

Favorable Report; Third Reading Ordered**S. 229**

Rep. Grenier of St. Johnsbury, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to access to public records;

Reported in favor of its passage in concurrence. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered**S. 290**

Rep. Spengler of Colchester, for the committee on Agriculture, to which had been referred Senate bill, entitled

An act relating to agricultural water quality;

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 4828 is added to read:

§ 4828. CAPITAL EQUIPMENT ASSISTANCE PROGRAM

(a) It is the purpose of this section to provide assistance to contract applicators and farms to purchase or use innovative manure injection equipment that will aid in the reduction of surface runoff of agricultural wastes to state waters, improve water quality of state waters, reduce odors from manure application, decrease greenhouse gas emissions, and reduce costs to farmers.

(b) The capital equipment assistance program is created in the agency of agriculture, food and markets to provide farms and custom applicators in Vermont with state financial assistance for the purchase of new or innovative manure injection equipment to improve manure application or nutrient management plan implementation.

(c) Assistance under this section shall in each fiscal year be allocated according to the following priorities and as further defined by rule by the secretary:

(1) First priority shall be given to capital equipment to be used on farm sites by a custom applicator that is located in descending order within the boundaries of:

- (A) the Lake Champlain Basin;
- (B) the Lake Memphremagog Basin;
- (C) the Connecticut River Basin; and
- (D) the Hudson River Basin.

(2) Next priority shall be given to capital equipment to be used at a farm site which is located in descending order within the boundaries of:

- (A) the Lake Champlain Basin;
- (B) the Lake Memphremagog Basin;
- (C) the Connecticut River Basin; and
- (D) the Hudson River Basin.

(d) On or before January 15, 2009, and annually thereafter, the secretary of agriculture, food and markets shall report to the house and senate committees on agriculture regarding the performance of and results achieved by providing capital assistance to custom applicators and farms for new or innovative manure injection equipment.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 232

Rep. Martin of Wolcott, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to mobile polling stations;

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By adding Sec. 3 and Sec. 4 as follows:

Sec. 3. PURPOSE

The general assembly intends that the authorization for use of mobile polling stations created by this act is a pilot project and shall only be effective until July 1, 2009.

Sec. 4. SECRETARY OF STATE; REPORT

The secretary of state shall report to the house and senate committees on government operations by January 15, 2009 on the results of the use of mobile polling stations.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Favorable Report; Third Reading Ordered**S. 2**

Rep. Donaghy of Poultney, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to bail and eligibility for public defender services for defendants charged with retail theft;

Reported in favor of its passage in concurrence. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Senate Proposal of Amendment Concurred in**H. 775**

The Senate proposed to the House to amend House bill, entitled

An act relating to low-profit limited liability companies;

First: In Sec. 1, 11 V.S.A. § 3001(23)(D), at the end, after the period, by adding the following: The name of the company must be changed to be in conformance with subsection 3005(a) of this title.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 11 V.S.A. § 3005(a) is amended to read:

(a)(1) The Except for low-profit limited liability companies, the name of a limited liability company as set forth in its articles of organization shall contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C.," or "LC." The word "limited" may be abbreviated as "Ltd." and "company" may be abbreviated as "Co." in a limited liability company name.

(2) The name of a low-profit limited liability company as defined in subdivision 3001(23) of this chapter shall contain the abbreviation L3C or l3c.

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

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Which proposal of amendment was considered and concurred in.

Favorable Report; Third Reading Ordered

S. 213

Rep. Potter of Clarendon, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to the designation of a portion of state highways in the town of Manchester as Class 1 highways;

Reported in favor of its passage in concurrence. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Action on Bill Postponed

H. 689

House bill, entitled

An act relating to utility prescriptive rights;

Was taken up and pending third reading of the bill, on motion of **Rep. Shand of Weathersfield**, action on the bill was postponed until the next legislative day.

Message from the Senate No. 54

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has considered bills originating in the House of the following titles:

H. 636. An act relating to embezzlement by a public official.

H. 641. An act relating to nursing mothers in the workplace.

H. 862. An act relating to approval of amendments to the charter of the village of Waterbury.

H. 883. An act relating to miscellaneous amendments to Vermont's public retirement system.

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

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

H. 664. An act relating to unemployment insurance.

H. 764. An act relating to expanded eligibility for Vermont Veterans' Medal.

And has passed the same in concurrence.

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

S. 45. An act relating to the right to attend town meeting.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

Adjournment

At eleven o'clock and forty-five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.

WEDNESDAY, APRIL 16, 2008

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

In honor of the Arts devotional exercises were conducted by "Poetry Out Loud" Champion, Caleb Hastings from Middlebury Union High School and Linda Radtke, Mezzo-Soprano member of "Counterpoint" from Middlesex, VT.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House that on the fourteenth day of April, 2008, he approved and signed a bill originating in the House of the following title:

H. 876 An act relating to approval of amendment to the charter of the town of Middlebury.

Joint Resolution Referred to Committee

J.R.H. 60

Reps. Obuchowski of Rockingham and Pugh of South Burlington offered a joint resolution, entitled

Joint resolution requesting immediate congressional action to halt skyrocketing gasoline prices;

Whereas, Vermont is a rural state with minimal public transportation, and thousands of individuals must drive their cars to work daily, many for extended distances, and

Whereas, the state of Vermont's economy is heavily reliant on automotive tourism and other recreation-related activities, including snowmobiling, which according to a 2002 Johnson College study, generates an annual revenue of \$500,000,000.00 in the state, and

Whereas, farmers are dependent on gasoline to operate tractors, combines, trucks, and other absolutely essential equipment, without which they could not perform their daily chores and sustain their livelihood, and

Whereas, the federal Energy Information Administration announced on March 31, 2008 that the nationwide average retail price of regular unleaded gasoline stood at 333.9 cents per gallon, and the comparable New England figure was nearly as higher at 332.0 cents per gallon, and

Whereas, since the end of February, the national average has risen nearly 14 cents per gallon and the New England average has increased just above 12 cents per gallon, and

Whereas, the national and New England comparable prices for the last week of March 2007 were significantly lower than in 2008, and

Whereas, this upward spiral represents an approximately 25 percent rise in the last 12 months and is on top of the large national increase that occurred between March 2006 and March 2007, and

Whereas, higher retail gasoline prices cause an increasingly harsh financial hardship for a large percentage of Vermonters, and

Whereas, while public transit use in Vermont is now on the rise, which is a positive environmental development, it is often not a primary transportation option, because it remains unavailable in most of the state, and

Whereas, the impact on the Vermont economy is spreading as families are starting to restrict, if not eliminate, making major new purchases or engaging in optional activities such as dining in restaurants or attending entertainment events, in order that the money saved can be applied to the cost of gasoline, and

Whereas, the reduction in many families' nonessential consumer expenditures means that there are fewer daily business transactions in Vermont, and this development could trigger economic difficulties in the months ahead, and

Whereas, the now skyrocketing price of gasoline at the pump constitutes an economic emergency of the first order, demanding a decisive and immediate response of the same magnitude Americans would expect if OPEC were to impose another embargo on all oil shipments to the United States as it did in the 1970s, and

Whereas, while the nation's motorists are paying exorbitant prices for gasoline at the pump, compensation for oil company executives continues to rise, and ExxonMobil is now among the most profitable publicly traded companies in the United States, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges the executive and legislative branches of the federal government to take immediate steps, both on the economic domestic front and on the international diplomatic stage, that are deemed most effective, including the convening of an international emergency energy price summit as Senator Sanders has suggested, the selling of the crude oil set to be placed or already stored in the Strategic Petroleum Reserve, and imposing temporary price controls on retail gasoline sales as ways to halt this skyrocketing rise in gasoline prices that negatively impacts the entire nation but is particularly devastating to rural states such as Vermont that are so heavily dependent on private automobiles for basic transportation and commerce needs, and be it further

Resolved: That the general assembly urges the U.S. House Committee on Energy and Commerce and the U.S. Senate Committee on Energy and Natural Resources to examine immediately the viability of these proposed measures to halt the skyrocketing price of gasoline in the United States, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the President of the United States, to U.S. Secretary of Energy Samuel W. Bodman, to U.S. Speaker of the House Nancy Pelosi, to U.S. Representatives John Boehner, John Dingell, and Joe Barton, to U.S. Senators

Trent Lott, Harry Reid, Jeff Bingaman, and Pete Domenici, and to the members of the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Commerce.

House Resolution Adopted

H.R. 34

Reps. Larson of Burlington, Adams of Hartland, Lorber of Burlington, Symington of Jericho, Acinapura of Brandon, Ancel of Calais, Andrews of Rutland City, Barnard of Richmond, Bostic of St. Johnsbury, Branagan of Georgia, Bray of New Haven, Brennan of Colchester, Canfield of Fair Haven, Chen of Mendon, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Copeland-Hanzas of Bradford, Davis of Washington, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Fitzgerald of St. Albans City, Flory of Pittsford, Godin of Milton, Grad of Moretown, Head of S. Burlington, Heath of Westford, Helm of Castleton, Howard of Rutland City, Howrigan of Fairfield, Jewett of Ripton, Johnson of South Hero, Keenan of St. Albans City, Klein of East Montpelier, Komline of Dorset, Kupersmith of S. Burlington, Lawrence of Lyndon, Leriche of Hardwick, Lippert of Hinesburg, Livingston of Manchester, Maier of Middlebury, Malcolm of Pawlet, Marcotte of Coventry, Marek of Newfane, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Milkey of Brattleboro, Minter of Waterbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Morley of Barton, Nease of Johnson, Ojibway of Hartford, Otterman of Topsham, Oxholm of Vergennes, Pearson of Burlington, Pellett of Chester, Peltz of Woodbury, Peterson of Williston, Potter of Clarendon, Pugh of S. Burlington, Rodgers of Glover, Scheuermann of Stowe, Sharpe of Bristol, Smith of Morristown, Stevens of Shoreham, Westman of Cambridge, Winters of Williamstown, Wright of Burlington, Zenie of Colchester and Zuckerman of Burlington offered a House resolution, entitled

House resolution designating April 30 as Walk@Lunch Day;

Whereas, getting simply 30 minutes of moderate physical activity such as a brisk walk at least five times a week can result in significant health benefits, such as lowering the risk of developing or dying from cardiovascular disease or hypertension or type 2 diabetes and improving the health of muscles, bones, and joints, and

Whereas, the U.S. Department of Health and Human Services estimates the annual cost to treat illness and chronic disease that inactive lifestyles cause is nearly \$1,000 for every family in America, and

Whereas, physical activity is vital to the well-being of all Americans, and National Walk@Lunch Day is an opportunity for Americans to carve time out of their busy work schedules to exercise and become healthier, and

Whereas, National Walk@Lunch Day is a work place program that encourages employees to walk during their lunch break, making exercise a convenient and easy choice during the day, and

Whereas, a number of states will participate in National Walk@Lunch Day to improve the health of their residents step-by-step, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates April 30 as National Walk@Lunch Day and encourages all Vermonters to recognize the importance of walking in a healthy lifestyle, and be it further

Resolved: That the clerk of the house be directed to send a copy of this resolution to the American Heart Association in Williston and Blue Cross and Blue Shield of Vermont in Berlin.

Which was read and adopted.

House Resolution Referred to Committee

H.R. 35

Reps. Klein of East Montpelier, Anderson of Montpelier and Kitzmiller of Montpelier offered a joint resolution, entitled

House resolution supporting high school athletes desiring to play as team members;

Whereas, interscholastic sports provide the opportunity for youngsters to remain physically fit and engage in constructive and personally exhilarating athletic activities, and

Whereas, certain sports, such as football and soccer, can only be played on a team, while others such as cross-country running, can technically, although not ideally, include independent athletes who are not team members, and

Whereas, two Montpelier High School students, Chris Keller and Liam McSweeney, have run cross-country as independents because their school lacks a cross-country program, and

Whereas, preferring the support and camaraderie of team membership, they sought permission from the Vermont Principals' Association (VPA) to apply to U-32, under the association's member-to-member program, to run on the U-32 team, and

Whereas, the member-to-member program does not currently encompass cross-country running, and the students' request was to expand the program's coverage to include any sport that is scored on a team basis, and

Whereas, the Montpelier school board adopted a resolution, with principal Peter Evans' endorsement, that supported the students' request, and

Whereas, under the rules of the VPA's member-to-member program, the final decision still would have been left to U-32, and

Whereas, in petitioning the school board to adopt the resolution, which Liam McSweeney and Chris Keller personally drafted, the two ninth grade students provided strong justifications for their request, and

Whereas, they cited the support and motivation that both teammates and coaches provide to cross-country runners, the necessity of team membership to participate in relay events, and that in cross-country, there is a competition opportunity for everyone unlike in sports such as football and soccer, and

Whereas, Liam McSweeney and Chris Keller addressed the potential for schools recruiting athletes with a proposal that the member-to-member program option for an athlete be limited to the nearest school offering a team in the desired sport, and

Whereas, as a further protection against schools' proactively recruiting extremely talented and skilled teams, the two Montpelier students cited the VPA's existing 20 percent cap in the member-to-member program on players not enrolled in a team's own school, and

Whereas, despite these students' sound arguments and widespread support, the VPA's Activities Standards Committee rejected their request on a 4-1 vote, and

Whereas, just as distance learning has brought a wide scope of academic courses to schools throughout the state, high school students, provided they otherwise meet the standard eligibility requirements, should not be denied the opportunity of participating in a specific sport on a team basis simply because their home school does not field a team in that sport, and

Whereas, Liam McSweeney and Chris Keller are representative of other student athletes across Vermont who encounter similar situations, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the Vermont Principals' Association to reassess and revise its rules for interschool athletic participation to maximize the opportunities for all eligible and otherwise qualified Vermont high school

students to participate in any interscholastic sport on a team basis regardless of which school the student attends, and be it further

Resolved: That the clerk of the house be directed to send a copy of this resolution to Liam McSweeney and Chris Keller, to Montpelier High School principal Peter Evans, and to the Vermont Principals' Association.

Which was read and referred to the committee on Education.

Rules Suspended; Bill Committed

S. 336

On motion of **Rep. Flory of Pittsford**, the rules were suspended and Senate bill, entitled

An act relating to juvenile judicial proceedings;

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending the reading of the report of the committee on Judiciary, on motion of **Rep. Flory of Pittsford**, the bill was committed to the committee on Human Services.

