

House Calendar

Friday, February 26, 2016

53rd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 278

An act relating to selection of the Adjutant and Inspector General

H. 749

An act relating to allowing a friend to file a request for relief from abuse order

Committee Bill for Second Reading

H. 851

An act relating to the conduct of forestry operations.

(Rep. Hebert of Vernon will speak for the Committee on **Natural Resources & Energy.**)

Favorable with Amendment

H. 458

An act relating to automatic voter registration through motor vehicle driver's license applications

Rep. LaClair of Barre Town, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant ~~declines to sign the voter registration portion of the application~~ checks the box on the application designating that he or she declines to use the application as a voter registration application.

(b)(1) ~~The voter registration portion of the A~~ motor vehicle driver's license or nondriver identification card application shall provide and request the following information ~~required to be provided under section 2145 of this chapter and shall be in the form approved by the Secretary of State.:~~

(A) The applicant's citizenship.

(B) The applicant's place and date of birth.

(C) The applicant's town of legal residence.

(D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(E) The voter's oath.

(F) The applicant's e-mail address, which shall be optional to provide.

(2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary of State for voter registration purposes. The office through which you submitted this application will remain confidential and will be used only for voter registration purposes."

(B) "YOU MAY DECLINE TO REGISTER. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."

(C) "In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be 18 years of age or older. Failure to decline to register is an attestation that you meet the requirements to vote."

(3) A motor vehicle driver's license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

* * *

(d)(1) The Department of Motor Vehicles shall transmit ~~voter registration~~ motor vehicle driver's license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver's license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

* * *

Sec. 2. 17 V.S.A. § 2145 is amended to read:

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

* * *

~~(2) The voter's oath and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.~~

* * *

(4) The following statements:

~~(A) "If you were provided with this form when you applied for, or renewed, a motor vehicle driver's license or were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."~~

~~(B) "If you are submitting this application in connection with a motor vehicle driver's license application, or renewal, or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."~~

~~(5) The following statement on applications provided by the Department of Motor Vehicles: "Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application for registration." [Repealed.]~~

Sec. 3. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED; APPLICATION

* * *

~~(b) A person who administers the voter's oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered. [Repealed.]~~

(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was

received. ~~If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application.~~ The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 4. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.

* * *

Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:

(4) Any new or renewal application form shall provide for and request the information required in 17 V.S.A. § 2145a.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(**Committee Vote: 11-0-0**)

H. 507

An act relating to eligibility for economic development in impaired waters of the State

Rep. Lefebvre of Newark, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SECRETARY OF ADMINISTRATION; WATER QUALITY STANDARDS CERTIFICATION FOR STATE-FUNDED GRANTS; REPORT

(a)(1) The Secretary of Administration shall amend the Standard State Provisions for Contracts and Grants, referred to as Attachment C to Administrative Bulletin 5, to require an applicant for a State-funded grant to certify, under pains and penalties of perjury, that the applicant is in good standing with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

(2) The requirement under this subsection shall allow for an attachment or include space for an applicant who cannot certify under subdivision (1) of

this subsection to explain the circumstances surrounding the applicant's inability to certify under subdivision (1).

(3) At any time prior to the award of a State-funded grant or during implementation of a State-funded grant, an applicant shall notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets.

(4) As used in this section:

(A) "Applicant" shall include all entities, including businesses in which the applicant has a greater than 10 percent interest, or land owned or controlled by the applicant.

(B) "Good standing" means the applicant:

(i) is not a named party in any administrative order, consent decree, or judicial order relating to Vermont water quality standards issued by the State or any of its agencies or departments; and

(ii) is in compliance with all federal and State water quality laws and regulations.

(b) A State agency or department may consider an applicant's certification or explanation under subsection (a) of this section in determining whether or not to award a State-funded grant to the applicant.

(c)(1) If a State-funded grant applicant knowingly provides a false certification or explanation under subsection (a) of this section or fails to notify the State agency or department administering the State-funded grant if the applicant is no longer in good standing with the Agency of Natural Resources or the Agency of Agriculture, Food and Markets as required in subdivision (a)(3) of this section, the State or its agencies or departments may:

(A) seek to recover the grant award; and

(B) deny any future grant award to the applicant, based on the false certification or explanation or failure to notify, for up to five years.

(2) In recovering a grant award under this section, the State or its agencies or departments shall be entitled to costs and expenses, including attorney's fees.

(d) This section shall not apply to federally funded grants, contracts, or tax credits or federal or State loan programs.

(e) On or before January 15, 2021, the Secretary of Administration shall submit a report to the House Committees on Fish, Wildlife and Water

Resources and on Commerce and Economic Development and the Senate Committees on Natural Resources and Energy and on Economic Development, Housing and General Affairs regarding methods to require all economic development assistance applications to include a certification that the applicant is not in violation of the requirements of programs enforced by the Agency of Natural Resources under 10 V.S.A. § 8003(a). The report shall also include information regarding any enforcement action taken by the State or its agencies or departments under subsection (c) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

(**Committee Vote: 8-1-0**)

Favorable

H. 577

An act relating to voter approval of electricity purchases by municipalities and electric cooperatives

Rep. Sullivan of Burlington, for the Committee on **Natural Resources & Energy**, recommends the bill ought to pass.

