

Journal of the Senate

FRIDAY, MARCH 2, 2018

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 25

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 199. An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders.

H. 608. An act relating to creating an Older Vermonters Act working group.

H. 638. An act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members.

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

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

Bills Referred to Committee on Finance

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

S. 204. An act relating to the registration of short-term rentals.

S. 257. An act relating to miscellaneous changes to education law.

**Message from the Governor
Appointments Referred**

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

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

To the Committee on Transportation.

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

To the Committee on Transportation.

Billings, Jireh of Bridgewater - Member of the Capitol Complex Commission, - from March 1, 2018, to February 28, 2021.

To the Committee on Institutions.

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

To the Committee on Judiciary.

Feldman, Rachel of Middlesex - Member of the Capitol Complex Commission, - from March 1, 2018, to February 28, 2021.

To the Committee on Institutions.

Hathaway, Andrew of Waterbury - Member of the Children and Family Council for Prevention Programs, - from March 1, 2018, to February 28, 2021.

To the Committee on Health and Welfare.

Larrabee, Steven of West Danville - Member of the Natural Resources Board, - from March 1, 2018, to January 31, 2022.

To the Committee on Natural Resources and Energy.

Bills Referred

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

H. 199.

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

To the Committee on Health and Welfare.

H. 608.

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

To the Committee on Health and Welfare.

H. 638.

An act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members.

To the Committee on Judiciary.

H. 718.

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

To the Committee on Judiciary.

Bill Amended; Third Reading Ordered**S. 241.**

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

An act relating to the makeup and duties of the Emergency Medical Services Advisory Committee.

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

Sec. 1. 18 V.S.A. § 909 is amended to read:

§ 909. EMS ADVISORY COMMITTEE

(a) The Commissioner shall establish an advisory committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) The Emergency Medical Services Advisory Committee shall be chaired by the Commissioner or his or her designee and shall include the following 14 other members:

(1) ~~Four representatives of EMS districts. The representatives shall be selected by the EMS districts in four regions of the State. Those four regions shall correspond with the geographic lines used by the public safety districts pursuant to 20 V.S.A. § 5. For purposes of this subdivision, an EMS district located in more than one public safety district shall be deemed to be located in the public safety district in which it serves the greatest number of people. One representative from each EMS district in the State, each representative being appointed by the EMS Board in his or her district.~~

(2) A representative from the Vermont Ambulance Association or designee.

(3) A representative from the ~~initiative for rural emergency medical services~~ Initiative for Rural Emergency Medical Services program at the University of Vermont or designee.

(4) A representative from the Professional Firefighters of Vermont or designee.

(5) A representative from the Vermont Career Fire Chiefs Association or designee.

(6) A representative from the Vermont State Firefighters' Association or designee.

(7) ~~An emergency department director of a Vermont hospital appointed by the Vermont Association of Emergency Department Directors or designee.~~

~~(8) An emergency department nurse manager or designee~~ emergency department director of a Vermont hospital appointed by the Vermont Association of ~~Emergency Department Nurse Managers or designee~~ Hospitals and Health Systems.

~~(9) A representative from the Vermont State Firefighters' Association who serves on a first response or FAST squad.~~

~~(10) A representative from the Vermont Association of Hospitals and Health Systems or designee.~~

(8) The Commissioner or designee.

~~(11)~~(9) A local government member not affiliated with emergency medical services, firefighter services, or hospital services, appointed by the Vermont League of Cities and Towns.

(c) The Committee shall select from among its members a chair who is not an employee of the State.

~~(d) The Committee shall meet not less than quarterly in the first year and not less than twice annually each subsequent year and may be convened at any time by the Commissioner or his or her designee~~ Chair or at the request of ~~seven~~ 11 Committee members. Not more than two meetings each year shall be held in the same EMS district. One meeting each year shall be held at a Vermont EMS conference.

~~(e)~~(e) Beginning on January 1, ~~2014 and for the ensuing two years~~ 2019, the Committee shall report annually on the emergency medical services system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate

Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's ~~initial and ensuing~~ reports shall include ~~each EMS district's response times to 911 emergencies in the previous year based on information collected from the Vermont Department of Health's Division of Emergency Medical Services and recommendations~~ information on the following:

~~(1) whether Vermont EMS districts should be consolidated such as along the geographic lines used by the four public safety districts established under 20 V.S.A. § 5;~~

~~(2)~~(1) whether every Vermont municipality should be required to have in effect an emergency medical services plan providing for timely and competent emergency responses; ~~and~~

~~(3)~~(2) whether the State should establish directives addressing when an agency can respond to a nonemergency request for transportation of a patient if doing so will leave the service area unattended or unable to respond to an emergency call in a timely fashion;

(3) how the EMS system is functioning statewide and the current state of recruitment and workforce development;

(4) each EMS district's response times to 911 emergencies in the previous year, based on information collected from the Vermont Department of Health's Division of Emergency Medical Services;

(5) funding mechanisms and funding gaps for EMS personnel and providers across the State, including for the funding of infrastructure, equipment, and operations and costs associated with initial and continuing training, licensure, and credentialing of personnel;

(6) the nature and costs of dispatch services for EMS providers throughout the State and suggestions for improvement;

(7) legal, financial, or other limitations on the ability of EMS personnel with various levels of training and licensure to engage in lifesaving or health-preserving procedures;

(8) how the current system of preparing and licensing EMS personnel could be improved, including the role of Vermont Technical College's EMS program; whether the State should create an EMS academy; and how such an EMS academy should be structured;

(9) how EMS instructor training and licensing could be improved; and

(10) the impact of the State's credentialing requirements for EMS personnel on EMS providers.