House Resolution Adopted

H.R. 33

House resolution, entitled

House resolution expressing strong opposition to and urging effective and immediate congressional action to stop human rights violations by the Government of the People's Republic of China's human rights violations in the geographic area known as Tibet;

Was taken up and adopted on the part of the House.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 619

House bill, entitled

An act relating to the regulation of sexual assault nurse examiners;

H. 689

House bill, entitled

An act relating to utility prescriptive rights;

H. 878

House bill, entitled

An act relating to elevator safety;

H. 894

House bill, entitled

An act relating to approval of amendments to the charter of the town of Windsor;

Third Reading; Bills Passed in Concurrence

Senate bills of the following titles were severally taken up, read the third time and passed in concurrence.

S. 2

Senate bill, entitled

An act relating to bail and eligibility for public defender services for defendants charged with retail theft;

S. 213

Senate bill, entitled

An act relating to the designation of a portion of state highways in the town of Manchester as Class 1 highways;

S. 229

Senate bill, entitled

An act relating to access to public records;

S. 366

Senate bill, entitled

An act relating to the administration of the voter's oath or affirmation;

**Third Reading; Bills Passed in Concurrence
With Proposals of Amendment**

Bills of the following titles were severally taken up, read the third time and passed in concurrence with proposals of amendment.

S. 232

Senate bill, entitled

An act relating to mobile polling stations;

S. 240

Senate bill, entitled

An act relating to repealing the sunset of the law enforcement exemption to the social security breach notice act;

S. 291

Senate bill, entitled

An act relating to the farm agronomic practices program at the Agency of Agriculture, Food and Markets.

**Amendment to House Proposal of Amendment Agreed to;
Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment**

S. 290

Senate bill, entitled

An act relating to agricultural water quality;

Was taken up and pending third reading of the bill, **Rep. Spengler of Colchester** moved to amend the House proposal of amendment as follows:

First: In Sec. 1, 6 V.S.A. § 4828(c)(1), by striking “by a custom applicator that is located in” and inserting in lieu thereof “that are serviced by custom applicators and that are located in”

Second: In Sec. 1, 6 V.S.A. 4828(d), by inserting after the words “the house and senate committees on agriculture” the words “and the house committee on fish, wildlife and water resources”

Third: By adding a Sec. 2 to read as follows:

Sec. 2. SUNSET

(a) 6 V.S.A. § 4822(a)-(c) (capital equipment assistance program) shall be repealed July 1, 2011.

(b) 6 V.S.A. § 4822(d) (agency of agriculture, food and markets report on capital equipment assistance program) shall be repealed July 1, 2013.

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

Bills Messaged to Senate Forthwith

On motion of **Rep. Adams of Hartland**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 619

House bill, entitled

An act relating to the regulation of sexual assault nurse examiners;

H. 689

House bill, entitled

An act relating to utility prescriptive rights;

H. 878

House bill, entitled

An act relating to elevator safety;

H. 894

House bill, entitled

An act relating to approval of amendments to the charter of the town of Windsor;

S. 232

Senate bill, entitled

An act relating to mobile polling stations;

S. 240

Senate bill, entitled

An act relating to repealing the sunset of the law enforcement exemption to the social security breach notice act;

S. 290

Senate bill, entitled

An act relating to agricultural water quality;

S. 291

Senate bill, entitled

An act relating to the farm agronomic practices program at the Agency of Agriculture, Food and Markets.

S. 366

Senate bill, entitled

An act relating to the administration of the voter's oath or affirmation.

Message from the Senate No. 55

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has on its part passed Senate bill of the following title:

S. 369. An act relating to recognition of tribes and bands of Native Americans by the Vermont commission on Native American affairs.

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

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

H. 635. An act relating to reports of child abuse or neglect.

H. 709. An act relating to campgrounds.

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

Adjournment

At two o'clock and twenty minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.

THURSDAY, APRIL 17, 2008

Rep. Partridge of Windham in Chair.

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reverend Mary Mansfield of St. John's Episcopal Church in Stowe, VT.

Message from Governor

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

Madam Speaker:

I am directed by the Governor to inform the House that on the sixteenth day of April, 2008, he approved and signed a bill originating in the House of the following title:

H. 880 An act relating to the Vermont Pension Investment Committee.**House Bill Introduced****H. 895**

Reps. Manwaring of Wilmington and Moran of Wardsboro introduced a bill, entitled

An act relating to codification of, and approval of an amendment to, the charter of Cold Brook Fire District No. 1;

Which was read the first time and referred to the committee on Government Operations.

Senate Bill Referred**S. 369**

Senate bill, entitled

An act relating to recognition of tribes and bands of Native Americans by the Vermont commission on Native American affairs;

Was taken up, read the first time and referred to the committee on Rules.

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

S. 281

Senate bill, entitled

An act relating to end-of-life care and pain management;

S. 345

Senate bill, entitled

An act relating to lowering the cost of workers' compensation insurance.

Joint Resolution Placed on Calendar**J.R.H. 61**

Reps. Condon of Colchester, Ainsworth of Royalton, Aswad of Burlington, Bissonnette of Winooski, Branagan of Georgia, Bray of New Haven, Canfield of Fair Haven, Devereux of Mount Holly, Gervais of Enosburg, Gilbert of Fairfax, Howrigan of Fairfield, Larrabee of Danville, LaVoie of Swanton, McAllister of Highgate, McCullough of Williston, McFaun of Barre Town,

Moran of Wardsboro, Peterson of Williston, Shand of Weathersfield, Sharpe of Bristol, Winters of Williamstown, Wright of Burlington, Zenie of Colchester and Zuckerman of Burlington offered a joint resolution, entitled

Joint resolution designating May, 2008 as Carcinoid Cancer Awareness Month;

Whereas, carcinoid cancer is the result of changes in the gastrointestinal system's neuroendocrine cells which cause these cells to grow abnormally and form slow-growing microscopic tumors which, if untreated, can expand and create numerous serious symptoms, and

Whereas, carcinoid cancer is commonly misdiagnosed due to the symptomatic similarities to such diseases as Irritable Bowel Syndrome (IBS), anxiety, asthma, and Crohn's Disease, and

Whereas, increased education and knowledge of carcinoid cancer will result in reducing the number of misdiagnoses of patients and enable earlier detection and treatment, resulting in enhanced patient quality of life and increased chances of survival, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates May 2008 as "Carcinoid Cancer Awareness Month," and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the New England Carcinoid Connection in Boston.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Senate Proposal of Amendment Concurred in

H. 403

The Senate proposed to the House to amend House bill, entitled

An act relating to postretirement cost of living adjustments for state employees;

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 455(a)(13) is amended to read:

(13) "Normal retirement date" shall mean:

* * *

(D) with respect to a group F member, the first day of the calendar month next following attainment of age 62, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of creditable service, whichever is earlier; and with respect to a group F member first included in the membership of the system on or after July 1, 2008, the first day of the calendar month next following attainment of age 65 and following completion of five years of creditable service, or attainment of 87 points reflecting a combination of the age of the member and number of years of service, whichever is earlier.

Sec. 2. 3 V.S.A. § 459(b)(5) is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(b) Normal retirement allowance.

* * *

(5)(A) Until January 1, 1995, upon normal retirement, a group F member shall receive a normal retirement allowance which shall be equal to 1-1/4 percent of his average final compensation times years of creditable service. On and after January 1, 1995, upon normal retirement, a group F member shall receive a normal retirement allowance equal to 1-1/4 percent of the member's average final compensation times years of membership service prior to January 1, 1991 plus a pension which when added to an annuity shall be equal to 1-2/3 percent of the member's average final compensation times years of membership service on and after January 1, 1991. The maximum retirement allowance shall be 50 percent of average final compensation.

(B) A group F member first included in the membership of the system on or after July 1, 2008, upon normal retirement, shall receive a normal retirement allowance equal to 1-2/3 percent of the member's average final compensation times years of membership service. The maximum retirement allowance shall be 60 percent of average final compensation.

* * *

(d) Early retirement allowance.

* * *

(2)(A) Upon early retirement, a group F member, except facility employees of the department of corrections; and department of corrections employees who provide direct security and treatment services to offenders under supervision in the community and Woodside facility employees, shall receive an early retirement allowance which shall be equal to the normal retirement allowance reduced by one-half of one percent for each month the member is under age 62 at the time of early retirement. Group F members who have 20 years of service as facility employees of the department of corrections,

as department of corrections employees who provide direct security and treatment services to offenders under supervision in the community or as Woodside facility employees or as Vermont state hospital employees who provide direct patient care shall receive an early retirement allowance which shall be equal to the normal retirement allowance at age 55 without reduction; provided the 20 years of service occurred in one or more of the following capacities as an employee of the department of corrections, Woodside facility [or Vermont state hospital]: facility employee, community service center employee or court and reparative service unit employee.

(B) Upon early retirement, a group F member first included in the membership of the system on or after July 1, 2008, except facility employees of the department of corrections and department of corrections employees who provide direct security and treatment services to offenders under supervision in the community and Woodside facility employees, shall receive an early retirement allowance which shall be equal to the normal retirement allowance reduced by:

(i) one-eighth of one percent for each month the member is under age 65, provided the member has accrued 35 years of service at the time of early retirement;

(ii) one-quarter of one percent for each month the member is under age 65, provided the member has accrued 30 years of service but less than 35 years of service at the time of early retirement;

(iii) one-third of one percent for each month the member is under age 65, provided the member has accrued 25 years of service but less than 30 years of service at the time of early retirement;

(iv) five-twelfths of one percent for each month the member is under age 65, provided the member has accrued 20 years of service but less than 25 years of service at the time of early retirement;

(v) five-ninths of one percent for each month the member is under age 65, provided the member has accrued less than 20 years of service at the time of early retirement.

* * *

Sec. 3. 3 V.S.A. § 470(b) is amended to read:

(b) For group F members, as of June 30 in each year, commencing January 1, 1991, a determination shall be made of the increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. The retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased or decreased, as the case may be, by an amount equal to one-half

of the percentage increase or decrease. Commencing January 1, 2014, the retirement allowance of each beneficiary who was an active contributing member of the group F plan as of June 30, 2008 and who retires on or after July 1, 2008 shall be increased or decreased, as the case may be, by an equal percentage of the Consumer Price Index for the preceding year. The increase or decrease shall commence on the January 1st immediately following such December 31st. The adjustment shall apply to group F members receiving an early retirement allowance only in the year following attainment of age 62, provided the member has received benefits for at least 12 months as of December 31 of the year preceding any January adjustment. The maximum adjustment of any retirement allowance resulting from any such determination shall be five percent and the minimum shall be one percent, and no retirement allowance shall be reduced below the amount payable to the beneficiary without regard to the provisions of this section.

Sec. 4. 3 V.S.A. § 473(b)(2) is amended to read:

(2) Contributions shall be made on and after the date of establishment at the rate of five percent of compensation except at a rate of 6.18 percent of compensation for each group C member unless ~~such the~~ member was a group C member on June 30, 1998 in which case contributions shall be at the rate of six percent of compensation for each ~~such~~ group C member who has elected not to have his or her compensation from the state be subject to Social Security withholding or at the rate of five percent of compensation if ~~such the~~ member elected to have compensation from the state subject to Social Security withholding and at the rate of ~~3.25~~ five percent of compensation for each group F member and, commencing July 1, 2019, at the rate of 4.75 percent of compensation for each group F member. In determining the amount earnable by a member in a payroll period, the retirement board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the annuity savings fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.

Sec. 5. 3 V.S.A. § 473(c) is amended to read:

(c) Employer contributions, earnings, and payments.

* * *

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the fund by the state shall be determined on the basis of the actuarial cost method known as "entry age normal." On account of each member there shall be paid annually into the fund by the state an amount equal to a certain ~~percentage~~ percentages of the annual earnable compensation of such member, to be known as the "normal contribution," and ~~an~~ additional ~~amount~~ amounts equal to a certain percentage of the member's annual earnable compensation, to be known as the "basic accrued liability:" and "additional accrued liability" contributions. The percentage ~~rate~~ rates of ~~such~~ the contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation.

* * *

(4)(A) Until the unfunded accrued liability, excluding the portion described in subdivision (B) of this subdivision (4), is liquidated, the basic accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a period of 30 years from July 1, 1988, provided that the amount of each annual basic accrued liability contribution after June 30, 1988 shall be five percent greater than the preceding annual basic accrued liability contribution. Any variation in the contribution of normal, basic, or unfunded accrued liability or additional unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the 30-year period.

(B) Until the additional unfunded accrued liability created as of July 1, 2008, by the implementation of a group F cost-of-living adjustment equal to the full increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year as provided in subsection 470(b) of this title, is liquidated, the additional accrued liability contribution, shall be the annual payment required to liquidate the additional unfunded accrued liability over a period of 30 years from July 1, 2008, provided that the amount of each annual additional accrued liability contribution made after June 30, 2009 shall be five percent greater than the preceding annual additional accrued liability contribution.

* * *

Sec. 6. 3 V.S.A. § 479(a) is amended and (g) is added to read:

(a) As provided under section 631 of this title, a member who is insured by the respective group insurance plans immediately preceding the member's

effective date of retirement shall be entitled to continuation of group insurance as follows:

(1)(A) coverage in the group medical benefit plan provided by the state of Vermont for active state employees; or

(B) for a group F plan member first included in the membership of the system on or after July 1, 2008, coverage in the group medical benefit plan offered by the state of Vermont for active state employees and pursuant to the following, provided:

(i) a member who has completed five years and less than 10 years of creditable service at his or her retirement shall pay the full cost of the premium;

(ii) a member who has completed 10 years and less than 15 years of creditable service at his or her retirement shall pay 60 percent of the cost of the premium;

(iii) a member who has completed 15 years and less than 20 years of creditable service at his or her retirement shall pay 40 percent of the cost of the premium;

(iv) a member who has completed 20 years or more of creditable service at his or her retirement shall pay 20 percent of the cost of the premium;
and

(2) members who have completed 20 years of creditable service at their effective date of retirement shall be entitled to the continuation of life insurance in the amount of ~~\$5,000.00~~ \$10,000.00.

(g) A member of the group F plan who is first included in the membership of the system on or after July 1, 2008, who separates from service prior to being eligible for retirement benefits under this chapter, who have at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-time option at the time retirement benefits commence to reinstate the same level of coverage, in the group medical benefit plan provided by the state of Vermont for active state employees, that existed at the date of separation from service. Premiums for the plan shall be prorated between the retired member and the retirement system pursuant to subsection 479(a) of this title.