(**Committee Vote: 11-0-0**)

Action Under Rule 52

H.R. 13

House resolution urging that the State of Vermont remove the stocks of companies with coal holdings and the stock of the Exxon Mobil Corporation from its pension investment portfolios

(**For text see House Journal February 25, 2016**)

Amendment to be offered by Rep. Tate of Mendon to H.R. 13

By striking out all clauses in their entirety and inserting in lieu thereof the following:

Whereas, the State Treasurer and the Vermont Pension Investment Committee (VPIC) are legally charged with the fiduciary responsibility to invest State employees' pension funds in a prudent manner, to maximize the return on the investment, and to make every effort to not place any of the funds at undue risk, now therefore be it

Resolved by the House of Representatives:

That this legislative body supports the role of the State Treasurer and the Vermont Pension Investment Committee, as set forth in either the Constitution of the State of Vermont or the Vermont Statutes to manage the State's funds, including State employees' pension funds, and be it further

Resolved: That this legislative body encourages the State Treasurer and the Vermont Pension Investment Committee to listen to all concerned parties, weigh the plusses and minuses, perform all necessary due diligence, and invest the State's funds in a manner that results the best possible yield on the taxpayer's dollars, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the State Treasurer and VPIC.

Amendment to be offered by Rep. Komline of Dorset to H.R. 13

Rep. Komline of Dorset moves that the resolution be amended as follows:

First: At the conclusion of the 12th Whereas clause by striking the words "now therefore be it" and inserting in lieu thereof the word "and"

Second: By adding a 13th Whereas clause to read:

Whereas, as the General Assembly is seeking to direct the investment decisions of the State Treasurer and VPIC, the General Assembly also expresses its concerns that the State of Vermont has invested State funds in publicly traded companies that have abused human rights in developing countries in a manner that would be unimaginable in the United States, now therefore be it

Third: By inserting a third Resolved clause to read as follows:

Resolved: That this legislative body requests that the State Treasurer prepare and submit to the General Assembly, on or before January 15, 2017, a list of publicly traded companies that, based on credible media reports, have abused human rights in developing countries, and be it further

Fourth: That after adoption the title of the resolution be amended to read:

"House resolution urging that the State of Vermont remove the stocks of companies with coal holdings and the stock of Exxon Mobil corporation from its pension investment portfolio and requesting the State Treasurer to prepare a list of publicly traded companies in which the State has invested that, based on credible media reports have abused human rights in developing countries

NOTICE CALENDAR
Committee Bill for Second Reading

H. 854

An act relating to timber trespass.

(Rep. Forguites of Springfield will speak for the Committee on **Natural Resources & Energy.**)

H. 855

An act relating to forest fire suppression and forest fire wardens.

(Rep. Yantachka of Charlotte will speak for the Committee on **Natural Resources & Energy.**)

Favorable with Amendment

H. 130

An act relating to the Agency of Public Safety

Rep. Hubert of Milton, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. AGENCY OF PUBLIC SAFETY; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Agency of Public Safety Study Committee to recommend whether the General Assembly should enact legislation to create an Agency of Public Safety.

(b) Membership. The Committee shall be composed of the following 11 members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Public Safety or designee;

(4) the Commissioner of Fish and Wildlife or designee;

(5) the Commissioner of Motor Vehicles or designee;

(6) the Commissioner of Liquor Control or designee;

(7) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(8) the Chief of the Capitol Police Department or designee;

(9) a sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;

(10) a chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont; and

(11) one law enforcement officer appointed by the Vermont Police Association.

(c) Powers and duties. The Committee shall study the current coordination of law enforcement services in the State and whether the creation of an Agency of Public Safety would enhance that coordination. In its study, the Committee shall consider the following issues:

(1) Current law enforcement services. The current roles and duties of law enforcement officers in the State, including:

(A) how the types of crimes committed in this State have evolved, and how that evolution has affected the roles and duties of law enforcement officers;

(B) the manner in which State, county, and municipal law enforcement entities share or coordinate their services;

(C) whether the Vermont State Police's provision of general municipal and regional law enforcement services is sustainable; and

(D) whether any municipalities should be required to maintain their own police department or contract for regional policing with other municipalities or with sheriffs.

(2) Dispatch. The manner in which dispatch services are currently provided and funded and whether there should be any changes to this structure.