Sec. 2. 2019 MEETINGS AND ORGANIZATION

Notwithstanding 18 V.S.A. § 909(d), the Emergency Medical Services Advisory Committee shall meet at least twice between July 1, 2018 and December 31, 2018. The Commissioner or designee shall call the first such meeting, at which time a chair shall be selected pursuant to 18 V.S.A. § 909(c).

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

Bill Amended; Bill Passed**S. 55.**

Senate bill entitled:

An act relating to territorial jurisdiction over regulated drug sales.

Was taken up.

Thereupon, pending third reading of the bill, Senator Bray moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, in subdivision (c)(3), after the word “fee”, by inserting , not to exceed \$20.00,

Which was disagreed to.

Thereupon, pending third reading of the bill, Senator Rodgers moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, by striking out subsection (e) and in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of his or her official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) the transfer of a firearm to a person whom the transferor:

(A) has known for at least five years; and

(B) knows is not prohibited from possessing the firearm by state or Federal law.

Which was disagreed to.

Thereupon, pending third reading of the bill, Senator Rodgers moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, by inserting new subsection (f) to read as follows

(f) For purposes of this section, a transfer of multiple firearms simultaneously as part of a single transaction shall be treated as a single transfer.

Which was disagreed to.

Thereupon, pending third reading of the bill, Senator Rodgers moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, by striking out subdivision (a)(7) in its entirety and inserting in lieu thereof a new subdivision (a)(7) to read as follows:

(7) “Transfer” means to transfer ownership of a firearm by means of sale, trade, or gift.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Rodgers moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, by striking out subdivision (d)(1) in its entirety and inserting in lieu thereof a new subdivision (d)(1) to read as follows:

(d)(1)(A) Except as provided in subdivision (1)(B) of this subsection (d), an unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(B) Subdivision (1)(A) of this subsection (d) shall not apply to a person who, after the person violates subdivision (A), provides the law enforcement officer or the State’s Attorney with proof that the person has passed a federal background check under the National Instant Criminal Background Check System.

Which was disagreed to.

Thereupon, pending third reading of the bill, Senators Ashe, Balint, Ayer, Baruth, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Lyons, McCormack, Pearson, Pollina, Sirotkin and White moved to amend the bill by adding a new Sec. 7 to read as follows:

Sec. 7. 13 V.S.A. § 4020 is added to read

§ 4020. SALE OF FIREARMS TO MINORS PROHIBITED

(a) A person shall not sell a firearm to a person under 21 years of age. A person who violates this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

(b) This section shall not apply to

(1) a law enforcement officer purchasing the firearm for purposes of his or her duties and responsibilities as a law enforcement officer; or

(2) an active member of the Vermont National Guard, of the National Guard of another state, or of the U.S. Armed Forces purchasing the firearm for purposes of his or her duties and responsibilities as a member of the armed forces.

(c) As used in this section:

(1) "Firearm" shall have the same meaning as in subsection 4017(d) of this title.

(2) "Law enforcement officer" shall have the same meaning as in subsection 4016(a) of this title.

And by renumbering the original Sec. 7, effective date, to be Sec. 8

Which was agreed to on a roll call, Yeas 21, Nays 9.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Brooks, Champion, Clarkson, Cummings, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Pearson, Pollina, Sears, Sirotkin, Westman, White.

Those Senators who voted in the negative were: *Benning, Branagan, Brock, Collamore, Flory, Nitka, Rodgers, Soucy, Starr.

*Senator Benning explained his vote as follows:

"Mr. President:

As a high school student in 1971 I marched and protested with my colleagues because we were being drafted to fight and die in Vietnam, but were denied the constitutional right to vote. Our protests resulted in the 26th amendment to the United States Constitution that enshrined for anyone age 18 and up the right to vote. Yesterday we voted to encroach on all our

constitutional rights, arguing that it was just a small inconvenience. Today this amendment takes another step, explicitly eliminating part of a constitutional right for almost 19,000 young Vermonters in response to the action here of one 19 year old, effectively treating them as second class citizens. Nationally we are looking to do the same thing in reaction to the acts of five individuals, against a national population of over 323 million. This is counter to what my generation fought for, and counter to what I feel my oath of office requires me to protect. For that reason I have voted 'no'."