Sec. 7. 3 V.S.A. § 631(a)(9) is amended to read:

(9) The amount of life insurance for any retired employee shall be reduced and limited to ~~\$5,000.00~~ \$10,000.00 on the date of his or her retirement. The provisions of this section shall apply to all retirees who

complete 20 creditable years of service with the state before their retirement and are insured for group life insurance on their retirement dates. The total premiums for group life insurance provided under this section and section 632 of this title shall be paid by the state on behalf of employees retired in accordance with the terms of subdivision (2) of this subsection, on behalf of employees who are on sick leave without pay for a period not to exceed twelve months and on behalf of any employee on disability retirement until proof of total and permanent disability has been accepted by the insurance company.

Which proposal of amendment was considered and concurred in.

Favorable Report; Third Reading Ordered

S. 344

Rep. French of Randolph, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to internet and mail order sales of tobacco products;

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Bill Amended; Third Reading Ordered

H. 629

Rep. Lorber of Burlington, for the committee on Corrections and Institutions, to which had been referred House bill, entitled

An act relating to an evaluation of Vermont's system of caring for mentally ill offenders;

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 701a is amended to read:

§ 701a. SEGREGATION OF INMATES WITH A SERIOUS MENTAL ILLNESS FUNCTIONAL IMPAIRMENT

(a) The commissioner shall adopt rules pursuant to chapter 25 of Title 3 regarding the classification, treatment, and segregation of an inmate with a serious mental illness functional impairment as defined in subdivision 906(1) and identified under subchapter 6 of this title chapter; provided that the length of stay in segregation for an inmate with a serious mental illness functional impairment:

(1) Shall not exceed 15 days if the inmate is segregated for disciplinary reasons.

(2) Shall not exceed 30 days if the inmate requested the segregation, except that the inmate may remain segregated for successive 30-day periods following assessment by a qualified mental health professional and approval of a physician for each extension.

(3) Shall not exceed 30 days if the inmate is segregated for any reason other than the reasons set forth in subdivision (1) or (2) of this subsection, except that the inmate may remain segregated for successive 30-day periods following a due process hearing for each extension, which shall include assessment by a qualified mental health professional and approval of a physician.

(b) For purposes of this title, and despite other names this concept has been given in the past or may be given in the future, "segregation" means a form of separation from the general population which may or may not include placement in a single occupancy cell and which is used for disciplinary, administrative, or other reasons.

(c) On or before the 15th day of each month, the department's health services director shall provide to the joint legislative corrections oversight committee a report that, while protecting inmate confidentiality, lists each inmate who was in segregation during the preceding month by a unique indicator and identifies the reason the inmate was placed in segregation, the length of the inmate's stay in segregation, whether the inmate has a serious ~~mental illness~~, functional impairment or is otherwise ~~on the department's mental health roster~~ identified as receiving mental health services, and, if so, the nature of the ~~mental illness~~ functional impairment or services provided. The report shall also indicate any incident of self harm or attempted suicide by inmates in segregation. The committee chair shall ensure that a copy of the report is forwarded to the Vermont defender general and the executive director of Vermont Protection and Advocacy, Inc. on a monthly basis.

Sec 2. 28 V.S.A. chapter 11, subchapter 6 is amended to read:

Subchapter 6. Services for Inmates with Serious

Mental Illness Functional Impairment

§ 906. DEFINITIONS

As used in this subchapter:

(1) "Serious ~~mental illness~~ functional impairment" means;

(A) a substantial disorder of thought, mood, perception, orientation, or memory, any of as diagnosed by a qualified mental health professional, which grossly substantially impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and which substantially impairs the ability to function within the correctional setting; or

(B) a developmental disability, traumatic brain injury or other organic brain disorder, or various forms of dementia or other neurological disorders, as diagnosed by a qualified mental health professional, which substantially impair the ability to function in the correctional setting.

(2) “Mental Qualified mental health professional” means a person with professional training, experience and demonstrated competence in the treatment of mental illness or serious functional impairments, who is a physician, psychiatrist, psychologist, social worker, nurse, or other qualified person determined by the commissioner of mental health.

(3) “Mental illness or disorder” means a condition that falls under any Axis I diagnostic categories or the following Axis II diagnostic categories as listed in the American Psychiatric Association’s Diagnostic and Statistical Manual, Volume IV, as updated from time to time: borderline personality disorder, histrionic personality disorder, mental retardation,

obsessive-compulsive personality disorder, paranoid personality disorder, schizoid personality disorder, schizotypal personality disorder.

(4) “Screening” means an initial survey to identify whether an inmate has immediate treatment needs or is in need of further evaluation.

§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND RESPONSIBILITIES OF COMMISSIONER

The commissioner shall administer a program of mental health services which shall be available to all inmates and shall provide adequate staff to support the program. The program shall provide the following services:

(1) Within 24 hours of admittance to a correctional facility all inmates shall be screened for any signs of serious mental illness or disorder, trauma, and serious functional impairment. If as a result of the screening it is determined that the inmate has received developmental services in Vermont or similar services for neurological disorders or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(2) A thorough evaluation, conducted in a timely and reasonable fashion by a qualified mental health professional, which includes a review of available

medical and psychiatric records. The evaluation shall be made of each inmate who:

(A) has a history of serious mental illness or disorder;

(B) has significant trauma;

(C) has received community rehabilitation and treatment services; or

(D) who shows signs or symptoms of serious mental illness or disorder or of serious functional impairment at the initial screening or as observed subsequent to entering the department in a timely and reasonable fashion facility.

~~The evaluation shall be conducted by a mental health professional who is qualified by training and experience to provide diagnostic, rehabilitative, treatment or therapeutic services to persons with serious mental illness. The evaluation shall include review of available medical and psychiatric records.~~

(3) The development and implementation of an individual treatment plan, when a clinical diagnosis by a qualified mental health professional indicates an inmate is suffering from serious mental illness or disorder from or serious functional impairment. The treatment plan shall be explained to the inmate by a qualified mental health professional.

(4) Access to a variety of services and levels of care consistent with the treatment plan to inmates suffering serious mental illness or disorder or serious functional impairment. These services shall include, as appropriate, the following:

(A) Follow-up evaluations.

(B) Crisis intervention.

(C) Crisis beds.

(D) Residential care within a correctional institution.

(E) Clinical services provided within the general population of the correctional facility.

(F) Services provided in designated special needs units.

(G) As a joint responsibility with the department of mental health and the department of aging and independent living, and working with community mental health centers, the implementation of discharge planning for community services.

(H) Other services that the department of corrections, the department of aging and independent living, and the department of mental health jointly

determine to be appropriate.

(5) Procedures to actively seek and identify any inmate who has not received the enhanced screening, evaluation and access to mental health services appropriate for inmates suffering from a serious mental illness or disorder or a serious functional impairment.

(6) Special training to medical and correctional staff to enable them to identify and initially deal with inmates with a serious mental illness or disorder or a serious functional impairment. This training shall include the following:

(A) Recognition of signs and symptoms of serious mental illness or disorder or of serious functional impairment in the inmate population.

(B) Recognition of signs and symptoms of chemical dependence and withdrawal.

(C) Recognition of adverse reactions to psychotropic medication.

(D) Recognition of improvement in the general condition of the inmate.

(E) Recognition of mental retardation.

(F) Recognition of mental health emergencies and specific instructions on contacting the appropriate professional care provider and taking other appropriate action.

(G) Suicide potential and prevention.

(H) Precise instructions on procedures for mental health referrals.

(I) Any other training determined to be appropriate.

* * *

Sec. 3. EVALUATION OF VERMONT'S SYSTEM OF CARING FOR MENTALLY ILL OFFENDERS

(a) The legislative council and joint fiscal office, with assistance from the secretary of human services, the commissioner of mental health, the commissioner of corrections, the deputy commissioner of alcohol and drug abuse prevention, and the court administrator shall:

(1) conduct a review of Vermont's system for determining where, how, and what services are provided to offenders with a mental illness;

(2) develop options for providing service and care to mentally ill offenders; and

(3) analyze the costs and benefits of each option.

(b) The legislative council and joint fiscal office may seek assistance from higher education institutions.

(c) The review of Vermont's system under subdivision (a)(1) of this section shall include an examination of the system for determining competency to stand trial and caring for those declared incompetent, the services provided in Vermont's communities, the work of the mental health courts, and services that are provided within the corrections system.

(d) The legislative council and joint fiscal office shall report their findings and recommendations to the corrections oversight committee on or before October 15, 2008, and to the senate committees on judiciary and health and welfare and the house committees on institutions and human services on or before January 15, 2009.

Rep. Johnson of South Hero, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Corrections and Institutions and when further amended as follows:

First: In Sec. 2, 28 V.S.A. § 907(1), by striking the subdivision in its entirety and inserting in lieu thereof a new subdivision (1) to read:

(1) Within 24 hours of admittance to a correctional facility all inmates shall be screened for any signs of serious mental illness or disorder, trauma, or serious functional impairment.

(A) If as a result of the screening it is determined that the inmate is receiving services under the developmental services waiver or is currently receiving community rehabilitation and treatment services, he or she will automatically be designated as having a serious functional impairment.

(B) If an inmate has signs of trauma, the person carrying out the regular medical screening upon admission to the facility shall further screen the inmate for indicators of posttraumatic stress disorder. Signs of trauma are reports by a person of an event or series of events that is life-threatening or overwhelming, such as combat exposure, rape, sexual molestation, or domestic violence. If indicators of posttraumatic stress disorder are found at the medical screening, the inmate will receive a thorough evaluation pursuant to subdivision (2) of this section.

Second: In Sec. 2, 28 V.S.A. § 907(2), in subdivision (B), by striking the subdivision in its entirety and by relettering the remaining subdivisions to be alphabetically correct

Third: By striking Sec. 3 in its entirety

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Corrections and Institutions and Appropriations agreed to and third reading ordered.

**Favorable Report; Proposal of Amendment Agreed to
and Third Reading Ordered**

S. 233

Rep. Evans of Essex, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to temporary officiants for marriages and civil unions;

Reported in favor of its passage in concurrence.

Rep. Howard of Rutland City, for the committee on Ways and Means, recommended that the House propose to the Senate to amend the bill as follows:

First: In Sec. 2, 18 V.S.A. § 5144a(a)(2), by striking “\$150.00” and inserting in lieu thereof “\$100.00”

Second: In Sec. 2, 18 V.S.A. § 5144a(b), in the second sentence, by striking the second instance of the word “marriage”

Third: In Sec. 4, 18 V.S.A. § 5164a(a)(2), by striking “\$150.00” and inserting in lieu thereof “\$100.00”

Fourth: In Sec. 4, 18 V.S.A. § 5164a(b), in the second sentence, by striking “marriage”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Government Operations and Ways and Means agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 241

Rep. Masland of Thetford, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to the special veteran and gold star registration plates;

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By striking Sec. 4 in its entirety and adding a new Sec. 4 to read:

**Sec. 4. COMMISSIONER OF MOTOR VEHICLES REPORT ON
ISSUANCE OF DISTINCTIVE REGISTRATION PLATES**

The commissioner of motor vehicles shall report to the house and senate committees on transportation by January 15, 2009, on the best methods of administering the issuance of distinctive registration plates, including motorcycle plates, with the logo of the organization or group sponsoring or requesting the plates. In addition to any other issue deemed appropriate by the commissioner, the report shall consider the advisability of requiring a bond or cash deposit and a minimum number of applicants before the plates may be produced. The report shall also examine appropriate fees, the design of the plates, such as standard plates with logo decals, and if a minimum number of plates must be issued over a specific period in order for the program to continue.

Second: By adding a Sec. 5 to read:

Sec. 5. EFFECTIVE DATES

Sec. 4 and this section shall take effect from passage, and the remainder of the act shall take effect on January 1, 2009.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 342

Rep. Brennan of Colchester, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to Lake Champlain commemorative motor vehicle plates;

Recommended that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 515c is added to read:

**§ 515c. LAKE CHAMPLAIN QUADRICENTENNIAL
COMMEMORATIVE MOTOR VEHICLE PLATES**

(a) Legislative intent. It is the intent of the general assembly to commemorate the 400 years since the discovery of Lake Champlain in 1609. In order to provide an appropriate tribute to the 400th anniversary, it is the purpose of this section to provide for the generation of revenue to help

underwrite the costs for this celebration by authorizing the design, purchase, sale, and display of commemorative motor vehicle plates.

(b) Authority. The Lake Champlain quadricentennial commission is authorized to design, produce, purchase, distribute, and sell commemorative motor vehicle plates as described in subsection (a) of this section. Plates shall not be produced, sold, distributed, or displayed which are not approved by the commissioner of motor vehicles.

(c) Use. Residents of the state of Vermont may display one approved commemorative plate on the front of a registered motor vehicle as provided in this subsection. The commemorative plates shall not be used instead of regular registration plates, nor are they required to be displayed on a motor vehicle. The commemorative plate may be displayed on a motor vehicle registered as a pleasure car and on trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan, by covering the front registration plate with the commemorative plate from July 1, 2008 until June 30, 2010. The regular front registration plate shall not be removed. The rear registration plate shall be in place and clearly visible at all times.

(d) Price. The retail price shall be established by the Lake Champlain quadricentennial commission; however, the first 400 plates shall be numbered as such and shall sell for a premium price, and the remainder of the plates issued shall sell for not less than \$25.00.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

S. 324

Rep. McCormack of Rutland City, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to beer and wine tastings;

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Senate Proposal of Amendment Concurred in with an Amendment thereto

H. 641

The Senate proposed to the House to amend House bill, entitled

An act relating to nursing mothers in the workplace;

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 302 is amended to read:

§ 302. Definitions

For the purposes of this subchapter:

~~"Employer" as used in this subchapter shall mean and include an individual, a partnership, an association, a corporation, a 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 the state.~~ means any individual, organization, or governmental body including any partnership, association, trustee, estate, corporation, joint stock company, insurance company, or legal representative, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, and any common carrier by mail, motor, water, air or express company doing business in or operating within this state, and any agent of such employer, which has one or more individuals performing services for it within this state.

~~"Employee" shall mean and include every person who may be permitted, required or directed by any employer, as defined in this section in consideration of direct or indirect gain or profit, to engage in any employment.~~ means every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to perform services.

Sec. 2. 21 V.S.A. § 305 is added to read:

§ 305. NURSING MOTHERS IN THE WORKPLACE

(a) For an employee who is a nursing mother, the employer shall for three years after the birth of a child:

(1) provide reasonable time, either compensated or uncompensated, throughout the day to express breast milk for her nursing child. The decision to provide compensated time shall be in the sole discretion of the employer, unless modified by a collective bargaining agreement; and

(2) make a reasonable accommodation to provide appropriate private space that is not a bathroom stall.