(3) Agency structure. If the Committee recommends that an Agency of Public Safety should be created, the Agency's structure, including:

(A) any issues with the proposed structure or operations of the Agency as set forth in this act as it was originally introduced (2015, H.130); and

(B) the entities that should be under the jurisdiction of the Agency, including whether any of the following entities should be added to the Agency:

(i) the Vermont Criminal Justice Training Council;

(ii) wardens of the Department of Fish and Wildlife;

(iii) the Capitol Police Department;

(iv) liquor control investigators; or

(v) motor vehicle inspectors.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(e) Report. On or before December 1, 2016, the Committee shall report to the House and Senate Committees on Government Operations with its findings and any recommendations for legislative action. The report may be in the form of proposed legislation.

(f) Meetings.

(1) The House and Senate members of the Committee shall call the first meeting of the Committee, to occur on or before August 1, 2016.

(2) The House and Senate members shall be co-chairs of the Committee.

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

(B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the Committee with the assent of a majority of the members attending, assuming a quorum.

(4) The Committee shall cease to exist on December 2, 2016.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than five meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 10-0-1)

H. 829

An act relating to water quality on small farms

Rep. Beyor of Highgate, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 4810a(a) is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

(a) On or before July 1, 2016, the Secretary of Agriculture, Food and Markets shall amend by rule the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:

(1) Specify those farms that:

(A) are required to comply with the small farm certification requirements under section 4871 of this title due to the potential impact of the farm or type of farm on water quality as a result of livestock managed on the farm, agricultural inputs used by the farm, or tillage practices on the farm; and

(B) shall be subject to the required agricultural practices, but shall not be required to comply with small farm certification requirements under section 4871 of this title.

(2)(A) ~~Prohibit~~ Except where approved by the Secretary, prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:

(i) in a manner and location that presents a threat of discharge to a water of the State or presents a threat of contamination to groundwater; or

(ii) on lands in a floodway or otherwise subject to annual flooding.

(B) ~~In~~ Except for waste storage facilities designed by a licensed engineer, in no case shall manure stacking or piling sites, fertilizer storage, or other nutrient storage be located within 200 feet of a private well or within 200 feet of a water of the State, provided that the Secretary may authorize siting within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or a surface water quality.

* * *

~~(7) Prohibit the construction or siting of a farm structure for the storage of manure, fertilizer, or pesticide storage within a floodway area identified on a National Flood Insurance Program Map on file with a town clerk. [Repealed.]~~

(8) Regulate, in a manner consistent with the Agency of Natural Resources' flood hazard area and river corridor rules, the construction or siting of a farm structure or the storage of manure, fertilizer, or pesticides within a river corridor designated by the Secretary of Natural Resources.

* * *

Sec. 2. 6 V.S.A. § 4871(b) is amended to read:

(b) Required small farm certification. Beginning on July 1, 2017, a person who owns or operates a small farm, as designated by the Secretary consistent with section 4810a(1) of this title, shall, on a form provided by the Secretary, certify compliance with the required agricultural practices. The Secretary of Agriculture, Food and Markets shall establish the requirements and manner of certification of compliance with the required agricultural practices, provided that the Secretary shall require an owner or operator of a farm to submit an annual certification of compliance with the required agricultural practices.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(**Committee Vote: 7-0-2**)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of February 25, 2016.

H.C.R. 237

House concurrent resolution honoring Cambridge Town Clerk, Treasurer, and Collector of Delinquent Taxes Jane Porter for her outstanding municipal public service

H.C.R. 248

House concurrent resolution honoring Wendell Coleman for his local and State public service on behalf of the citizens of Londonderry

H.C.R. 249

House concurrent resolution honoring Ralph Coleman of Jamaica for his dedicated civic leadership in the town of Jamaica and for the Leland & Gray Union Middle and High School

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House concurrent resolution honoring Chief George Lang on his outstanding 42 years of devoted service at the Champion 5 South Londonderry Fire Department

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H.C.R. 253

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House concurrent resolution honoring AJ Piper for his conscientious leadership and community-centered service on the Weybridge Selectboard

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H.C.R. 257

House concurrent resolution honoring Warren Whitcomb, in recognition of his exemplary municipal civic leadership in the town of New Haven

H.C.R. 258

House concurrent resolution honoring Earl Bessette for his community engagement and civic service in the town of New Haven

H.C.R. 259

House concurrent resolution honoring Rockingham Selectboard Chair Thomas H. MacPhee on his exemplary civic leadership

H.C.R. 260

House concurrent resolution congratulating John McClaughry on his half century of public service as Kirby Town Moderator

H.C.R. 261

House concurrent resolution designating February as Career and Technical Education Month in Vermont

S.C.R. 37

Senate concurrent resolution congratulating innkeepers Brian and Leslie Mulcahy on their outstanding record of accomplishment at the Rabbit Hill Inn in Lower Waterford

S.C.R. 38

Senate concurrent resolution honoring Sharyn Brush for her outstanding public service in the town of Bennington

For Informational Purposes

CROSS OVER DATES

The Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 11, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 18, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day

This provision shall not apply to the following measures:

- (1) The transportation capital bill;
- (2) The capital construction bill
- (3) The general appropriations bill (“The Big Bill”);
- (4) The pay bill;
- (5) The fees bill.