Thereupon, pending third reading of the bill, Senators Sears and Flory moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, by striking out subsection (e) and in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of his or her official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Bray moved to amend the bill in Sec. 6, 13 V.S.A. § 4019, in subdivision (c)(3), after the word "fee", by inserting , not to exceed \$21.00,

Which was disagreed to on a division of the Senate, Yeas 6, Nays 24.

Thereupon, the bill was read the third time and passed, on a roll call, Yeas 17, Nays 13.

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

Roll Call

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

Those Senators who voted in the negative were: Benning, Branagan, Brock, Collamore, Flory, Kitchel, Mazza, Nitka, Rodgers, Sears, Soucy, Starr, Westman.

Bill Amended; Third Reading Ordered

S. 272.

Senator Westman, for the Committee on Transportation, to which was referred Senate bill entitled:

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

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

* * * Special Plates and Placards for Persons with Disabilities * * *

Sec. 1. 23 V.S.A. § 304a(b) is amended to read:

(b) Special registration plates or removable windshield placards, or both, shall be issued by the Vermont Commissioner of Motor Vehicles. The placard shall be issued without a fee to a person who is blind or has an ambulatory disability. One set of plates shall be issued without additional fees for a vehicle registered or leased to a person who is blind or has an ambulatory disability or to a parent or guardian of a person with a permanent disability. The Commissioner shall issue these placards or plates under rules adopted by him or her after proper application has been made to the Commissioner by any person residing within the State of Vermont. Application forms shall be available on request at the Department of Motor Vehicles.

* * *

* * * Eliminating Requirements to Return License Plates * * *

Sec. 2. 23 V.S.A. § 326 is amended to read:

§ 326. REFUND UPON LOSS OF VEHICLE

The Commissioner may cancel the registration of a motor vehicle when the owner thereof proves to his or her satisfaction that it has been totally destroyed by fire; or, through accident or wear, has become wholly unfit for use and has been dismantled. ~~Upon the cancellation of such~~ After the Commissioner cancels the registration and the ~~return~~ owner returns to the Commissioner ~~of~~ either the registration certificate, or the number plates and the validation sticker (if issued for that year), the Commissioner shall certify to the Commissioner of Finance and Management the fact of ~~such~~ the cancellation, giving the name of the owner of ~~such~~ the motor vehicle, his or her address, the amount of the registration fee paid, and the date of ~~such~~ cancellation. The

Commissioner of Finance and Management shall issue his or her warrant in favor of the owner for such percent of the registration fee paid as the unexpired term of the registration bears to the entire registration period, but in no case shall the Commissioner retain less than \$5.00 of the fee paid.

Sec. 3. 23 V.S.A. § 327 is amended to read:

§ 327. REFUND WHEN PLATES NOT USED

Subject to the conditions set forth in subdivisions (1), (2), and (3) of this section, the Commissioner may cancel the registration of a motor vehicle, snowmobile, or ~~motor boat~~ motorboat when the owner returns to the Commissioner either the number plates, if any, ~~and~~ or the registration certificate ~~to the Commissioner~~. Upon cancellation of the registration, the Commissioner shall notify the Commissioner of Finance and Management, who shall issue a refund as follows:

(1) For registrations cancelled prior to the beginning of the registration period, the refund is the full amount of the fee paid, less a ~~fee~~ charge of \$5.00.

(2) For registrations cancelled within 30 days of the date of issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The owner of a motor vehicle must prove to the Commissioner's satisfaction that the number plates have not been used or attached to a motor vehicle.

(3) For registrations cancelled prior to the beginning of the second year of a two-year registration period, the refund is one-half of the full amount of the two-year fee paid, less a charge of \$5.00.

* * * Veterans; Fee Exemptions * * *

Sec. 4. 23 V.S.A. § 378 is amended to read:

§ 378. VETERANS' EXEMPTIONS

No fees shall be charged an honorably discharged ~~veterans~~ veteran of the U.S. Armed Forces, who ~~are residents~~ is a resident of the State of Vermont for the registration of a motor vehicle ~~granted that the veteran by the Veterans' Administration has acquired with financial assistance from the U.S. Department of Veterans Affairs~~, or for the registration of a motor vehicle owned by him or her during his or her lifetime obtained as a replacement thereof, when his or her application is accompanied by a certificate copy of an approved VA Form 21-4502 issued by the Veterans' Administration center U.S. Department of Veterans Affairs certifying him or her to be entitled to such exemption the financial assistance.

Sec. 5. 23 V.S.A. § 609 is amended to read:

§ 609. VETERANS' EXEMPTION

No fees shall be charged an honorably discharged ~~veterans~~ veteran of the U.S. Armed Forces; who ~~are residents~~ is a resident of the State of Vermont; for a license to operate a motor vehicle, when the veteran has ~~received~~ acquired a motor vehicle with financial assistance from the ~~Veterans' Administration~~ U.S. Department of Veterans Affairs and he or she is otherwise eligible to be granted ~~such~~ the license, and when his or her application is accompanied by a ~~certificate~~ copy of an approved VA Form 21-4502 issued by the ~~Veterans' Administration Center~~ U.S. Department of Veterans Affairs certifying him or her to be entitled to ~~such exemption~~ the financial assistance.