(b) An employer may be exempted from the provisions of subsection (a) of this section if providing time or an appropriate private space for expressing breast milk would substantially disrupt the employer's operations.

(c) An employer shall not retaliate or discriminate against an employee who exercises the right provided under this section.

(d) In lieu of an enforcement action through the Vermont Judicial Bureau, the attorney general or a state's attorney may enforce the provisions of this subchapter by bringing a civil action for temporary or permanent injunctive relief, economic damages, including prospective lost wages for a period not to exceed one year, investigative and court costs. The attorney general or a state's attorney may conduct an investigation of an alleged violation and enter into a settlement agreement with the employer. Such investigation shall not be a prerequisite to bringing a court action.

Sec. 3. 21 V.S.A. § 303 is amended to read:

§ 303. PENALTY; JUDICIAL BUREAU

Any employer who violates the provisions of this subchapter shall be ~~fin~~ assessed a civil penalty of not more than \$100.00 for each and every violation.

Sec. 4. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The judicial bureau shall have jurisdiction of the following matters:

* * *

(14) Violations of 21 V.S.A. chapter 5, subchapter 1, relating to conditions for employment.

Pending the question, Shall the House concur with the Senate proposal of amendment? **Rep. McCormack of Rutland City** moved to concur with the Senate proposal of amendment with further amendment as follows:

First: By striking Sec. 1 and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 302 is amended to read:

§ 302. DEFINITIONS

For the purposes of this subchapter:

(1) "Employer" as used in this subchapter shall mean and include an individual, a partnership, an association, a corporation, a 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 the state; means any individual, organization, or governmental body, including any partnership, association, trustee, estate, corporation, joint stock company, insurance company, or legal representative, whether domestic or foreign, or the

receiver, trustee in bankruptcy, trustee or successor thereof, and any common carrier by mail, motor, water, air, or express company doing business in or operating within this state, and any agent of the employer, that has one or more individuals performing services for it within this state.

(2) "Employee" shall mean and include every person who may be permitted, required or directed by any employer, as defined in this section in consideration of direct or indirect gain or profit, to engage in any employment. means every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to perform services.

Second: In Sec.1, 21 V.S.A. § 305 in subsection (d) in the first sentence by striking the word "subchapter" and inserting in lieu thereof the word "section"

Which was agreed to.

**Senate Proposal of Amendment Not Concurred in and
Committee of Conference Requested**

H. 636

The Senate proposed to the House to amend House bill, entitled

An act relating to embezzlement by a public official;

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2537 is amended to read:

§ 2537. PERSON HOLDING PROPERTY IN OFFICIAL CAPACITY OR BELONGING TO THE STATE OR A MUNICIPALITY

A state, county, town, or municipal officer or other person who in his or her official capacity receives, collects, controls, or holds money, obligations, or securities belonging to a corporation, public or private, or to a private person, or other property, who embezzles or fraudulently converts to his or her own use any of such money, obligations or securities, or other property, or a person who embezzles or fraudulently converts to his or her own use, money or other property belonging to the state or to a county or municipality as defined in 1 V.S.A. § 126, or a municipal corporation, or a special purpose district, shall be guilty of larceny and shall be imprisoned not more than ten years or fined not more than \$1,000.00, or both.

Sec. 2. 13 V.S.A. § 7554 is amended to read:

§ 7554. RELEASE PRIOR TO TRIAL

(a) Any person charged with an offense, other than a person held without

bail under section 7553 or 7553a of this title, shall at his or her appearance before a judicial officer be ordered released pending trial in accordance with this section.

* * *

(2) If the judicial officer determines that conditions of release imposed to assure appearance will not reasonably protect the public, the judicial officer may in addition impose the least restrictive of the following conditions or the least restrictive combination of the following conditions which will reasonably assure protection of the public:

(A) Place the person in the custody of a designated person or organization agreeing to supervise him or her.

(B) Place restrictions on the travel, association, or place of abode of the person during the period of release.

(C) Require the person to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.

(D) Impose any other condition found reasonably necessary to protect the public, except that a physically restrictive condition may only be imposed in extraordinary circumstances.

(E) If the person is a state, county, or municipal officer charged with violating section 2537 of this title, the court may suspend the officer's duties in whole or in part, if the court finds that it is necessary to protect the public.

* * *

Sec. 3. 32 V.S.A. § 167(b) is amended to read:

(b) In connection with any of his or her duties, the auditor of accounts may administer oaths and may subpoena any person to appear before him or her. Such persons shall testify under oath and be subject to the penalties of perjury, and may be examined concerning any matter relating to the statutory duties of the auditor provided by section 163 of this title. Nothing in this subsection shall limit a person's fifth amendment rights against self-incrimination.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Flory of Pittsford** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to.

Speaker Symington back in Chair.

**Proposals of Amendment Agreed to;
Consideration Interrupted by Recess**

S. 365

Rep. Emmons of Springfield, for the committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to capital construction and state bonding;

Reported in favor of its passage in concurrence with proposal of amendment as follows:

Rep. Emmons of Springfield, for the committee on **Corrections and Institutions**, respectfully report that they have met and considered the same and recommend that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Capital Appropriations * * *

Sec. 1. STATE BUILDINGS

The following is appropriated in total to the department of buildings and general services, and the commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the chairs of the senate committee on institutions and the house committee on corrections and institutions are notified before that action is taken. The individual allocations in this section are estimates only.

(1) Statewide, Americans with Disabilities Act (ADA) - for improvements at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont in Pittsford:

<u>(2) Statewide, building reuse:</u>	<u>125,000</u>
<u>(3) Statewide, contingency fund:</u>	<u>100,000</u>
<u>(4) Statewide, major maintenance:</u>	<u>500,000</u>
<u>(5) Statewide, planning:</u>	<u>7,000,000</u>
<u>(6) Montpelier, 120 State Street, elevator replacement:</u>	<u>25,000</u>
<u>(7) Montpelier, 120 State Street, window replacement:</u>	<u>450,000</u>
<u>(8) Springfield state office building, supplement:</u>	<u>500,000</u>
<u>(9) St. Albans, 20 Houghton Street, roof repairs:</u>	<u>300,000</u>
	<u>250,000</u>

(10) St. Albans, 20 Houghton Street, heating, ventilation, and air conditioning (HVAC) improvements: 450,000

(11) St. Albans, correctional facility sewer upgrade: 600,000

(12) State Archives, relocation to Middlesex, design, and construction:
1,500,000

Total appropriation – Section 1 \$11,800,000

Sec. 2. TAXES

The sum of \$100,000 is appropriated to the department of taxes for an ongoing project to update statewide quadrangle maps through digital orthophotographic quadrangle mapping.

Total appropriation – Section 2 \$100,000

Sec. 3. HEALTH AND PUBLIC SAFETY LABORATORIES/BUILDING #617 IN ESSEX

The sum of \$5,000,000 is appropriated to the department of buildings and general services for construction and renovation of Building #617 in Essex, including co-location of the department of health and department of public safety forensics laboratories.

Total appropriation - Section 3 \$5,000,000

Sec. 4. HUMAN SERVICES

The following is appropriated in total to the department of buildings and general services for the agency of human services for the projects described in this section.

(1) Vermont state hospital, ongoing security and maintenance:
100,000

(2) Vermont state hospital, to study the feasibility of converting the Dale correctional facility in Waterbury into a secure 15-bed state hospital facility, and for continued planning, design, and permitting associated with the certificate of need (CON) process for a new state hospital facility or facilities: 250,000

(3) Corrections, continuation of suicide abatement project: 124,000

(4) Corrections, major maintenance and renovations: 1,845,000

Total appropriation – Section 4 \$2,319,000

Sec. 5. JUDICIARY

The sum of \$719,676 is appropriated to the department of buildings and general services for the judiciary for security improvements, renovations, and mechanical upgrades at the Windham district and family courthouse in Brattleboro.

Total appropriation – Section 5

\$719,676

Sec. 6. BUILDING COMMUNITIES GRANTS

The following sums are appropriated for building communities grants:

(1) To the agency of commerce and community development, division for historic preservation, for the historic preservation grant program established in 24 V.S.A. § 5601:

150,000

(2) To the agency of commerce and community development, division for historic preservation, for the historic barns preservation grant program established in 24 V.S.A. § 5602. However, funds shall not be granted to projects which propose to remove historic building features, even if they were added after the original construction of the building. The division for historic preservation, with the approval of the commissioner of housing and community affairs, may use up to \$40,000 of the funds appropriated in this subdivision to conduct a statewide census of Vermont barns for the purpose of future restoration efforts:

150,000

(3) To the agency of commerce and community development, division for historic preservation, for the cultural facilities grant program established in 24 V.S.A. § 5603:

150,000

(4) To the department of buildings and general services for the recreational facilities grant program established in 24 V.S.A. § 5604:

150,000

(5) To the department of buildings and general services for the human services and educational facilities competitive grant program established in 24 V.S.A. § 5605:

150,000

(6) To the department of information and innovation for the Vermont telecommunications authority for the broadband development grant program established in Sec. 3 of No. 79 of the Acts of 2007:

100,000

Total appropriation – Section 6

\$850,000

Sec. 7. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated to the department of buildings and general services for the agency of commerce and community development for the following projects:

(1) Major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the department of buildings and general services: 200,000

(2) Continued planning and design to expand the visitors' center at the Calvin Coolidge state historic site in Plymouth Notch. These funds, and up to \$84,100 of unexpended funds from previous years' appropriations, may be used as matching funds for a challenge grant from the National Endowment for the Humanities: 200,000

(b) The following sums are appropriated to the agency of commerce and community development for the following projects:

(1) Protecting, preserving, moving, or reintering human remains discovered in unmarked burial sites: 25,000

(2) Underwater preserves: 25,000

(3) Placement and replacement of roadside historic site markers: 10,000

Total appropriation – Section 7 \$460,000

Sec. 8. EDUCATION

The following is appropriated in total to the department of education for the purposes described in this section:

(1) State aid for school construction projects pursuant to section 3448 of Title 16, to be expended on projects prioritized for funding by the state board of education on December 18, 2007: 9,993,250

(2) For the Walden School District, for 25 percent of the eligible costs of roof repairs at the Walden School: 6,750

Total appropriation – Section 8 \$10,000,000

Sec. 9. AUSTINE SCHOOL

The sum of \$50,000 is appropriated to the department of buildings and general services for renovation of Holton Hall at the Austine School.

Total appropriation – Section 9 \$50,000

Sec. 10. UNIVERSITY OF VERMONT

The sum of \$1,600,000 is appropriated to the University of Vermont for construction, renovation, or maintenance projects. The university shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital

appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds \$50,000.

Total appropriation – Section 10

\$1,600,000

Sec. 11. VERMONT STATE COLLEGES

The sum of \$1,600,000 is appropriated to the Vermont State Colleges for major facility maintenance. The state colleges shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds \$50,000.

Total appropriation – Section 11

\$1,600,000

Sec. 12. NATURAL RESOURCES

(a) The following is appropriated in total to the agency of natural resources for water pollution control projects:

(1) State matching funds for the pollution control and clean water state revolving fund administered in accordance with chapter 55 of Title 10 and chapter 120 of Title 24:

2,100,000

(2) Pollution control projects in Springfield and Newport City:

2,000,000

(3) Wastewater facilities project in Pownal:

1,000,000

(4) Interest on short-term borrowing associated with delayed grant funding for the Pownal project:

120,000

Total Appropriation - Section 12(a)

\$5,220,000

(b) The following is appropriated in total to the agency of natural resources for the drinking water state revolving fund:

1,900,000

(c) The following is appropriated in total to the agency of natural resources for the clean and clear program to accelerate the reduction of phosphorus discharges into Lake Champlain and other waters of the state:

(1) Ecosystem restoration and protection:

1,200,000

(2) Unregulated stormwater management:

150,000

(3) Wastewater phosphorus removal at municipal wastewater treatment plants:

550,000

Total Appropriation - Section 12(c) \$1,350,000

(d) The following sum is appropriated to the agency of natural resources for the state's year-one share of the federal match to conduct a three-year study of spring flooding in the city of Montpelier. However, the state shall not enter into any commitment to pay for construction of flood control improvements without legislative approval: 100,000

(e) The following sums are appropriated to the agency of natural resources for the department of forests, parks and recreation for the purposes described in this subsection:

(1) Rehabilitation of aging state park infrastructure: 800,000

(2) For the Green Mountain Club, Inc. for the procurement in fee simple or by easement of properties along the Long Trail: 25,000

Total Appropriation - Section 12(e) \$825,000

(f) The following sums are appropriated to the agency of natural resources for the department of fish and wildlife for projects described in this subsection:

(1) Filter building at the Bald Hill Fish Culture Station: 125,000

(2) Road resurfacing, dismantling of a degraded building, or shooting range modifications at Buck Lake and Kehoe conservation camps, or any combination of these: 50,000

(3) For the Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: 25,000

(4) For the purchase and installation of a generator at the Salisbury fish culture station: \$100,000

Total Appropriation Section 12(f) \$300,000

Total appropriation - Section 12 \$10,245,000

Sec. 13. MILITARY

The following is appropriated in total to the department of the military for the projects described in this section. If the state's share of site acquisition costs in subdivision (1) of this section exceeds \$150,000, the department of the military may use funds appropriated in subdivision (2) of this section as needed for the state's share:

(1) Site acquisition for the combined northern field maintenance shop and Morrisville armory: 150,000

(2) Design and implementation of energy conservation projects at up to ten armories: 200,000

Total appropriation – Section 13 \$350,000

Sec. 14. PUBLIC SAFETY

The sum of \$15,000 is appropriated to the department of buildings and general services for the department of public safety for removal of the pump island and underground storage tank in Waterbury.

