Total	986,620

## Sec. B.101 Secretary of administration - finance

Personal services	1,144,274
Operating expenses	<u>135,457</u>
Total	1,279,731
Source of funds	
Interdepartmental transfers	<u>1,279,731</u>
Total	1,279,731

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

Personal services	537,944
Operating expenses	<u>238,973</u>
Total	776,917
Source of funds	
Internal service funds	<u>776,917</u>
Total	776,917

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

Personal services	573,575
Operating expenses	<u>73,548</u>
Total	647,123
Source of funds	
Internal service funds	<u>647,123</u>
Total	647,123

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

Personal services	22,982
Operating expenses	<u>16,066</u>
Total	39,048
Source of funds	
Internal service funds	<u>39,048</u>
Total	39,048

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Sec. B.105 Agency of digital services - communications and information technology

Personal services	47,776,877
Operating expenses	<u>21,008,573</u>
Total	68,785,450
Source of funds	
General fund	177,615
Special funds	383,700
Internal service funds	67,963,553
Interdepartmental transfers	<u>260,582</u>
Total	68,785,450

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

Personal services	1,404,712
Operating expenses	<u>202,070</u>
Total	1,606,782
Source of funds	
General fund	1,258,956
Internal service funds	<u>347,826</u>
Total	1,606,782

Sec. B.107 Finance and management - financial operations

Personal services	2,156,558
Operating expenses	<u>654,972</u>
Total	2,811,530
Source of funds	
Internal service funds	<u>2,811,530</u>
Total	2,811,530

Sec. B.108 Human resources - operations

Personal services	7,996,814
Operating expenses	<u>964,845</u>
Total	8,961,659
Source of funds	
General fund	1,940,451
Special funds	277,462
Internal service funds	6,206,438
Interdepartmental transfers	<u>537,308</u>
Total	8,961,659

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Sec. B.108.1 Human resources - VTHR operations

Personal services	1,742,267
Operating expenses	<u>826,247</u>
Total	2,568,514
Source of funds	
Internal service funds	<u>2,568,514</u>
Total	2,568,514

## Sec. B.109 Human resources - employee benefits &amp; wellness

Personal services	1,086,810
Operating expenses	<u>588,021</u>
Total	1,674,831
Source of funds	
Internal service funds	<u>1,674,831</u>
Total	1,674,831

## Sec. B.110 Libraries

Personal services	1,896,316
Operating expenses	1,141,410
Grants	<u>246,453</u>
Total	3,284,179
Source of funds	
General fund	2,025,918
Special funds	97,571
Federal funds	1,064,162
Interdepartmental transfers	<u>96,528</u>
Total	3,284,179

## Sec. B.111 Tax - administration/collection

Personal services	13,739,129
Operating expenses	<u>6,661,305</u>
Total	20,400,434
Source of funds	
General fund	18,686,980
Special funds	1,570,888
Interdepartmental transfers	<u>142,566</u>
Total	20,400,434

## Sec. B.112 Buildings and general services - administration

Personal services	658,069
Operating expenses	<u>98,172</u>
Total	756,241

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Source of funds	
Interdepartmental transfers	<u>756,241</u>
Total	756,241
Sec. B.113 Buildings and general services - engineering	
Personal services	2,580,949
Operating expenses	<u>851,576</u>
Total	3,432,525
Source of funds	
Interdepartmental transfers	<u>3,432,525</u>
Total	3,432,525
Sec. B.114 Buildings and general services - information centers	
Personal services	3,360,294
Operating expenses	1,566,365
Grants	<u>35,750</u>
Total	4,962,409
Source of funds	
General fund	642,885
Transportation fund	3,868,566
Special funds	<u>450,958</u>
Total	4,962,409
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,035,471
Operating expenses	<u>194,860</u>
Total	1,230,331
Source of funds	
General fund	<u>1,230,331</u>
Total	1,230,331
Sec. B.116 Buildings and general services - postal services	
Personal services	744,615
Operating expenses	<u>116,495</u>
Total	861,110
Source of funds	
General fund	85,063
Internal service funds	<u>776,047</u>
Total	861,110

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

Personal services	744,283
Operating expenses	<u>127,416</u>
Total	871,699
Source of funds	
Internal service funds	<u>871,699</u>
Total	871,699

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

Personal services	698,806
Operating expenses	<u>234,969</u>
Total	933,775
Source of funds	
Internal service funds	<u>933,775</u>
Total	933,775

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

Personal services	20,052
Operating expenses	<u>6,239</u>
Total	26,291
Source of funds	
Enterprise funds	<u>26,291</u>
Total	26,291

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

Personal services	160,360
Operating expenses	<u>110,630</u>
Total	270,990
Source of funds	
Internal service funds	<u>270,990</u>
Total	270,990

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

Personal services	1,197,164
Operating expenses	<u>457,316</u>
Total	1,654,480
Source of funds	
Internal service funds	<u>1,654,480</u>
Total	1,654,480

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

Personal services	16,277,217
Operating expenses	<u>13,710,792</u>
Total	29,988,009
Source of funds	
Internal service funds	<u>29,988,009</u>
Total	29,988,009

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

Personal services	1,384,251
Operating expenses	<u>460,831</u>
Total	1,845,082
Source of funds	
General fund	1,658,582
Interdepartmental transfers	<u>186,500</u>
Total	1,845,082

## Sec. B.125 Legislative council

Personal services	4,063,930
Operating expenses	<u>827,857</u>
Total	4,891,787
Source of funds	
General fund	<u>4,891,787</u>
Total	4,891,787

## Sec. B.126 Legislature

Personal services	3,991,578
Operating expenses	<u>3,809,338</u>
Total	7,800,916
Source of funds	
General fund	<u>7,800,916</u>
Total	7,800,916

## Sec. B.127 Joint fiscal committee

Personal services	1,696,568
Operating expenses	<u>159,358</u>
Total	1,855,926
Source of funds	
General fund	<u>1,855,926</u>
Total	1,855,926

## Sec. B.128 Sergeant at arms

Personal services	737,216
Operating expenses	<u>68,612</u>
Total	805,828
Source of funds	
General fund	<u>805,828</u>
Total	805,828

## Sec. B.129 Lieutenant governor

Personal services	223,583
Operating expenses	<u>30,968</u>
Total	254,551
Source of funds	
General fund	<u>254,551</u>
Total	254,551

## Sec. B.130 Auditor of accounts

Personal services	3,343,827
Operating expenses	<u>158,619</u>
Total	3,502,446
Source of funds	
General fund	390,871
Special funds	53,145
Internal service funds	<u>3,058,430</u>
Total	3,502,446

## Sec. B.131 State treasurer

Personal services	3,653,014
Operating expenses	<u>211,031</u>
Total	3,864,045
Source of funds	
General fund	969,366
Special funds	2,781,017
Interdepartmental transfers	<u>113,662</u>
Total	3,864,045

## Sec. B.132 State treasurer - unclaimed property

Personal services	821,158
Operating expenses	<u>304,543</u>
Total	1,125,701
Source of funds	

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Private purpose trust funds	<u>1,125,701</u>
Total	1,125,701
Sec. B.133 Vermont state retirement system	
Personal services	6,111,601
Operating expenses	<u>1,365,073</u>
Total	7,476,674
Source of funds	
Pension trust funds	<u>7,476,674</u>
Total	7,476,674
Sec. B.134 Municipal employees' retirement system	
Personal services	2,215,683
Operating expenses	<u>789,980</u>
Total	3,005,663
Source of funds	
Pension trust funds	<u>3,005,663</u>
Total	3,005,663
Sec. B.135 State labor relations board	
Personal services	212,663
Operating expenses	<u>48,378</u>
Total	261,041
Source of funds	
General fund	251,465
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	261,041
Sec. B.136 VOSHA review board	
Personal services	75,650
Operating expenses	<u>13,016</u>
Total	88,666
Source of funds	
General fund	44,333
Interdepartmental transfers	<u>44,333</u>
Total	88,666
Sec. B.136.1 Ethics Commission	
Personal services	106,862
Operating expenses	<u>13,981</u>
Total	120,843

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Source of funds	
Internal service funds	<u>120,843</u>
Total	120,843
Sec. B.137 Homeowner rebate	
Grants	<u>16,600,000</u>
Total	16,600,000
Source of funds	
General fund	<u>16,600,000</u>
Total	16,600,000
Sec. B.138 Renter rebate	
Grants	<u>10,500,000</u>
Total	10,500,000
Source of funds	
General fund	3,150,000
Education fund	<u>7,350,000</u>
Total	10,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>3,295,021</u>
Total	3,295,021
Source of funds	
Education fund	<u>3,295,021</u>
Total	3,295,021
Sec. B.140 Municipal current use	
Grants	<u>15,981,672</u>
Total	15,981,672
Source of funds	
General fund	<u>15,981,672</u>
Total	15,981,672
Sec. B.141 Lottery commission	
Personal services	1,881,368
Operating expenses	1,427,706
Grants	<u>100,000</u>
Total	3,409,074
Source of funds	
Enterprise funds	<u>3,409,074</u>
Total	3,409,074

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 Sec. B.142 Payments in lieu of taxes

Grants	<u>7,886,000</u>
Total	7,886,000
Source of funds	
Special funds	<u>7,886,000</u>
Total	7,886,000

## Sec. B.143 Payments in lieu of taxes - Montpelier

Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000

## Sec. B.144 Payments in lieu of taxes - correctional facilities

Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

## Sec. B.145 Total general government

Source of funds	
General fund	81,590,116
Transportation fund	3,868,566
Special funds	13,831,529
Education fund	10,645,021
Federal funds	1,064,162
Internal service funds	120,710,053
Interdepartmental transfers	6,852,764
Enterprise funds	3,435,365
Pension trust funds	10,482,337
Private purpose trust funds	<u>1,125,701</u>
Total	253,605,614

## Sec. B.200 Attorney general

Personal services	10,228,901
Operating expenses	1,423,414
Grants	<u>26,894</u>
Total	11,679,209
Source of funds	
General fund	5,206,635

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Special funds	1,960,836
Tobacco fund	348,000
Federal funds	1,220,634
Interdepartmental transfers	<u>2,943,104</u>
Total	11,679,209
Sec. B.201 Vermont court diversion	
Personal services	874,000
Grants	<u>1,996,483</u>
Total	2,870,483
Source of funds	
General fund	2,270,486
Special funds	<u>599,997</u>
Total	2,870,483
Sec. B.202 Defender general - public defense	
Personal services	11,516,891
Operating expenses	<u>1,082,613</u>
Total	12,599,504
Source of funds	
General fund	12,009,851
Special funds	<u>589,653</u>
Total	12,599,504
Sec. B.203 Defender general - assigned counsel	
Personal services	5,679,410
Operating expenses	<u>49,819</u>
Total	5,729,229
Source of funds	
General fund	<u>5,729,229</u>
Total	5,729,229
Sec. B.204 Judiciary	
Personal services	40,424,989
Operating expenses	9,550,786
Grants	<u>76,030</u>
Total	50,051,805
Source of funds	
General fund	43,911,694
Special funds	3,174,315
Federal funds	640,524
Interdepartmental transfers	<u>2,325,272</u>
Total	50,051,805

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 Sec. B.205 State's attorneys

Personal services	13,277,576
Operating expenses	<u>1,834,103</u>
Total	15,111,679
Source of funds	
General fund	12,291,761
Special funds	106,471
Federal funds	31,000
Interdepartmental transfers	<u>2,682,447</u>
Total	15,111,679

## Sec. B.206 Special investigative unit

Personal services	85,000
Operating expenses	1,100
Grants	<u>1,913,000</u>
Total	1,999,100
Source of funds	
General fund	<u>1,999,100</u>
Total	1,999,100

## Sec. B.207 Sheriffs

Personal services	4,111,739
Operating expenses	<u>395,623</u>
Total	4,507,362
Source of funds	
General fund	<u>4,507,362</u>
Total	4,507,362

## Sec. B.208 Public safety - administration

Personal services	2,686,370
Operating expenses	<u>2,992,157</u>
Total	5,678,527
Source of funds	
General fund	2,671,645
Special funds	5,000
Federal funds	263,124
Interdepartmental transfers	<u>2,738,758</u>
Total	5,678,527

## Sec. B.209 Public safety - state police

Personal services	54,187,733
Operating expenses	10,167,293

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Grants	<u>1,356,805</u>
Total	65,711,831
Source of funds	
General fund	36,604,914
Transportation fund	20,250,000
Special funds	2,984,667
Federal funds	3,798,422
Interdepartmental transfers	<u>2,073,828</u>
Total	65,711,831
Sec. B.210 Public safety - criminal justice services	
Personal services	4,541,909
Operating expenses	3,505,387
Grants	<u>120,000</u>
Total	8,167,296
Source of funds	
General fund	4,302,246
Special funds	1,930,061
Federal funds	1,754,848
Interdepartmental transfers	<u>180,141</u>
Total	8,167,296
Sec. B.211 Public safety - emergency management	
Personal services	2,943,888
Operating expenses	1,351,913
Grants	<u>9,555,611</u>
Total	13,851,412
Source of funds	
General fund	421,265
Special funds	230,000
Federal funds	13,002,034
Interdepartmental transfers	<u>198,113</u>
Total	13,851,412
Sec. B.212 Public safety - fire safety	
Personal services	6,507,997
Operating expenses	3,372,767
Grants	<u>107,000</u>
Total	9,987,764
Source of funds	
General fund	399,264
Special funds	8,667,177

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Federal funds	876,323
Interdepartmental transfers	<u>45,000</u>
Total	9,987,764
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	2,979,721
Operating expenses	<u>1,345,832</u>
Total	4,325,553
Source of funds	
General fund	3,032,024
Special funds	94,238
Federal funds	414,702
Interdepartmental transfers	<u>784,589</u>
Total	4,325,553
Sec. B.215 Military - administration	
Personal services	780,557
Operating expenses	364,404
Grants	<u>100,000</u>
Total	1,244,961
Source of funds	
General fund	<u>1,244,961</u>
Total	1,244,961
Sec. B.216 Military - air service contract	
Personal services	5,849,570
Operating expenses	<u>892,643</u>
Total	6,742,213
Source of funds	
General fund	575,144
Federal funds	<u>6,167,069</u>
Total	6,742,213
Sec. B.217 Military - army service contract	
Personal services	7,823,655
Operating expenses	<u>6,155,064</u>
Total	13,978,719
Source of funds	
Federal funds	<u>13,978,719</u>
Total	13,978,719

## Sec. B.218 Military - building maintenance

Personal services	752,009
Operating expenses	<u>745,028</u>
Total	1,497,037
Source of funds	
General fund	1,437,037
Special funds	<u>60,000</u>
Total	1,497,037

## Sec. B.219 Military - veterans' affairs

Personal services	784,278
Operating expenses	169,972
Grants	<u>85,484</u>
Total	1,039,734
Source of funds	
General fund	799,724
Special funds	140,010
Federal funds	<u>100,000</u>
Total	1,039,734

## Sec. B.220 Center for crime victim services

Personal services	1,908,428
Operating expenses	345,834
Grants	<u>10,632,103</u>
Total	12,886,365
Source of funds	
General fund	1,264,158
Special funds	5,341,178
Federal funds	<u>6,281,029</u>
Total	12,886,365

## Sec. B.221 Criminal justice training council

Personal services	1,193,040
Operating expenses	<u>1,283,697</u>
Total	2,476,737
Source of funds	
General fund	2,355,582
Interdepartmental transfers	<u>121,155</u>
Total	2,476,737

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 Sec. B.222 Agriculture, food and markets - administration

Personal services	1,419,565
Operating expenses	499,463
Grants	<u>272,972</u>
Total	2,192,000
Source of funds	
General fund	969,921
Special funds	809,473
Federal funds	<u>412,606</u>
Total	2,192,000

## Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	4,228,755
Operating expenses	866,590
Grants	<u>2,750,000</u>
Total	7,845,345
Source of funds	
General fund	2,829,250
Special funds	3,743,410
Federal funds	1,265,685
Interdepartmental transfers	<u>7,000</u>
Total	7,845,345

## Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	1,478,216
Operating expenses	1,045,214
Grants	<u>1,240,875</u>
Total	3,764,305
Source of funds	
General fund	1,920,068
Special funds	666,160
Federal funds	1,136,040
Interdepartmental transfers	<u>42,037</u>
Total	3,764,305

## Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,047,494
Operating expenses	488,054
Grants	<u>140,000</u>

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Total	2,675,548
Source of funds	
General fund	662,248
Special funds	1,515,661
Federal funds	397,224
Interdepartmental transfers	<u>100,415</u>
Total	2,675,548
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,422,582
Operating expenses	<u>2,350,767</u>
Total	3,773,349
Source of funds	
General fund	857,420
Special funds	2,505,055
Federal funds	350,000
Interdepartmental transfers	<u>60,874</u>
Total	3,773,349
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	2,460,376
Operating expenses	415,019
Grants	<u>1,707,000</u>
Total	4,582,395
Source of funds	
General fund	1,149,854
Special funds	3,145,906
Federal funds	48,812
Interdepartmental transfers	<u>237,823</u>
Total	4,582,395
Sec. B.226 Financial regulation - administration	
Personal services	1,848,070
Operating expenses	<u>394,685</u>
Total	2,242,755
Source of funds	
Special funds	<u>2,242,755</u>
Total	2,242,755
Sec. B.227 Financial regulation - banking	
Personal services	1,723,226
Operating expenses	<u>400,714</u>

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Total	2,123,940
Source of funds	
Special funds	<u>2,123,940</u>
Total	2,123,940
Sec. B.228 Financial regulation - insurance	
Personal services	3,982,567
Operating expenses	<u>579,112</u>
Total	4,561,679
Source of funds	
Special funds	<u>4,561,679</u>
Total	4,561,679
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,528,647
Operating expenses	<u>568,615</u>
Total	5,097,262
Source of funds	
Special funds	<u>5,097,262</u>
Total	5,097,262
Sec. B.230 Financial regulation - securities	
Personal services	884,305
Operating expenses	<u>191,805</u>
Total	1,076,110
Source of funds	
Special funds	<u>1,076,110</u>
Total	1,076,110
Sec. B.232 Secretary of state	
Personal services	9,247,500
Operating expenses	<u>2,501,529</u>
Total	11,749,029
Source of funds	
Special funds	10,453,613
Federal funds	1,220,416
Interdepartmental transfers	<u>75,000</u>
Total	11,749,029
Sec. B.233 Public service - regulation and energy	
Personal services	10,977,385
Operating expenses	1,818,966

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Grants	<u>3,768,878</u>
Total	16,565,229
Source of funds	
Special funds	14,296,660
Federal funds	1,182,983
ARRA funds	1,010,000
Interdepartmental transfers	50,000
Enterprise funds	<u>25,586</u>
Total	16,565,229
Sec. B.234 Public utility commission	
Personal services	3,238,861
Operating expenses	<u>461,954</u>
Total	3,700,815
Source of funds	
Special funds	<u>3,700,815</u>
Total	3,700,815
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,715,294
Operating expenses	395,889
Grants	<u>720,000</u>
Total	4,831,183
Source of funds	
Special funds	<u>4,831,183</u>
Total	4,831,183
Sec. B.236 Human rights commission	
Personal services	497,679
Operating expenses	<u>70,557</u>
Total	568,236
Source of funds	
General fund	492,122
Federal funds	<u>76,114</u>
Total	568,236
Sec. B.237 Liquor control - administration	
Personal services	5,751,696
Operating expenses	<u>970,391</u>
Total	6,722,087
Source of funds	
Enterprise funds	<u>6,722,087</u>
Total	6,722,087

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 Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,152,769
Operating expenses	<u>554,933</u>
Total	2,707,702
Source of funds	
Special funds	20,000
Tobacco fund	213,843
Federal funds	312,503
Interdepartmental transfers	16,300
Enterprise funds	<u>2,145,056</u>
Total	2,707,702

## Sec. B.239 Liquor control - warehousing and distribution

Personal services	1,020,365
Operating expenses	<u>495,462</u>
Total	1,515,827
Source of funds	
Enterprise funds	<u>1,515,827</u>
Total	1,515,827

## Sec. B.240 Total protection to persons and property

Source of funds	
General fund	151,914,965
Transportation fund	20,250,000
Special funds	86,673,285
Tobacco fund	561,843
Federal funds	54,930,811
ARRA funds	1,010,000
Interdepartmental transfers	14,681,856
Enterprise funds	<u>10,408,556</u>
Total	340,431,316

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

Personal services	8,771,938
Operating expenses	11,443,486
Grants	<u>4,983,315</u>
Total	25,198,739
Source of funds	
General fund	7,387,754
Special funds	91,017
Federal funds	16,056,135

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Global Commitment fund	453,000
Interdepartmental transfers	<u>1,210,833</u>
Total	25,198,739
Sec. B.301 Secretary's office - global commitment	
Operating expenses	3,156,749
Grants	<u>1,585,123,038</u>
Total	1,588,279,787
Source of funds	
General fund	282,423,430
Special funds	28,902,465
Tobacco fund	20,299,373
State health care resources fund	284,480,725
Federal funds	955,341,512
Interdepartmental transfers	<u>16,832,282</u>
Total	1,588,279,787
Sec. B.302 Rate setting	
Personal services	916,668
Operating expenses	<u>96,744</u>
Total	1,013,412
Source of funds	
General fund	506,706
Federal funds	<u>506,706</u>
Total	1,013,412
Sec. B.303 Developmental disabilities council	
Personal services	402,333
Operating expenses	71,003
Grants	<u>150,000</u>
Total	623,336
Source of funds	
Federal funds	<u>623,336</u>
Total	623,336
Sec. B.304 Human services board	
Personal services	703,725
Operating expenses	<u>83,296</u>
Total	787,021
Source of funds	
General fund	425,466
Federal funds	319,974

Interdepartmental transfers	<u>41,581</u>
Total	787,021
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	<u>10,150,000</u>
Total	10,500,000
Source of funds	
Interdepartmental transfers	<u>10,500,000</u>
Total	10,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	150,000,858
Operating expenses	5,878,419
Grants	<u>7,314,742</u>
Total	163,194,019
Source of funds	
General fund	26,674,061
Special funds	3,522,585
Federal funds	118,955,295
Global Commitment fund	6,795,089
Interdepartmental transfers	<u>7,246,989</u>
Total	163,194,019
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>730,365,025</u>
Total	730,365,025
Source of funds	
Global Commitment fund	<u>730,365,025</u>
Total	730,365,025
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	<u>204,539,092</u>
Total	204,539,092
Source of funds	
Global Commitment fund	<u>204,539,092</u>
Total	204,539,092

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

Grants	<u>47,955,940</u>
Total	47,955,940
Source of funds	
General fund	39,074,163
Global Commitment fund	<u>8,881,777</u>
Total	47,955,940

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

Grants	<u>31,345,248</u>
Total	31,345,248
Source of funds	
General fund	11,400,406
Federal funds	<u>19,944,842</u>
Total	31,345,248

## Sec. B.311 Health - administration and support

Personal services	5,369,099
Operating expenses	5,125,954
Grants	<u>3,725,000</u>
Total	14,220,053
Source of funds	
General fund	2,586,570
Special funds	1,737,815
Federal funds	6,407,531
Global Commitment fund	3,443,137
Interdepartmental transfers	<u>45,000</u>
Total	14,220,053

## Sec. B.312 Health - public health

Personal services	42,670,151
Operating expenses	8,262,008
Grants	<u>36,783,759</u>
Total	87,715,918
Source of funds	
General fund	9,653,976
Special funds	17,368,655
Tobacco fund	1,088,918
Federal funds	46,023,114
Global Commitment fund	12,436,255

Interdepartmental transfers	1,120,000
Permanent trust funds	<u>25,000</u>
Total	87,715,918
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	4,228,751
Operating expenses	255,634
Grants	<u>49,572,962</u>
Total	54,057,347
Source of funds	
General fund	2,468,452
Special funds	1,163,962
Tobacco fund	949,917
Federal funds	14,495,543
Global Commitment fund	<u>34,979,473</u>
Total	54,057,347
Sec. B.314 Mental health - mental health	
Personal services	30,983,975
Operating expenses	3,754,146
Grants	<u>208,315,149</u>
Total	243,053,270
Source of funds	
General fund	5,931,666
Special funds	434,904
Federal funds	8,782,053
Global Commitment fund	227,884,647
Interdepartmental transfers	<u>20,000</u>
Total	243,053,270
Sec. B.316 Department for children and families - administration & support services	
Personal services	39,883,238
Operating expenses	11,312,882
Grants	<u>3,019,141</u>
Total	54,215,261
Source of funds	
General fund	26,574,313
Special funds	2,591,557
Federal funds	22,956,549
Global Commitment fund	1,875,508

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Interdepartmental transfers	<u>217,334</u>
Total	54,215,261
Sec. B.317 Department for children and families - family services	
Personal services	33,369,525
Operating expenses	4,951,233
Grants	<u>75,193,282</u>
Total	113,514,040
Source of funds	
General fund	36,532,377
Special funds	967,587
Federal funds	27,125,458
Global Commitment fund	48,754,229
Interdepartmental transfers	<u>134,389</u>
Total	113,514,040
Sec. B.318 Department for children and families - child development	
Personal services	4,373,097
Operating expenses	666,405
Grants	<u>78,641,229</u>
Total	83,680,731
Source of funds	
General fund	33,309,452
Special funds	1,820,000
Federal funds	37,067,384
Global Commitment fund	<u>11,483,895</u>
Total	83,680,731
Sec. B.319 Department for children and families - office of child support	
Personal services	10,358,904
Operating expenses	<u>3,664,980</u>
Total	14,023,884
Source of funds	
General fund	3,811,164
Special funds	455,719
Federal funds	9,369,401
Interdepartmental transfers	<u>387,600</u>
Total	14,023,884
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>11,298,023</u>

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Total	13,550,229
Source of funds	
General fund	9,649,899
Global Commitment fund	<u>3,900,330</u>
Total	13,550,229
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>6,912,360</u>
Total	6,927,360
Source of funds	
General fund	6,530,025
Federal funds	111,320
Global Commitment fund	<u>286,015</u>
Total	6,927,360
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>29,827,906</u>
Total	29,827,906
Source of funds	
Federal funds	<u>29,827,906</u>
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	51,519
Grants	<u>32,420,849</u>
Total	32,472,368
Source of funds	
General fund	6,423,546
Special funds	21,024,984
Federal funds	2,342,220
Global Commitment fund	<u>2,681,618</u>
Total	32,472,368
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>15,019,953</u>
Total	15,019,953
Source of funds	
Special funds	1,434,217
Federal funds	<u>13,585,736</u>
Total	15,019,953

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

Personal services	496,450
Operating expenses	43,133
Grants	<u>9,610,253</u>
Total	10,149,836
Source of funds	
General fund	4,767,340
Special funds	57,990
Federal funds	4,494,818
Global Commitment fund	<u>829,688</u>
Total	10,149,836

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

Personal services	321,661
Operating expenses	43,448
Grants	<u>10,554,220</u>
Total	10,919,329
Source of funds	
Special funds	6,325,418
Federal funds	<u>4,593,911</u>
Total	10,919,329

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

Personal services	5,478,901
Operating expenses	<u>717,907</u>
Total	6,196,808
Source of funds	
General fund	1,134,164
Global Commitment fund	4,965,644
Interdepartmental transfers	<u>97,000</u>
Total	6,196,808

## Sec. B.328 Department for children and families - disability determination services

Personal services	5,978,035
Operating expenses	<u>411,111</u>
Total	6,389,146
Source of funds	
General fund	103,081

Federal funds	<u>6,286,065</u>
Total	6,389,146
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	31,585,910
Operating expenses	<u>5,477,387</u>
Total	37,063,297
Source of funds	
General fund	16,304,973
Special funds	1,390,457
Federal funds	18,301,583
Interdepartmental transfers	<u>1,066,284</u>
Total	37,063,297
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>20,067,904</u>
Total	20,067,904
Source of funds	
General fund	7,553,375
Federal funds	7,148,466
Global Commitment fund	<u>5,366,063</u>
Total	20,067,904
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,451,457</u>
Total	1,451,457
Source of funds	
General fund	389,154
Special funds	223,450
Federal funds	593,853
Global Commitment fund	<u>245,000</u>
Total	1,451,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,174,368</u>
Total	7,174,368
Source of funds	
General fund	1,371,845

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Federal funds	4,552,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,174,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>221,097,985</u>
Total	221,097,985
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	220,522,540
Interdepartmental transfers	<u>45,000</u>
Total	221,097,985
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>6,005,225</u>
Total	6,005,225
Source of funds	
Global Commitment fund	<u>6,005,225</u>
Total	6,005,225
Sec. B.335 Corrections - administration	
Personal services	2,947,820
Operating expenses	<u>238,644</u>
Total	3,186,464
Source of funds	
General fund	<u>3,186,464</u>
Total	3,186,464
Sec. B.336 Corrections - parole board	
Personal services	300,845
Operating expenses	<u>81,081</u>
Total	381,926
Source of funds	
General fund	<u>381,926</u>
Total	381,926
Sec. B.337 Corrections - correctional education	
Personal services	3,172,318
Operating expenses	<u>244,932</u>
Total	3,417,250

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Source of funds	
Education fund	3,268,466
Interdepartmental transfers	<u>148,784</u>
Total	3,417,250
Sec. B.338 Corrections - correctional services	
Personal services	109,065,960
Operating expenses	21,128,473
Grants	<u>9,163,138</u>
Total	139,357,571
Source of funds	
General fund	132,472,462
Special funds	629,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	<u>396,315</u>
Total	139,357,571
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>7,351,324</u>
Total	7,351,324
Source of funds	
General fund	<u>7,351,324</u>
Total	7,351,324
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	406,528
Operating expenses	<u>455,845</u>
Total	862,373
Source of funds	
Special funds	<u>862,373</u>
Total	862,373
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,447,800
Operating expenses	<u>525,784</u>
Total	1,973,584
Source of funds	
Internal service funds	<u>1,973,584</u>
Total	1,973,584

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 Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,756,245
Operating expenses	<u>4,949,905</u>
Total	23,706,150
Source of funds	
General fund	3,998,789
Special funds	11,281,346
Federal funds	<u>8,426,015</u>
Total	23,706,150

## Sec. B.343 Commission on women

Personal services	316,110
Operating expenses	<u>67,352</u>
Total	383,462
Source of funds	
General fund	380,962
Special funds	<u>2,500</u>
Total	383,462

## Sec. B.344 Retired senior volunteer program

Grants	<u>151,096</u>
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096

## Sec. B.345 Green Mountain Care Board

Personal services	7,702,068
Operating expenses	<u>342,708</u>
Total	8,044,776
Source of funds	
General fund	2,032,469
Special funds	3,446,789
Federal funds	70,000
Global Commitment fund	<u>2,495,518</u>
Total	8,044,776

## Sec. B.346 Total human services

Source of funds	
General fund	693,097,975
Special funds	105,751,216
Tobacco fund	22,338,208

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State health care resources fund	284,480,725
Education fund	3,268,466
Federal funds	1,385,140,068
Global Commitment fund	1,544,576,637
Internal service funds	1,973,584
Interdepartmental transfers	40,759,391
Permanent trust funds	<u>25,000</u>
Total	4,081,411,270
Sec. B.400 Labor - programs	
Personal services	29,773,882
Operating expenses	9,518,580
Grants	<u>1,876,867</u>
Total	41,169,329
Source of funds	
General fund	2,980,386
Special funds	3,616,477
Federal funds	33,222,466
Interdepartmental transfers	<u>1,350,000</u>
Total	41,169,329
Sec. B.401 Total labor	
Source of funds	
General fund	2,980,386
Special funds	3,616,477
Federal funds	33,222,466
Interdepartmental transfers	<u>1,350,000</u>
Total	41,169,329
Sec. B.500 Education - finance and administration	
Personal services	7,569,932
Operating expenses	3,575,080
Grants	<u>15,540,935</u>
Total	26,685,947
Source of funds	
General fund	3,795,807
Special funds	16,280,409
Education fund	995,597
Federal funds	2,396,087
Global Commitment fund	260,000
Interdepartmental transfers	<u>2,958,047</u>
Total	26,685,947

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 Sec. B.501 Education - education services

Personal services	18,451,314
Operating expenses	1,473,983
Grants	<u>126,074,411</u>
Total	145,999,708
Source of funds	
General fund	5,681,029
Special funds	3,202,682
Tobacco fund	750,388
Federal funds	135,118,942
Interdepartmental transfers	<u>1,246,667</u>
Total	145,999,708

## Sec. B.502 Education - special education: formula grants

Grants	<u>198,471,642</u>
Total	198,471,642
Source of funds	
Education fund	<u>198,471,642</u>
Total	198,471,642

## Sec. B.503 Education - state-placed students

Grants	<u>15,700,000</u>
Total	15,700,000
Source of funds	
Education fund	<u>15,700,000</u>
Total	15,700,000

## Sec. B.504 Education - adult education and literacy

Grants	<u>4,371,050</u>
Total	4,371,050
Source of funds	
General fund	635,000
Education fund	2,970,000
Federal funds	<u>766,050</u>
Total	4,371,050

## Sec. B.504.1 Education - Flexible Pathways

Grants	<u>7,346,000</u>
Total	7,346,000
Source of funds	
Education fund	7,286,000

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Enterprise funds	<u>60,000</u>
Total	7,346,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,371,075,706</u>
Total	1,371,075,706
Source of funds	
Education fund	<u>1,371,075,706</u>
Total	1,371,075,706
Sec. B.506 Education - transportation	
Grants	<u>19,226,000</u>
Total	19,226,000
Source of funds	
Education fund	<u>19,226,000</u>
Total	19,226,000
Sec. B.507 Education - small school grants	
Grants	<u>7,600,000</u>
Total	7,600,000
Source of funds	
Education fund	<u>7,600,000</u>
Total	7,600,000
Sec. B.510 Education - essential early education grant	
Grants	<u>6,617,213</u>
Total	6,617,213
Source of funds	
Education fund	<u>6,617,213</u>
Total	6,617,213
Sec. B.511 Education - technical education	
Grants	<u>13,932,162</u>
Total	13,932,162
Source of funds	
Education fund	<u>13,932,162</u>
Total	13,932,162
Sec. B.513 Appropriation and transfer to education fund	
Grants	<u>322,905,813</u>
Total	322,905,813
Source of funds	

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General fund	<u>322,905,813</u>
Total	322,905,813
Sec. B.514 State teachers' retirement system	
Grants	<u>99,940,777</u>
Total	99,940,777
Source of funds	
General fund	92,241,519
Education fund	<u>7,699,258</u>
Total	99,940,777
Sec. B.514.1 State teachers' retirement system administration	
Personal services	6,217,105
Operating expenses	<u>1,564,274</u>
Total	7,781,379
Source of funds	
Pension trust funds	<u>7,781,379</u>
Total	7,781,379
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>31,639,205</u>
Total	31,639,205
Source of funds	
General fund	<u>31,639,205</u>
Total	31,639,205
Sec. B.516 Total general education	
Source of funds	
General fund	456,898,373
Special funds	19,483,091
Tobacco fund	750,388
Education fund	1,651,573,578
Federal funds	138,281,079
Global Commitment fund	260,000
Interdepartmental transfers	4,204,714
Enterprise funds	60,000
Pension trust funds	<u>7,781,379</u>
Total	2,279,292,602
Sec. B.600 University of Vermont	
Grants	<u>42,509,093</u>
Total	42,509,093
Source of funds	

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General fund	39,129,876
Global Commitment fund	<u>3,379,217</u>
Total	42,509,093
Sec. B.601 Vermont Public Broadcast System	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.602 Vermont state colleges	
Grants	<u>27,300,464</u>
Total	27,300,464
Source of funds	
General fund	<u>27,300,464</u>
Total	27,300,464
Sec. B.602.1 Vermont state colleges - Supplemental Aid	
Grants	<u>700,000</u>
Total	700,000
Source of funds	
General fund	<u>700,000</u>
Total	700,000
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>19,414,588</u>
Total	19,414,588
Source of funds	
General fund	<u>19,414,588</u>
Total	19,414,588

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 Sec. B.606 New England higher education compact

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

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

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

## Sec. B.608 Total higher education

Source of funds	
General fund	87,377,244
Global Commitment fund	<u>3,788,678</u>
Total	91,165,922

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

Personal services	2,179,464
Operating expenses	1,105,224
Grants	<u>34,960</u>
Total	3,319,648
Source of funds	
General fund	2,670,382
Special funds	554,112
Interdepartmental transfers	<u>95,154</u>
Total	3,319,648

## Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,532,755</u>
Total	2,532,755
Source of funds	
General fund	2,111,255
Interdepartmental transfers	<u>421,500</u>
Total	2,532,755

## Sec. B.702 Fish and wildlife - support and field services

Personal services	17,559,395
Operating expenses	5,511,383

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Grants	<u>1,078,000</u>
Total	24,148,778
Source of funds	
General fund	5,652,621
Special funds	196,212
Fish and wildlife fund	9,505,629
Federal funds	8,691,203
Interdepartmental transfers	93,102
Permanent trust funds	<u>10,011</u>
Total	24,148,778
Sec. B.703 Forests, parks and recreation - administration	
Personal services	889,376
Operating expenses	<u>940,315</u>
Total	1,829,691
Source of funds	
General fund	<u>1,829,691</u>
Total	1,829,691
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,587,322
Operating expenses	761,503
Grants	<u>500,000</u>
Total	6,848,825
Source of funds	
General fund	4,610,156
Special funds	412,999
Federal funds	1,487,097
Interdepartmental transfers	<u>338,573</u>
Total	6,848,825
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	8,403,655
Operating expenses	<u>2,621,163</u>
Total	11,024,818
Source of funds	
General fund	434,313
Special funds	10,590,505
Permanent trust funds	<u>0</u>
Total	11,024,818

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Sec. B.706 Forests, parks and recreation - lands administration and recreation

Personal services	1,269,132
Operating expenses	1,378,483
Grants	<u>2,506,787</u>
Total	5,154,402
Source of funds	
General fund	673,966
Special funds	2,020,151
Federal funds	2,336,535
Interdepartmental transfers	<u>123,750</u>
Total	5,154,402

## Sec. B.708 Forests, parks and recreation - forest and parks access roads

Personal services	65,425
Operating expenses	<u>114,500</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925

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

Personal services	6,288,392
Operating expenses	3,391,844
Grants	<u>150,000</u>
Total	9,830,236
Source of funds	
General fund	1,074,364
Special funds	457,591
Federal funds	744,676
Interdepartmental transfers	<u>7,553,605</u>
Total	9,830,236

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

Personal services	12,383,436
Operating expenses	8,691,215
Grants	<u>5,076,000</u>
Total	26,150,651
Source of funds	
General fund	425,825
Special funds	21,875,082
Federal funds	3,655,939

Interdepartmental transfers	<u>193,805</u>
Total	26,150,651
Sec. B.711 Environmental conservation - office of water programs	
Personal services	18,292,585
Operating expenses	6,676,548
Grants	<u>23,754,400</u>
Total	48,723,533
Source of funds	
General fund	7,815,563
Special funds	10,333,268
Federal funds	29,486,364
Interdepartmental transfers	<u>1,088,338</u>
Total	48,723,533
Sec. B.713 Natural resources board	
Personal services	2,643,689
Operating expenses	<u>495,779</u>
Total	3,139,468
Source of funds	
General fund	608,163
Special funds	<u>2,531,305</u>
Total	3,139,468
Sec. B.714 Total natural resources	
Source of funds	
General fund	28,086,224
Special funds	48,971,225
Fish and wildlife fund	9,505,629
Federal funds	46,401,814
Interdepartmental transfers	9,907,827
Permanent trust funds	<u>10,011</u>
Total	142,882,730
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	1,717,913
Operating expenses	1,373,839
Grants	<u>452,627</u>
Total	3,544,379
Source of funds	
General fund	3,524,379

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Special funds	0
Interdepartmental transfers	<u>20,000</u>
Total	3,544,379
Sec. B.801 Economic development	
Personal services	3,512,700
Operating expenses	903,397
Grants	<u>5,554,735</u>
Total	9,970,832
Source of funds	
General fund	4,563,197
Special funds	2,625,350
Federal funds	<u>2,782,285</u>
Total	9,970,832
Sec. B.802 Housing & community development	
Personal services	3,677,757
Operating expenses	745,690
Grants	<u>11,167,128</u>
Total	15,590,575
Source of funds	
General fund	2,760,297
Special funds	4,991,756
Federal funds	7,747,771
Interdepartmental transfers	<u>90,751</u>
Total	15,590,575
Sec. B.806 Tourism and marketing	
Personal services	1,151,255
Operating expenses	1,743,242
Grants	<u>121,880</u>
Total	3,016,377
Source of funds	
General fund	<u>3,016,377</u>
Total	3,016,377
Sec. B.807 Vermont life	
Personal services	604,497
Operating expenses	<u>46,108</u>
Total	650,605
Source of funds	
Enterprise funds	<u>650,605</u>
Total	650,605

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Sec. B.808 Vermont council on the arts	
Grants	<u>717,735</u>
Total	717,735
Source of funds	
General fund	<u>717,735</u>
Total	717,735
Sec. B.809 Vermont symphony orchestra	
Grants	<u>141,214</u>
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	<u>961,426</u>
Total	961,426
Source of funds	
General fund	<u>961,426</u>
Total	961,426
Sec. B.811 Vermont housing and conservation board	
Grants	<u>26,361,035</u>
Total	26,361,035
Source of funds	
Special funds	10,940,222
Federal funds	<u>15,420,813</u>
Total	26,361,035
Sec. B.812 Vermont humanities council	
Grants	<u>217,959</u>
Total	217,959
Source of funds	
General fund	<u>217,959</u>
Total	217,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	15,902,584
Special funds	18,557,328
Federal funds	25,950,869
Interdepartmental transfers	110,751

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Enterprise funds	<u>650,605</u>
Total	61,172,137
Sec. B.900 Transportation - finance and administration	
Personal services	11,841,671
Operating expenses	2,759,243
Grants	<u>55,000</u>
Total	14,655,914
Source of funds	
Transportation fund	13,637,714
Federal funds	<u>1,018,200</u>
Total	14,655,914
Sec. B.901 Transportation - aviation	
Personal services	5,163,838
Operating expenses	8,404,249
Grants	<u>231,676</u>
Total	13,799,763
Source of funds	
Transportation fund	4,628,763
Federal funds	<u>9,171,000</u>
Total	13,799,763
Sec. B.902 Transportation - buildings	
Operating expenses	<u>1,578,050</u>
Total	1,578,050
Source of funds	
Transportation fund	<u>1,578,050</u>
Total	1,578,050
Sec. B.903 Transportation - program development	
Personal services	50,457,603
Operating expenses	216,263,480
Grants	<u>34,168,390</u>
Total	300,889,473
Source of funds	
Transportation fund	42,549,882
TIB fund	11,894,706
Federal funds	244,766,072
Interdepartmental transfers	239,345
Local match	<u>1,439,468</u>
Total	300,889,473

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 Sec. B.904 Transportation - rest areas construction

Personal services	43,000
Operating expenses	<u>701,802</u>
Total	744,802
Source of funds	
Transportation fund	76,242
Federal funds	<u>668,560</u>
Total	744,802

## Sec. B.905 Transportation - maintenance state system

Personal services	43,007,903
Operating expenses	44,516,596
Grants	<u>371,780</u>
Total	87,896,279
Source of funds	
Transportation fund	85,018,492
Federal funds	<u>2,777,787</u>
Interdepartmental transfers	<u>100,000</u>
Total	87,896,279

## Sec. B.906 Transportation - policy and planning

Personal services	4,258,996
Operating expenses	923,797
Grants	<u>5,903,691</u>
Total	11,086,484
Source of funds	
Transportation fund	2,822,771
Federal funds	8,171,508
Interdepartmental transfers	<u>92,205</u>
Total	11,086,484

## Sec. B.907 Transportation - rail

Personal services	5,511,324
Operating expenses	<u>24,087,727</u>
Total	29,599,051
Source of funds	
Transportation fund	18,675,520
TIB fund	760,000
Federal funds	<u>10,163,531</u>
Total	29,599,051

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Sec. B.908 Transportation - public transit

Personal services	1,226,680
Operating expenses	244,440
Grants	<u>27,549,109</u>
Total	29,020,229
Source of funds	
Transportation fund	7,795,281
Federal funds	<u>21,224,948</u>
Total	29,020,229

## Sec. B.909 Transportation - central garage

Personal services	4,283,427
Operating expenses	<u>16,401,097</u>
Total	20,684,524
Source of funds	
Internal service funds	<u>20,684,524</u>
Total	20,684,524

## Sec. B.910 Department of motor vehicles

Personal services	19,894,921
Operating expenses	<u>11,465,811</u>
Total	31,360,732
Source of funds	
Transportation fund	29,760,414
Federal funds	1,458,768
Interdepartmental transfers	<u>141,550</u>
Total	31,360,732

## Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>
Total	6,333,500

## Sec. B.912 Transportation - town highway local technical assistance program

Personal services	363,490
Operating expenses	<u>40,224</u>
Total	403,714
Source of funds	
Transportation fund	103,714

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Federal funds	<u>300,000</u>
Total	403,714
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,648,750</u>
Total	7,648,750
Source of funds	
Transportation fund	<u>7,648,750</u>
Total	7,648,750
Sec. B.914 Transportation - town highway bridges	
Personal services	3,181,488
Operating expenses	8,683,506
Grants	<u>1,460,000</u>
Total	13,324,994
Source of funds	
Transportation fund	1,490,612
TIB fund	547,631
Federal funds	10,594,419
Local match	<u>692,332</u>
Total	13,324,994
Sec. B.915 Transportation - town highway aid program	
Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750
Sec. B.917 Transportation - town highway: state aid for nonfederal disasters	
Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

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

Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000

## Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	200,000
Grants	<u>8,882,342</u>
Total	9,082,342
Source of funds	
Transportation fund	1,240,000
Special funds	2,400,000
Federal funds	<u>5,442,342</u>
Total	9,082,342

## Sec. B.920 Transportation - public assistance grant program

Operating expenses	640,000
Grants	<u>4,419,457</u>
Total	5,059,457
Source of funds	
Transportation fund	160,000
Special funds	1,419,457
Federal funds	3,000,000
Interdepartmental transfers	<u>480,000</u>
Total	5,059,457

## Sec. B.921 Transportation board

Personal services	235,619
Operating expenses	<u>35,924</u>
Total	271,543
Source of funds	
Transportation fund	<u>271,543</u>
Total	271,543

## Sec. B.922 Total transportation

Source of funds	
Transportation fund	251,072,742
TIB fund	13,202,337
Special funds	3,819,457

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Federal funds	318,917,135
Internal service funds	20,684,524
Interdepartmental transfers	1,053,100
Local match	<u>2,131,800</u>
Total	610,881,095

## Sec. B.1000 Debt service

Operating expenses	<u>78,097,467</u>
Total	78,097,467
Source of funds	
General fund	72,860,749
Transportation fund	1,629,544
ARRA funds	1,102,486
TIB debt service fund	<u>2,504,688</u>
Total	78,097,467

## Sec. B.1001 Total debt service

Source of funds	
General fund	72,860,749
Transportation fund	1,629,544
ARRA funds	1,102,486
TIB debt service fund	<u>2,504,688</u>
Total	78,097,467

## Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2019, \$3,055,900 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. The amount of \$1,605,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,045,400 is transferred to the Vermont Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce education and training. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through the Vermont Strong Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Career Technical Education Programs. The amount of \$360,000 is appropriated to the Department of Labor in consultation with the State Workforce Development Board. This appropriation is for the purpose of awarding competitive grants to regional technical centers and high schools to

provide adult career technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

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

(2) Loan repayment. The amount of \$30,000 as follows:

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

(3) Scholarships and grants. The amount of \$1,274,500 as follows:

(A) Non-degree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, with equal emphasis on adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

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

(C) Dual enrollment programs and need-based stipend. The amount of \$740,000 is appropriated to the Agency of Education for dual enrollment programs and \$36,000 is appropriated to the Agency of Education to be transferred to the Vermont Student Assistance Corporation for need-based stipends pursuant to Sec. E.605.1 of this act.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR  
FISCAL YEAR 2020 NEXT GENERATION INITIATIVE  
FUND DISTRIBUTION

(a) The Department of Labor, in coordination with the Agencies of Commerce and Community Development, of Human Services, and of

Education, and in consultation with the State Workforce Development Board, shall recommend to the Governor on or before December 1, 2018 how \$3,055,900 from the Next Generation Initiative Fund should be allocated or appropriated in fiscal year 2020 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The State agencies and departments listed herein shall promote actively and publicly the availability of the funds to eligible entities.

Sec. B.1101 FISCAL YEAR 2019 ONE-TIME APPROPRIATION FROM  
THE ALBERT C. LORD PERMANENT TRUST FUND

(a) The sum of \$86,267 is appropriated from the Albert C. Lord Permanent Trust Fund to the Department of Forests, Parks and Recreation – state parks, for conservation education activities, consistent with the intended purpose of the Fund. These funds will be used to pay the cost of one conservation education position and the cost of publishing conservation education outreach materials.

Sec. C.100 2017 Acts and Resolves No. 85, Sec. E.605 is amended to read:

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the Education General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

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Sec. C.101 REPEAL

(a) 2017 Acts and Resolves No. 85, Sec. E.301.1 (General Fund reversion) is repealed.

Sec. C.102 FISCAL YEAR 2018 MEDICAID AUTHORIZED PAYMENT  
AND CARRY FORWARD REQUIREMENT

(a) In fiscal year 2018, to extent funds are available within the funds appropriated in 2017 Acts and Resolves No. 85, Sec. B.301 as amended by 2018 Acts and Resolves No. 87, Sec. 8, as determined by Secretary of Human Services in consultation with the Commissioner of Finance and Management and the Legislative Chief Fiscal Officer, the Agency of Human Services:

(1) Shall carry forward to fiscal year 2019 a total of \$1,500,000 in General Funds for fiscal year 2019 obligations. The Commissioner of Finance and Management is authorized to adjust fiscal year 2018 Federal Fund and Global Commitment Fund appropriations in the Agency of Human Services and Department of Vermont Health Access to comport with this provision.

(A) The Commissioner of Finance and Management and the Secretary of Human Services shall ensure that the budget proposal submitted for Global Commitment as part of the requirement of 32 V.S.A. § 306 that does not rely upon anticipated carryforward General Funds, and appropriates general funds in fiscal year 2020 to the Secretary of Human Services in an amount sufficient to fund the most current official Medicaid forecast adopted for fiscal year 2020 under 32 V.S.A. § 305a(c) adjusted for any recommended changes to policy or operations that impact the official forecast.

(2) Is authorized to spend \$4,500,000 General Funds to fund a negotiated agreement to settle financial reconciliation of the 2016 year of the Vermont Health Connect operations.

(3) Shall carry forward to fiscal year 2019 a total of \$1,100,000 in General Funds for premium processing by Vermont Health Connect during fiscal year 2019. It is anticipated that premium processing functions will be performed by insurance carriers in the 2020 health insurance year. The Commissioner of Finance and Management is authorized to adjust fiscal year 2018 Federal Fund and Global Commitment Fund appropriations in the Agency of Human Services and Department of Vermont Health Access to comport with this requirement.

Sec. C.103 FISCAL YEAR 2017 ONE-TIME APPROPRIATION CARRY FORWARD

(a) In fiscal year 2018, the sum of \$1,300,000 remaining of the amount appropriated to the Secretary of Administration in 2017 Acts and Resolves No. 85, Sec. C.100(a), shall be carried forward into fiscal year 2019 for distribution to the Department for Children and Families to provide funding for changes in employee classification that were previously approved in accordance with the collective bargaining agreement.

Sec. C.104 [DELETED]

Sec. C.105 FISCAL YEAR 2018 ONE-TIME TRANSFERS FROM THE TOBACCO LITIGATION SETTLEMENT FUND

(a) Transfers: The following transfers shall be made from the Tobacco Litigation Settlement Fund:

(1) \$10,000,000 is transferred to the Vermont Teachers' Retirement Fund established pursuant to 16 V.S.A. § 1944; and

(2) \$5,500,000 is transferred to the Retired Teachers' Health and Medical Benefits Fund established by 16 V.S.A. § 1944b to reduce any outstanding balance of any interfund loan authorized by the State Treasurer from the General Fund.

(3) \$750,000 is transferred to the Environmental Contingency Fund established pursuant to 10 V.S.A. § 1283 for the purpose of conducting an evaluation of cleanup alternatives and, if required, a corrective action plan for PFOA and PFOS releases in the Town of Bennington.

(4) \$1,000,000 is transferred to the Complex Litigation Special Fund established in 3 V.S.A. § 67a.

Sec. C.105.1 FISCAL YEAR 2018 ONE-TIME APPROPRIATIONS FROM  
THE TOBACCO LITIGATION SETTLEMENT FUND

(a) Appropriations: The following appropriations shall be made from the Tobacco Litigation Settlement Fund:

(1) \$1,000,000 is appropriated to the Department of Buildings and General Services to be used in combination with funds appropriated in Sec. 2(d) of the fiscal year capital construction budget adjustment to provide a total of \$5,500,000 in funding to renovate structures at the Brattleboro Retreat to provide a minimum of 12 beds, including level one beds at the facility. Any requirements specified in Sec. 2(d) of the fiscal year 2019 capital construction budget adjustment for this work shall also apply to this appropriation.

(2) \$500,000 is appropriated to the University of Vermont;

(3) \$500,000 is appropriated to the Vermont State Treasurer to offset costs of interest and principal at the Treasurer's discretion for longer-term State building efficiency investment funding. The Treasurer and the Commissioner of Buildings and General Services shall report to the House and Senate Committees on Appropriations, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions on the use of these funds.

(4) \$2,000,000 is appropriated to the Agency of Human Services. The use of these funds shall be pursuant to the plan specified by the Tobacco Evaluation and Review Board.

(5) \$200,000 to the Department of Health to conduct two blood draw clinics in Bennington in calendar 2018 for current and prior members of the community who may have had long-term exposure PFOA and PFOS releases in the Town of Bennington

(6) \$500,000 to the Department of Corrections to design reentry programming that will result in stronger support and reintegration into the community for inmates and lower recidivism.

(7) \$400,000 to the Department of Corrections for Medication Assisted Treatment as specified in S. 166 of 2018.

(8) \$300,000 to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corp in even increments of \$100,000 in fiscal years 2018, 2019, and 2020.

(9) \$100,000 to the Department for Children and Families' Child Development Division, which shall, in consultation with the Permanent Fund and Building Bright Futures (Vermont's Early Childhood State Advisory Council), analyze how Vermont's families make early care and education arrangements for their children. These funds shall be granted to Building Bright Futures to contract with the National Opinion Research Center to survey families in Vermont with children under six years of age about their child care arrangements and preferences and what factors may constrain parental choices. The Department shall provide a copy of the survey instrument to the House and Senate Committees on Appropriations and the House Committee on Human Services and the Senate Committee on Health and Human Services prior to finalizing the instrument for survey implementation. The Department shall provide a report on the results of the survey to the General Assembly on or before January 15, 2019.

(10) \$200,000 to the Green Mountain Care Board for initial analysis for a universal primary care system as specified in S.53 of 2018.

Sec. C.106 CHINS CASES SYSTEM STRATEGIC REFORM; CHIEF  
SUPERIOR JUDGE; EXECUTIVE DIRECTOR OF STATE'S  
ATTORNEYS AND SHERIFFS; DEFENDER GENERAL

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated to the Judiciary in subsection (a) of this section shall be allocated as follows:

(1) \$1,250,000 for fiscal year 2019, which shall not be distributed until the group defined in subsection (c) of this section provides proposed expenditures as part of its fiscal year 2019 budget adjustment request;

(2) \$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both;

(3) \$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and

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(4) \$750,000 in fiscal year 2022 or after as needed.

(c) During the 2018 legislative interim, the Chief Superior Judge, the Executive Director of State's Attorneys and Sheriffs, and the Defender General, in consultation with the Commissioners for Children and Families and Corrections, shall review and propose changes to the system by which CHINS cases are processed and adjudicated. In undertaking this review the group shall evaluate successful models used in other countries, states, or cities. The proposal shall incorporate innovative approaches to holistic reform and may include the use of regional and mobile models, judicial masters, mediation, dedicated resources, and non-judicial alternatives to the CHINS process. The proposal for reform shall:

(1) support and improve child safety;

(2) provide early screening for substance abuse, mental health, and trauma of children and parents;

(3) provide early access to services designed to address screening outcomes;

(4) improve timeliness of adjudication, including timeliness to permanency for children;

(5) ensure due process;

(6) serve the best interests of the affected children, recognizing that reunification with the parent often aligns with the child's needs;

(7) relieve systemic resource and budget pressures; and

(8) lead to lasting changes.

(d) The Chief Superior Judge, the Executive Director of State's Attorneys and Sheriffs, and the Defender General shall report on the proposal developed pursuant to subsection (c) of this section, and shall include a recommendation on how to allocate the \$1,250,000 allocated for fiscal year 2019 to reflect the vision for reforming the CHINS docket that achieves the outcomes set forth in subsection (c) of this section:

(1) to the Joint Legislative Justice Oversight Committee on or before December 1, 2018; and

(2) to the House and Senate Committees on Appropriations on or before January 15, 2018 as a part of the Judiciary's recommendations for the fiscal year 2020 budget.

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Sec. C.106.1 EXPANDING THE VERMONT WORKFORCE FOR  
SUBSTANCE USE DISORDER TREATMENT AND  
MENTAL HEALTH PROFESSIONALS

(a) The sum of \$5,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Agency of Human Services in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments in order to expand the supply of high-quality substance use disorder treatment and mental health professionals available to Vermont residents in need of their services.

(b) The sum appropriated to the Agency of Human Services in subsection (a) of this section shall be allocated to the Agency as follows:

(1) \$1,500,000 for fiscal year 2019, which shall not be distributed until the Agency provides proposed expenditures as part of its fiscal year 2019 budget adjustment request;

(2) \$1,500,000 for fiscal year 2020, for which the Agency shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both;

(3) \$1,500,000 for fiscal year 2021, for which the Agency shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and

(4) \$500,000 which may be provided in fiscal year 2022 or after as needed to ensure successful and sustainable implementation of the workforce expansion initiatives developed pursuant to this section.

(c)(1) A committee composed of the Secretary of Human Services or designee, the President of the University of Vermont or designee, and the Chancellor of the Vermont State Colleges or designee, in consultation with representatives of the Area Health Education Centers program at the University of Vermont College of Medicine, the Vermont Student Assistance Corporation, the Department of Labor, and substance use disorder treatment and mental health providers, shall select from among all proposals for use of the funds allocated pursuant to subsection (b) of this section those most likely to build capacity in Vermont's substance use disorder treatment and mental health systems in a cost-effective and sustainable manner by cultivating, attracting, recruiting, and retaining high-quality substance use disorder treatment and mental health professionals. The Secretary of Human Services shall present the selected proposals to the General Assembly within the allocations set forth in subsection (b) of this section for approval as part of the applicable budget or budget adjustment process.

(2) Successful proposals for use of the funds allocated pursuant to subsection (b) of this section may include scholarships; loan repayment for high-quality substance use disorder treatment and mental health professionals who commit to practicing in Vermont; hiring bonuses or loan repayment, or both, for faculty and staff at institutions of higher education in Vermont to teach prospective substance use disorder treatment and mental health professionals; strategic bonuses for high-quality substance use disorder treatment and mental health professionals in Vermont's existing workforce; and appropriate continuing education and training for substance use disorder treatment and mental health professionals in Vermont's existing workforce.

Sec. C.106.2 [DELETED]

Sec. C.106.3 [DELETED]

Sec. C.106.4 [DELETED]

Sec. C.106.5 [DELETED]

Sec. C.107 FISCAL YEAR 2018 GENERAL FUND FINANCIAL CLOSE  
OUT

(a) At the close of fiscal year 2018, an amount up to \$5,000,000 may be unreserved from the General Fund Balance Reserve in fiscal year 2018 to the extent such funds are needed for the General Fund to reduce or eliminate a negative fund balance.

Sec. C.108 REPEALS

(a) 2018 Acts and Resolves No. 87, Sec. 37 (Temporary General Fund Reserve) is repealed.

(b) 2018 Acts and Resolves No. 87, Sec. 43 (Use of General Fund Balance Reserve) is repealed.

Sec. C.109 FISCAL YEAR 2018 FEDERAL FUNDS CONTINGENT  
APPROPRIATION

(a) In the event a federal infrastructure bill providing additional federal funding to Vermont for transportation-related projects is enacted and takes effect in fiscal year 2018 or fiscal year 2019, such federal funds are appropriated to the Agency of Transportation in fiscal year 2018 or fiscal year 2019 as provided and under the conditions prescribed in Sec. 2 of H.917 of 2018.

Sec. C.110 IMPLEMENTATION OF PRELIMINARY  
RECOMMENDATIONS OF THE VERMONT CLIMATE  
ACTION COMMISSION

(a) On December 29, 2017, the Vermont Climate Action Commission (Commission) created by the Governor through Executive Order No. 12-17 made five preliminary recommendations to advance Vermont's ability to achieve the Comprehensive Energy Plan's goals for 2050 to reduce greenhouse gas (GHG) emissions and increase renewable energy. Those recommendations are implemented by the provisions of this section and those other sections and bills described in this section.

(b) Recommendations of the Commission and actions taken on them include:

(1) Support advanced wood heat: In Sec. C.1000(a)(6) of this act \$200,000 shall be dedicated for additional woodstove change outs to improve air quality and reduce air emissions related to woodstoves, funded on a one-time basis;

(2) Increase the pace of weatherization: Two specific actions include:

(A) In H.831 of 2018, the State Treasurer is authorized in fiscal years 2019 and 2020 to invest up to \$5,000,000 of funds from the credit facility established in 10 V.S.A. §10 for an accelerated weatherization program. The funds shall be used to support weatherization efforts for households with a median family income that is not more than 120 percent of the statewide median family income as reported by the Vermont Department of Taxes for the most recent year for which data are available.

(B) The Department of Buildings and General Services shall work with the Treasurer to maximize use of the credit facility for local investments established in 10 V.S.A. § 10, to fund energy efficiency projects for State buildings. The amount of \$500,000 is appropriated in Sec. C. 105.1(b)(3) of this act to the Treasurer to offset costs of interest and principal at the Treasurer's discretion for longer-term State building efficiency investment funding.

(3) Study regulatory and market decarbonization mechanisms: The Joint Fiscal Committee shall contract for independent professional assistance to analyze the costs and benefits for Vermont of adopting and implementing policies to reduce GHG emissions caused by Vermont's consumption of fossil fuels. There is \$120,000 appropriated in Sec. C.1000(a)(1) of this act to the Joint Fiscal Committee for this study.

(A) The analysis shall include the comparative ability or potential of the policies to achieve reductions in GHG emissions; to spur economic development in the State; to encourage innovation in the State; to cause shifts in employment, including job creation, job loss, and sectors affected; and to affect the cost of living in Vermont.

(B) The Joint Fiscal Office and the contractor shall consult with the Climate Commission and the Chairs of the House Committees on Energy and Technology and on Natural Resources, Wildlife, and Water Resources and the Senate Committee on Natural Resources and Energy. On or before January 15, 2019, the Joint Fiscal Office shall submit the analysis to those same standing committees, with a copy to the Climate Commission.

(4) Foster the climate economy: The recommendations in subdivisions (1), (2), (3), and (5) of this subsection should result in added economic activity to foster a climate economy.

(5) Electrify the transportation system: The direction concerning the use of Environmental Mitigation Trust monies resulting from the Volkswagen litigation set forth in Sec. E.700 of this act is designed to increase electrification of transportation.

Sec. C.111 2017 Acts and Resolves No. 85, Sec. B.502 is amended to read:

Sec. B.502 Education – special education: formula grants

Grants	<u>180,749,796</u>	<u>188,749,796</u>
Total	<u>180,749,796</u>	<u>188,749,796</u>
Source of funds		
Education fund	<u>180,749,796</u>	<u>188,749,796</u>
Total	<u>180,749,796</u>	<u>188,749,796</u>

Sec. C.112 2017 Acts and Resolves No. 85, Sec. B.503 is amended to read:

Sec. B.503 Education – state placed students

Grants	<u>16,700,000</u>	<u>14,700,000</u>
Total	<u>16,700,000</u>	<u>14,700,000</u>
Source of funds		
Education fund	<u>16,700,000</u>	<u>14,700,000</u>
Total	<u>16,700,000</u>	<u>14,700,000</u>

Sec. C.113 2017 Acts and Resolves No. 85, Sec. B.504.1 as amended by 2018 Acts and Resolves No. 87, Sec. 32 is further amended to read:

Sec. B.504.1 Education - Flexible Pathways

Grants	<u>7,850,000</u>	<u>7,100,000</u>
Total	<u>7,850,000</u>	<u>7,100,000</u>
Source of funds		
Education fund	<u>7,850,000</u>	<u>7,100,000</u>
Total	<u>7,850,000</u>	<u>7,100,000</u>

Sec. C.114 2017 Acts and Resolves No. 85, Sec. B.516 as amended by 2018 Acts and Resolves No. 87, Sec. 33 is further amended to read:

Sec. B.516 Total general education

Source of funds

General fund	427,964,287	427,964,287
Special funds	22,238,547	22,238,547
Tobacco fund	750,388	750,388
Education fund	<del>1,615,538,843</del>	1,620,788,843
Federal funds	136,958,720	136,958,720
Global Commitment fund	260,000	260,000
Interdepartmental transfers	4,608,110	4,608,110
Pension trust funds	<u>7,687,431</u>	<u>7,687,431</u>
Total	<u>2,216,006,326</u>	2,221,256,326

Sec. C.115 2017 Acts and Resolves No. 85, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<u>83,809,437</u>	<u>84,109,437</u>
Total	<u>83,809,437</u>	84,109,437

Source of funds

General fund	75,912,816	76,212,816
Education fund	<u>7,896,621</u>	<u>7,896,621</u>
Total	<u>83,809,437</u>	84,109,437

Sec. C.116 2017 Acts and Resolves No. 85, Sec. B.515 is amended to read:

Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>27,560,966</u>	<u>27,260,966</u>
Total	<u>27,560,966</u>	27,260,966

Source of funds

General fund	27,560,966	<u>27,260,966</u>
Education fund	0	
Total	<u>27,560,966</u>	27,260,966

Sec. C.117 2017 Acts and Resolves No. 85, Sec. B.514 is amended to read:

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$88,409,437 of which ~~\$83,809,437~~ \$84,109,437 shall be the State's contribution and ~~\$4,600,000~~ \$4,300,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

\* \* \*

Sec. C.118 2017 Acts and Resolves No. 85, Sec. B.515 is amended to read:

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$27,560,966 \$27,260,966 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

Sec. C. 119 2017 Acts and Resolves No. 85, Sec. C.120 is amended to read:

Sec. C.120 GENERAL FUND YEAR END CLOSE OUT

(a) In fiscal years 2017, 2018, and 2018 2019, after satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, the provisions of 32 V.S.A. § 308c(a)(1)–(3) shall not be applied, and any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve established in 32 V.S.A. § 308c.

Sec. C.1000 FISCAL YEAR 2018 GENERAL FUND ONE-TIME  
APPROPRIATIONS, TRANSFERS, AND REVERSIONS

(a) Appropriations: The following appropriations are made from the General Fund in fiscal year 2018:

(1) To the Joint Fiscal Committee for the decarbonization mechanisms study as prescribed in Sec. C.110(b)(3) of this act. \$120,000

(2) To the Legislature for a legislative staff workforce comparative evaluation specified in Sec. E.126 of this act. \$40,000

(3) To the Agency of Agriculture, Food and Markets to be carried forward and used to increase grants awarded in the Vermont Working Lands Enterprise program in fiscal year 2019. \$106,000

(4) To the Vermont State Colleges for the final State contribution for costs of the unification of Johnson and Lyndon State colleges into Northern Vermont University. \$350,000

(5) To the Department of State's Attorneys and Sheriffs to be carried forward and used for transport per diem funding in fiscal year 2019. \$105,776

(6) To the Department of Environmental Conservation to increase the amount available for woodstove change outs to improve air quality and reduce air emissions related to woodstoves. This amount shall reduce any General Fund amount to be refunded to the Clean Energy Development Fund as a result of final accounting for the cost of solar energy tax credits. \$200,000

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(7) To the Department for Children and Families to prepare for the expansion of services to juvenile offenders 18 and 19 years of age pursuant to 33 V.S.A. chapters 52 and 52A as amended in S.274 of 2018 beginning in fiscal year 2021, with any unexpended funds to carry forward. \$200,000

(8) To the Secretary of State for costs associated with administering primary and general election efforts. \$400,000

(9) To the State's Attorneys for the purchase of a case management system. \$200,000

(10) To the Agency of Education to be carried forward for Farm to School initiatives in fiscal year 2019. \$50,000

(11) To the Vermont Economic Development Authority (VEDA) to be used by VEDA's agricultural subsidiary the Vermont Agricultural Credit Corporation (VACC) established under 10 V.S.A. § 374a. These funds are for a loss reserve in the 2018 Farm Operating Program which provide Vermont cow dairy farmers with loans to spring operating and related needs including refinancing debt. VEDA shall report to the Emergency Board at its July 2018 meeting on final program design and the use of these funds. \$250,000

(12) To the Agency of Agriculture, Food and Markets to partially offset costs of participation in the Federal Margin Protection Program (MPP) for dairy producers during the 2018 calendar year. Specifically these funds shall be used to provide reimbursement grants to partially offset the premiums for participation in Tier 1 of the MPP program. The Agency of Agriculture, Food and Markets shall request that the Farm Services Agency provide participation information for dairy producers in the margin protection program and other information to assist the Agency to administer the grant program. Dairy producers shall receive a single payment of \$600, not to exceed the premium paid for calendar year 2018 by separate check from the State of Vermont. \$450,000

(13) To the Office of Economic Opportunity in the Department for Children and Families for pass-through grants to the Community Action Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722. \$100,000

(14) To the Agency of Commerce and Community Development to utilize and continue marketing activities funded in 2017 Acts and Resolves No.85, Sec. C.100.1 which may be matched with federal funds, special funds, grants, donations, and private funds. To increase the amount and effectiveness of marketing activities conducted, the Agency shall collaborate with public- or private-sector partners to maximize State marketing resources and to enable Vermont businesses to align their own brand identities with the Vermont brand,

enhancing the reputations of both the business and the State. Of these funds, \$125,000 shall be used for contracts or grants to regional chambers of commerce or other public- or private sector partners. \$250,000

(b) Transfer: The amount of \$1,790,000 in General Funds shall be transferred and reserved in the 27/53 Reserve in fiscal year 2018. This action is the fiscal year 2019 contribution to the 27th payroll reserve as required by 32 V.S.A. § 308e.

(c) Reversion: In fiscal year 2018, \$120,000 of the appropriation made in 2017 Acts and Resolves No. 85, Sec. C.100(c), shall revert to the General Fund.

(d) Contingent Reserves, Expenditures and Transfers: In fiscal year 2018 to the extent any remaining unreserved and undesignated end of fiscal year General Fund surplus remains after satisfying the requirements of 32 V.S.A. § 308 and prior to the provisions of 2017 Acts and Resolves No. 85, Sec. C.120 as amended by this act, the following reserves and transfer are authorized in the following order:

(1) \$500,000 shall be reserved in the General Fund to carryforward to be available in fiscal year 2019. In the event and to the extent that this reservation occurs, the transfer provision of the Clean Energy Development Fund in Sec. D.101(b)(1) of this act shall not occur.

(2) \$253,292 shall be transferred to the Clean Energy Development Fund as a result of final accounting for the cost of solar energy tax credits.

(3) An amount up to \$7,100,000 is appropriated to the Agency of Human Services in fiscal year 2018 for any remaining amount of the Medicaid financial requirements specified in Sec. C.102 of this act that are not available within the funds appropriated in 2017 Acts and Resolves No. 85, Sec. B.301 as amended by 2018 Acts and Resolves No. 87, Sec. 8.

(4) An amount not to exceed \$8,600,000 shall be transferred to the Education Fund to bring the Education Fund reserve to its statutory maximum of 5 percent at the close of fiscal year 2018.

(5) \$8,000,000 shall be reserved in the General Fund and shall be carried forward to be available in fiscal year 2019 to be available to offset any one-time corporate tax refunds which were expected to occur in fiscal year 2018.

Sec. C.1001 FISCAL YEAR 2018 CONTINGENT HUMAN SERVICES  
CASELOAD RESERVE USE

(a) Any remaining amount of the Medicaid financial requirements up to \$7,100,000 specified in Sec. C.102 of this act that are not available within the

funds appropriated in 2017 Acts and Resolves No. 85, Sec. B.301 as amended by 2018 Acts and Resolves No. 87, Sec. 8; or through funds appropriated in accordance with the provisions of Sec. C.1000(d)(3) of this act; such amount shall be unreserved from the Human Service Caseload Reserve created in 32 V.S.A. § 308b and the same amount of General Funds are appropriated to the Agency of Human Services in fiscal year 2018.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

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

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

(2) The sum of \$9,804,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$9,804,840 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board (VHCB) and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2019 appropriation of \$9,804,840 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information established in 10 V.S.A. § 122.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

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

(1) From the General Fund to the Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$3,055,900.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$1,670,000.

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$423,966.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for funding fiscal year 2020 transportation infrastructure bonds debt service: \$2,497,663.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>8,193,326.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>1,805,000.00</u>
<u>21991</u>	<u>Clean Energy Development Fund</u>	<u>500,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund in fiscal year 2019. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

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21638	<u>AG-Fees &amp; Reimbursements-Court Order</u>	<u>2,000,000.00</u>
21928	<u>Secretary of State Services Fund</u>	<u>2,607,923.00</u>
62100	<u>Unclaimed Property Fund</u>	<u>3,415,143.00</u>

(3) In fiscal year 2019, notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, \$29,514,057 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) shall be transferred to the General Fund.

(A) Any remaining unencumbered balances in these funds in fiscal year 2019 up to the amount of \$6,080,000 shall remain in these funds for transfer to the General Fund in fiscal year 2020 consistent with the intent of 2016 Acts and Resolves No. 172, Sec. E.228. Fiscal year 2019 unencumbered balances above this amount shall be transferred to the General Fund and reserved in the General Fund Balance Reserve (Rainy Day Fund).

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1130010000</u>	<u>Department of Libraries</u>	<u>234,209.00</u>
<u>1210001000</u>	<u>Legislative Council</u>	<u>113,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>30,000.00</u>

(d) To the extent that the Emergency Board determines at its July 2018 meeting, that the fiscal year 2019 available General Fund forecast exceeds \$1,568,200,000 as adjusted by any tax or revenue changes made through the 2018 legislative session:

(1) funds carried forward in accordance with the provisions of Sec. C.1000(d)(5) of this act shall be transferred from the General Fund to the Retired Teachers' Health and Medical Benefits Fund established by 16 V.S.A. § 1944b to reduce any outstanding balance of any interfund loan authorized by the State Treasurer from the General Fund.

#### Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2018 in the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a. shall remain for appropriation in fiscal year 2019.

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Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2019 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2019 is not negative shall be transferred in fiscal year 2019 from the Tobacco Trust Fund established by 18 V.S.A. § 9502(a) to the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a.

## Sec. D.104 GLOBAL COMMITMENT TRANSFER

(a) The fund balance in the Global Commitment fund, estimated to be up to \$79,846,983 as of June 30, 2018, shall be transferred as follows:

(1) \$1,760,000 shall be transferred to the General Fund and reserved in the 27/53 Reserve under 32 V.S.A. § 308e in order to fund the fiscal year 2019 obligation of the next year in which a 53rd week of Medicaid payments is due, scheduled to occur in fiscal year 2022.

(2) Notwithstanding 32 V.S.A. § 308b, \$64,022,729 shall be transferred to the General Fund and reserved in the Human Services Caseload Reserve and, within that Reserve, specifically reserved in the sub-account for any incurred but not reported Medicaid expenses associated with the current Medicaid Global Commitment waiver, reflecting the estimated amount of the State share of this potential obligation as of June 30, 2017.

(3) Notwithstanding 32 V.S.A. § 308b, up to \$14,064,254 shall be transferred to the General Fund and reserved in the Human Services Caseload Reserve, and within that Reserve, specifically reserved in the sub-account for Medicaid-related pressures related to caseload, utilization, and changes in federal participation in existing human services programs.

## Sec. D.104.1 [DELETED]

Sec. D.105 32 V.S.A. § 308b is amended to read:

## § 308b. HUMAN SERVICES CASELOAD RESERVE

(a) There is created within the General Fund a Human Services Caseload Management Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families; of Health; of Mental Health; of Disabilities, Aging, and Independent Living; and of Vermont Health Access; and settlement costs associated with managing the Global Commitment waiver.

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to Agency of Human Services caseload reductions and the effective management of related federal receipts, with the exclusion of the Department of Corrections.

(c) The Human Services Caseload Reserve shall contain two sub-accounts:

(1) A sub-account for incurred but not reported Medicaid expenses. Each year beginning with fiscal year 2020, the Department of Finance and Management shall adjust the amount reserved for incurred but not reported Medicaid expenses to equal the amount specified in the Comprehensive Annual Financial Report as of June 30th of the prior fiscal year for the estimated amount of incurred but not reported Medicaid expenses associated with the current Medicaid Global Commitment waiver.

(2) A sub-account for Medicaid-related pressures related to caseload, utilization, changes in federal participation in existing human services programs, and settlement costs associated with managing the Global Commitment waiver. Any decrease in the amount of required reserves in subdivision (1) of this subsection shall first be reserved in the 27/53 Reserve under section 308e of this title in order to fund the current fiscal year obligation for the next year in which a 53rd week of Medicaid payments is due, next scheduled to occur in fiscal year 2022. The remainder shall result in an offsetting increase in the account for Medicaid-related pressures, as defined in subdivision (2) of this subsection. Any increase in the amount of required reserve in subdivision (1) of this subsection shall require a corresponding transfer from the funds reserved in subdivision (2) of this subsection, to the extent there are funds available.

Sec. D.106 FISCAL YEARS 2019 and 2020 STATE EMPLOYEE  
CONTRACT FUNDING

(a) As part of the fiscal year appropriations and revenue decisions, this act reserves sufficient monies to fully fund the VSEA contract obligations and related appropriations. It is the intention that specific appropriations and statutory language, once developed, will be incorporated in a specific pay act bill or, if necessary, be added to this act.

(b) In order to fund the estimated \$17,954,000 fiscal year 2019 total contract cost, \$8,362,000 in federal funds and special funds or excess receipt authority will be combined with the following amounts reserved for appropriation:

(1) General Funds: \$7,716,000.

(2) Transportation Funds: \$1,876,000.

(c) In order to fund the estimated \$23,583,000 fiscal year 2020 total contract cost, \$11,308,000 in federal funds and special funds appropriation or excess receipt authority will be combined with the following amounts to be appropriated in fiscal year 2020:

(1) General Funds: \$9,907,000.

(2) Transportation Funds: \$2,368,000.

\* \* \* GENERAL GOVERNMENT \* \* \*

#### Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2019:

(1) In the Agency of Education – one (1) Finance Administrator II and one (1) School Finance Analyst. The positions established in this subdivision shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

(b) The conversion of classified limited service positions to classified permanent status is authorized in fiscal year 2019 as follows:

(1) In the Department of Public Safety – one (1) Financial Administrator II (position #330359) and one (1) Public Assistance Administrator (position #330361).

(2) In the Green Mountain Care Board – one (1) Board Legal Technician (position #270012), one (1) Health Policy Advisor (position #270013), and one (1) Evaluation Manager (position #270017).

(3) In the Agency of Education – one (1) Education Programs Coordinator I (position #770468).

(c) The conversion of exempt limited service positions to classified permanent status is authorized in fiscal year 2019 as follows:

(1) In the Department of Public Safety – one Public Assistance Officer (position #337013).

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, by 2016 Acts and Resolves No.172, Sec. E.100.2, and by 2017 Acts and Resolves No. 85, Sec. E.100.1 is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime,

compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) Notwithstanding Sec. A.107 of this act, the Agency of Transportation, the Department for Children and Families, the Agency of Natural Resources, the Department of Buildings and General Services, the Department of Labor, the Department of Corrections, ~~and the Department of Public Safety, the Department of State's Attorneys, and the Vermont Veterans' Home~~ shall not be subject to the cap on positions for the duration of the Pilot. The Department of Corrections is authorized to add only Correctional Officer I and II positions.

(A) The Department of Corrections is authorized to add only Correctional Officer I and II positions.

(B) The Vermont Veterans' Home is authorized to add direct care positions including part-time positions. Prior to authorizing positions under subdivision (d)(2) of this section the Secretary of Administration shall be provided the financial analysis from the Vermont Veterans' Home reviewed by the Commissioner of Finance and Administration which demonstrates reduction in the cost of overtime expenses or other expenses equal to or greater than the projected cost of the positions for the current and successive fiscal year of operations.

\* \* \*

(7) This Pilot shall sunset on July 1, ~~2018~~ 2020, unless extended or modified by the General Assembly.

(8) On or before January 15, ~~2018~~ 2019, the Commissioner of Human Resources, in coordination with the Vermont State Employees' Association (VSEA), shall provide a report ~~by department~~ on the total number of positions created under the authority of this section to the House and Senate Committees on Appropriations. ~~The Commissioner report shall include in the report a recommendation on whether this program should be expanded and continue and, if so, should it be extended but remain in session law or be made permanent by codification in statute.~~

Sec. E.100.2 [DELETED]

Sec. E.105 Agency of digital services

(a) Of the internal service funds appropriated in Sec. B.105 of this act, up to \$600,000 is appropriated for a 24/7 cybersecurity operations center. These funds may only be spent upon approval of a budget and a spending plan by the Joint Fiscal Committee at its July 2018 meeting.

(1) The Agency shall consult with the information technology consultant to the Joint Fiscal Office in developing the budget and plan.

(2) The Joint Fiscal Office Information Technology Consultant shall present a report to the Joint Fiscal Committee to accompany the Agency's submission to provide an independent recommendation and review of the proposed budget and plan.

Sec. E.105.1 AGENCY OF DIGITAL SERVICES; REPORT ON STATE  
INFORMATION TECHNOLOGY EFFICIENCIES

(a) On or before January 15, 2019, the Secretary of Digital Services shall demonstrate in a report to the Senate Committees on Appropriations and on Government Operations and the House Committees on Appropriations and on Energy and Technology that the consolidation of State information technology services under the jurisdiction of the Agency has been at a minimum cost-neutral and shall specifically provide in this report the estimated dates on which the following will occur:

(1) the Agency's internal service fund negative balance will be reduced; and

(2) agency and department information technology charges paid to the Agency will be lowered.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.111.1 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 85, Sec. 47 is further amended to read:

Sec. 282. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

(1) There is established the Tax Computer System Modernization Special Fund to consist of:

(A) The tax receipts received as a direct result of the data warehouse project initiated by the Department of Taxes beginning in calendar year 2011; and

(B) Eighty percent of tax receipts received as a direct result of the data sharing and comparison project between the Vermont Department of Labor and the Department of Taxes relative to entity and employee filings at both departments and/or lack thereof; and

(C) The incremental tax receipts received as a direct result of the implementation of the integrated tax system beginning in calendar year 2014, including any additional data warehouse modules. The Commissioner of Finance and Management shall approve baseline tax receipts in order to measure the increment from the new integrated tax system.

(2) Balances in the Fund shall be administered by the Department of Taxes and used for the exclusive purposes of funding: A) ancillary development of information technology systems necessary for implementation and continued operation of the data warehouse project; B) payments due to the vendor under the data warehouse project contract; C) enhanced compliance costs related to the data warehouse project; D) planning for an integrated tax system solution, including present-day analysis of business case and business requirements, requests for proposals and due diligence; E) implementation of tax types and any additional data warehouse modules into the selected integrated tax system solution; F) a micro-simulation model for use by the Department of Taxes and the Joint Fiscal Office; and G) implementation of an ancillary scanning system to enhance the operation of tax types incorporated into the integrated tax system solution. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund. This Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5.

(b) Appropriation.

(1) There is appropriated in fiscal year 2008 from the Special Fund the sum of up to \$7,800,000 to the Department of Taxes for the purposes described in subdivision (a)(2) of this section. The Commissioner shall anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

(c) Transfer.

(1) Twenty percent of the tax receipts received pursuant to subdivision (a)(1)(A) of this section after payment to the vendor under the data warehouse contract shall be transferred to the General Fund annually for the duration of that contract. Thereafter, 20 percent of the tax receipts received pursuant to subdivision (a)(1)(A) shall be transferred to the ~~General Fund~~ which would receive the underlying tax receipts annually until the expiration of the Tax Computer System Modernization Fund.

(2) Twenty percent of the incremental tax receipts calculated pursuant to subdivision (a)(1)(C) shall be transferred to the General Fund which would receive the underlying tax receipts annually until the expiration of the Tax Computer Modernization Fund.

(d) Fund to terminate.

(1) This Fund shall terminate on July 1, 2024, provided that all amounts due pursuant to contract with the vendor of an integrated tax solution referenced in subdivision (a)(1)(C) of this section have been paid and any unexpended unencumbered balance in the Fund shall be transferred to the General Fund.

(e) The Commissioner of Taxes shall report to the Joint Fiscal Committee on fund receipts at or prior to the November Joint Fiscal Committee meeting each year until the Fund is terminated.

Sec. E.113 Buildings and general services – engineering

(a) The \$3,432,525 interdepartmental transfer in this appropriation shall be from the fiscal year 2019 General Bond Fund appropriation in the Capital Bill of the 2017 legislative session (2017 Acts and Resolves No. 85, Sec. 2(c)(3)).

Sec. E.114 29 V.S.A. § 169 is amended to read:

§ 169. BROCHURE DISTRIBUTION FEES

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(b) A special fund is established to be administered as provided under 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32, and to be known as the brochure distribution special fund Brochure Distribution Special Fund for the purposes of ensuring that the fees collected under this section are utilized to fund travel destination promotion, and information at the state's State's travel information centers, and operations and maintenance of State travel information centers. Revenues to the fund Fund shall be those fees collected for the placement and distribution of brochures of businesses in the state State travel information centers and in other locations deemed appropriate by the department Department.

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Sec. E.126 LEGISLATIVE BRANCH WORKFORCE COMPARATIVE  
EVALUATION

(a) The Speaker of the House and President Pro Tempore of the Senate shall contract with the National Conference of State Legislatures (NCSL) to perform a comprehensive evaluation of compensation, staffing,

workload, and organization concerning the staff and offices of the Vermont General Assembly.

(b) NCSL's evaluation shall examine and provide recommendations on the following issues:

(1) Compensation.

(A) Comparison between the salaries and other compensation earned by staff of the Vermont General Assembly and the salaries and compensation earned by employees with similar responsibilities, workload, qualifications, and experience of:

(i) the Executive and Judicial Branches of Vermont State government;

(ii) other state legislatures; and

(iii) the private sector, if appropriate.

(B) Analysis of how states use salary schedules or other systems for determining the salaries of legislative employees.

(2) Staffing and workload.

(A) Analysis of the workload for each job description or category of legislative staff and each office or unit of the General Assembly as compared with employees with similar responsibility, workload, qualifications, and experience in:

(i) the Executive and Judicial Branches of Vermont State government;

(ii) other state legislatures; and

(iii) the private sector, if appropriate.

(B) The analysis of workload pursuant to subdivision (A) of this subdivision (3) shall include a comparison of:

(i) the job posting or job description relevant to each category or position;

(ii) the number of legislative members and committees that employees are responsible for or responsive to;

(iii) the range of responsibilities; and

(iv) the professional background, qualifications, subject matter expertise, or experience required by the job description or necessary to fulfill the position's responsibilities.

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(3) Organization and structure.

(A) A comparison to other states of the current organization, structure, and oversight of the offices of the General Assembly, including:

(i) the strengths and weaknesses of the current organization and structure; and

(ii) alternative structures, if any, that may increase efficiency and improve the support and services provided to the members of the General Assembly.

(c) NCSL shall submit a final written report to the Speaker of the House, the President Pro Tempore of the Senate, the Joint Fiscal Committee, the Legislative Council Committee, the Legislative Oversight Committee on Information Technology, the House Rules Committee, the Senate Rules Committee, and the Joint Rules Committee on or before November 16, 2018.

Sec. E.127 [DELETED]

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2019, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 [DELETED]

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) Total payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4 in fiscal year 2019 to be paid from the PILOT Special Fund under 32 V.S.A. § 3709 include the appropriation of \$7,886,000 in Sec. B.142 of this act, the appropriation of \$184,000 for the City of Montpelier in Sec. B.143 of this act, the appropriation of \$40,000 for correctional facilities in Sec. B.144 of this act, and the appropriation of \$146,000 for the supplemental facility payments from the Department of Corrections to the City of Newport and the Town of Springfield in Sec. B.338 of this act.

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

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

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

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

\* \* \* PROTECTION TO PERSONS AND PROPERTY \* \* \*

## Sec. E.200 Attorney general

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

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,390,500 is appropriated in Sec. B.200 of this act.

Sec. E.200.1 3 V.S.A. § 167a is added to read:

§ 167a. COMPLEX LITIGATION SPECIAL FUND

(a) There is established a Complex Litigation Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 5 to be available for expenditure by the Attorney General, as annually appropriated or authorized pursuant to 32 V.S.A. § 511, to pay non-routine expenses not otherwise budgeted incurred in the investigation, prosecution, and defense of complex civil and criminal litigation. These expenses may include, for example, costs incurred for expert witnesses and for support staff and technology needed to review and manage voluminous documents in discovery and at trial in complex cases.

(b) The Fund shall consist of:

(1) Such sums as may be appropriated or transferred by the General Assembly;

(2) Settlement monies other than consumer restitution collected by the Office of the Attorney General, except for those recoveries that by law are transferred or appropriated for other uses pursuant to 9 V.S.A. Sec. 2458(b)(4), and subject to the Fund balance cap in subsection (c) of this section.

(c) The unencumbered Fund balance shall not exceed \$1,000,000.00.

(d) The Attorney General shall submit a report of the amount and purpose of expenditures from the Fund at the close of each fiscal year to the Joint Fiscal Committee annually on or before September 1. As part of the annual budget submission, the Attorney General shall include a projection of the Fund balance for the current fiscal year and upcoming fiscal year and may

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recommend appropriations as needed consistent with the purpose of the Fund.

Sec.E.200.2 3 V.S.A. § 152 is amended to read:

§ 152. SCOPE OF AUTHORITY

The Attorney General may represent the State in all civil and criminal matters as at common law and as allowed by statute. The Attorney General shall also have the same authority throughout the State as a State's Attorney. The Attorney General shall represent members of the General Assembly in all civil matters arising from or relating to the performance of legislative duties.

Sec. E.200.3 3 V.S.A. § 157 is amended to read:

§ 157. APPEARANCE FOR STATE

The Attorney General shall appear for the State in the preparation and trial of all prosecutions for homicide and civil or criminal causes in which the State is a party or is interested when, in his or her judgment, the interests of the State so require. The Attorney General shall represent members of the General Assembly in all civil causes arising from or relating to the performance of legislative duties.

Sec. E.207 INMATE TRANSPORTATION WORK GROUP

(a) There is established an Inmate Transportation Work Group (Work Group) to study Vermont's system of transporting inmates for court appearances and make recommendations for improving the system's processes and efficiency and reducing its cost.

(b) The Work Group shall be composed of the following members:

(1) The Secretary of Administration or designee.

(2) The Chief Superior Judge or designee.

(3) The Executive Director of the Department of Sheriffs and State's Attorneys or designee.

(4) The President of the Vermont Sheriffs Association or designee.

(5) The Defender General or designee.

(6) The Commissioner of Corrections or designee.

(7) The Commissioner of Mental Health or designee.

(8) The Commissioner for Children and Families or designee.

(c) The Work Group shall study how to develop and implement a system that ensures inmates are transported to court when necessary in the most cost effective and efficient manner possible. The study shall include:

(1) any recommendations for process improvements to the current inmate transport system;

(2) recommendations for methods to ensure that transport deputies are available when needed;

(3) consideration of whether the transport deputy position should be a position within the Judiciary or a statewide position; and

(4) consideration of whether transported inmates should be permitted to be scheduled first in court proceedings in order to reduce transport deputy costs.

(d) On or before November 1, 2018, the Work Group shall submit a report to the Senate and House Committees on Appropriations and on Judiciary containing its recommendations, including any proposals for legislative action.

Sec. E.208 Public safety – administration

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

(b) Up to \$86,000 of any funds appropriated in 2017 Acts and Resolves No. 85, Sec. C.100(e) may be carried forward to fiscal year 2019 and used for the purchase of Taser electroshock weapons by the State Police.

Sec. E.209 Public safety – state police

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

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

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Sec. E.212 Public safety – fire safety

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

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be general funds appropriated in Section B.215 and \$150,000 shall be Next Generation special funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.215.1 [DELETED]

Sec. E.215.2 [DELETED]

Sec. E.215.3 [DELETED]

Sec. E.215.4 [DELETED]

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; \$7,500 shall be used for the Veterans’ Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.220 Center for crime victim services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victim Services shall transfer \$43,923 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$594,000 in general funds is appropriated for expenditure by the Vermont Working Lands Enterprise Board established in 6 V.S.A. § 4606 for investments in food and forest system businesses and service providers

pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

Sec. E.233 ENERGY PLANNING SUPPORT; ALLOCATION OF COSTS

(a) During fiscal year 2019, the Commissioner of Public Service, in consultation with the Commissioner of Housing and Community Development, shall award the amount of \$300,000 to regional planning commissions established under 24 V.S.A. chapter 117 and to municipalities for the purpose of providing training under 2016 Acts and Resolves No. 174.

(b) In awarding funds under this section, the Commissioners shall consider the need and size of a municipality or region and the availability, if any, of other assistance, expertise, or funds to a municipality or region to implement 2016 Acts and Resolves No. 174.

(c) The Commissioner of Public Service shall allocate costs under subsection (a) of this section to the electric distribution utilities subject to its supervision under Title 30 of the Vermont Statutes Annotated based on their pro rata share of total Vermont retail kilowatt-hour sales for the previous fiscal year. Each of these utilities shall pay its allocation into the State Treasury at such time and in such manner as the Commissioner may direct.

Sec. E.233.1 SUSTAINABLE FUNDING FOR THE PUBLIC UTILITY  
COMMISSION AND THE DEPARTMENT OF PUBLIC  
SERVICE; STUDY

(a) The Commissioner of Public Service, in consultation with the Public Utility Commission, shall study and make findings and recommendations regarding the gross operating revenue tax on public utilities imposed under 30 V.S.A. § 22, as well as the assessments imposed under 30 V.S.A. §§ 20 and 21. The purpose of the study is to determine whether the existing statutory mechanisms for financing utility regulation in Vermont are appropriate and, if not, how they might be improved to achieve a sustainable general gross receipts tax fund position and to better serve the public interest.

(1) With respect to the gross operating revenue tax, the Commissioner shall consider:

(A) the total amount collected by each category of companies described under 30 V.S.A. § 22;

(B) how that amount correlates with the regulatory activities of the Commission and the Department with respect to those companies;

(C) whether there is cross-subsidization of regulatory activities and, if so, to what extent;

(D) the gross operating revenue trends of companies subject to the tax and the factors influencing those trends;

(E) the projected fund balance in the general gross receipts tax fund;

(F) the allocation of funds between the Public Utility Commission and the Department of Public Service and whether the 40/60 percentage allocation is appropriate;

(G) whether adjustments should be made to the tax rates; and

(H) any other matters deemed relevant by the Commissioner.

(2) With respect to the assessments imposed under 30 V.S.A. §§ 20 and 21 (the bill-back provisions):

(A) whether there are persons involved in particular proceedings who are not subject to the assessment for State expenses incurred as a result of those proceedings;

(B) the amount of expenses incurred for which there is no applicable bill-back provision, resulting in expenses for additional personnel being reimbursed from the general gross receipts tax fund; and

(C) any other matters deemed relevant by the Commissioner.

(b) On or before November 1, 2018, after consultation with the Joint Fiscal Office, the Commissioner shall report his or her findings and recommendations to the Senate Committees on Finance and on Appropriations and the House Committees on Ways and Means and on Energy and Technology.

#### Sec. E.234 E-911 SYSTEM; PUBLIC UTILITY COMMISSION; REPORT

(a) On or before September 1, 2018, the Public Utility Commission shall submit a memorandum to the Joint Fiscal Committee detailing its regulatory authority with respect to Vermont's Enhanced 911 network, with specific reference to the regulatory authority of both the E-911 Board and the Federal Communications Commission. The memorandum shall include the Commission's recommendations, if any, for ensuring comprehensive regulatory oversight and enforcement of matters pertaining to the E-911 network.

#### Sec. E.235 E-911 SYSTEM; RESILIENCY AND REDUNDANCY; REPORT

(a) On or before September 1, 2018, the Executive Director of the Enhanced 911 Board shall submit a report to the Joint Fiscal Committee detailing the level of resiliency and redundancy within the E-911 system and

its coverage area and explaining any plans for ensuring operational integrity in the event of critical software or hardware failures. The report shall include, with explanation, identification of the locations and services deemed most vulnerable to system outages or call failures, as determined by the Board. The report also shall include a cost estimate for making any recommended system upgrades.

Sec. E.238 UNLAWFUL ALCOHOLIC BEVERAGE TRADE PRACTICES;  
REPORT

(a) On or before January 15, 2019, the Commissioner of Liquor Control shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the occurrence in Vermont of unfair trade practices at wholesale including unlawful financial interests in retail licensees, price discrimination between retail licensees, and inducement of retail licensees to purchase or sell certain brands of alcoholic beverages to the exclusion of others. In particular, the report shall include:

(1) a description of the State and federal laws and regulations restricting:

(A) certain types of financial interests between wholesale and retail licensees;

(B) price discrimination between retail licensees by wholesale dealers and packagers; and

(C) the giving of free alcoholic beverages, monetary payments, or any other thing of value in order to induce or persuade a retail licensee to purchase or contract to purchase a certain brand or kind of alcoholic beverage to the exclusion of others, or to refrain from purchasing or contracting to purchase a certain brand or kind of alcoholic beverage;

(2) a description of the Department of Liquor Control's efforts to enforce the laws and regulations related to unlawful financial interests in retail licensees, price discrimination between retail licensees, and inducement of retail licensees to purchase or sell certain brands of alcoholic beverages to the exclusion of others, including:

(A) the number of complaints received by the Department;

(B) the number of investigations performed by the Department;

(C) the number of alleged violations prosecuted by the Department; and

(D) the result of any prosecutions carried out by the Department; and

(3) any suggestions for legislative action to strengthen or improve the enforcement of Vermont's laws restricting unlawful financial interests in retail licensees, price discrimination between retail licensees, and inducement of retail licensees to purchase or sell certain brands of alcoholic beverages to the exclusion of others.

Sec. E.238.1 DEPARTMENT OF LIQUOR CONTROL; UNFAIR TRADE PRACTICES; ANONYMOUS REPORTING

(a) On or before November 15, 2018, the Commissioner of Liquor Control shall develop and follow a protocol to allow licensees and members of the public to submit to the Department confidential and anonymous reports of unfair trade practices including unlawful financial interests in retail or wholesale licensees, price discrimination between retail licensees, and the inducement of retail licensees to purchase or sell certain brands of alcoholic beverages to the exclusion of others.

(b) On or before January 15, 2019, the Commissioner shall report to the House Committees on Appropriations and on General, Housing, and Military Affairs and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs regarding the how the Department receives reports of unfair trade practices and ensures confidentiality. The report shall also be included in the Department's presentation of its budget to the House and Senate Committees on Appropriations.

\* \* \* HUMAN SERVICES \* \* \*

Sec. E.300.1 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2019 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.2 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

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

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.103 of this act for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global

Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$26,413,016 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$23,336,050 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$27,163,950 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,076,966 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 Secretary's office – Global Commitment

(a) An amount up to \$16,800,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Section B.301 – Secretary's office – global commitment of this act.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;  
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2019, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2019 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.306 ALTERNATIVE FORMS OF COST-SHARING ASSISTANCE;  
REPORT

(a)(1) The Secretary of Human Services, in consultation with the Green Mountain Care Board, the Office of the Health Care Advocate, and other interested stakeholders, shall research, analyze, and recommend alternatives to the cost-sharing assistance established in 33 V.S.A. § 1812 for eligible individuals enrolled in Exchange plans.

(2) The alternatives to be considered may include:

(A) creation of a fund to reimburse eligible individuals who experience high out-of-pocket health care costs;

(B) creation of an uncompensated care pool; and

(C) other strategies for reducing the out-of-pocket exposure of individuals and families with income between 200 and 300 percent of the federal poverty level who purchase silver-level qualified health benefit plans through the Vermont Health Benefit Exchange.

(b) On or before January 15, 2019, the Secretary of Human Services shall report its findings and recommendations for alternative forms of cost-sharing assistance to the House Committees on Health Care and on Appropriations and the Senate Committees on Health and Welfare, on Finance, and on Appropriations. The report shall also include the Secretary's recommendations for ways to assist individuals purchasing qualified health benefit plans during open enrollment periods in making informed choices.

Sec. E.307 PRIMARY CARE FUNDING

(a) Of the funds appropriated in Sec. B.307 of this act, \$780,000 shall be used to increase funding for Federal Qualified Health Centers and look-alikes in fiscal year 2019.

(b) Of the funds appropriated in Sec. B.307 of this act, \$1,386,000 shall be used to increase the primary care rates paid to physicians in fiscal year 2019.

(c) The Department of Vermont Health Access shall provide a report to the Joint Fiscal Committee in September 2018 on the implementation of these requirements.

Sec. E.308 33 V.S.A. chapter 76 is added to read:

CHAPTER 76. CHOICES FOR CARE

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Commissioner” means the Commissioner of Disabilities, Aging, and Independent Living.

(2) “Department” means the Department of Disabilities, Aging, and Independent Living.

(3) “Savings” means the difference remaining at the conclusion of each fiscal year between the amount of funds appropriated for Choices for Care and the sum of expended and obligated funds, less an amount equal to one percent of the current fiscal year total Choices for Care expenditure. The one percent shall function as a reserve to avoid implementing a High Needs wait list due to unplanned Choices for Care budget pressures throughout the fiscal year.

#### § 7602. CALCULATING AND ALLOCATING SAVINGS

(a)(1) The Department shall calculate savings and investments in Choices for Care and report the amount of savings to the Joint Fiscal Committee and the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare by July 15 of each year. The Department shall not reduce the base funding needed in a subsequent fiscal year prior to calculating savings for the current fiscal year.

(2) After reporting the savings in accordance with subdivision (1) of this subsection, the Commissioner shall determine how to allocate available Choices for Care program savings in accordance with this section.

(b) Savings shall be one-time investments or shall be used in ways that are sustainable into the future. Use of savings shall be based on the assessed needs of Vermonters as identified by the Department and its stakeholders. Priority for the use of any identified savings after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services. As used in this chapter, “home- and community-based services” includes all home-based services and Enhanced Residential Care.

(c) Savings may be used to:

(1) increase Choices for Care home- and community-based provider rates;

(2) increase Choices for Care self-directed service budgets;

(3) expand Choices for Care capacity to accommodate additional enrollees;

(4) expand Choices for Care home- and community-based service options;

(5) address Choices for Care quality improvement outcomes; and

(6) fund investments to serve older Vermonters and Vermonters with disabilities outside Choices for Care, understanding non-Medicaid services are not eligible for a federal match.

(d) Savings shall not be used to:

(1) increase nursing home rates already addressed pursuant to section 905 of this title; or

(2) pay for budget pressures related to the Collective Bargaining Agreement for independent direct support workers.

Sec. E.308.1 [DELETED]

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2019 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2019, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for

community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2019, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2019. Grant reporting shall include outcomes and results.

#### Sec. E.312.1 IMPROVING OUTCOMES FOR PREGNANT WOMEN

(a) To improve outcomes for pregnant women the Commissioner of Health shall:

(1) Prioritize funding for tobacco cessation to address the rates of smoking among pregnant women by utilizing evidence-based best practices. Not less than \$50,000 of the funding for tobacco cessation and prevention activities in fiscal year 2019 shall be used to implement or expand evidence-based interventions intended to reduce tobacco use among pregnant women.

(2) Continue to implement an outreach plan developed in 2017 to Vermonters who are eligible but not enrolled in the Women, Infants and Children (WIC) program.

#### Sec. E.312.2 WOMEN, INFANTS AND CHILDREN (WIC) STAKEHOLDER SUMMIT AND REPORT

(a) The Department of Health shall convene a community stakeholder summit to discuss innovative methods of increasing WIC program enrollment in Vermont by November 1, 2018. The Department shall solicit input on methods of increasing WIC enrollment from current and former WIC participants, as well as WIC-eligible nonparticipants, and the Department for Children and Families through interviews and surveys. The Department shall present recommended actions to the Senate Committee on Health and Welfare and the House Committee on Human Services on or before April 1, 2019.

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**Sec. E.314 MENTAL HEALTH DESIGNATED AGENCY INCREASE**

(a) To address the compensation gap between the Designated Agency system and other providers in the health care delivery system, the funds appropriated in this section are to enable the Department of Mental Health to increase payments to the Designated Agencies in fiscal year 2019 in a manner to work toward this goal.

(b) \$4,328,689 of the funds appropriated in Sec. B.314 of this act shall be used to provide increased payments to the Mental Health Designated Agencies in fiscal year 2019. The Department may allocate up to 40 percent of these funds to be used to address the compensation gap through value-based incentive payments focusing on quality and outcomes.

(c) The remaining funds shall be allocated to the base rates for providers. Of these funds, up to 50 percent may be targeted for clinical services that are provided by master's level clinicians and other staff with high levels of credentials and experience to reduce the compensation gap for this staff. These targeted funds shall be used to increase recruitment and retention of these levels of professional staff. The Designated Agencies shall assist the Department by providing baseline data.

(d) The Department shall report to the Joint Fiscal Committee in September 2018 on the implementation of this section.

(e) Representatives of the Designated Agencies shall report to the Joint Fiscal Committee in September 2018 on the impacts of these resources on recruitment and retention of master's level clinicians and other staff with high levels of credentials and experience.

**Sec. E.316 ECONOMIC SERVICES DIVISION; INNOVATION IN DELIVERY OF SERVICES**

(a) For the purpose of exploring innovative approaches to the administration of programs within the Department for Children and Families' Economic Services Division, the Commissioner may authorize pilot programs within specific regions of the State that waive Division rules adopted pursuant to 3 V.S.A. chapter 25 in a manner that does not impact program eligibility or benefits. Temporarily waiving some existing rules for a prescribed period of time shall enable the Division to test innovative ideas for improving the delivery of services with the specific goal of achieving more responsive client services and operational efficiencies.

(b) During fiscal year 2019, the Division may propose pilot programs in accordance with the goals described in subsection (a) of this section to the Commissioner for approval. Each proposal shall outline the targeted service

area, efficiencies sought, rules to be waived, duration of the program, and evaluation criteria. Notice shall be given to clients affected by a pilot program and to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare prior to the commencement of the pilot program, including a description of how benefit delivery will be affected, length of the program, and right to a fair hearing.

(c) On or before January 15, 2019, the Commissioner shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare summarizing the pilot programs implemented pursuant to this section and any findings and recommendations. In the event a particular pilot program is successful at improving the delivery of services to clients, the Commissioner may seek to amend the Division's rules in conformity with the approach used by the pilot program pursuant to 3 V.S.A. chapter 25.

Sec. E.316.1 3 V.S.A. § 1101 is amended to read:

§ 1101. OBLIGATION OF STATE TO DEFEND EMPLOYEES;  
DEFINITION

\* \* \*

(b) As used in this chapter, "State employee" includes any elective or appointive officer or employee within the Legislative, Executive, or Judicial Branch of State Government or any former such employee or officer. The term includes:

\* \* \*

(10) administrative reviewers whose services are contracted by the State pursuant to 33 V.S.A. § 4916a(f).

Sec. E.317 [DELETED]

Sec. E.318 EARLY CARE AND CHILD DEVELOPMENT PROGRAM  
GRANT

(a) In fiscal year 2019 and thereafter, the Department for Children and Families shall award 70 percent of funds designated for the Early Care and Child Development Program Grants to center-based child care and preschool programs participating in the Step Ahead Recognition System (STARS) and 30 percent of the designated funds to family child care homes participating in STARS in accordance with the formula described in subsection (b) of this section.

(b) The Department's Child Development Division shall calculate eligibility for Early Care and Child Development Program Grants on a quarterly basis. In determining eligibility, the Division shall consider:

(1) the percent of enrollees receiving a Child Care Financial Assistance Program (CCFAP) subsidy as compared to a center-based child care and preschool program or a family child care home's licensed capacity at a weight of 70 percent;

(2) the average number of enrollees at a center-based child care and preschool program or family child care home receiving a CCFAP subsidy at a weight of 15 percent; and

(3) the average number of infants and toddlers enrolled in a center-based child care and preschool program or family child care home at a weight of 15 percent.

(c) The Division shall provide Early Care and Child Development Program Grants to eligible child care and preschool programs or family child care homes as funds allow. Center-based child care and preschool programs or family child care homes receiving Early Care and Child Development Program Grants shall remain in compliance with the Department's rules, continue to participate in STARS, and maintain high enrollment of children receiving a CCFAP subsidy.

#### **Sec. E.318.1 CHILD CARE FINANCIAL ASSISTANCE PROGRAM ADJUSTMENTS**

(a) Of the funds appropriated in Sec. B.318 of this act, \$738,511 is allocated consistent with provisions related to the Child Care Financial Assistance Program in any legislation enacted in 2018 pertaining to Vermont's minimum wage, to allow the Commissioner for Children and Families to:

(1) adjust the sliding scale of the Child Care Financial Assistance Program benefit to correspond with the increase in minimum wage to \$10.50 as of July 1, 2018 and to \$11.10 as of January 1, 2019, to ensure that the benefit percentage at each new minimum wage level remains the same as the percentage applied under the former minimum wage; and

(2) adjust the market rate used to inform the fee scale in a manner that offsets the estimated increased cost of child care in Vermont resulting from the increase in minimum wage to \$10.50 as of July 1, 2018 and to \$11.10 as of January 1, 2019.

(b) In November 2018 and each year thereafter until 2021, the Department shall report to the Joint Fiscal Committee regarding the projected cost to:

(1) adjust the sliding scale of the Child Care Financial Assistance Program benefit to correspond with a statutorily required increase in the minimum wage for January 1, 2020 and for each year thereafter until 2023 that ensures that the benefit percentage at a new minimum wage level remains the

same as the percentage applied under the former minimum wage; and

(2) adjust the market rate used to inform the fee scale in a manner that offsets the estimated increased cost of child care in Vermont resulting from a statutorily required increase in the minimum wage for January 1, 2020 and for each year thereafter until 2023.

#### Sec E.318.2 CHILD CARE FUNDING ALLOCATIONS

(a) Of the funds appropriated in Sec. B.318 of this act:

(1) \$247,388 may be used to fill licensing staff positions; and

(2) a minimum of \$2,451,000 shall be used to increase the infant and toddler rate used in the Child Care Financial Assistance Program. In the event there is no statutorily required increase in the minimum wage on January 1, 2019, the funds allocated in Sec. E.318.1(a) of this act shall also be used to increase the infant and toddler rate.

#### Sec. E.318.3 CHILDCARE AND PRE-KINDERGARTEN CAPACITY BASELINE REPORT

(a) In order to better understand the relationship between the pre-kindergarten system and the impact on child care and early education facilities not operated by public school districts, the Joint Fiscal Office shall research and assemble the following for each of the last five years:

(1) The demographic information of Vermont children 0 to 5 years of age, by town, county, or region and to the extent possible by family household income.

(2) Array by town, county, or region the known capacity or “slots” at licensed child care facilities, registered child care providers, pre-kindergarten programs operated by school districts for each age group between 0 and 5 years of age.

(3) To the extent possible, an analysis of the age composition of enrolled children at licensed providers who have ceased doing business in each of the last five years.

(b) The Joint Fiscal Office shall have the assistance and cooperation of the Department for Children and Families as well the Agency of Education and shall report to the Senate and House Committees on Appropriations and on Education no later than November 15, 2018.

#### Sec. E.321 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2019 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules

adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY  
PROGRAM; COMMUNITY-BASED ALTERNATIVES TO  
GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2019, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided and community-based programs are established, the General Assistance rules shall not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

Sec. E.323 2016 Acts and Resolves No. 172, Sec. E.100.9 is amended to read:

Sec. E.100.9 REPORTING UNFUNDED BUDGET PRESSURES

(a) In an effort to better understand the current services obligations, as part

of the budget report required under 32 V.S.A. § 306(a)(1), the Governor shall include an itemization of current services liabilities, including the total obligations and the amount estimated for full funding in the current year in which an amortization schedule exists. These shall include the following liabilities projected for the start of the budget fiscal year:

\* \* \*

(4) Reach Up funding full benefit obligations, including the standard of need for the current fiscal year, prior to any rateable reductions made pursuant to 33 V.S.A. §1103(a) which ensure that the expenditures for the programs shall not exceed appropriations;

\* \* \*

#### Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.324.1 33 V.S.A. § 2602b is added to read:

#### § 2602b. LIHEAP AND WEATHERIZATION

Notwithstanding section 2501 of this title, the Secretary of Human Services may transfer up to 15 percent of each federal fiscal year's Low Income Home Energy Assistance Program (LIHEAP) block grant to the Home Weatherization Assistance Program to be used for weatherization projects and program administration allowable under LIHEAP in the same State fiscal year. At the same time, an equivalent transfer shall be made to the Low Income Home Energy Assistance Program, from the Home Weatherization Assistance Fund to provide home heating fuel benefits and program administration in the same State fiscal year.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.325.1 33 V.S.A. § 1123 is amended to read:

§ 1123. INDIVIDUAL DEVELOPMENT SAVINGS PROGRAM

(a) As used in this section:

\* \* \*

(6) “Eligible uses” means education, training that leads to employment, the purchase or improvement of a home, the purchase or repair of a vehicle necessary to participate in an employment-related activity, or participation in or development of an entrepreneurial activity.

\* \* \*

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 ADULT DAY CERTIFICATION

(a) Certification of new adult day providers shall require a demonstration that the new program is filling an unmet need for adult day services in a given geographic region, and does not have an adverse impact on existing adult day services. In the process of approval for certifying any new adult day program, the Department of Disabilities, Aging and Independent Living shall allow review and comment from the Vermont Association of Adult Day Services as to whether:

- (1) the new program meets adult day standards;
- (2) fills an unmet service need in that geographic area; and
- (3) does not have an adverse impact on existing adult day services.

Sec. E.330 PARTICIPANT DIRECTED ATTENDANT CARE (PDAC)  
PROGRAM

(a) The Department of Disabilities, Aging and Independent Living shall continue to operate the participant directed attendant care program and shall not reduce an enrolled individual’s level of services in fiscal year 2019. The Agency of Human Services shall ensure that adequate funding is available to the Department for the operation of this program for fiscal year 2019 and shall report to the Joint Fiscal Committee in November 2018 any necessary funding transfers from within the Agency needed to meet this requirement.

(b) The Department shall make a determination regarding the clinical and financial eligibility of each currently enrolled individual for the Medicaid

Choices for Care program or any other program that could provide the necessary attendant care services. The Department shall report to the Joint Fiscal Committee in September 2018 on the status of these determinations.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2019, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. E.338 Corrections - correctional services

(a) The special funds appropriation of \$146,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.338.1 INMATE HEALTH CARE AT CHITTENDEN AND  
NORTHWEST CORRECTIONAL FACILITIES:  
PILOT PROJECT

(a) In order to maximize the ability of the Department of Corrections to improve inmate health care and reduce health care costs, a pilot project may be established in Chittenden and Franklin Counties to provide health care to inmates at the Chittenden Regional Correctional Facility in South Burlington and the Northwest State Correctional Facility in Swanton. The Department of Corrections and the State's academic medical center may jointly develop, implement, administer, and manage the pilot project to establish a health care delivery system for inmates at the Chittenden and Northwest facilities. The Department and the State's academic medical center shall provide a report on the progress of the pilot project, including the feasibility of extending the project to other Vermont correctional facilities, to the Joint Justice Oversight Committee on or before November 1, 2018.

Sec. E.343 3 V.S.A. § 22 is amended to read:

§ 22. THE COMMISSION ON WOMEN

\* \* \*

(d) Members of the Commission shall elect biennially by majority vote a Chair of the Commission. Members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for expenses in the manner and amount provided to employees of the State who are not employees of the State of Vermont and who are not otherwise

compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, which shall be paid by the Commission.

\* \* \*

Sec. E.344 Retired senior volunteer program

(a) Funds appropriated pursuant to Sec. B.344 of this act shall be administered by the Agency of Human Services and distributed by SerVermont to each local program to be used to match the Corporation for National and Community Service's approved expenditures.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

\* \* \* K-12 EDUCATION \* \* \*

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section shall be used for physician claims for determining medical necessity of Individualized Education Program (IEPs). It is the goal of these services to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 UNIFORM CHART OF ACCOUNTS

(a) No later than July 1, 2020, all Vermont supervisory unions, supervisory districts, and independent tech center districts shall utilize the same financial management system. The system shall be selected by Agency of Education per state procurement guidelines.

(b) The Agency shall work with participating supervisory unions and districts to ensure that the utilization of the common system will:

(1) conform to a uniform chart of accounts as outlined in 2014 Acts and Resolves No. 179, Secs. E.500.2 and E.500.3 and as amended by Acts and Resolves No. 58, Sec. E.500.1;

(2) improve the comparability, consistency, and timeliness of school financial data;

(3) enhance the abilities of the General Assembly, Agency of Education, supervisory unions, and supervisory districts to better understand and manage cost centers and related school expenditures; and

(4) categorize expenditures in a way that draws a distinction between direct educational expenses and expenses that are primarily human or social services expenses.

Sec. E.500.2 16 V.S.A. §242(4) is amended to read:

(4)(A) Provide data and information required by the Secretary- and by using a format approved by the Secretary to:

(i) Report budgetary data for the coming school year and fiscal year.

~~(B)~~ (ii) Report all financial operations within the supervisory union to the Secretary and State Board for the preceding school year on or before August 15 of each year, using a format approved by the Secretary.

~~(C)~~ (iii) Report all financial operations for each member school district to the Secretary and State Board for the preceding school year on or before August 15 of each year, using a format approved by the Secretary.

~~(D)~~ (B) Prepare for each district an itemized report detailing the portion of the proposed supervisory union budget for which the district would be assessed for the subsequent school year identifying the component costs by category and explaining the method by which the district's share for each cost was calculated; and provide the report to each district at least 14 days before a budget, including the supervisory union assessment, is voted on by the electorate of the district.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,665,210 shall be used by the Agency of Education in fiscal year 2019 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504.1 Education – flexible pathways

(a) Of this appropriation, \$3,916,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$740,000 is available for dual enrollment programs and the amount of \$36,000 is available for use pursuant to Sec. E.605.1(a)(2) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$450,000 is available for the Vermont Academy of Science and Technology and \$1,870,000 for Early College pursuant to 16 V.S.A. § 946.

Sec. E.505 REIMBURSEMENT FOR NEWBURY SCHOOL DISTRICT

(a) Notwithstanding any other provision of law, in addition to the education payment due to the Newbury School District for fiscal year 2019, the Agency of Education shall pay \$44,471 from the Education Fund to the Newbury School District to compensate the district for a pre-K census error in fiscal years 2016 and 2017.

Sec. E.513 Appropriation and transfer to education

(a) Pursuant to Sec. B.513 of this act and 16 V.S.A. § 4025(a)(2), there is appropriated in fiscal year 2019 from the General Fund for transfer to the Education Fund the amount of \$322,905,813.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$105,640,777 of which \$99,940,777 shall be the State's contribution and \$5,700,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$8,081,768 is the "normal contribution," and \$97,559,009 is the "accrued liability contribution."

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,639,205 will be contributed to the Retired Teachers' Health and Medical Benefits Fund.

\* \* \* HIGHER EDUCATION \* \* \*

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont shall use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

#### Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

#### Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs that graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

#### Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(d) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND  
EARLY COLLEGE STUDENTS

(a) The sum of \$72,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$36,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment and need-based stipend purposes).

(2) \$36,000 pursuant to Sec. E.504.1(a)(1) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes).

(b) The sums transferred to VSAC in this section shall be used to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(c) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2019.

\* \* \* NATURAL RESOURCES \* \* \*

Sec. E.700 VOLKSWAGEN LITIGATION; ENVIRONMENTAL  
MITIGATION TRUST FOR STATE BENEFICIARIES

(a) As used in this section:

(1) “Appendix D-2” means Appendix D-2 to the Environmental Mitigation Trust, entitled “Eligible Mitigation Actions and Mitigation Action Expenditures.”

(2) “Environmental Mitigation Trust” or “Trust” means the Environmental Mitigation Trust Agreement for State Beneficiaries filed on October 2, 2017 in In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, 3:16-CV-00295-CRB, MDL No. 2672 CRB (JSC) (N.D. Cal.).

(3) “Mobile source” means any vehicle, freight switcher, ferry, tug, vessel, or equipment that qualifies under an eligible mitigation action listed in Appendix D-2.

(b) The Secretary of Natural Resources shall administer Environmental Mitigation Trust monies pursuant to 10 V.S.A. § 554(15) and, in administering the Trust monies appropriated under Sec. B.710 of this act, shall:

(1) Dedicate at least 15 percent of those monies for the purchase of light duty electric supply equipment and associated allowable administrative costs in accordance with Appendix D-2.

(2) Dedicate the remainder of the monies to the replacement of mobile sources that consume fossil fuels with all-electric mobile sources or the repowering of mobile sources that consume fossil fuels with all-electric engines, or both, and associated allowable administrative costs. The expenditures shall be in accordance with the requirements of Appendix D-2.

Sec. E.700.1 UNCLAIMED BEVERAGE CONTAINER DEPOSITS;  
ESCHEATS; WATER QUALITY

(a) If an act of the 2018 session of the Vermont General Assembly requires beverage container manufacturers or distributors to remit abandoned beverage container deposits (escheats) to the State under 10 V.S.A. chapter 53, the remitted beverage container deposits shall be deposited into the Clean Water Fund under 10 V.S.A. § 1388 for the purposes of that Fund.

Sec. E.700.2 COMMISSION ON ACT 250: THE NEXT 50 YEARS;  
REIMBURSEMENT

(a) 2017 Acts and Resolves No. 47, Sec. 2(i) is amended to read:

(i) Reimbursement.

(A) For attendance at no more than ~~40~~ 14 Commission meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(B) There shall be no reimbursement for attendance at subcommittee meetings or more than ~~40~~ 14 Commission meetings.

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\* \* \* COMMERCE AND COMMUNITY DEVELOPMENT \* \* \*Sec. E.800 UNIFIED ECONOMIC DEVELOPMENT INITIATIVE  
EFFORTS

(a) The Joint Fiscal Office in consultation with the Chief Performance Officer, the Departments of Finance and Management, of Labor, and of Taxes and the Agency of Commerce and Community Development, shall review the Unified Economic Development initiative and related efforts to develop options for ways the State's activities to promote economic activity might be presented annually in a concise and "user friendly" manner during the State budgetary process. The Joint Fiscal Office shall present its findings to the Joint Fiscal Committee at its November 2018 meeting. The Chairs of the House Committee on Commerce and Economic Development and of the Senate Committee on Economic Development, Housing and General Affairs shall be invited to this presentation.

## Sec. E.802 Housing &amp; community development

(a) Of the General Funds appropriated in Sec. B.802 of this act, the sum of \$100,000 of General Funds is intended to support planning and implementation of a community development program targeting outdoor recreation, in consultation with the Department of Forests, Parks and Recreation.

Sec. E.807 3 V.S.A. § 2473a is amended to read:

## § 2473a. VERMONT LIFE MAGAZINE

(a) The Department of Tourism and Marketing, within the Agency of Commerce and Community Development, shall be responsible for the publication of Vermont Life magazine. The mission of Vermont Life magazine shall be to promote ~~subtly~~ the State in a premier-quality magazine filled with the best writing, illustration, art, and photography Vermont has to offer. Every issue of Vermont Life magazine shall celebrate the unique heritage, countryside, traditions, and people of Vermont and explore issues of contemporary interest to Vermonters and visitors of the State.

(b) The overall operations of Vermont Life magazine shall be managed by a publisher, who shall be a State employee ~~exempt from the classified service and who shall report to the Commissioner of Tourism and Marketing. The editorial functions of Vermont Life magazine shall be directed by an editor, who shall be a State employee exempt from the classified service and who shall report to the publisher.~~ Vermont Life magazine editorial decisions shall be made by Vermont Life magazine editorial staff in collaboration with the Commissioner of Tourism and Marketing pursuant to the mission of the

magazine and shall be protected from and independent of outside influence, including that from the Legislative or Executive Branch of State government.

\* \* \*

(e) The receipt and expenditure of monies from the Enterprise Fund shall be under the supervision of the business manager and at the direction of the publisher, subject to the provisions of this section. Vermont Life magazine shall maintain accurate and complete records of all receipts and expenditures by and from the Fund.

#### Sec. E.807.1 VERMONT LIFE MAGAZINE; OPERATIONS; REPORT

(a) Consistent with 2017 Acts and Resolves No. 85, Sec. E.800(d), the Secretaries of Administration and of Commerce and Community Development shall ensure that the full cost of Vermont Life operations shall be covered within the funds appropriated in fiscal 2019 and beyond. This shall include, to the extent possible, payments toward the interest and principal of any plan for debt repayment for past liabilities in the Vermont Life Magazine Enterprise Fund.

(b) As part of the fiscal year 2020 budget submission, the Secretary of Commerce and Community Development shall report on:

(1) Fiscal year 2018 year-end profit or loss with the Fund and projections for fiscal years 2019 and 2020;

(2) Any expenses being covered by the Vermont Life Magazine Enterprise Fund not directly attributable to Vermont Life operations and the impact of these expenses on Fund balances; and

(3) A plan for continued reduction of the fiscal year 2019 negative balance currently projected at \$3,532,992 at the end of fiscal year 2018 and \$3,506,982 at the end of fiscal year 2019.

#### Sec. E.808 Vermont council on the arts

(a) The Vermont Council on the Arts shall pay its full lease charge as assessed by Buildings and General Services.

\* \* \* TRANSPORTATION \* \* \*

#### Sec. E.900 FISCAL YEAR 2019 TRANSPORTATION FUND CONTINGENT APPROPRIATION

(a) In the event contingent spending authority of Transportation Funds is increased to the statewide district leveling program or the maintenance program as provided and under the terms prescribed in Sec. 5A of H.917 of 2018, the appropriation of Transportation Funds in, respectively, Sec. B.903

Program Development and Sec. B.905 Maintenance of this act are increased in the same amount.

\* \* \* MISCELLANEOUS AND TECHNICAL CORRECTIONS \* \* \*

Sec. F.100 10 V.S.A. § 128 is amended to read:

§ 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION  
SPECIAL FUND

(a) A Special Fund is created for the operation of the Vermont Center for Geographic Information in the Agency of ~~Commerce and Community Development~~ Digital Services. The Fund shall consist of revenues derived from the charges by the Agency of ~~Commerce and Community Development~~ Digital Services pursuant to subsection (c) of this section for the provision of Geographic Information products and services, interest earned by the Fund, and sums which from time to time may be made available for the support of the Center and its operations. The Fund shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to support activities of the Center.

(b) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of ~~Commerce and Community Development~~ Digital Services.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and Community Development~~ Digital Services is authorized to impose charges reasonably related to the costs of the products and services of the Vermont Center for Geographic Information, including the cost of personnel, equipment, supplies, and intellectual property.

Sec. F.101 10 V.S.A. § 122 is amended to read:

§ 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,  
INCORPORATED; ESTABLISHMENT

\* \* \*

(b) In order to develop and implement that strategy, and to ensure that all data gathered by State agencies that is relevant to the VGIS shall be in a form that is compatible with, useful to, and shared with that geographic information system, there is hereby established as a division under the ~~Agency of Commerce and Community Development~~ Agency of Digital Services the Vermont Center for Geographic Information (the Center).

Sec. F.102 SIMPLIFYING GOVERNMENT FOR SMALL BUSINESSES

(a) The Secretary of State, in collaboration with the Department of Labor, the Agency of Commerce and Community Development, the Department of

Taxes, the Agency of Digital Services, and other stakeholders, shall review and consider the necessary procedural and substantive steps and shall submit to the General Assembly on or before December 15, 2018, a design proposal, including a timeline, for an easily navigable portal for businesses, entrepreneurs, and citizens to access information about starting and operating a business in Vermont, with an emphasis on small business, and to enable registration with all required State entities with a single login without duplicating data entry.

(b) The Secretary shall consider and integrate to the extent feasible features that:

(1) enhance the State's website to simplify registration and offer a clear compilation of State permitting rules;

(2) simplify the mechanism for making payments to the State, by allowing a person to pay amounts he or she owes to the State for taxes, fees, or other charges, to a single recipient within government;

(3) simplify annual filing requirements by allowing a person to make a single filing to a single recipient within government and simply to check a box if nothing substantive has changed from the prior year; and

(4) provide mentoring, assistance with navigating the process, and more direct support to small businesses, whether by designating an existing position or creating a new position within either the Office of the Secretary of State or another government entity, and to offer technical guidance, information, and other support to persons who are forming or operating a small business;

(5) after registration, guide the user through secondary requirements and send follow-up e-mail with links to additional services, frequently asked questions, and a point of contact to discuss questions or explore any assistance needed;

(6) provide guidance and links to State, partner organization, and federal programs and initiatives;

(7) provide links to other Vermont-based businesses of interest; and

(8) create a tool set for ongoing communication and updates, including digital channels such as e-mail, social media, and other communications.

Sec. F.102.1 11 V.S.A. § 1625a is added to read:

§ 1625a. ONE-STOP WEB PORTAL SURCHARGE

(a) In addition to the fee imposed on a business organization at the time of filing its annual report pursuant to the applicable section of this title or Titles 11A-11C of the Vermont Statutes Annotated, the Secretary of State shall

collect a surcharge in the amount of \$2.00, which the Secretary shall maintain in a segregated account and use for the purpose of developing and implementing a one-stop navigable portal for businesses, entrepreneurs, and citizens to access information about starting a business in Vermont and to provide ongoing support to businesses interfacing with State government.

(b) The Secretary shall focus the services available pursuant to this section primarily on businesses with fewer than 20 employees.

\* \* \* EFFECTIVE DATES \* \* \*

#### Sec. G.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2018 technical correction, VSAC), C.101 (fiscal year 2018 General Fund reversion repeal), C. 102 (fiscal year 2018 Medicaid carry forward requirement), C. 103 (fiscal year 2018 carry forward of fiscal year 20017 one-time appropriation), C.105-C.105.1 (fiscal year 2018 tobacco litigation settlement fund receipts, transfers and appropriations), C.106 (fiscal year year 2018 CHINS cases system strategic reform), C, 106.1 (fiscal year 2018 substance use disorder, mental health workforce expansion), C.107 (fiscal year 2018 close out), C.108 (fiscal year 2018 budget adjustment repeals), C.109 (fiscal year 2018 federal funds contingent appropriation), C.110 (fiscal year 2018 climate commission implementation), C.111-C.114 (fiscal year 2018 Agency of Education adjustments), C.115-C.118 (fiscal year 2018 teachers' retirement system and health care and medical benefits adjustments), C.119 (amending General Fund fiscal year close out), C.1000 (fiscal year 2018 one-time transfers and reversions), C.1001 (fiscal year 2018 contingent human services caseload reserve use), E.126 (Legislative Branch workforce comparative evaluation), and F.102-F.102.1 (simplifying government for small businesses) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. E.111.1 (Tax Computer System Modernization Fund) shall take effect on passage and apply retroactively to July 1, 2017.

(c) All remaining sections shall take effect on July 1, 2018.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

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

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

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

**H. 711.**

House bill entitled:

An act relating to employment protections for crime victims.

Was taken up.

Thereupon, pending third reading of the bill, Senator Flory moved to amend the Senate proposal of amendment in Sec. 2, 21 V.S.A. § 495d, in subdivision (15)(D)(ii), by striking out the subdivision in its entirety and inserting in lieu thereof the following:

(ii) shall include the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

Which was agreed to.

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

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 806.**

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

An act relating to the Southeast State Correctional Facility.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

**H. 856.**

House bill entitled:

An act relating to miscellaneous amendments to municipal law.

Was taken up.

Thereupon, pending third reading of the bill, Senator Brock moved to amend the Senate proposal of amendment by striking out Sec. 19, 32 V.S.A. § 4404 (appeals from listers as to grand list) in its entirety and inserting in lieu thereof the following:

Sec. 19. [Deleted.]

Which was agreed to.

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

**House Proposal of Amendment Not Concurred In; Committee of  
Conference Requested; Committee of Conference Appointed; Rules  
Suspended Bill Messaged**

**S. 85.**

House proposal of amendment to Senate bill entitled:

An act relating to simplifying government for small businesses.

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. SIMPLIFYING GOVERNMENT FOR SMALL BUSINESSES;  
ONE-STOP BUSINESS PORTAL**

(a) The Secretary of State, the Secretary of Commerce and Community Development, and the Secretary of Digital Services or their designees shall serve as a steering committee that, in collaboration with leaders of the Program to Improve Vermont Outcomes Together, other State agencies, and business community stakeholders, shall gather requirements and review and consider the necessary procedural and substantive steps to create a one-stop business portal for businesses, entrepreneurs, and citizens that provides information about starting and operating a business in Vermont.

(b) The steering committee shall evaluate the cost and efficacy of potential features of the portal, including features that:

(1) enhance State websites to simplify registrations and provide a clear compilation of other State business requirements, including permits and licenses;

(2) simplify the mechanism for making payments to the State, by allowing a person to pay amounts he or she owes to the State for taxes, fees, or other charges to a single recipient within State government;

(3) simplify annual filing requirements by allowing a person to make a single filing to a single recipient within State government and check a box if nothing substantive has changed from the prior year;

(4) provide guidance, assistance with navigation, and other support to persons who are forming or operating a small business;

(5) after registration, provide information about additional and ongoing State requirements and a point of contact to discuss questions or explore any assistance needed;

(6) provide guidance and information about State and federal programs and initiatives, as well as State partner organizations and Vermont-based businesses of interest; and

(7) map communication channels for project updates, including digital channels such as e-mail, social media, and other communications.

(c) State agencies and departments shall provide assistance to the steering committee upon its request.

(d) On or before January 15, 2019, the Secretary of State, on behalf of the steering committee, shall submit a design proposal, including a project scope, timeline, and roadmap and the resources and any statutory or regulatory changes needed to implement a one-stop business portal.

(e) The steering committee shall focus its review on providing services through the one-stop business portal primarily for the benefit of businesses with 20 or fewer employees.

(f) The Agency of Digital Services shall temporarily assign a project manager or business analyst to report directly to the Secretary of State to assist with the implementation of this act.

## Sec. 2. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 1(f) shall take effect on July 1, 2018.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Clarkson, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Thereupon, pursuant to the request of the Senate, the President announced the appointment of

Senator Clarkson  
Senator Soucy  
Senator Sirotkin

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

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Thereupon, on motion of Senator Ashe, the rules were suspended, and the bill was ordered messaged to the House forthwith.

**Committee of Conference Appointed**

**H. 27.**

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Ashe  
Senator Sears  
Senator Ingram

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

**Committee of Conference Appointed**

**H. 696.**

An act relating to establishing a State individual mandate.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Lyons  
Senator MacDonald  
Senator Sirotkin

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

**Committee of Conference Appointed**

**S. 29.**

An act relating to decedents' estates.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Flory  
Senator Nitka  
Senator Benning

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

**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,

**H.C.R. 346.**

House concurrent resolution congratulating 2018 Winter Olympics gold medal winners Jessie Diggins, Amanda Pelkey, and Mikaela Shiffrin.

By Reps. Yantachka and others,

By Senators Ingram and Lyons,

**H.C.R. 347.**

House concurrent resolution congratulating the 2018 Champlain Valley Union High School Redhawks State championship gymnastics team.

By Reps. Juskiewicz and others,

By Senator Soucy,

**H.C.R. 348.**

House concurrent resolution designating April 19, 2018 as Vermont Golf Day.

By Reps. Potter and others,

By Senators Collamore, Flory and Soucy,

**H.C.R. 349.**

House concurrent resolution congratulating the 2018 Mill River Union High School Minutemen Division II championship cheerleading team.

By Reps. Kitzmiller and others,

By Senators Brooks, Cummings and Pollina,

**H.C.R. 350.**

House concurrent resolution honoring Peter Gilbert for his outstanding leadership of the Vermont Humanities Council.

By Reps. Devereux and Christensen,

By Senators Nitka, Clarkson and McCormack,

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**H.C.R. 351.**

House concurrent resolution congratulating George Thomson on being named the 2018 Vermont Elementary School Principal of the Year.

By Reps. Jickling and Hooper,

By Senator MacDonald,

**H.C.R. 352.**

House concurrent resolution honoring Angelo Odatto of Braintree for his outstanding volunteer leadership in the governance of schools in Orange County.

By Reps. Macaig and others,

**H.C.R. 353.**

House concurrent resolution congratulating the Vermont team on winning the 2018 New England Nordic Skiing Association U-16 championship.

By Reps. Lewis and others,

**H.C.R. 354.**

House concurrent resolution congratulating the 2018 winners of the Vermont Forest Products Association and the Northeast Loggers Association awards.

By Reps. Webb and others,

**H.C.R. 355.**

House concurrent resolution congratulating Elliott Rice on winning the Vermont State competition of the 2018 American Legion Oratorical Contest.

By Reps. Buckholz and others,

By Senators Clarkson, McCormack and Nitka,

**H.C.R. 356.**

House concurrent resolution congratulating the 2018 Woodstock Union High School Wasps Division II championship boys' ice hockey team.

By Reps. Miller and others,

By All Members of the Senate,

**H.C.R. 357.**

House concurrent resolution congratulating Sister Janice Ryan on her receipt of the 2018 New England Board of Higher Education's Vermont State Award.

By Reps. Stuart and others,

By Senators Balint and White,

**H.C.R. 358.**

House concurrent resolution congratulating the George J. Brooks Memorial Library on its 50th Anniversary.

By Reps. Turner and others,

**H.C.R. 359.**

House concurrent resolution congratulating Camille Hanna on her indoor track accomplishments as a Milton High School Yellowjacket.

By Reps. Lucke and others,

By Senators Clarkson, McCormack and Nitka,

**H.C.R. 360.**

House concurrent resolution congratulating Douglas Heavisides on being named the 2018 Vermont Career Center Director of the Year.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Monday, April 30, 2018, at eleven o'clock in the forenoon pursuant to J.R.S. 57.

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**MONDAY, APRIL 30, 2018**

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

**Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee Finance:

**H. 731.** An act relating to miscellaneous workers' compensation and occupational safety amendments.

**H. 904.** An act relating to miscellaneous agricultural subjects.

**Bills Referred to Committee on Appropriations**

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