Sec. 6. 23 V.S.A. § 2002(a) is amended to read:

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, \$35.00;

* * *

(11) for a certificate of title for a motor vehicle ~~granted~~ acquired by a veteran ~~by~~ with financial assistance from the ~~Veterans' Administration~~ U.S. Department of Veterans Affairs and exempt from registration fees pursuant to section 378 of this title, no fee;

* * *

Sec. 7. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(14) A motor vehicle ~~granted~~ acquired by a veteran ~~by~~ with financial assistance from the ~~Veterans' Administration~~ U.S. Department of Veterans Affairs, or a vehicle obtained as a replacement to one ~~granted~~ acquired with such assistance, when accompanied by a ~~certificate~~ copy of an approved VA Form 21-4502 issued by the ~~Veterans' Administration Center~~ U.S. Department of Veterans Affairs certifying the veteran to be entitled to the ~~exemption~~ financial assistance.

* * *

* * * Restoration of Driving Privileges Under Total Abstinence Program * * *

Sec. 8. 23 V.S.A. § 1209a(b) is amended to read:

(b) Abstinence.

(1)(A) Notwithstanding any other provision of this subchapter, a person whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the ~~Driver Rehabilitation School Director~~ ~~and to the~~ Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol ~~or~~ and nonprescription regulated drugs, ~~or both~~. The use of a regulated drug in accordance with a valid prescription shall not disqualify an applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.

(B) The beginning date for the period of abstinence shall be ~~no sooner~~ not earlier than the effective date of the suspension or revocation from which the person is requesting reinstatement and shall not include any period during which the person is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination, or another examination if it is approved as a preliminary screening test under this subchapter, to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

(2) If the Commissioner or a medical review board convened by the Commissioner is satisfied by a preponderance of the evidence that the applicant has abstained for the required number of years immediately preceding the application ~~and hearing~~, has successfully completed a therapy program as required under this section, and has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the person ~~appreciates~~ provides a written acknowledgment that he or she cannot drink any amount of alcohol ~~and drive safely~~ at all and cannot consume nonprescription regulated drugs under any circumstances, the person's license or privilege to operate shall be reinstated immediately, subject to the condition that the person's suspension or revocation will be put back in effect in the event any further investigation reveals a return to the consumption of alcohol or drugs and to such additional conditions as the Commissioner may impose. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the person is exempt under subdivision (a)(4) of this section.

* * *

(4) If the Commissioner finds that a person reinstated under this subsection ~~was~~ is suspended pursuant to section 1205 of this title, or ~~was~~ is convicted of a violation of section 1201 of this title subsequent to reinstatement under this subsection, the person shall be conclusively presumed to be in violation of the conditions of his or her reinstatement.

(5) A person shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

* * *

* * * Means of Transmitting Fuel Tax Payments * * *

Sec. 9. 23 V.S.A. § 3015 is amended to read:

§ 3015. COMPUTATION AND PAYMENT OF TAX

Each report required under section 3014 of this title from licensed distributors, dealers, or users shall be accompanied by evidence of an electronic funds transfer payment or a remittance payable to the Department of Motor Vehicles for the amount of tax due, which shall be computed and transmitted in the following manner:

* * *

(3)(A) Distributors and dealers with a tax liability of more than \$25,000.00 filing a report required under subsection 3014(a) of this title shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer.

(B) Distributors and dealers with a tax liability of \$25,000.00 or less filing a report required under subsection 3014(a) of this title, and users filing a report required under subsection 3014(b) of this title, shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer payment or by a remittance through the U.S. mail. If a remittance ~~to~~ cover payment of taxes due as shown by a report required by this chapter is sent through the U.S. mail properly addressed to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned or under the control of the person submitting the report, and the U.S. Post Office has corrected or changed the date stamped thereon by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official Post Office postmark shall be the accepted date if different from the original postmark.

* * *

Sec. 10. 23 V.S.A. § 3015 is amended to read:

§ 3015. COMPUTATION AND PAYMENT OF TAX

Each report required under section 3014 of this title from licensed distributors, dealers, or users shall be accompanied by evidence of an electronic funds transfer payment or a remittance payable to the Department of Motor Vehicles for the amount of tax due, which shall be computed and transmitted in the following manner:

* * *

(3)(A) Distributors and dealers ~~with a tax liability of more than \$25,000.00~~ filing a report required under subsection 3014(a) of this title shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer.

(B) ~~Distributors and dealers with a tax liability of \$25,000.00 or less filing a report required under subsection 3014(a), of this title and users~~ Users filing a report required under subsection 3014(b) of this title; shall transmit payment of taxes due to the Department of Motor Vehicles by means of an electronic funds transfer payment or by a remittance through the U.S. mail. If a remittance is sent through the U.S. mail properly addressed to the Department of Motor Vehicles, it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned or under the control of the person submitting the report and the U.S. Post Office has corrected or changed the date stamped thereon by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official Post Office postmark shall be the accepted date if different from the original postmark.

* * *

Sec. 11. 23 V.S.A. § 3106(b) is amended to read:

(b) ~~If a remittance to cover~~ On or before the due date established by section 3108 of this title, payment of taxes due as shown by a report required by this chapter ~~is sent through the U.S. mail properly addressed shall be transmitted~~ to the Department of Motor Vehicles, ~~it shall be deemed received on the date shown by the postmark on the envelope containing the report only for purposes of avoiding penalty and interest. In the event a mailing date is affixed to the envelope by a machine owned or under the control of the person submitting the report, and the U.S. Post Office has corrected or changed the date stamped by causing the official U.S. Post Office postmark to also be imprinted on the envelope, the date shown by the official post office postmark shall be the accepted date if different from the original postmark;~~

(1) if the tax liability is more than \$25,000.00, by means of an electronic funds transfer payment; or

(2) if the tax liability is \$25,000.00 or less, by means of an electronic funds transfer payment or by a remittance through the U.S. mail.

Sec. 12. 23 V.S.A. § 3106(b) is amended to read:

(b) On or before the due date established by section 3108 of this title, payment of taxes due as shown by a report required by this chapter shall be transmitted to the Department of Motor Vehicles:

~~(1) if the tax liability is more than \$25,000.00, by means of an electronic funds transfer payment; or~~

~~(2) if the tax liability is \$25,000.00 or less, by means of an electronic funds transfer payment or by a remittance through the U.S. mail.~~

* * * Motor Vehicle Purchase and Use Tax * * *

Sec. 13. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

* * *

(8) Motor vehicles transferred to the spouse, mother, father, child, sibling, grandparent, or grandchild of the donor during the donor's life or following his or her death, or to a trust established for the benefit of any such persons or for the benefit of the donor, or subsequently transferred among such persons, including transfers following a death, provided ~~such~~ the motor vehicle has been registered or titled in this State in the name of the original donor. Transfers exempt under this subdivision (8) include eligible transfers resulting by operation of the law governing intestate estates.

* * *

* * * New Motor Vehicle Arbitration * * *

Sec. 14. 9 V.S.A. § 4173 is amended to read:

§ 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT;
WAIVER OF RIGHTS VOID

(a)(1) After reasonable attempt at repair or correction of the nonconformity, defect, or condition, or after the vehicle is out of service by reason of repair of one or more nonconformities, defects, or conditions for a cumulative total of 30 or more calendar days as provided in this chapter, the consumer shall notify the manufacturer and lessor in writing, on forms to be provided by the

manufacturer at the time the new motor vehicle is delivered, of the nonconformity, defect, or condition and the consumer's election to proceed under this chapter. The forms shall be made available by the manufacturer to any public or nonprofit agencies that shall request them. Notice of consumer rights under this chapter shall be conspicuously displayed by all authorized dealers and agents of the manufacturer.

(2) The consumer shall in the notice elect whether to use the dispute settlement mechanism or the arbitration provisions established by the manufacturer or to proceed under the Vermont Motor Vehicle Arbitration Board as established under this chapter. Except in the case of a settlement agreement between a consumer and manufacturer, and unless federal law otherwise requires, any provision or agreement that purports to waive, limit, or disclaim the rights set forth in this chapter or that purports to require a consumer not to disclose the terms of the provision or agreement is void as contrary to public policy.

(3) The consumer's election of whether to proceed before the Board or the manufacturer's mechanism shall preclude his or her recourse to the method not selected.

* * *

* * * Three-wheeled Motorcycles * * *

Sec. 15. 23 V.S.A. § 601(f) is amended to read:

(f) Operators of autocycles shall be exempt from the requirements to obtain a motorcycle learner's permit or a motorcycle endorsement. The Commissioner shall offer operators of three-wheeled motorcycles that are not autocycles the opportunity to obtain a motorcycle endorsement that authorizes the operation of three-wheeled motorcycles only.

Sec. 16. 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

* * *

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of \$20.00 at the time application is made.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit ~~which that~~ entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be \$9.00.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a \$20.00 fee. If, during the original permit period and two renewals, the permittee has not successfully passed the applicable skill test or ~~the~~ motorcycle rider training course, he or she may not obtain another motorcycle learner's permit for a period of 12 months from the expiration of the permit unless:

(A) he or she has successfully completed the applicable motorcycle rider training course; or

(B) the learner's permit and renewals thereof authorized the operation of any motorcycle and the permittee is seeking a learner's permit for the operation of three-wheeled motorcycles only.

(4) This section shall not affect section 602 of this title. ~~The fee for the examination shall be \$9.00.~~

* * *

(f)(1) The Commissioner may authorize motorcycle rider training instructors to administer ~~either the~~ a motorcycle endorsement examination for three-wheeled motorcycles only or for any motorcycle, or the a motorcycle ~~skills~~ skill test for three-wheeled motorcycles only or for any motorcycle, or both any of these. Upon successful completion of the applicable examination or test, the instructor shall issue to the applicant either a temporary motorcycle ~~learner~~ learner's permit or notice of motorcycle endorsement, as appropriate. The instructor shall immediately forward to the Commissioner the application and fee together with such additional information as the Commissioner may require.

(2) The Commissioner shall maintain a list of approved in-state and out-of-state motorcycle rider training courses, successful completion of which the Commissioner shall deem to satisfy the skill test requirement. This list shall include courses that provide training on three-wheeled motorcycles.

* * * Dealer Records of Sales * * *

Sec. 17. 23 V.S.A. § 466 is amended to read:

§ 466. RECORDS; CUSTODIAN

(a) On a form prescribed or approved by the Commissioner, every licensed dealer shall maintain and retain for six years a record containing the following information, which shall be open to inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours:

(1) Every vehicle or motorboat ~~which~~ that is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange.

(2) Every vehicle or motorboat ~~which~~ that is bought or otherwise acquired and dismantled by the licensee.

(3) The name and address of the person from whom such vehicle or motorboat was purchased or acquired, the date thereof, the name and address of the person to whom any such vehicle or motorboat was sold or otherwise disposed of and the date thereof, and a sufficient description of every such vehicle or motorboat by name and identifying numbers thereon to identify the same.

(4) ~~If the vehicle or motorboat is sold or otherwise transferred to a consumer, the cash price. As used in this section, "consumer" shall be as defined in 9 V.S.A. § 2451a(a) and "cash price" shall be as defined in 9 V.S.A. § 2351(6). [Repealed.]~~

* * *

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

(a) Secs. 9 and 11 (means of transmitting fuel tax payments) shall take effect on July 1, 2019.

(b) Secs. 10 and 12 (means of transmitting fuel tax payments) shall take effect on July 1, 2020.

(c) This section, Sec. 14 (new motor vehicle arbitration), and Sec. 17 (dealer records) shall take effect on passage.

(d) All other sections shall take effect on July 1, 2018.

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

An act relating to miscellaneous changes to laws related to motor vehicles.

And that when so amended the bill ought to pass.

Senator Brock, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

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

Bill Amended; Bill Passed

S. 120.

Senate bill entitled:

An act relating to limiting corporate campaign contributions.

Was taken up.

Thereupon, pending third reading of the bill, Senators Cummings, Kitchel and Sirotkin moved to amend the bill in Sec. 1, 17 V.S.A. § 2941 (limitations of contributions), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c)(1)(A) Notwithstanding any provision of law to the contrary, only an individual, a political committee, or a political party may make a contribution to a candidate or to a political party.

(B) In accordance with the provisions of subdivision (A) of this subdivision (1), an individual may make a contribution as follows, which in either case shall be considered a contribution from the individual:

(i) in the individual's capacity as an unincorporated sole proprietorship; or

(ii) from his or her revocable trust, if the individual is a named trustee.

(2) A candidate or a political party shall not accept a contribution from any person other than those permitted to make such a contribution under subdivision (1) of this subsection.

Which was agreed to.

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

Bill Passed

S. 216.

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

An act relating to the administration of Vermont's Medical Marijuana Registry.

Bill Amended; Consideration Interrupted by Adjournment**S. 285.**

Senator Rodgers, for the Committee on Natural Resources and Energy, to which was referred Senate bill entitled:

An act relating to universal recycling requirements.

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

* * * Solid Waste Management Facility Requirements * * *

Sec. 1. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the Secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

(A) the treatment facility does not ~~utilize~~ use a process to ~~further~~ reduce pathogens further in order to qualify for marketing and distribution; and

(B) the facility is not a drying bed, lagoon, or nonconcrete bunker; and

(C) the owner of the facility has submitted a sludge and septage management plan to the Secretary and the Secretary has approved the plan. Noncompliance with an approved sludge and septage management plan shall constitute a violation of the terms of this chapter, as well as a violation under chapters 201 and 211 of this title.

(2) Certification shall be valid for a period not to exceed 10 years.

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

(1) Beginning on July 1, 2014, collect mandated recyclables separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables. A facility shall not be required to accept mandated recyclables from a commercial hauler.

(2) Beginning on July 1, 2015, collect leaf and yard residuals between April 1 and December 15 separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

(3) Beginning on July 1, 2017, collect food residuals separate from other solid waste and deliver food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.

* * *

* * * Commercial Hauler Requirements * * *

Sec. 2. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with State law.

(b) As used in this section:

(1) "Commercial hauler" means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

(3) The Secretary shall not require a commercial hauler to obtain a permit under this section, comply with the disclosure requirements of this section, comply with the reporting and registration requirements of section 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

(A) the commercial hauler does not transport more than four cubic yards of solid waste at any time; and

(B) the solid waste transportation services performed are incidental to other nonwaste transportation-related services performed by the commercial hauler.

* * *

(g)(1) Except as set forth in subdivisions (2), (3), and (4) of this subsection, a commercial hauler that offers the collection of municipal solid waste ~~shall~~:

(A) Beginning on July 1, 2015, shall offer to collect mandated recyclables ~~separated~~ separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning on July 1, 2016, may offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

(C) ~~Beginning on July 1, 2018, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title. [Repealed.]~~

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a commercial hauler in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A commercial hauler is not required to comply with the requirements of subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) for purposes of waiver of the requirements of subdivision (1)(A) of this subsection (g), the Secretary determines that under the approved plan:

(i) the municipality is achieving the per capita disposal rate in the State Solid Waste Plan; and

(ii) the municipality demonstrates that its progress toward meeting the diversion goal in the State Solid Waste Plan is substantially equivalent to that of municipalities complying with the requirements of subdivision (1)(A) of this subsection (g);

(C) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection (g) are not required; and

(D) in the delineated area, alternatives to the services, including on-site management, required under subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection (g) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(4) A commercial hauler is not required to comply with the requirements of subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection for mandated recyclables; or leaf and yard residuals, ~~or food residuals~~ collected as part of a litter collection.

* * *

(i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed location to collect municipal solid waste shall offer at the site all collection services required under 10 V.S.A. § 6605(j).

* * * Landfill Disposal * * *

Sec. 3. 10 V.S.A. § 6621a is amended to read:

§ 6621a. LANDFILL DISPOSAL REQUIREMENTS

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in solid waste or in landfills:

* * *

(10) ~~Leaf~~ Source separated leaf and yard residuals and wood waste after July 1, 2016.

* * *

* * * Effective Date * * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy?, Senator Pollina moved to amend the recommendation of the Committee on Natural Resources and Energy as follows:

By striking out Sec. 4 (effective date) and its reader assistance and inserting in lieu thereof six new sections to be Secs. 4–9 and their reader assistances to read as follows:

* * * Beverage Container Redemption * * *

Sec. 4. 10 V.S.A. § 1521 is amended to read:

§ 1521. DEFINITIONS

~~For the purpose of~~ As used in this chapter:

(1) “Beverage” means beer or other malt beverages ~~and~~₂ mineral waters, mixed wine ~~drink~~₂, drinks, wine, soda water, ~~and~~₂ carbonated and noncarbonated soft drinks, noncarbonated water, and all nonalcoholic carbonated and noncarbonated drinks in liquid form and intended for human consumption, except for rice milk, soymilk, almond milk, hempseed milk, milk, and dairy products. As of January 1, 1990, “beverage” also shall mean liquor.

* * *

(3) “Container” means the individual, separate, bottle, can, jar₂ or carton composed of glass, metal, paper, plastic₂ or any combination of those materials containing a consumer product. This definition shall not include containers made of biodegradable material.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this ~~state~~₂ State, including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor₂, shall be a distributor.

(5) “Manufacturer” means every person bottling, canning, packing₂ or otherwise filling containers for sale to distributors or dealers.

* * *

(8) “Secretary” means the ~~secretary of the agency of natural resources~~₂ Secretary of Natural Resources.

(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated₂ or sparkling water; and ~~which that~~₂ contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring₂ or preservatives; ~~which that~~₂ contains not

more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.

(10) "Liquor" means spirits as defined in 7 V.S.A. § 2.

(11) "Deposit initiator" means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.

Sec. 5. 10 V.S.A. § 1522 is amended to read:

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers ~~which that~~ contain liquor, a deposit of ~~not less than five cents~~ \$0.05 shall be paid by the consumer on each beverage container sold at the retail level and shall be refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. ~~which that~~ contain liquor or wine, a deposit of ~~15 cents~~ \$0.15 shall be paid by the consumer on each beverage container sold at the retail level and shall be refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is ~~hereby~~ retained by the Liquor Control Enterprise Fund for administration of this subsection.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount ~~which is three and one half cents~~ of \$0.035 per container for containers of beverage brands that are part of a commingling program and ~~four cents~~ \$0.04 per container for containers of beverage brands that are not part of a commingling program.

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

(d) Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment.

Sec. 6. 10 V.S.A. § 1524 is amended to read:

§ 1524. LABELING

(a) Every beverage container sold or offered for sale at retail in this ~~state~~ State shall clearly indicate by embossing or imprinting on the normal product label, or in the case of a metal beverage container on the top of the container, the word "Vermont" or the letters "VT" and the refund value of the container in not less than one-eighth inch type size or such other alternate indications as may be approved by the ~~secretary~~ Secretary. This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) ~~The commissioner of the department of liquor control~~ Commissioner of Liquor Control may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the ~~commissioner~~ Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor ~~which~~ that is sold in the ~~state~~ State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the ~~department~~ Department.