Total appropriation – Section 14 \$15,000

Sec. 15. FIRE SERVICE TRAINING

The following sums are appropriated for fire service training:

(1) To the department of buildings and general services for the Vermont fire service training council for construction of a fire training facility at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont in Pittsford. Capital funds appropriated for construction of this project shall not exceed the sum of \$2,000,000: 2,000,000

(2) To Vermont State Colleges as the state's financial contribution to the construction of a steel burn building at the Vermont Technical College campus in Randolph. The state's appropriation is contingent upon receipt by Vermont Technical College of a \$406,000 federal appropriation earmarked for construction of the steel burn building. As a condition of the state's appropriation, Vermont Technical College shall provide use of classrooms and dormitories for firefighter training during times when they are not otherwise needed for Vermont Technical College programs or services. In the event the federal funds earmarked for this project are not received by January 1, 2009, the appropriation of this subdivision shall revert to the department of buildings and general services for future capital expenditures. It is the intent of the general assembly that the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont in Pittsford shall be the headquarters for the fire service training council, and that the building constructed pursuant to this subdivision shall be a satellite building operated by the fire service training council. The fire service training council shall enter into a memorandum of understanding with the Vermont Technical College regarding operation of the building:

Total appropriation – Section 15 240,000

\$2,240,000

Sec. 16. AGRICULTURE, FOOD AND MARKETS

The following sums are appropriated in total to the agency of agriculture, food and markets for the purposes described in this section:

(1) For the best management practice implementation cost share program, to continue to develop best management practices on Vermont farms. Farmers participating in this program are eligible for cost share funds not to exceed \$75,000 or 80 percent of a project: 1,800,000

(2) For the agricultural buffer program, to install water quality conservation buffers, and for the capital equipment assistance program established in S.290 of 2008. Up to \$250,000 of this amount shall be for the capital equipment assistance program, provided that the state's share shall not exceed \$50,000 or 50 percent of a project: 500,000

(3) For the competitive grants program for agricultural fair capital projects. No single entity shall be awarded more than ten percent of this appropriation: 180,000

Total appropriation – Section 16 \$2,480,000

Sec. 17. VERMONT PUBLIC TELEVISION

The sum of \$300,000 is appropriated to Vermont Public Television as the state match for the federally mandated conversion of Vermont Public Television's transmission sites to digital broadcasting format.

Total appropriation – Section 17 \$300,000

Sec. 18. VERMONT INTERACTIVE TELEVISION

The sum of \$214,770 is appropriated to Vermont Interactive Television for video upgrades, codec upgrades, monitor replacement, or any combination thereof, at Vermont Interactive Television sites.

Total appropriation – Section 18 \$214,770

Sec. 19. VERMONT RURAL FIRE PROTECTION

The sum of \$100,000 is appropriated to the department of public safety, division of fire safety for the Vermont rural fire protection task force to continue the dry hydrant program.

Total appropriation – Section 19 100,000

Sec. 20. VERMONT VETERANS HOME

The sum of \$1,700,000 is appropriated to the department of buildings and general services for the Vermont Veterans Home for the final phase of geothermal HVAC renovations.

Total appropriation – Section 20 \$1,700,000

Sec. 21. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$50,000 is appropriated to the Vermont Center for Crime Victim Services for Americans with Disabilities Act improvements at domestic violence shelters. The Vermont Center for Crime Victim Services shall file with the commissioner of buildings and general services an annual report, on or before December 1, 2008, which details the status of the improvements funded in whole or in part by state capital appropriations.

Total appropriation – Section 21

\$50,000

*** Financing this Act ***

Sec. 22. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

The following sums are reallocated to the department of buildings and general services to defray expenditures authorized in Sec. 1 of this act, unless otherwise specified:

(1) of the amount appropriated in Sec. 2(c) of No. 185 of the Acts of the 1995 Adj. Sess. (1996) (GOVnet for schools):

2,695.47

(2) of the amount appropriated in Sec. 8(a)(6) of No. 62 of the Acts of 1997 (information technology):

14,440.22

(3) of the amount appropriated by Sec. 2(d) of No. 62 of the Acts of 1995 (EWIMS):

11,500.50

(4) of the amount appropriated by Sec. 2(b) of No. 62 of the Acts of 1995 (satellite video recording equipment):

4,211.50

(5) of the amount appropriated by Sec. 2a(b)(1) of No. 62 of the Acts of 1995 (VALS to GOVnet conversion):

5,381.29

(6) of the amount appropriated by Sec. 5(p) of No. 121 of the Acts of the 2003 Adj. Sess. (2004) (Vermont hydroelectric):

152,675.59

(7) of the amount appropriated by Sec. 4(e) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) (illumination plan for Bennington Battle Monument):

528.99

(8) of the amount appropriated by Sec. 11(b) of No. 121 of the Acts of the 2003 Adj. Sess. (2004) (creation of Civil War monument):

1,296.61

(9) of the amount appropriated by Sec. 3(f)(2) of No. 43 of the Acts of 2005 (fit-up of a VCI building at the southern state correctional facility):

44,912.60

(10) of the amount appropriated by Sec. 4 of No. 43 of the Acts of 2005 (Rutland courthouse renovations):

39,249.25

(11) of the amount appropriated by Sec. 20 of No. 43 of the Acts of 2005 (Vermont Veterans' Memorial Cemetery expansion design): 50,000.00

(12) of the amount appropriated by Sec. 5(c) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (renovations to Bennington courthouse to enhance security and litigant services): 198,844.00

(13) of the amount appropriated by Sec. 12(d) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (public safety outpost at the Williston rest area): 3,912.00

(14) of the amount appropriated by Sec. 1(1) of No. 52 of the Acts of 2007 (design and construction of state archives at the triangle site in Montpelier) for the purpose of relocating the state archives to Middlesex pursuant to Sec. 1(12) of this act: 1,695,547.50

(15) of the amount appropriated by Sec. 16(a)(1) of No. 43 of the Acts of 2005 (historic preservation grants): 394.41

(16) of the amount appropriated by Sec. 16(a)(1) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (historic preservation grants): 23,016.00

(17) for the purpose of closing and renovating correctional facilities pursuant to Sec. 4(4) of this act:

(A) of the amount appropriated by Sec. 3(c) of No. 43 of the Acts of 2005 (corrections work camp): 78,587.41

(B) of the amount appropriated by Sec. 4(c) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (corrections work camp): 676,167.00

(C) of the amount appropriated by Sec. 4(1) of No. 52 of the Acts of 2007 (corrections work camp site acquisition): 99,367.00

(18) of the amount appropriated by Sec. 5(b)(1) of No. 121 of the Acts of 2004 (historic barn grants): 241.93

(19) of the amount appropriated by Sec. 16(a)(2) of No. 43 of the Acts of 2005 (historic barn grants): 9,728.70

(20) of the amount appropriated by Sec. 16(a)(2) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (historic barn grants): 30,748.00

Total reallocations and transfers – Section 22 3,143,445.97

Sec. 23. GENERAL OBLIGATION BONDS

(a) The state treasurer is authorized to issue general obligation bonds in the amount of \$49,050,000 for the purpose of funding the appropriations of this act. The state treasurer, with the approval of the governor, shall determine the

appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The state treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(b) It is the intent of the general assembly to authorize the state treasurer to issue general obligation bonds in the amount of \$54,650,000. However, of this amount, \$5,600,000 shall be authorized in the appropriations bill for fiscal year 2009.

Total bonding – Section 23

\$49,050,000

*** Managing this Act ***

Sec. 24. AUTHORITY TO TRANSFER FUNDS

The secretary of natural resources, with the approval of the secretary of administration, may transfer any unexpended project balances among projects authorized in Sec. 12 of this act.

Sec. 25. ACCEPTANCE OF GRANTS AND OTHER FUNDS

(a) Notwithstanding section 5 of Title 32 (acceptance of grants):

(1) The commissioner of environmental conservation, with the approval of the secretary of natural resources, may accept federal grants made available through the federal Clean Water Act and the federal Drinking Water Act in accordance with chapter 120 of Title 24. Acceptance of this grant money is hereby approved, provided all notifications are made under subsection 4760(a) of Title 24.

(2) The commissioner of corrections, with the approval of the secretary of human services, may accept federal grants made available through federal crime bill legislation.

(3) The commissioner of buildings and general services may accept grants of funds, equipment, and services from any source, including federal appropriations, for the installation, operation, implementation, or maintenance of energy conservation measures or improvements at state buildings.

(4) The commissioner of buildings and general services may accept federal grant funds in connection with the state health and forensic laboratories. These funds may be used to defray or supplement costs in Sec. 3 of this act.

(5) The commissioner of buildings and general services may accept federal grant funds from the department of public safety for the purpose of

purchasing, designing, and retrofitting a new emergency management facility and emergency operations center. No state funds shall be appropriated to this project from general obligation bonds issued for capital construction under this act or any prior capital construction act.

(b) Each receipt of a grant or gift authorized by this section shall be reported by the commissioner of the department receiving the funds to the chairs of the senate committee on institutions and the house committee on corrections and institutions and to the joint fiscal committee.

* * * Buildings and General Services * * *

Sec. 26. PROJECTS FUNDED IN PRIOR YEARS; BENNINGTON STATE OFFICE BUILDING; BUILDING #617 IN ESSEX JUNCTION

(a) The commissioner of buildings and general services is authorized to use funds appropriated under this act for capital projects requiring additional support that were funded with capital or general appropriations made in prior years.

(b) The commissioner of buildings and general services is authorized to spend up to \$250,000 from funds appropriated for the Bennington state office building in Sec. 1(14) of No. 52 of the Acts of 2007 for the purpose of developing a comprehensive proposal to meet state office building needs while supporting the downtown redevelopment initiative in the town of Bennington. In developing the proposal, the commissioner may hire one or more consultants to evaluate existing and potential state office space in Bennington, and shall consult with the Bennington downtown task force created by Sec. 4 of No. 53 of the Acts of 2007 to explore and evaluate opportunities. Any recommended proposal shall limit the state's capital appropriation for the project to up to a total of \$10 million, and the commissioner shall explore all potential funding opportunities for the proposal. On or before January 15, 2009, the commissioner of buildings and general services shall submit a report to the senate committee on institutions and the house committees on corrections and institutions on behalf of the department of buildings and general services and the Bennington downtown task force regarding a plan for Bennington state offices and for the Bennington district and family courts. The proposal may include any of the following:

(1) Selling the current state office building and land, and relocating state programs, services, and staff to another site.

(2) Redeveloping one or more state buildings. Redevelopment may include any of the following for all or portions of the building or buildings:

renovations, razing, leasing, entering into condominium agreements, entering into partnership agreements, and location of state programs, services, and staff.

(3) Purchase or lease of a building or buildings, or a portion of a building or buildings in the town of Bennington for relocation of state programs, services, and staff.

(4) Purchase of land and construction of a building in the town of Bennington, with priority consideration given to the designated downtown development district; location of state programs, services, and staff in the downtown building; and potential use of a portion of the building by nonstate workers through a lease, condominium agreement, or partnership agreement.

(c) Current construction plans and funding for the health and public safety laboratories at Building #617 in Essex referenced in Sec. 3 of this act require phased construction, which could potentially increase the overall cost of this project. It is therefore deemed to be in the state's best interest to expedite construction, and it is the intent of the general assembly to approve the exploration by the commissioner of buildings and general services of various development options that would expedite the construction process. Notwithstanding sections 161, 165, and 166 of Title 29, the commissioner of buildings and general services is authorized to explore, develop, and negotiate with the current property manager all development options available regarding the land and property commonly referred to as "Building #617" in Essex Junction. Upon obtaining approval from the secretary of administration, and the chairs and vice chairs of the senate and house committees on appropriations, the senate committee on institutions, and the house committee on corrections and institutions, the commissioner of buildings and general services may undertake any of the following:

(1) Enter into one or more development agreements that would expedite the design, development, construction, and occupancy of the proposed health and forensic laboratories.

(2) Sell the state's property or any portion thereof located at 30 and 42 Allen Martin Drive in Essex Junction. The commissioner's authority to sell includes the discretion to apply the proceeds from the sale to the state's contribution or costs related to the development plan for the health and forensic laboratories.

(3) Reallocate any unencumbered prior capital appropriations for the development and construction of the health and forensic laboratories to the state's contribution or costs related to the plan for expedited construction.

(4) Enter into operating leases or agreements, including condominium agreements, or other agreements such as lease-purchase, lease-lease back,

sell-lease back, land lease, or any combination thereof to expedite the construction of Building #617 in Essex Junction.

(d) In order to expedite the placement of the state public safety laboratories, the commissioner of buildings and general services is authorized to pursue options for location of the laboratories other than the Building #617 location. Upon obtaining approval from the secretary of administration, and the chairs and vice chairs of the senate and house committees on appropriations, the senate committee on institutions, and the house committee on corrections and institutions, the commissioner may:

(1) Enter into one or more development agreements that would expedite the design, development, construction, and occupancy of the state public safety laboratories.

(2) Sell all or a portion of Building #617 and associated land pursuant to 29 V.S.A. § 166.

(3) Reallocate any unencumbered prior capital appropriations for the development and construction of the health and forensic laboratories to the state's contribution or costs related to the plan for expedited placement.

(4) Enter into operating leases or agreements, including condominium agreements, or other agreements such as lease-purchase, lease-lease back, sell-lease back, land lease, or any combination thereof to expedite the placement of the laboratories.

(e) The commissioner of buildings and general services is authorized to spend any funds remaining from \$50,000 appropriated in Sec. 13(b) of No. 52 of the Acts of 2007 for the purpose of negotiating a purchase price and purchasing an option to buy land in Westminster for a new public safety field station to serve southeastern Vermont. Any option shall be purchased pursuant to 29 V.S.A. § 152(a)(3)(B). The commissioner may also use these funds to begin the process of obtaining the necessary permits to build the field station.

Sec. 27. PROPERTY TRANSACTIONS; MISCELLANEOUS

(a) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and general services, with the approval of the secretary of administration, is authorized to sell or lease 900 square feet of state-owned land at the Newport state office building in the town of Newport. After payment of any costs and fees associated with the transaction, proceeds from a sale shall be deposited into a capital fund pursuant to 29 V.S.A. § 166(d), and proceeds from a lease shall be deposited into a property management fund pursuant to 29 V.S.A. § 160.

(b) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and general services, with the approval of the secretary of administration, is authorized to subdivide and sell, at fair market value based on an appraisal paid for by the prospective purchaser, a section of state-owned property located on Railroad Row in the town of Hartford. After payment of any costs and fees associated with the sale, proceeds shall be deposited into a capital fund pursuant to 29 V.S.A. § 166(d).

(c) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and general services is authorized to subdivide and sell, as described in this subsection, the real property commonly referred to as the "Former Tree Farm Property" and associated buildings located in the town and village of Essex. The property is located on the east side of Old Colchester road, the northerly part of the property being located in the town of Essex and the southerly part of the property being located in the village of Essex Junction. Proceeds from the sale or sales, net of all related development, permitting, relocation, and sale costs, shall be deposited into a capital fund pursuant to 29 V.S.A. § 166(d). The commissioner may:

(1) Negotiate and enter into a sales agreement with the town of Essex, the village of Essex Junction, the Tree Farm Management Group, Inc., or any combination thereof for the sale of the parcel currently subject to a lease agreement between the state of Vermont, the town of Essex, and the village of Essex Junction; provided that the terms of the sale include a covenant restricting use of the land to educational, agricultural, and recreational uses and prohibiting development for housing, commercial, or industrial use.

(2) Sell the wooded portion of the land on the eastern side, provided that the terms of the sale include a covenant restricting use of the land to educational, agricultural, and recreational uses and prohibiting development for housing, commercial, or industrial use.

(3) Sell the small parcel in the western corner which contains the barn at fair market value. However, the commissioner shall first give the town of Essex a right of first refusal on this portion of the land.

(d) Pursuant to 29 V.S.A. § 166, the commissioner of buildings and general services, with the approval of the secretary of administration, shall sell, lease, subdivide, convert into condominiums, or any combination thereof, the Thayer School building located at 1193 North Avenue in Burlington; provided, however, that any transaction includes the stipulation that the department of motor vehicles must remain at the site. After payment of any costs and fees associated with the transaction, proceeds from a sale shall be deposited into a

capital fund pursuant to 29 V.S.A. § 166(d), and proceeds from a lease shall be deposited into a property management fund pursuant to 29 V.S.A. § 160.

(e) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and general services may sell or lease land, mineral rights, or both, as follows:

(1) the land and mineral rights are those located at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Council in Pittsford that adjoin land currently operated by Casella Property Management for purposes of gravel excavation and sale;

(2) the transaction is limited to no more than three acres of land or mineral rights;

(3) the term of a lease is limited to no more than 10 years;

(4) the sale or lease price shall be based upon the fair market value of the source mineral rights; and

(5) after payment of any costs and fees associated with the transaction, proceeds from a sale shall be deposited into a capital fund pursuant to 29 V.S.A. § 166(d), and proceeds from a lease shall be deposited into a property management fund pursuant to 29 V.S.A. § 160.

(f) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and general services, with approval of the secretary of administration, is authorized to sell the building and associated land in Middlesex known as Playcare to North American Playcare, Inc. at fair market value. If the commissioner is unable to negotiate a sale agreement with North American Playcare, Inc., he or she may sell the building and associated land, following the procedures in 29 V.S.A. § 166(b).

Sec. 28. LOCATION OF STATE OFFICES

(a) Sec. 2(a)(5) of No. 61 of the Acts of 2001 and Sec. 28 of No. 149 of the Acts of the 2001 Adj. Sess. (2002), relating to occupancy of 133 State Street in Montpelier by the secretary of state, are repealed.

(b) 18 V.S.A. § 3(b), relating to the location in Chittenden County of the executive and administrative offices of the department of health, is repealed.

Sec. 29. 3 V.S.A. § 260(b) is amended to read:

(b) The principal office of each administrative department shall be located at such location as the secretary of the agency of administration determines with the approval of the governor, except that the principal office of ~~the health department shall be in Burlington,~~ and the military department shall be at Camp Johnson.

Sec. 30. 29 V.S.A. § 152(a)(31) and (32) are added to read:

(31) Receive payments from vendors through the real-time demand response program (DRP). The commissioner may contract with third-party brokers or directly with Independent System Operators to generate or to reduce electrical demand or both for state-owned facilities in return for payments to the state which shall be retained by the facilities operations revolving fund established in section 160a of this title.

(32) Accept funds and other contributions for state house renovations and restorations; educational, interpretive, and curatorial projects pertaining to the state house; and acquisition of historic furnishings, fixtures, and works of art for projects that pertain to the state house.

Sec. 31. 32 V.S.A. § 701a(c) is added to read:

(c) The sums appropriated and spending authority authorized by a capital construction act shall be continuing and shall not revert at the end of the fiscal year.

Sec. 32. EVIDENCE ROOM; STUDY

The commissioner of buildings and general services shall consult with the chair of the preservation of evidence committee created by Sec. 2 of No. 60 of the Acts of 2007 to determine options for construction of an evidence room for retention of evidence collected in criminal cases. The commissioner shall recommend a place for location of an evidence room to the senate committee on institutions and the house committee on corrections and institutions on or before January 15, 2009.

* * * Health and Public Safety Laboratory * * *

Sec. 33. PATRICIA SCOVILLE DNA LABORATORY

The DNA laboratory in the state forensics laboratory shall be named in honor of Patricia Scoville in its present location and in any subsequent location.

* * * Judiciary * * *

Sec. 34. INVENTORY OF COUNTY COURTHOUSES

(a) It is the intent of the general assembly to establish a consistent formula for use of a county courthouse by the supreme court, district court, family court, and judicial bureau. In keeping with this intent, the commissioner of buildings and general services and the court administrator shall conduct an inventory of all county courthouses in the state and report to the senate

committee on institutions and the house committees on corrections and institutions on or before January 15, 2009 on the following:

- (1) ownership of each county courthouse;
- (2) the number of state courts occupying space in county courthouses and county courts occupying space in state courthouses;
- (3) existing financial and other agreements between the court administrator and the assistant judges for use of a county courthouse by a state court or use of a state courthouse by a county court; and
- (4) a recommendation for a fee-for-space formula for use of a county courthouse by a state court or use of a state courthouse by a county court.

(b) It is the intent of the general assembly to continue with the use and operation of each existing county courthouse currently in use.

* * * Building Communities Grants * * *

Sec. 35. REPEAL

The following are repealed:

- (1) Sec. 35 of No. 43 of the Acts of 2005, relating to a broadband development competitive grant program.
- (2) Sec. 34 of No. 43 of the Acts of 2005, relating to a recreational and educational facilities grant program.
- (3) Sec. 36 of No. 43 of the Acts of 2005, relating to a human services competitive grant program.

Sec. 36. 24 V.S.A. chapter 137 is added to read:

CHAPTER 137: BUILDING COMMUNITIES GRANTS

§ 5601. HISTORIC PRESERVATION GRANT PROGRAM

There is established an historic preservation grant program which shall be administered by the division for historic preservation in the agency of commerce and community development. Grants shall be made available to municipalities and nonprofit tax-exempt organizations on a one-for-one matching basis for restoring buildings and structures.

§ 5602. HISTORIC BARN PRESERVATION GRANT PROGRAM

There is established an historic barns preservation grant program which shall be administered by the division for historic preservation in the agency of commerce and community development. Grants shall be made available to

municipalities and nonprofit tax-exempt organizations on a one-for-one matching basis for restoring historic barns.

§ 5603. CULTURAL FACILITIES GRANT PROGRAM

(a) There is established a cultural facilities competitive grant program to be administered by the Vermont arts council and made available on a one-for-one matching basis with funds raised from nonstate sources. No grant shall be available for a project receiving funding from any other grant established in this chapter. No portion of a grant shall be used to pay salaries.

(b) Grants shall be awarded on a competitive basis. Before it notifies an applicant that the applicant will be awarded a grant, the Vermont arts council shall provide notice of the award and the time and location of any award presentation to the chairs of the senate committee on institutions and the house committee on corrections and institutions and to those members of the general assembly who represent the area in which a successful applicant resides. In recommending grant awards, a review panel shall give priority consideration to applicants who demonstrate greater financial need or are in underserved areas of the state.

(c) The Vermont arts council shall administer the cultural facilities grant program for ease of use by grant applicants. To accomplish this, the Vermont arts council shall:

(1) work in conjunction with the other grant programs included in this chapter to accommodate the needs of grant applicants;

(2) ensure that the cultural facilities grant application deadlines are consistent with other grant programs included in this chapter;

(3) provide an application form and process with clear instructions and examples to help applicants complete the form and which include an opportunity for a community to demonstrate its ability to generate required matching funds from local fundraising or other efforts;

(4) establish a selection process which ensures equitable selection of grant recipients; and

(5) ensure accountability by grant recipients.

§ 5604. RECREATIONAL FACILITIES GRANT PROGRAM

(a) Creation of program. There is created a recreational facilities grant program to be the successor to and a continuation of the recreational and educational facilities grant program established in Sec. 34 of No. 43 of the Acts of 2005 to provide competitive grants to municipalities as defined in chapter 117 of Title 24 and to nonprofit organizations for capital costs

associated with the development and creation of community recreational opportunities in Vermont communities. The program is authorized to award matching grants of up to \$25,000.00 per project, provided that grant funds shall be awarded only when evidence is presented by a successful applicant that three dollars have been raised from nonstate sources for every one dollar awarded under this program.

(b) Creation of committee. There is established a recreational facilities grant advisory committee to include the commissioners of forests, parks and recreation and of buildings and general services or the commissioners' designees; a representative of the Vermont Recreation and Parks Association; two members of the Vermont general assembly, one appointed by the speaker of the house of representatives and one appointed by the senate committee on committees; a representative of the Vermont Trails and Greenways Council; and one citizen member to be appointed by the governor. The members of the committee shall select a chair. The citizen member shall serve for a term of two years or until his or her successor is appointed.

(c) Process. The recreational facilities grant advisory committee shall coordinate and administer the recreational facilities grant program for ease of use by applicants. To accomplish this, the committee shall:

(1) develop an application form and process with clear instructions and examples to help applicants complete the form and which include an opportunity for a community to demonstrate its ability to generate required matching funds from local fundraising or other efforts;

(2) establish a selection process which ensures equitable selection of grant recipients; and

(3) ensure accountability by grant recipients.

(d) Before it notifies an applicant that the applicant will be awarded a grant, the recreational facilities grant advisory committee shall provide notice of the award and the time and location of any award presentation to the chairs of the senate committee on institutions and the house committee on corrections and institutions and to those members of the general assembly who represent the area in which a successful applicant resides.

(e) The department of buildings and general services shall provide administrative support to the program.

§ 5605. HUMAN SERVICES AND EDUCATIONAL FACILITIES COMPETITIVE GRANT PROGRAM

(a) Creation of program. There is created a human services and educational facilities grant program to be the successor to and a continuation of the human services competitive grant program established in Sec. 36 of No. 43 of the Acts of 2005 to provide competitive grants to municipalities as defined in chapter 117 of Title 24 and to nonprofit organizations for capital costs associated with the major maintenance, renovation, or development of facilities for the delivery of human services and health care or for the development of educational opportunities in Vermont communities. The program is authorized to award matching grants of up to \$25,000.00 per project, provided that grant funds shall be awarded only when evidence is presented by a successful applicant that at least three dollars have been raised from nonstate sources for every dollar awarded under this program.

(b) Creation of committee. There is established a human services and educational facilities grant advisory committee to include the secretary of human services or the secretary's designee; the commissioner of buildings and general services or the commissioner's designee; two members of the Vermont general assembly, one appointed by the speaker of the house of representatives and one appointed by the senate committee on committees; and three representatives of broad-based community organizations, such as the United Way of Vermont, who shall be selected and appointed by the governor. The members of the committee shall select a chair. The members appointed by the governor shall serve for terms of two years or until their successors are appointed.

(c) Process. The human services and educational facilities grant advisory committee shall coordinate and administer the human services and educational facilities grant program for ease of use by applicants. To accomplish this, the committee shall:

(1) develop an application form and process with clear instructions and examples to help applicants complete the form and which include an opportunity for a community to demonstrate its ability to generate required matching funds from local fundraising or other efforts;

(2) establish a selection process which ensures equitable selection of grant recipients; and

(3) ensure accountability by grant recipients.

(d) Before it notifies an applicant that the applicant will be awarded a grant, the human services and educational facilities grant advisory committee shall provide notice of the award and the time and location of any award presentation to the chairs of the senate committee on institutions and the house

committee on corrections and institutions and to those members of the general assembly who represent the area in which a successful applicant resides.

(e) The department of buildings and general services shall provide administrative support to the program.

* * * Education * * *

Sec. 37. 16 V.S.A. § 3448(a)(5)(B) is amended to read:

(5) Final approval for construction aid.

(B) The state board may approve a final application for a project provided that:

* * *

(v) the project has otherwise met the requirements of sections 3447–3456 of this title; ~~and~~

(vi) if the proposed project includes a playground, the project includes a requirement that the design and construction of playground equipment follow the guidelines set forth in the United States Consumer Product Safety Commission Handbook for Public Playground Safety; and

(vii) if the total estimated cost of the proposed project is less than \$50,000.00, no performance bond or irrevocable letter of credit shall be required.

Sec. 38. CONTINUATION OF SUSPENSION OF STATE AID FOR SCHOOL CONSTRUCTION

In Sec. 36 of No. 52 of the Acts of 2007, the general assembly suspended state aid for school construction in order to provide time to enable the commissioner of education and the commissioner of finance and management to make recommendations for a sustainable plan for state aid to school construction. In the absence of a viable plan for funding school construction, the general assembly hereby extends the period of suspension until a plan is developed and adopted.

* * * University of Vermont * * *

Sec. 39. 16 V.S.A. § 2363 is added to read:

§ 2363. RESERVE FUNDS

(a) The University of Vermont and State Agricultural College may create and establish one or more special funds, herein referred to as "debt service reserve funds," and shall pay into each such debt service reserve fund:

(1) any moneys appropriated and made available by the state for the purpose of such fund;

(2) any proceeds of the sale of notes or bonds, to the extent provided in the resolution or resolutions of the University of Vermont and State Agricultural College authorizing the issuance thereof; and

(3) any other moneys that may be made available to the University of Vermont and State Agricultural College for the purpose of such fund from any other source or sources.

(b) All moneys held in any debt service reserve fund, except as hereinafter provided, shall be used, as required, solely for the payment of the principal or purchase or redemption price of or interest or redemption premium on bonds or notes secured in whole or in part by such fund or of sinking fund payments with respect to such bonds or notes; provided, however, that moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the debt service reserve requirement established by resolution of the University of Vermont and State Agricultural College for such fund as hereafter provided except for the purpose of making payments, when due, of principal, interest, redemption premiums, and sinking fund payments with respect to bonds and notes secured in whole or in part by such fund for the payment of which other moneys of the University of Vermont and State Agricultural College are not available. Any income or interest earned by any debt service reserve fund may be transferred to other funds or accounts of the University of Vermont and State Agricultural College to the extent that it does not reduce the amount of such fund below the requirement for such fund.