(c) This section shall not apply to permanently labeled beverage containers.

(d) The Secretary may allow, in the case of wine bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Secretary. The stickers shall be affixed by the manufacturer.

Sec. 7. 10 V.S.A. § 1530 is added to read:

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

(a) A deposit initiator shall open a separate interest-bearing account in a Vermont branch of a financial institution to be known as the deposit transaction account. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.

(b) Beginning on July 1, 2019, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the account not more than three business days after the date on which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.

(c) Beginning on August 10, 2019, and by the tenth day of each month thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator's deposit transaction account in the preceding month. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

- (1) the balance of the account at the beginning of the preceding month;
 - (2) the number of nonreusable beverage containers sold in the preceding month and the number of nonreusable beverage containers returned in the preceding month;
 - (3) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;
 - (4) the amount of refund payments made from the deposit transaction account in the preceding month;
 - (5) any income earned on the deposit transaction account in the preceding month;
 - (6) any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding month; and
 - (7) any additional information required by the Commissioner of Taxes.
- (d) On or before August 10, 2019, and on the tenth day of each month thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding month. The amount of abandoned beverage container deposits for a month is the amount equal to the amount of deposits that should be in the fund less the sum of:
- (1) income earned on amounts on the account during that month; and
 - (2) the total amount of refund value received by the deposit initiator for nonrefillable containers during that month.
- (e) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.
- (f) The Commissioner of Taxes shall deposit in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund established under section 6618 of this title all abandoned beverage container deposits remitted under subsection (d) of this section.

Sec. 8. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste

Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax ~~which~~ that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, abandoned beverage container deposits remitted to the State under section 1530 of this title, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

(b) The Secretary may authorize disbursements from the Solid Waste Management Assistance Account for the purpose of enhancing solid waste management in the State in accordance with the adopted waste management plan. This includes:

* * *

(9) The Secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and Solid Waste Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

* * *

(11) Costs of solid waste management entities and commercial haulers in complying with universal recycling requirements.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the report of the Committee on Natural Resources be amended as recommended by Senator Pollina?, Senator

Ashe moved that pending announcements the Senate adjourn until March 13, 2018, pursuant to J.R.S. 37.

Message from the House No. 26

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 711. An act relating to employment protections for crime victims.

H. 728. An act relating to bail reform.

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

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

Rules Suspended; Bills Messaged

On motion of Senator Ashe, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 55, 120, 216.

Rules Suspended; Bill Committed

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

S. 53. An act relating to a universal, publicly financed primary care system.

was committed to the Committee on Finance pursuant to Rule 31 with the report of the Committee on Health and Welfare *intact*,

Which was agreed to.

House Concurrent Resolutions

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

By Rep. Quimby,

H.C.R. 261.

House concurrent resolution in memory of Guildhall civic leader Richard William Martin.

By Reps. Devereux and others,

By Senators Nitka, Clarkson, Collamore, Flory, McCormack and Soucy,

H.C.R. 262.

House concurrent resolution honoring Ludlow Municipal Manager Francis J. Heald.

By Reps. Devereux and Potter,

By Senators Nitka, Clarkson, Collamore, Flory and McCormack,

H.C.R. 263.

House concurrent resolution congratulating the Mount Holly Community Historical Museum on celebrating its 50th Anniversary.

By Reps. Sharpe and others,

By Senators Balint, Baruth, Benning, Branagan, Bray and Ingram,

H.C.R. 264.

House concurrent resolution designating the week of May 6–12, 2018 as Teacher Appreciation Week in Vermont.

By Reps. Haas and others,

H.C.R. 265.

House concurrent resolution designating Thursday, March 1, 2018 as Vermont Coalition of Runaway and Homeless Youth Programs and Vermont Youth Development Program Awareness Day.

By Reps. Stuart and others,

H.C.R. 266.

House concurrent resolution congratulating the Robb Family Farm in West Brattleboro on its 110th anniversary.

By Rep. Ancel,

H.C.R. 267.

House concurrent resolution honoring Donna Fitch for her outstanding municipal public service in the Town of Calais.

By Rep. Smith,

By Senators Ayer and Bray,

H.C.R. 268.

House concurrent resolution honoring H. Kent Wright III for his civic engagement in the town of Bridport.

By Reps. Partridge and others,

By Senators Balint and White,

H.C.R. 269.

House concurrent resolution in memory of former Representative and Rockingham Town Moderator Michael P. Harty.

By Rep. Smith,

By Senators Ayer and Bray,

H.C.R. 270.

House concurrent resolution honoring Alan Curler of New Haven for his outstanding civic service.

By Rep. Harrison,

By Senators Collamore, Flory and Soucy,

H.C.R. 271.

House concurrent resolution in memory of former Mendon Town Clerk Helen Ruth Johnson Lawrence.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, March 13, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 37.