(c) The University of Vermont and State Agricultural College shall not at any time issue bonds or notes secured in whole or in part by a debt service reserve fund if upon the issuance of such bonds or notes the amount in such debt service reserve fund will be less than the debt service reserve requirement established by resolution of the University of Vermont and State Agricultural College for such fund, unless the University of Vermont and State Agricultural College at the time of issuance of such bonds or notes shall deposit in such fund from the proceeds of the bonds or notes so to be issued, or from other sources, an amount that, together with the amount then in such fund, will not be less than the debt service reserve requirement established for such fund. The debt service reserve requirement for any debt service reserve fund shall be established by resolution of the University of Vermont and State Agricultural College prior to the issuance of any bonds or notes secured in whole or in part by such fund and shall not be required to exceed "maximum debt service," which shall mean, as of any particular date of computation, an amount equal to

the greatest of the respective amounts, for the then current or any future fiscal year of the University of Vermont and State Agricultural College, of annual debt service on the bonds and notes of the University of Vermont and State Agricultural College secured or to be secured in whole or in part by such debt service reserve fund.

(d) In the computation of the amount of the debt service reserve funds for the purpose of this section, securities in which any of such funds shall be invested shall be valued at par if purchased at par or at amortized value, as such term is defined by resolution of the University of Vermont and State Agricultural College, if purchased at other than par.

(e) In order to assure the maintenance of the debt service reserve requirement in each debt service reserve fund established by the University of Vermont and State Agricultural College, there may be appropriated annually and paid to the University of Vermont and State Agricultural College for deposit in each such fund such sum as shall be certified by the chair of the board of trustees of the University of Vermont and State Agricultural College to the governor, the president of the senate, and the speaker of the house as is necessary to restore each such debt service reserve fund to an amount equal to the debt service reserve requirement for such fund. The chair shall annually, on or about February 1, make and deliver to the governor, the president of the senate, and the speaker of the house his or her certificate stating the sum required to restore each such debt service reserve fund to the amount aforesaid, and the sum so certified may be appropriated, and if appropriated, shall be paid to the University of Vermont and State Agricultural College during the then current state fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which state funds may be appropriated pursuant to this subsection shall not exceed \$66,000,000.00, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the University of Vermont and State Agricultural College in contravention of the Constitution of the United States of America.

(f) The proceeds of any bonds or notes secured by a debt service reserve fund to which state funds may be appropriated pursuant to this section shall be applied solely to costs of reconstruction, rehabilitation, or improvement of existing facilities or property of the University of Vermont and State Agricultural College.

* * * Vermont State Colleges * * *

Sec. 40. 16 V.S.A. § 2186 is added to read:

§ 2186. RESERVE FUNDS

(a) The Vermont State Colleges may create and establish one or more special funds, herein referred to as "debt service reserve funds," and shall pay into each such debt service reserve fund:

(1) any moneys appropriated and made available by the state for the purpose of such fund;

(2) any proceeds of the sale of notes or bonds, to the extent provided in the resolution or resolutions of the Vermont State Colleges authorizing the issuance thereof; and

(3) any other moneys that may be made available to the Vermont State Colleges for the purpose of such fund from any other source or sources.

(b) All moneys held in any debt service reserve fund, except as hereinafter provided, shall be used, as required, solely for the payment of the principal or purchase or redemption price of or interest or redemption premium on bonds or notes secured in whole or in part by such fund or of sinking fund payments with respect to such bonds or notes; provided, however, that moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the debt service reserve requirement established by resolution of the Vermont State Colleges for such fund as hereafter provided except for the purpose of making payments, when due, of principal, interest, redemption premiums, and sinking fund payments with respect to bonds and notes secured in whole or in part by such fund for the payment of which other moneys of the Vermont State Colleges are not available. Any income or interest earned by any debt service reserve fund may be transferred to other funds or accounts of the Vermont State Colleges to the extent that it does not reduce the amount of such fund below the requirement for such fund.

(c) The Vermont State Colleges shall not at any time issue bonds or notes secured in whole or in part by a debt service reserve fund if upon the issuance of such bonds or notes the amount in such debt service reserve fund will be less than the debt service reserve requirement established by resolution of the Vermont State Colleges for such fund, unless the Vermont State Colleges at the time of issuance of such bonds or notes shall deposit in such fund from the proceeds of the bonds or notes so to be issued, or from other sources, an amount that, together with the amount then in such fund, will not be less than the debt service reserve requirement established for such fund. The debt service reserve requirement for any debt service reserve fund shall be established by resolution of the Vermont State Colleges prior to the issuance of any bonds or notes secured in whole or in part by such fund and shall not be required to exceed "maximum debt service," which shall mean, as of any

particular date of computation, an amount equal to the greatest of the respective amounts, for the then current or any future fiscal year of the Vermont State Colleges, of annual debt service on the bonds and notes of the Vermont State Colleges secured or to be secured in whole or in part by such debt service reserve fund.

(d) In the computation of the amount of the debt service reserve funds for the purpose of this section, securities in which any of such funds shall be invested shall be valued at par if purchased at par or at amortized value, as such term is defined by resolution of the Vermont State Colleges, if purchased at other than par.

(e) In order to assure the maintenance of the debt service reserve requirement in each debt service reserve fund established by the Vermont State Colleges, there may be appropriated annually and paid to the Vermont State Colleges for deposit in each such fund such sum as shall be certified by the chair of the board of trustees of the Vermont State Colleges to the governor, the president of the senate, and the speaker of the house as is necessary to restore each such debt service reserve fund to an amount equal to the debt service reserve requirement for such fund. The chair shall annually, on or about February 1, make and deliver to the governor, the president of the senate, and the speaker of the house his or her certificate stating the sum required to restore each such debt service reserve fund to the amount aforesaid, and the sum so certified may be appropriated, and if appropriated, shall be paid to the Vermont State Colleges during the then current state fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which state funds may be appropriated pursuant to this subsection shall not exceed \$34,000,000.00 provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the Vermont State Colleges in contravention of the Constitution of the United States of America.

(f) The proceeds of any bonds or notes secured by a debt service reserve fund to which state funds may be appropriated pursuant to this section shall be applied solely to costs of reconstruction, rehabilitation, or improvement of existing facilities or property of the Vermont State Colleges.

* * * Natural Resources * * *

Sec. 41. FEDERAL ENVIRONMENTAL QUALITY INCENTIVES PROGRAM; MATCHING FUNDS; REALLOCATION

(a) Currently more than \$20,000,000 in Federal Environmental Quality Incentives Program (EQIP) pollution reduction funds are available to Vermont farmers to reduce manure runoff into rivers and streams. This funding is

available if the state can provide \$750,000 in state assistance for this purpose. Therefore, the following funds shall be used to provide the state share:

(1) \$125,000 from funds for stream stabilization grants appropriated under Sec. 11(c)(2) of No. 52 of the Acts of 2007.

(2) \$75,000 from funds for best management practices appropriated under Sec. 15(a) of No. 52 of the Acts of 2007.

(3) \$220,000 from funds for ecosystem restoration and protection appropriated under Sec. 12(c)(1) of this act.

(4) \$250,000 from funds for best management practices appropriated under Sec. 16(1) of this act.

(b) It is the intent of the general assembly to appropriate the remaining \$100,000 of required state matching funds in the appropriations act of 2008 for fiscal year 2009.

Sec. 42. SHADOW LAKE FISH AND WILDLIFE ACCESS AREA; RIGHT OF WAY

The commissioner of fish and wildlife is authorized to negotiate an agreement with Junnie and Nellie Peck, who own land adjacent to the Shadow Lake Fishing Access. The agreement may provide, for a consideration of \$1.00, an easement across the land owned by the fish and wildlife department to enable the landowners to access their residence.

* * * Military * * *

Sec. 43. 20 V.S.A. § 542 is amended to read:

§ 542. ACQUISITION, MAINTENANCE AND DISPOSAL OF PROPERTY FOR THE NATIONAL GUARD USE

In the name of the state, the board shall be responsible for the real estate and personal property of the national guard. The board may acquire or purchase, and maintain and dispose of by sale or otherwise real estate and personal property. Upon determination by the board that real estate is to be disposed of, the disposal shall be at fair market value, and proceeds shall be allocated to future capital appropriations.

* * * Effective Date * * *

Sec. 44. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Johnson of South Hero, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the

committee on Corrections and Institutions and when further amended as follows:

First: In Sec. 12 (c)(1) by striking "1,200,000" and inserting in lieu thereof "1,120,000", and the end of subsection (c) by adding two new subdivisions to read:

(4) For the Farmers Watershed Alliance, to reduce phosphorus loads to Lake Champlain:
30,000

(5) For the Natural Resource Conservation Districts, to reduce phosphorus loads to the waters of the state: 50,000

Second: In Sec. 26(c) in the last sentence before subdivision (1) by striking the words before the colon, and inserting in lieu thereof:

"After consultation with the chairs and vice-chairs of the senate and house committees on institutions, and upon approval from the secretary of administration and the joint fiscal committee, the commissioner of buildings and general services may undertake any of the following"

Third: In Sec. 27(d), in the first sentence, following the words "secretary of administration" by inserting "and the joint fiscal committee"

Fourth: In Sec. 36, 24 V.S.A. §5604(a), at the end of the subdivision by adding a sentence to read:

"No grant shall be available for a project receiving funding from any other grant program established in this chapter."

Fifth: In Sec. 36, 24 V.S.A. §5604(c)(2), by striking "and", and at the end of subdivision (3) before the period by inserting "; and (4) ensure that the grant application deadlines are consistent with other grant programs included in this chapter"

Sixth: In Sec. 36, 24 V.S.A. §5605(a), at the end of the subdivision by adding a sentence to read:

"No grant shall be available for a project receiving funding from any other grant program established in this chapter."

Seventh: In Sec. 36, 24 V.S.A. §5605(c)(2), by striking "and", and at the end of subdivision (3) before the period by inserting "; and (4) ensure that the grant application deadlines are consistent with other grant programs included in this chapter"

Eighth: In Sec. 41(3), by striking "\$220,000" and inserting in lieu thereof "\$200,000"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Corrections and Institutions and Appropriations were agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Johnson of South Hero** moved to amend the House proposal of amendment as follows:

In Sec. 26(d), in the second sentence, by striking the words before the colon, and inserting in lieu thereof:

"After consultation with the chairs and vice-chairs of the senate and house committees on institutions, and upon approval from the secretary of administration and the joint fiscal committee, the commissioner of buildings and general services may undertake any of the following"

Which was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Minter of Waterbury** moved to amend the House proposal of amendment as follows:

By inserting a Sec. 42a to read:

Sec. 42a. MUNICIPAL WASTEWATER TREATMENT PLANTS;
CONSULTATION

On or before October 1, 2008, the secretary of natural resources shall meet with representatives of any municipality that wishes to evaluate treatment options for the upgrade of its wastewater treatment plant. As part of the evaluation, the agency of natural resources shall consider alternative options for upgrade of the existing wastewater treatment plant, including tertiary filter options. The evaluation of alternative options shall include an analysis of the environmental and operational issues and full, life-cycle costs of proposed improvements to the waste water treatment plant for the purpose of phosphorous removal. On or before January 15, 2009, the secretary of natural resources shall report to the house and senate committees on natural resources and energy and the house committee on corrections and institutions and the senate committee in institutions with a summary of the consultations required by this section and a summary of the proposed treatment options for the evaluated wastewater treatment plants.

Which was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Helm of Castleton** moved to amend the House proposal of amendment as follows:

In Sec. 15 by striking the section in its entirety and inserting in lieu thereof a new Sec. 15 to read:

Sec. 15. FIRE SERVICE TRAINING

The sum of \$2,240,000 is appropriated to the department of buildings and general services for the Vermont fire service training council for construction of a fire training facility at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont in Pittsford.

Total appropriation – Section 15

\$2,240,000

Pending the question, Shall the House proposal of amendment be amended as recommended by Rep. Helm of Castleton?

Recess

At three o'clock and forty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and twenty-five minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

S. 365

Consideration resumed on Senate bill, entitled

An act relating to capital construction and state bonding;

Pending the recurring question, Shall the House proposal of amendment be amended as recommended by Rep. Helm of Castleton? **Rep. Komline of Dorset** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be amended as recommended by Rep. Helm of Castleton? was decided in the negative. Yeas, 36. Nays, 99.

Those who voted in the affirmative are:

Acinapura of Brandon
Allard of St. Albans Town
Andrews of Rutland City
Audette of S. Burlington
Baker of West Rutland
Botzow of Pownal
Branagan of Georgia
Canfield of Fair Haven
Clark of Vergennes
Corcoran of Bennington
Courcelle of Rutland City

Crawford of Burke
Devereux of Mount Holly
Donaghy of Poultney
Errecart of Shelburne
Flory of Pittsford
Helm of Castleton
Howard of Rutland City
Keenan of St. Albans City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington

Lawrence of Lyndon
Livingston of Manchester
Malcolm of Pawlet
McCormack of Rutland City
McNeil of Rutland Town
Miller of Shaftsbury
Moran of Wardsboro
Morley of Barton
Morrissey of Bennington
O'Donnell of Vernon
Oxholm of Vergennes

Peaslee of Guildhall

Potter of Clarendon

Winters of Williamstown

Those who voted in the negative are:

Adams of Hartland
 Ainsworth of Royalton
 Ancel of Calais
 Anderson of Montpelier
 Atkins of Winooski
 Barnard of Richmond
 Bissonnette of Winooski
 Bray of New Haven
 Brennan of Colchester
 Browning of Arlington
 Chen of Mendon
 Cheney of Norwich
 Clarkson of Woodstock
 Clerkin of Hartford
 Condon of Colchester
 Consejo of Sheldon
 Copeland-Hanzas of
 Bradford
 Davis of Washington
 Deen of Westminster
 Donahue of Northfield
 Donovan of Burlington
 Dostis of Waterbury
 Edwards of Brattleboro
 Emmons of Springfield
 Evans of Essex
 Fisher of Lincoln
 Fitzgerald of St. Albans City
 Frank of Underhill
 French of Randolph
 Gervais of Enosburg
 Gilbert of Fairfax
 Godin of Milton
 Haas of Rochester

Head of S. Burlington
 Heath of Westford
 Hosford of Waitsfield
 Hutchinson of Randolph
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Johnson of Canaan
 Kilmartin of Newport City
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Kupersmith of S. Burlington
 Larocque of Barnet
 Larson of Burlington
 LaVoie of Swanton
 Lenes of Shelburne
 Leriche of Hardwick
 Lewis of Derby
 Lippert of Hinesburg
 Lorber of Burlington
 Maier of Middlebury
 Manwaring of Wilmington
 Marcotte of Coventry
 Marek of Newfane
 Martin, C. of Springfield
 Martin of Wolcott
 Masland of Thetford
 McAllister of Highgate
 McCullough of Williston
 McDonald of Berlin
 McFaun of Barre Town
 Milkey of Brattleboro
 Minter of Waterbury
 Mitchell of Barnard

Monti of Barre City
 Mook of Bennington
 Mrowicki of Putney
 Myers of Essex
 Nease of Johnson
 Nuovo of Middlebury
 Obuchowski of Rockingham
 Ojibway of Hartford
 Orr of Charlotte
 Partridge of Windham
 Pearson of Burlington
 Pellett of Chester
 Peltz of Woodbury
 Perry of Richford
 Peterson of Williston
 Pugh of S. Burlington
 Rodgers of Glover
 Scheuermann of Stowe
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Spengler of Colchester
 Stevens of Shoreham
 Sweaney of Windsor
 Trombley of Grand Isle
 Turner of Milton
 Valliere of Barre City
 Westman of Cambridge
 Weston of Burlington
 Wright of Burlington
 Zenie of Colchester
 Zuckerman of Burlington

Those members absent with leave of the House and not voting are:

Aswad of Burlington
 Bostic of St. Johnsbury
 Fallar of Tinmouth
 Grad of Moretown
 Grenier of St. Johnsbury

Howrigan of Fairfield
 Hube of Londonderry
 Hunt of Essex
 Keogh of Burlington
 Larrabee of Danville

Otterman of Topsham
 Pillsbury of Brattleboro
 Randall of Troy
 Wheeler of Derby

Pending the question, Shall the bill be read the third time? **Reps. Howard of Rutland City, Andrews of Rutland City, Courcelle of Rutland City and McCormack of Rutland City** moved to amend the House proposal of amendment as follows:

First: In Sec. 8, at the end of the section by adding a new subdivision (3) to read:

(3) For the Rutland City School district to pay for a school energy performance audit: 41,583

And by striking the Total appropriation line and inserting in lieu thereof

Total appropriation – Section 8 \$10,041,583

Second: In Sec. 6, by striking the section in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. BUILDING COMMUNITIES GRANTS

The following sums are appropriated for building communities grants:

(1) To the agency of commerce and community development, division for historic preservation, for the historic preservation grant program established in 24 V.S.A. § 5601: 143,000

(2) To the agency of commerce and community development, division for historic preservation, for the historic barns preservation grant program established in 24 V.S.A. § 5602. However, funds shall not be granted to projects which propose to remove historic building features, even if they were added after the original construction of the building. The division for historic preservation, with the approval of the commissioner of housing and community affairs, may use up to \$40,000 of the funds appropriated in this subdivision to conduct a statewide census of Vermont barns for the purpose of future restoration efforts: 143,000

(3) To the agency of commerce and community development, division for historic preservation, for the cultural facilities grant program established in 24 V.S.A. § 5603: 143,000

(4) To the department of buildings and general services for the recreational facilities grant program established in 24 V.S.A. § 5604: 143,000

(5) To the department of buildings and general services for the human services and educational facilities competitive grant program established in 24 V.S.A. § 5605: 143,000

(6) To the department of information and innovation for the Vermont telecommunications authority for the broadband development grant program established in Sec. 3 of No. 79 of the Acts of 2007: 93,417

Total appropriation – Section 6 \$808,417

Which was disagreed to.

Pending the question, Shall the bill be read the third time? **Rep. Flory of Pittsford** moved to amend the House proposal of amendment as follows:

In Sec. 15(2), by striking the fourth sentence in its entirety. And following the last sentence and before the colon, by inserting "In the event the federal funds earmarked for this project are not received by January 1, 2009:

(A) \$60,000 of the appropriation of this subdivision shall be appropriated to the department of public safety for the Vermont service training council to purchase Candidate Physical Ability Test equipment for use by volunteer or professional firefighters at the Robert H. Wood, Jr. Criminal Justice and fire Service Training Center in Pittsford, at the Vermont Technical College, or at any other location around the state, if feasible, and

(B) the remaining \$180,000 shall be appropriated to the department of buildings and general services for the Vermont fire service training council pursuant to subdivision (1) of this section:

Which was disagreed to and third reading of the bill was ordered.

Senate Proposal of Amendment Concurred in

H. 862

The Senate proposed to the House to amend House bill, entitled

An act relating to approval of amendments to the charter of the village of Waterbury;

In Sec. 5 by striking out the words "upon passage" and inserting in lieu thereof the words January 1, 2009

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 883

House bill, entitled

An act relating to miscellaneous amendments to Vermont's public retirement systems;

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Atkins of Winooski**, action on the bill was postponed until the next legislative day.

**Senate Proposal of Amendment to
House Proposal of Amendment Concurred in**

S. 45

The Senate has concurred in the House proposal of amendment with the following amendment thereto on Senate bill, entitled:

An act relating to the right to attend town meeting;

In Sec. 1. 21 V.S.A. §472b by adding two new subsections, to be subsections (c) and (d), to read as follows:

(c) The requirement of subsection (b) shall not apply to a student who is in state custody in a secure facility.

(d) The requirement of subsection (b) shall not create an obligation for any parent, guardian or custodian to take any affirmative action to enable the student to attend an annual town meeting.

Which proposal of amendment was considered and concurred in.

Bill Messaged to Senate Forthwith

H. 641

On motion of **Rep. Adams of Hartland**, the rules were suspended and House bill, entitled

An act relating to nursing mothers in the workplace;
was ordered messaged to the Senate forthwith.

Message from the Senate No. 56

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has considered a bill originating in the House of the following title:

H. 884. An act relating to ensuring quality in prekindergarten education programs offered by or through school districts.

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

The Senate has on its part adopted a joint resolution of the following title:

J.R.S. 65. Joint resolution relating to weekend adjournment.

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

The Senate has adopted a proposed amendment to the Vermont Constitution entitled:

Prop. 5. To amend the Vermont Constitution to allow the voter's oath or affirmation to be self-administered.

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

Adjournment

At five o'clock and forty-five minutes in the evening, on motion of **Rep. Adams of Hartland**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

FRIDAY, APRIL 18, 2008

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Speaker Gaye Symington of Jericho.

Constitutional Proposal Amendment #5 Referred to Committee

The following Constitutional amendment, Proposal #5 was introduced and referred to the committee on Government Operations.

SENATE CHAMBER PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF VERMONT

SUBJECT: ELECTIONS; VOTER'S OATH; SELF-ADMINISTRATION

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow the voter's oath or affirmation to be self-administered.

Sec. 2. Section 42 of Chapter II of the Vermont Constitution is amended to read:

§ 42. [VOTER'S QUALIFICATIONS AND OATH]

Every person of the full age of eighteen years who is a citizen of the United States, having resided in this State for the period established by the General

Assembly and who is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a voter of this state:

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person.

The oath or affirmation may be administered by a person authorized to administer the oath or affirmation or may be self-administered.

Sec. 3. EFFECTIVE DATE

This proposal of amendment shall take effect from the date of its approval by a majority vote of the voters of the state.

Bill Referred to Committee on Ways and Means

S. 311

Senate bill, entitled

An act relating to the use value appraisal program;

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Joint Resolution Placed on Calendar

J.R.H. 62

Reps. Keenan of St. Albans City, Acinapura of Brandon, Deen of Westminster, Howard of Rutland City, Hutchinson of Randolph, Johnson of South Hero, Klein of East Montpelier, Larson of Burlington, Marek of Newfane, Miller of Shaftsbury and Weston of Burlington offered a joint resolution, entitled

Joint resolution relating to commemorating the observance of 2008 Equal Pay Day;

Whereas, in 1996, the National Committee on Pay Equity established Equal Pay Day to illustrate the earnings' gap between men and women, and

Whereas, the date each year on which this observance occurs is on a Tuesday in April in order to highlight that a woman will typically not earn as much annual compensation as a man earns in one year until April of the following year, and not as much on a weekly basis until the Tuesday of the subsequent workweek, and

Whereas, the gap between women and men is even greater for lower wage earners than for persons who earn a higher salary, and

Whereas, according to the U.S. Census Bureau, when the federal Equal Pay Act was adopted in 1963, women were only earning 59 cents for every dollar a man earned, and by 2006, the amount a woman typically earned for each dollar a man earned had risen to 76.9 cents, and

Whereas, in light of the U.S. Supreme Court decision in Ledbetter v Goodyear, which required that employees must file a wage discrimination action against an employer within 180 days, the U.S. House of Representatives passed the Lilly Ledbetter Fair Pay Act on July 31, 2007, clarifying that each discriminatory paycheck is a new act of discrimination, and a parallel measure, the Fair Pay Restoration Act, has been introduced in the U.S. Senate, and

Whereas, the challenge of women's pay equity is still present in our society 45 years after the enactment of the Equal Pay Act, and it will remain a public policy issue of great importance until women and men earn the same amount of wages for equal work, and

Whereas, Equal Pay Day helps to keep this indefensible disparity in the public eye, now therefore be it

Resolved by the Senate and House of Representatives:

That the general assembly commemorates the 2008 observance of Equal Pay Day and the importance of keeping the issue of women's pay inequity in the forefront of the public policy arena, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to Vermont Business and Professional Women in Burlington.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 65

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senator Shumlin,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 18, 2008, it be to meet again no later than Tuesday, April 22, 2008.

Was taken up read and adopted in concurrence.

Bill Referred to Committee on Ways and Means**S. 357**

Senate bill, entitled

An act relating to domestic violence;

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Senate Proposal of Amendment Concurred in**H. 883**

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous amendments to Vermont's public retirement systems;

In Sec. 3, 3 V.S.A. § 495, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Upon becoming a member of the retirement system to which he or she has transferred, such person shall thereafter be eligible for such benefits or annuities as are provided by law in such retirement system, including the credits for previous service in the retirement system from which the person has transferred as provided in subsection (e) of this section. The average final compensation used to calculate the benefit payable at retirement shall be determined by using the earnable compensation which affords the highest consecutive years of earnings under either the system from which or to which he or she transferred; ~~provided, however, that if he or she retires on a retirement allowance in the system to which he or she transferred within five years after said transfer, the benefits or annuities payable with respect to the service credit in the system from which he or she transferred shall not be greater than those which would have been payable with respect to such service had he or she remained in said system.~~ Except for the determination of the average final compensation as set forth in this subsection, the benefits for a member who transferred from one retirement system to another shall be calculated as follows:

(1) a member who transfers after July 1, 2007 and before June 30, 2008 shall have the option to have the service from the first system calculated according to the provisions of either the first or the second system at the time of retirement;

(2) a member who transfers on or before June 30, 2007 or on or after July 1, 2008 shall have his or her benefits calculated according to the provisions of the system or systems under which the benefits were accrued;

(3) when benefits calculated according to the provisions of two or more retirement systems are combined under this subsection, they may exceed the maximum percentage of average final compensation established for each plan.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 629

House bill, entitled

An act relating to an evaluation of Vermont's system of caring for mentally ill offenders;

Was taken up, read the third time and passed.

Third Reading; Bills Passed in Concurrence With Proposals of Amendment

Bills of the following titles were severally taken up, read the third time and passed in concurrence with proposals of amendment.

S. 233

Senate bill, entitled

An act relating to temporary officiants for marriages and civil unions;

S. 241

Senate bill, entitled

An act relating to the special veteran and gold star registration plates;

S. 342

Senate bill, entitled

An act relating to Lake Champlain commemorative motor vehicle plates;.

Third Reading; Bills Passed in Concurrence

Bills of the following titles were severally taken up, read the third time and passed in concurrence.

S. 324

Senate bill, entitled

An act relating to beer and wine tastings;

S. 344

Senate bill, entitled

An act relating to internet and mail order sales of tobacco products.

Proposal of Amendment Agreed to; Bill Read Third Time and Passed in Concurrence With Proposals of Amendment

S. 365

Senate bill, entitled

An act relating to capital construction and state bonding;

Was taken up and pending third reading of the bill, **Rep. Donahue of Northfield** moved the House propose to the Senate to amend the bill as follows:

In Sec. 4(2) by striking the subdivision in its entirety and inserting in lieu thereof a new subdivision (2) to read:

(2) Vermont state hospital, for continued planning, design, and permitting associated with the certificate of need (CON) process for a new facility or facilities to replace the functions of the current state hospital. It is the intent of the general assembly to appropriate no more than \$5,000,000 for construction of the secure residential component of the replacement of services currently provided at the Vermont State Hospital. 250,000

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Koch of Barre Town** moved the House propose to the Senate to amend the bill as follows:

First: In Sec. 4(2) by striking the subdivision in its entirety and inserting in lieu thereof, a new subdivision (2) to read:

(2) Vermont state hospital, to study the feasibility of converting the Dale correctional facility, converting the Brooks facility, or contracting for new construction to create a secure residential facility in Waterbury, and for continued planning, design, and permitting associated with the certificate of need (CON) process for a facility or facilities to replace any of the functions of the current Vermont State hospital: 250,000

Second: Following Sec. 33, by inserting a new Sec. 33a to read:

Sec. 33a. VERMONT STATE HOSPITAL PLANNING

(a) The Department of Mental Health shall ensure that any space renovated with state funds on or near the current Vermont State Hospital grounds which will be used to accommodate or enhance treatment programs at the current

Vermont State Hospital shall be designed to meet any future needs of a secure residential program if the program is offered on or near the current Vermont State Hospital building grounds.

(b) On or before the date of filing of a CON application relating to replacement of any of the functions of the current Vermont State Hospital, the commissioner of mental health shall submit a Vermont State Hospital replacement master plan to the joint fiscal committee and mental health oversight committee.

(c) Any CON application filed with the department of Banking, Insurance, and Health Care Administration for any part of the Vermont state hospital replacement master plan, or for continued planning, design, and permitting for any component of the current functions of the state hospital, shall simultaneously be submitted to the joint fiscal committee and mental health oversight committee.

(d) The conditions stated in the CON application regarding consideration of sites, funding, and operations shall be adhered to by the department. When the department submits any planning updates as required by the CON, the documents shall be submitted to all appropriate legislative committees, with executive summaries describing the submissions provided to both joint fiscal committee and mental health oversight committees.

Which was agreed to.

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

Proposal of Amendment Agreed to; Third Reading Ordered

S. 226

Rep. Turner of Milton, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to requiring the installation of photoelectric only smoke alarms;

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, subdivision (a)(3), near the end, by striking "is" and inserting "are", in subdivision (a)(5), by striking "," and inserting ";", in subdivision (a)(6), by striking "are" and inserting "is", by adding a new subdivision, to be subdivision (a)(10), to read as follows: