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STATE OF VERMONT

BUILDINGS AND GENERAL SERVICES, MIDDLESEX, VERMONT

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.

(b) The following sums are appropriated in FY 2014:

<u>(1) Statewide, asbestos:</u>	<u>\$50,000.00</u>
<u>(2) Statewide, building reuse and planning:</u>	<u>\$75,000.00</u>
<u>(3) Statewide, contingency:</u>	<u>\$100,000.00</u>
<u>(4) Statewide, major maintenance:</u>	<u>\$8,000,000.00</u>
<u>(5) Statewide, BGS engineering and architectural project costs:</u>	<u>\$2,802,597.00</u>
<u>(6) Statewide, physical security enhancements:</u>	<u>\$200,000.00</u>
<u>(7) Burlington, 32 and 108 Cherry Street, HVAC and DDC controls upgrades and roof renovations:</u>	<u>\$250,000.00</u>
<u>(8) Montpelier, 133 State Street, foundation and parking lot restoration:</u>	<u>\$1,450,000.00</u>
<u>(9) Montpelier, capitol district heat plant:</u>	
<u>(A) 122 State Street, construction:</u>	<u>\$2,500,000.00</u>
<u>(B) 120 State Street, Loading Dock, parking reconfiguration:</u>	<u>\$400,000.00</u>
<u>(10) Southern State Correctional Facility, steamline replacement:</u>	<u>\$600,000.00</u>
<u>(11) Southern State Correctional Facility, copper waterline replacement:</u>	<u>\$400,000.00</u>
<u>(12) Montpelier, Capitol Complex Historic Preservation, major maintenance:</u>	<u>\$200,000.00</u>
<u>(13) NWSCF, roof and soffit replacement, A, B, and C wings:</u>	<u>\$425,000.00</u>
<u>(14) Chittenden Regional Correctional Facility, HVAC upgrades:</u>	<u>\$400,000.00</u>
<u>(15) Renovation and replacement of state-owned assets, Tropical Storm Irene:</u>	

(A) Vermont State Hospital, related projects: \$8,700,000.00

(B) Waterbury State Office Complex: \$21,200,000.00

(C) National Life: \$4,100,000.00

(D) Notwithstanding subsection (a) of this section, allocations in this subdivision shall be used only to fund the projects described in this subdivision (15). However, if costs associated with these projects exceed the amount allocated in this subdivision, the Commissioner, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, may transfer funds from other projects in this section.

(E) For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subdivision (15) as soon as possible, it is the intent of the General Assembly that these are committed funds.

(F) A special committee consisting of the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions ("Special Committee") is hereby established. If there are any material changes to the planning or funding of the Waterbury State Office Complex, the Special Committee shall meet to review and approve these changes at the next regularly scheduled meeting of the Joint Fiscal Committee or at an emergency meeting called by the Chairs of the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Joint Fiscal Committee. The Special Committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 406.

(G) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates to the planning process for the projects described in this subdivision (b)(15).

(H) As used in this subdivision (b)(15), a "material change" means a change to the planning or funding of the Waterbury State Office Complex that:

(i) increases the total project cost estimate by 10 percent; or

(ii) constitutes a change in plan or design.

(16) Barre, Barre Court, pellet boiler installation, supplement HVAC project: \$329,000.00

(17) Laboratory, feasibility and governance study conducted by the Department of Buildings and General Services, the Agency of Natural

Resources, and the Agency of Agriculture, Food and Markets (as described in Sec. 41 of this act): \$100,000.00

(c) The following sums are appropriated in FY 2015:

- (1) Statewide, asbestos and lead abatement: \$50,000.00
- (2) Statewide, building reuse and planning: \$75,000.00
- (3) Statewide, contingency: \$100,000.00
- (4) Statewide, major maintenance: \$8,739,064.00
- (5) Statewide, BGS engineering and architectural project costs: \$2,802,597.00
- (6) Statewide, physical security enhancements: \$100,000.00
- (7) Southern State Correctional Facility, steamline replacement: \$600,000.00
- (8) Southern State Correctional Facility, copper waterline replacement: \$300,000.00
- (9) Montpelier, Capitol Complex Historic Preservation, major maintenance: \$200,000.00
- (10) Renovation and replacement of state-owned assets, Tropical Storm Irene:

(A) Waterbury State Office Complex: \$33,000,000.00

(B) For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subdivision (10) as soon as possible, it is the intent of the General Assembly that these are committed funds not subject to budget adjustment.

(d) It is the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$75,000.00 of the funds appropriated in subdivision (b)(4) of this section for the purpose of funding projects described in 2009 Acts and Resolves No. 43, Sec. 24(b), and in Sec. 49 of this act.

(e) It is the intent of the General Assembly to review the proposal submitted by the Commissioner of Finance and Management pursuant to Sec. 39 of this act and evaluate the suitability of the FY 2015 appropriation to the Department of Buildings and General Services for engineering costs in subdivision (c)(5) of this section.

<u>Appropriation – FY 2014</u>	<u>\$52,281,597.00</u>
<u>Appropriation – FY2015</u>	<u>\$45,966,661.00</u>
<u>Total Appropriation – Section 2</u>	<u>\$98,248,258.00</u>

Sec. 3. ADMINISTRATION

The following sums are appropriated to the Department of Taxes for the Vermont Center for Geographic Information for an ongoing project to update statewide quadrangle maps through digital orthophotographic quadrangle mapping:

(1) \$100,000.00 is appropriated in FY 2014.

(2) \$100,000.00 is appropriated in FY 2015.

<u>Total Appropriation – Section 3</u>	<u>\$200,000.00</u>

Sec. 4. HUMAN SERVICES

(a) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of Department of Health laboratory with the UVM Colchester research facility:

\$5,000,000.00

(2) Corrections, security upgrades:

\$100,000.00

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of the Department of Health laboratory with the UVM Colchester research facility:

\$6,000,000.00

(2) Corrections, security upgrades:

\$100,000.00

(c) It is the intent of the General Assembly that the funds appropriated in subdivision (b)(1) of this section are committed funds not subject to budget adjustment.

<u>Appropriation – FY 2014</u>	<u>\$5,100,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$6,100,000.00</u>
<u>Total Appropriation – Section 4</u>	<u>\$11,200,000.00</u>

Sec. 5. JUDICIARY

(a) The sum of \$1,000,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services on behalf of the Judiciary for the planning and design for building renovations and addition to the Lamoille County Courthouse in Hyde Park.

(b) The sum of \$2,500,000.00 is appropriated in FY 2015 to continue the project described in subsection (a) of this section.

Total Appropriation – Section 5 \$3,500,000.00

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated in FY 2014 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: \$200,000.00

(2) Bennington Monument, structural repairs and ADA compliance: \$175,000.00

(b) The following sums are appropriated in FY 2014 to the Agency of Commerce and Community Development for the following projects:

(1) Underwater preserves: \$25,000.00

(2) Placement and replacement of roadside historic site markers: \$15,000.00

(c) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the following projects:

(1) Battle of Cedar Creek and Winchester Memorials, relocation and placement of roadside marker: \$30,000.00

(2) Schooner Lois McClure, upgrades: \$50,000.00

(d) The following sum is appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Commerce and Community Development for major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the Department of Buildings and General Services: \$200,000.00

(e) The following sums are appropriated in FY 2015 to the Agency of Commerce and Community Development for the following projects:

<u>(1) Underwater preserves:</u>	<u>\$35,000.00</u>
<u>(2) Placement and replacement of roadside historic site markers:</u>	<u>\$15,000.00</u>
<u>Appropriation – FY 2014</u>	<u>\$495,000.00</u>
<u>Appropriation – FY 2015</u>	<u>\$250,000.00</u>
<u>Total Appropriation – Section 6</u>	<u>\$745,000.00</u>

Sec. 7. GRANT PROGRAMS

(a) The following sums are appropriated in FY 2014 for Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$225,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$225,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment of the Arts, provided that all capital funds are made available to the cultural facilities grant program: \$225,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$225,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$225,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$225,000.00

(b) The following sum is appropriated in FY 2014 to the Agency of Agriculture, Food and Markets for the Agricultural Fairs Capital Projects Competitive Grant Program: \$225,000.00

(c) The following sums are appropriated in FY 2015 for Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$225,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$225,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment of the Arts, provided that all capital funds are made available to the cultural facilities grant program: \$225,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$225,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$225,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$225,000.00

(d) The following sum is appropriated in FY 2015 to the Agency of Agriculture, Food and Markets for the Agricultural Fairs Capital Projects Competitive Grant Program: \$225,000.00

Appropriation – FY 2014 \$1,575,000.00

Appropriation – FY 2015 \$1,575,000.00

Total Appropriation – Section 7 \$3,150,000.00

Sec. 8. EDUCATION

(a) The sum of \$6,704,634.00 is appropriated in FY 2014 to the Agency of Education for funding the state share of completed school construction projects pursuant to 16 V.S.A. § 3448.

(b) The sum of \$10,411,446 is appropriated in FY 2015 to the Agency of Education for the funding the state share of completed school construction projects pursuant to 16 V.S.A. § 3448. It is the intent of the General Assembly that the funds appropriated in subdivision (b) of this section are committed funds not subject to budget adjustment.

Appropriation – FY 2014 \$6,704,634.00

Appropriation – FY 2015 \$10,411,446.00

Total Appropriation – Section 8 \$17,116,080.00

Sec. 9. UNIVERSITY OF VERMONT

(a) The sum of \$1,400,000.00 is appropriated in FY 2014 to the University of Vermont for construction, renovation, and major maintenance.

(b) The sum of \$1,400,000.00 is appropriated in FY 2015 to the University of Vermont for construction, renovation, and major maintenance.

(c) It is the intent of the General Assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 9 \$2,800,000.00

Sec. 10. VERMONT STATE COLLEGES

(a) The sum of \$1,400,000.00 is appropriated in FY 2014 to the Vermont State Colleges for construction, renovation, and major maintenance.

(b) The sum of \$1,400,000.00 is appropriated in FY 2015 to the Vermont State Colleges for construction, renovation, and major maintenance.

(c) On or before January 15, 2014, the Vermont State Colleges shall, in coordination with the Enhanced 911 Board, bring each state college into compliance with the requirements of 30 V.S.A. § 7057 (privately owned telephone systems) or develop a comprehensive plan approved by the Enhanced 911 Board to bring each state college into compliance with the Enhanced 911 program requirements. The funds appropriated in FY 2015 to the Vermont State Colleges shall only become available after the Enhanced 911 Board has notified the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions that the Vermont State Colleges has met these requirements.

(d) It is the intent of the General Assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 10 \$2,800,000.00

Sec. 11. NATURAL RESOURCES

(a) The following sums are appropriated to the Agency of Natural Resources in FY 2014 for:

(1) the Water Pollution Control Fund for the following projects:

(A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match:

\$1,381,600.00

(B) Principal associated with funding for the Pownal project:

\$500,000.00

(C) Administrative support – engineering, oversight, and program management:

\$300,000.00

(2) the Drinking Water Supply for the following projects:

- (A) Drinking Water State Revolving Fund: \$2,500,000.00
- (B) Engineering, oversight, and project management: \$300,000.00
- (C) EcoSystem restoration and protection: \$2,250,000.00
- (D) Waterbury waste treatment facility for phosphorous removal:
\$3,440,000.00

(3) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(4) the Department of Fish and Wildlife for the following projects:

- (A) general infrastructure projects: \$1,000,000.00
- (B) Fish and Wildlife Enforcement Division, for safety ramps, GPS units, deer decoys, and snowmobiles: \$75,950.00
- (C) Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: \$25,000.00

(b) The following sums are appropriated to the Agency of Natural Resources in FY 2015 for:

(1) the Water Pollution Control Fund for the following projects:

- (A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match: \$700,000.00
- (B) Interest associated with delayed grant funding for the Pownal project: \$30,000.00
- (C) Springfield loan conversions: \$78,000.00
- (D) Administrative support – engineering, oversight, and program management: \$300,000.00

(2) the Drinking Water Supply for the following projects:

- (A) Drinking Water State Revolving Fund: \$1,000,000.00
- (B) Engineering, oversight, and project management: \$300,000.00
- (C) EcoSystem restoration and protection: \$2,073,732.00
- (3) dam safety and hydrology projects: \$400,000.00

(4) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(5) the Department of Fish and Wildlife: \$1,000,000.00

(c) It is the intent of the General Assembly to review the proposal submitted by the Commissioner of Finance and Management pursuant to Sec. 39 of this act to evaluate the suitability of the FY 2015 appropriations to the Agency of Natural Resources for engineering costs in subdivisions (b)(1)(D) and (b)(2)(B) of this section.

Appropriation – FY 2014 \$13,772,550.00

Appropriation – FY 2015 \$7,881,732.00

Total Appropriation – Section 11 \$21,654,282.00

Sec. 12. MILITARY

(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department of Military for land acquisition, new construction, maintenance, and renovations at state armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of \$500,000.00 is appropriated in FY 2015 for the purpose described in subsection (a) of this section.

Total Appropriation – Section 12 \$1,250,000.00

Sec. 13. PUBLIC SAFETY

(a) The sum of \$3,000,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Department of Public Safety for the design, construction, and fit-up of a new public safety field station to consolidate the Brattleboro and Rockingham barracks. For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the projects described in this subsection as soon as possible, it is the intent of the General Assembly that these are committed funds.

(b) The sum of \$3,100,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section. For the purpose of allowing the Department of Buildings and General Services to enter into contractual agreements and complete work on the project as soon as possible, it is the intent of the General Assembly that these are committed funds not subject to budget adjustment.

(c) The sum of \$550,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Department of Public Safety to purchase land for public safety field stations and to conduct feasibility studies.

(d) The sum of \$300,000.00 is appropriated in FY 2015 for the project described in subsection (c) of this section.

(e) The sum of \$50,000.00 is appropriated in FY 2014 to the Department of Public Safety for the purchase of fire safety equipment for the Fire Service Training Center in Pittsford.

Appropriation – FY 2014 \$3,600,000.00

Appropriation – FY 2015 \$3,400,000.00

Total Appropriation – Section 13 \$7,000,000.00

Sec. 14. AGRICULTURE, FOOD AND MARKETS

(a) The sum of \$150,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for major maintenance costs at the Vermont Exposition Center Building in Springfield, Massachusetts.

(b) The sum of \$1,200,000.00 is appropriated in FY 2015 to the Agency of Agriculture, Food and Markets for the conservation reserve enhancement program and the best management practice implementation cost share program to continue to reduce nonpoint source pollution in Vermont. Cost share funds for the best management practice implementation cost share program shall not exceed 90 percent of the total cost of a project. Whenever possible, state funds shall be combined with federal funds to complete projects.

Appropriation – FY 2014 \$150,000.00

Appropriation – FY 2015 \$1,200,000.00

Total Appropriation – Section 14 \$1,350,000.00

Sec. 15. VERMONT PUBLIC TELEVISION

(a) The sum of \$205,750.00 is appropriated in FY 2014 to Vermont Public Television for the continuation of digital conversion and energy conservation retrofitting.

(b) The sum of \$200,000.00 is appropriated in FY 2015 to Vermont Public Television for transmission security.

Appropriation – FY 2014 \$205,750.00

Appropriation – FY 2015 \$200,000.00

Total Appropriation – Section 15

\$405,750.00

Sec. 16. VERMONT RURAL FIRE PROTECTION

(a) The sum of \$100,000.00 is appropriated in FY 2014 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force to continue the dry hydrant program.

(b) The sum of \$100,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Total Appropriation – Section 16

\$200,000.00

Sec. 17. VERMONT VETERANS' HOME

(a) The sum of \$1,216,000.00 is appropriated in FY 2014 to the Department of Buildings and General Services for the Vermont Veterans' Home for emergency mold remediation actions, for updates to the 2006 facilities assessment report, and for the development of a comprehensive plan to address and prevent mold growth.

(b) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall apply for any eligible federal funds to use as a match for the appropriation made in subsection (a) of this section and shall work with Vermont's Congressional Delegation to investigate the availability of other possible federal funding sources. The Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the availability of federal funds and the status of a federal match to be used for the project described in subsection (a) of this section on or before July 31, 2013.

(c) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall contract with an independent third party to conduct an update to the 2006 facilities assessment report of the Vermont Veterans' Home. On or before January 15, 2014, the Commissioner shall submit a copy of the report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(d) The Commissioner of Buildings and General Services, in consultation with the Chief Administrative Officer of the Veterans' Home, shall contract with an independent third party to prepare a comprehensive plan to address the ongoing mold issues at the Home and prevent any additional mold issues.

(1) The plan shall include:

(A) identification of currently known mold issues and potential mold issues at the Veterans' Home;

(B) recommendations for implementing preventive measures to address mold growth;

(C) estimates for the projected cost to implement the recommendations and preventive measures;

(D) a proposed time line to implement the plan; and

(E) a review and consideration of the findings of the Veterans' Home management and operations review required by 2013 Acts and Resolves No. 1, Sec. 53.1, the updated facilities assessment report required by subsection (c) of this section, and the findings and recommendations of any other design professionals or consultants engaged by the Department of Buildings and General Services to work at the Veterans' Home.

(2) On or before February 15, 2014, the Commissioner shall submit a copy of the plan to the Veterans' Home Board of Trustees, the Vermont State Employees' Association (VSEA), the House Committee on Corrections and Institutions, and the Senate Committee on Institutions.

Total Appropriation – Section 17

\$1,216,000.00

Sec. 18. VERMONT INTERACTIVE TECHNOLOGIES

(a) The sum of \$288,000.00 is appropriated in FY 2014 to the Vermont States Colleges for the Vermont Interactive Technologies for the purchase of equipment necessary for systems and unit upgrades at Vermont Interactive Technologies sites.

(b) The sum of \$88,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Appropriation – FY 2014

\$288,000.00

Appropriation – FY 2015

\$88,000.00

Total Appropriation – Section 18

\$376,000.00

Sec. 18a. ENHANCED 911 PROGRAM

(a) The sum of \$10,000.00 is appropriated in FY 2014 to the Enhanced 911 Board for the planning and implementation of the Enhanced 911 program in schools pursuant to 30 V.S.A. § 7057.

(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

Total Appropriation – Section 18a	\$20,000.00

* * * Financing this Act * * *

Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

(a) The following sums are reallocated to the Department of Buildings and General Services from prior capital appropriations to defray expenditures authorized in Sec. 2 of this act:

<u>(1) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 1 (32 Cherry Street):</u>	<u>\$48,065.57</u>

<u>(2) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 1 (Rutland multimodal garage trench drains):</u>	<u>\$404.09</u>

<u>(3) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 3 (VSH ongoing safety):</u>	<u>\$96.98</u>

<u>(4) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 14 (two-way radio system):</u>	<u>\$12,579.71</u>

<u>(5) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (DMV bathroom renovations):</u>	<u>\$119,067.33</u>

<u>(6) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (engineer cost):</u>	<u>\$158,779.04</u>

<u>(7) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (116 State Street):</u>	<u>\$0.02</u>

<u>(8) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 2 (Waterbury fuel tank replacement):</u>	<u>\$400,000.00</u>

<u>(9) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 7 (recreation grant program):</u>	<u>\$8,150.00</u>

<u>(10) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 7 (Human Service and Educational Grant):</u>	<u>\$2,515.61</u>

<u>(11) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 14(e) (architectural assessment, Middlesex):</u>	<u>\$6.80</u>

<u>(12) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 6(3) (Vermont Arts Council, cultural facilities grant):</u>	<u>\$29,454.00</u>

(b) The following unexpended funds appropriated to the Agency of Natural Resources for capital construction projects are reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act:

- (1) of the amount appropriated by 1989 Acts and Resolves No. 52,
Sec. 8(b)(1) (water pollution): \$9,426.24
- (2) of the amount appropriated by 1990 Acts and Resolves No. 276,
Sec. 10 (potable water supply construction): \$17,430.00
- (3) of the amount appropriated by 1991 Acts and Resolves No. 93,
Sec. 11(d)(2) (water supply): \$46,514.75
- (4) of the amount appropriated by 1992 Acts and Resolves No. 256,
Sec. 11(e)(1) (water pollution): \$35,000.65
- (5) of the amount appropriated by 1998 Acts and Resolves No. 148,
Sec. 13(b)(1) (water supply): \$72,513.80
- (6) of the amount appropriated by 1998 Acts and Resolves No. 148,
Sec. 13(b)(2)(A) (pollution control): \$305,394.84
- (7) of the amount appropriated by 2001 Acts and Resolves No. 61,
Sec. 9(a) (various projects): \$277,833.51
- (8) of the amount appropriated by 2003 Acts and Resolves No. 63,
Sec. 8 (water pollution/drinking): \$118,725.81
- (9) of the amount appropriated by 2004 Acts and Resolves No. 121,
Sec. 10 (water pollution grants): \$896.40
- (10) of the amount appropriated by 2004 Acts and Resolves No. 121,
Sec. 10 (clean and clear program): \$44,447.91
- (11) of the amount appropriated by 2004 Acts and Resolves No. 121,
Sec. 10 (ecological assessments): \$36.70
- (12) of the amount appropriated by 2004 Acts and Resolves No. 121,
Sec. 10 (species recovery plan): \$3.90
- (13) of the amount appropriated by 2005 Acts and Resolves No. 43,
Sec. 9 (water pollution grants): \$128,115.97
- (14) of the amount appropriated by 2005 Acts and Resolves No. 43,
Sec. 9 (clean and clear program): \$135,500.37
- (15) of the amount appropriated by 2006 Acts and Resolves No. 147,
Sec. 10 (water pollution grants): \$34,703.62
- (16) of the amount appropriated by 2006 Acts and Resolves No. 147,
Sec. 10 (clean and clear program): \$40,686.00
- (17) of the amount appropriated by 2007 Acts and Resolves No. 52,
Sec. 11 (water pollution control): \$35,000.00

(18) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec. 11 (state-owned dams): \$198,104.00

(19) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec. 11 (clean and clear): \$320,042.39

(20) of the amount appropriated by 2008 Acts and Resolves No. 200, Sec. 12 (clean and clear): \$92,906.23

(21) of the amount appropriated by 2008 Acts and Resolves No. 200, Sec. 12 (water pollution): \$87,967.95

(22) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 9 (water pollution control): \$231,202.30

(23) of the amount appropriated by 2009 Acts and Resolves No. 43, Sec. 9 (clean and clear): \$515,957.62

(24) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 12 (Drinking Water State Revolving Fund): \$5,500.00

(25) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 12 (water pollution control): \$123,666.00

(26) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 12 (clean and clear): \$66,864.08

(27) of the amount appropriated by 2010 Acts and Resolves No. 161, Sec. 12 (sea lamprey control project): \$155,898.60

(28) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 12(a) (water pollution control): \$210,000.00

(29) of the amount appropriated by 2011 Acts and Resolves No. 40, Sec. 12(a) (water pollution TMDL/wetland): \$20,112.00

(30) of the amount appropriated by 2012 Acts and Resolves No. 40, Sec. 12(b) (drinking water projects): \$35,483.32

(31) of the amount appropriated by 2012 Acts and Resolves No. 40, Sec. 12(b) (water pollution control): \$472,239.85

(c) The following unexpended funds appropriated to the Agency of Commerce and Community Development for capital construction projects are reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act:

(1) of the amount appropriated by 2007 Acts and Resolves No. 52, Sec. 7(e) (Unmarked Burial Fund): \$18,928.39

(2) of the amount appropriated by 2008 Acts and Resolves No. 200, Sec. 7(b)(1) (Unmarked Burial Fund): \$24,769.00

(d) The following sums are reallocated to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act:

(1) of the proceeds from the sale of property authorized by 2009 Acts and Resolves No. 43, Sec. 25(i) (sale of Thayer school): \$433,478.30

(2) of the amount recouped by the state for waterfront enhancement authorized by 1993 Acts and Resolves No. 59, Sec. 16d(c) (special fund 21896, Waterfront Preservation Fund): \$190,000.00

(3) of the proceeds from the sale of property authorized by 2009 Acts and Resolves No. 43, Sec. 25(d) (sale of former North American Playcare, Inc. building in Middlesex): \$132,040.88

(4) of the proceeds from the sale of property authorized by 20 V.S.A. § 542 (Northfield, Ludlow, and Rutland armories): \$311,539.21

Total Reallocations and Transfers – Section 19 \$5,728,049.74

Sec. 20. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The State Treasurer is authorized to issue general obligation bonds in the amount of \$159,900,000.00 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) The State Treasurer is further authorized to issue additional general obligation bonds in the amount of \$7,603,320.00 that were previously authorized but unissued under 2011 Acts and Resolves No. 40, Sec. 25 for the purpose of funding the appropriations of this act. This amount shall be allocated to the Department of Buildings and General Services to defray expenditures in Sec. 2 of this act.

Total Revenues – Section 20 \$167,503,320.00

Sec. 21. SALE OF BUILDING 617 IN ESSEX; USE OF PROCEEDS

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in

a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 to provide additional funding for the Waterbury State Office Complex and such amount shall be appropriated in FY 2015 to Sec. 2(c)(10) of this act.

* * * Policy * * *

* * * Buildings and General Services * * *

Sec. 22. REPEAL; ROBERT GIBSON PARK; TOWN OF BRATTLEBORO

1999 Acts and Resolves No. 29, Sec. 19(b)(1)(C)(i) (repayment of appropriation for Robert Gibson Park) is repealed.

Sec. 23. 2012 Acts and Resolves No. 104, Sec. 25 is amended to read:

Sec. 25. EMPLOYEE SERVICE MEMORIAL

(a) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services, in consultation with the ~~commissioner of human resources~~ Commissioner of Human Resources and an association representing Vermont state employees, shall develop a plan to honor the services of past, present, and future Vermont state employees with an appropriate memorial. On or before January 15, ~~2013~~ 2014, the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall recommend a future location for an employee service memorial and provide estimated costs to the ~~general assembly~~ General Assembly.

(b) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services may accept donations for the administration, materials, creation, and maintenance of the service memorial.

Sec. 24. NEWPORT WATERFRONT

Notwithstanding 29 V.S.A. §§ 165(h) and 166(b), the Commissioner of Buildings and General Services is authorized to sell, lease, gift, or otherwise convey the property or any portion thereof associated with the Waterfront in the City of Newport. The Commissioner is further authorized to accept federal or state grants for improvements, maintenance, and operating costs associated with the Newport Waterfront.

Sec. 25. BATTLE OF CEDAR CREEK AND WINCHESTER MEMORIALS

The Commissioner of Buildings and General Services is authorized to use the appropriation in Sec. 6(c)(1) of this act for expenses associated with the placement of a Vermont historical roadside marker at the Cedar Creek Battlefield in Virginia, the relocation of the Battle of Winchester Memorial to

its original location on the Third Winchester Battlefield in Virginia, and reimbursement to the Civil War Trust, the State of Virginia, and the United States Veterans Administration for any expenses associated with the completion of these projects. Expenses associated with the placement of the roadside marker or the relocation of the Memorial may include site acquisition, planning, design, transportation, and any other reasonably related costs.

Sec. 26. 29 V.S.A. § 165 is amended to read:

§ 165. SPACE ALLOCATION, INVENTORY, AND USE; LEASING
PROPERTY; COMMISSIONER'S PREAPPROVAL REQUIRED

* * *

(d) ~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services shall by rule establish procedures which all agencies shall follow in the leasing of real property. No agency shall enter into any lease, no lease shall be valid, and no state funds shall be paid by the ~~department of finance and management~~ Department of Finance and Management pursuant to the terms of any lease, unless the proposed lease has been pre-approved by the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services. If a lease is entered into pursuant to this section, the Commissioner of Buildings and General Services shall preapprove any additional fees, reimbursements, charges, or fit-up costs in excess of the proposed lease rental rate.

Sec. 27. SPECIAL FUND FOR WATERFRONT

Notwithstanding 1993 Acts and Resolves No. 59, Sec. 16d(c), the funds allocated to the special fund for the waterfront to be used for the purpose of waterfront enhancement and preservation are transferred to the Department of Buildings and General Services to defray expenditures authorized in Sec. 2 of this act.

Sec. 28. WINDSOR COUNTY COURTHOUSE

Of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 5 to the Department of Buildings and General Services on behalf of the Judiciary, the sum of \$40,000.00 is directed to the Windsor County Courthouse in Woodstock to perform repairs and upgrades to bring the facility into ADA compliance.

Sec. 29. 2011 Acts and Resolves No. 40, Sec. 12(b), as amended by 2012 Acts and Resolves No. 104, Sec. 8, is amended to read:

(b) The following sums are appropriated to the ~~agency of natural resources~~ Agency of Natural Resources in FY 2013 for:

* * *

~~(E)(6) the department of forests, parks and recreation~~ Department of Forests, Parks and Recreation for the Vermont Youth Conservation Corps to perform stabilization, restoration, and cleanup of environmental damage to waterways, forests, and public access lands caused by Tropical Storm Irene, including projects such as controlling the spread of invasive species, stabilizing flood-eroded river and stream banks; restoring vital aquatic and wildlife habitats, removing toxic materials from fragile natural areas, and remediating recognized viewsheds: 200,000

* * *

* * * Commerce and Community Development * * *

Sec. 30. REGIONAL ECONOMIC DEVELOPMENT GRANT PROGRAM

The Commissioner of Buildings and General Services, in consultation with the Secretary of Commerce and Community Development, the Regional Development Corporations of Vermont, and the Regional Economic Development Advisory Committee, shall consider whether the Regional Economic Development grants are being awarded to projects for the purpose of funding capital expenses and whether catastrophic situations should qualify for grants.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 31. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

If additional support is required for the Best Management Practice Implementation Cost-Share Program and the Conservation Reserve Enhancement Program in FY 2014, the Secretary of Agriculture, Food and Markets is authorized to use as funding prior capital fund appropriations for these programs to the Agency of Agriculture, Food and Markets.

Sec. 32. AGRICULTURE; REALLOCATION

Of the amount held in the Eastern States Building Special Fund #21682, it the intent of the General Assembly that the Agency of Agriculture, Food and Markets shall redirect the sum of \$125,000.00 to the Department of Buildings and General Services for major maintenance at the Vermont Exposition Center Building in Springfield, Massachusetts.

* * * Capital Planning and Finance * * *

Sec. 33. 29 V.S.A. § 152 is amended to read:

§ 152. DUTIES OF COMMISSIONER

(a) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services, in addition to the duties expressly set forth elsewhere by law, shall have the authority to:

* * *

(3) Prepare or cause to be prepared plans and specifications for construction and repair on all state-owned buildings:

(A) For which the ~~legislature~~ General Assembly or the ~~emergency board~~ Emergency Board has made specific appropriations. In consultation with the department or agency concerned, the ~~commissioner~~ Commissioner shall select sites, purchase lands, determine plans and specifications, and advertise for bids for the furnishing of materials and construction thereof and of appurtenances thereto. The ~~commissioner~~ Commissioner shall determine the time for beginning and completing the construction. Any change orders occurring under the contracts let as the result of actions previously mentioned in this section shall not be allowed unless they have the approval of the ~~secretary of administration~~ Secretary of Administration.

(B) For which no specific appropriations have been made by the ~~legislature~~ General Assembly or the ~~emergency board~~ Emergency Board. The ~~commissioner~~ Commissioner may, with the approval of the ~~secretary of administration~~ Secretary of Administration acquire an option, for a price not to exceed \$75,000.00, on an individual property without prior legislative approval, provided the option contains a provision stating that purchase of the property shall occur only upon the approval of the ~~general assembly~~ General Assembly and the appropriation of funds for this purpose. The ~~state treasurer~~ State Treasurer is authorized to advance a sum not to exceed \$75,000.00, upon warrants drawn by the ~~commissioner of finance and management~~ Commissioner of Finance and Management for the purpose of purchasing an option on a property pursuant to this subdivision.

(C) For which the Department of Buildings and General Services is granted a right of first refusal. The Commissioner may, with the approval of the Secretary of Administration, enter into an agreement that grants the Department of Buildings and General Services a right of first refusal to purchase property, provided that the right of first refusal contains a provision

stating that the purchase of the property shall occur only upon the approval of the General Assembly.

* * *

(23) With the approval of the ~~secretary of administration~~ Secretary of Administration, transfer during any fiscal year to the ~~department of buildings and general services~~ Department of Buildings and General Services for use only for major maintenance within the capitol complex in Montpelier, any unexpended balances of funds appropriated in any capital construction act for any ~~executive or judicial branch~~ Executive or Judicial Branch project, excluding any appropriations for state grant-in-aid programs, which is completed or substantially completed as determined by the ~~commissioner~~ Commissioner. On or before January 15 of each year, the ~~commissioner~~ Commissioner shall report to the ~~house committee on corrections and institutions and the senate committee on institutions~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions regarding:

(A) all transfers and expenditures made pursuant to this subdivision (23); and

(B) ~~the unexpended balance of projects completed for two or more years.~~

* * *

Sec. 34. 32 V.S.A. § 310 is amended to read:

§ 310. FORM OF ANNUAL CAPITAL BUDGET AND ~~SIX-YEAR~~

TEN-YEAR CAPITAL PROGRAM PLAN

(a) Each biennial capital budget request submitted to the ~~general assembly~~ General Assembly shall be accompanied by, and placed in the context of, a ~~six-year~~ ten-year state capital program plan to be prepared, and revised annually, by the ~~governor~~ Governor and approved by the ~~general assembly~~ General Assembly. The ~~six-year~~ ten-year plan shall include a list of all projects which will be recommended for funding in the current and ensuing ~~five~~ nine fiscal years. The list shall be prioritized based on need.

(b) The capital budget request for the following ~~fiscal-year~~ biennium shall be presented as the next increment of the ~~six-year~~ ten-year plan. Elements of the plan shall include:

(1) Assessment and projection of need.

(A) Capital needs and projections shall be based upon current and projected statistics on capital inventories and upon state demographic and economic conditions.

(B) Capital funding shall be categorized as follows:

(i) state buildings, facilities, ~~and~~ land acquisitions, major maintenance, renewable energy sources, and conservation;

(ii) higher education;

(iii) aid to municipalities for education, environmental conservation, including water, sewer, and solid waste projects, and other purposes; and

(iv) transportation facilities.

(C) The capital needs and projections shall be for the current and the next ~~five~~ nine fiscal years, with longer-term projections presented for programs with reasonably predictable longer-term needs.

(D) Capital needs and projections shall be presented independently of financing requirements or opportunities.

(2) Comprehensive cost and financing assessment.

(A) Amounts appropriated and expended for the current fiscal year and for the preceding fiscal year shall be indicated for capital programs and for individual projects. The assessment shall indicate further the source of funds for any project which required additional funding and a description of any authorized projects which were delayed.

(B) Amounts proposed to be appropriated for the following fiscal year and each of the ~~five~~ nine years thereafter shall be indicated for capital programs and for individual projects and shall be revised annually to reflect revised cost estimates and changes made in allocations due to project delays.

(C) The capital costs of programs and of individual projects, including funds for the development and evaluation of each project, shall be presented in full, for the entire period of their development.

(D) The operating costs, both actual and prospective, of capital programs and of individual projects shall be presented in full, for the entire period of their development and expected useful life.

(E) The financial burden and funding opportunities of programs and of individual projects shall be presented in full, including federal, state, and local government shares, and any private participation.

(F) Alternative methods of financing capital programs and projects should be described and assessed, including debt financing and use of current revenues.

Sec. 35. TEN-YEAR CAPITAL PROGRAM PLAN

On or before January 15, 2014, the Commissioner of Buildings and General Services, in consultation with the House Committee on Corrections and Institutions and the Senate Committee on Institutions, shall develop a proposal for the planning process for a ten-year capital program plan. The ten-year capital program plan shall include proposals for capital construction requests and major maintenance, and shall set forth definitions and criteria to be used for prioritizing capital projects. Projects may be prioritized based on criteria including: critical priorities, prior capital allocations or commitments, strategic investments, and future investments.

Sec. 36. 32 V.S.A. § 701a is amended to read:

§ 701a. CAPITAL CONSTRUCTION BILL

(a) When the capital budget has been submitted by the ~~governor~~ Governor to the ~~general assembly~~ General Assembly, it shall immediately be referred to the ~~committee on corrections and institutions~~ Committee on Corrections and Institutions which shall proceed to consider the budget request in the context of the ~~six-year~~ ten-year capital program plan also submitted by the ~~governor~~ Governor pursuant to sections 309 and 310 of this title. The ~~committee~~ Committee shall also propose to the ~~general assembly~~ General Assembly a prudent amount of total general obligation bonding for the following fiscal year, for support of the capital budget, in consideration of the recommendation of the ~~capital debt affordability advisory committee~~ Capital Debt Affordability Advisory Committee pursuant to subchapter 8 of chapter 13 of this title.

(b) As soon as possible, the ~~committee~~ Committee shall prepare a bill to be known as the "capital construction bill," which shall be introduced for action by the ~~general assembly~~ General Assembly.

(c) The spending authority authorized by a capital construction act shall carry forward until expended, unless otherwise provided. ~~Any unencumbered funds remaining after a two-year period~~ All unexpended funds remaining for projects authorized by capital construction acts enacted in a legislative session that was two or more years prior to the current legislative session shall be reported to the ~~general assembly~~ General Assembly and may be reallocated in future capital construction acts.

(d) On or before October 15, each entity to which spending authority is has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session shall submit to the ~~department of buildings and general services~~ Department of Buildings and General Services a report on the status of each authorized project ~~authorized with unexpended funds~~. The report shall follow the form provided by the ~~department of buildings and general services~~ Department of Buildings and General Services and shall include details regarding how much of the appropriation has been spent, how much of the appropriation is unencumbered, actual progress in meeting the goals of the project, and any impediments to completing the project on time and on budget. The ~~department~~ Department may request additional or clarifying information regarding each project. On or before January 15, the ~~department~~ Department shall present the information collected to the ~~house committee on corrections and institutions and the senate committee on institutions~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 37. AVAILABILITY OF APPROPRIATIONS

Notwithstanding 32 V.S.A. § 1 (fiscal year to commence on July 1 and end on June 30), the appropriations in this act designated as FY 2014 shall be available on passage of this act, and those designated as FY 2015 shall be available on passage of the Capital Construction and State Bonding Budget Adjustment Act of the 2014 legislative session.

Sec. 38. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

The Commissioner of Buildings and General Services, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is authorized to use funds appropriated in this act for capital projects requiring additional support that were funded with capital or general fund appropriations in prior years.

Sec. 39. ACCOUNTING STANDARDS FOR ENGINEERING COSTS

(a) The Commissioner of Finance and Management shall establish a working group to develop a set of criteria and guidelines for allocating engineering costs between the Capital bill and the General Fund. The Working Group shall review current state practices, standard accounting classifications and approaches taken in other states. The Group shall include the Commissioner of Finance and Management or designee, the Commissioner of Buildings and General Services or designee, the Secretary of Natural Resources or designee, the State Auditor or designee, and a Joint Fiscal Officer or designee.

(b) On or before September 30, 2013, the Commissioner of Finance and Management shall present the proposal to the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions for review with the intent that the criteria and guidelines on cost allocations will be used in the FY 2015 capital budget.

* * * Human Services * * *

Sec. 40. SECURE RESIDENTIAL FACILITY

Pursuant to the Level 1 Psychiatric Care Evaluation required by the Fiscal Year 2014 Appropriations Act, Sec. E.314.2, the Commissioner of Buildings and General Services shall develop a proposal to establish a permanent secure residential facility no later than January 15, 2015.

* * * Natural Resources * * *

Sec. 41. LABORATORY FEASIBILITY STUDY

On or before December 15, 2013, the Department of Buildings and General Services, the Agency of Natural Resources, and the Agency of Agriculture, Food and Markets shall examine and report to the General Assembly on the feasibility of sharing the same laboratory, exploring relationships with the University of Vermont and the Vermont State Colleges system, or other public or private entities, and determining what specialized services may be sold within the Northeast region to fulfill state and regional laboratory needs. This report shall include a cost-benefit analysis and a governance model.

Sec. 42. 24 V.S.A. § 4763b is amended to read:

§ 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER
SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law, when the wastewater system or potable water supply serving only one single-family residence on its own lot meets the definition of a failed supply or system, the ~~secretary of natural resources~~ Secretary of Natural Resources may lend monies to the owner of the residence from the Vermont ~~wastewater and potable water revolving loan fund~~ Wastewater and Potable Water Revolving Loan Fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) loans may only be made to households with an income equal to or less than 200 percent of the state average median household income;

(2) loans may only be made to households where the recipient of the loan resides in the residence on a year-round basis;

(3) loans may only be made if the owner of the residence has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least ~~two~~ one other financing ~~entities~~ entity;

(4) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the ~~secretary of natural resources~~ Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the ~~secretary of natural resources~~ Secretary of Natural Resources that the proposed project has secured all state and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan;

(5) all funds from the repayment of loans made under this section shall be deposited into the Vermont ~~wastewater and potable water revolving loan fund~~ Wastewater and Potable Water Revolving Loan Fund.

(b) The ~~secretary of natural resources~~ Secretary of Natural Resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The ~~secretary~~ Secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

Sec. 43. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

(a) If additional support is required for the Dufresne Dam Project in FY 2014, the Secretary of Natural Resources is authorized to use as funding prior capital funds authorized in 2011 Acts and Resolves No. 40, Sec. 12(a)(4)(A) for the Wolcott Pond Dam repair and maintenance.

(b) On or before January 15, 2014, the Secretary of Natural Resources shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the status of close-out audits of project grants funded with capital funds.

(c) In FY 2014, the Secretary of Natural Resources, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is authorized to reallocate unexpended funds that were appropriated to the Agency of Natural Resources:

(1) between projects authorized in different capital construction acts if the funds are appropriated to the same department within the Agency of Natural Resources for a related purpose; and

(2) between a project authorized in a capital construction act and a project not authorized in a capital construction act if the funds are used for planning advances pursuant to 10 V.S.A. § 1591(a).

(d) The Secretary shall reallocate no more than:

(1) \$200,000.00 in unexpended funds pursuant to subdivision (c)(1) of this section; and

(2) \$30,000.00 per project and \$100,000.00 in total pursuant to subdivision (c)(2) of this section.

* * * Military Department * * *

Sec. 44. 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~~ State, the ~~board~~ Board shall be responsible for the real estate and personal property of the ~~national guard~~ National Guard. The ~~board~~ Board may acquire or purchase, and maintain and dispose of by sale or otherwise real estate and personal property. Upon determination by the ~~board~~ 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~~ construction acts.

* * * Education * * *

Sec. 45. STATE AID FOR SCHOOL CONSTRUCTION; EXTENSION OF
SUSPENSION

(a) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly suspended state aid for school construction in order to permit the Secretary of Education and the Commissioner of Finance and Management to recommend a sustainable plan for state aid for school construction.

(b) In 2008 Acts and Resolves No. 200, Sec. 45, as amended by 2009 Acts and Resolves No. 54, Sec. 22, the General Assembly, in the absence of a recommendation, extended the suspension until a sustainable plan for state aid for school construction is developed and adopted.

(c) State aid remains suspended pursuant to the terms of 2008 Acts and Resolves No. 200, Sec. 45 as amended by 2009 Acts and Resolves No. 54, Sec. 22.

(d) Notwithstanding the suspension, the State intends to honor its obligation by FY 2016 to pay for projects for which state aid had been committed prior to the suspension.

Sec. 46. MORGAN SCHOOL

Notwithstanding 16 V.S.A. § 3448(b) or any other provision of law to the contrary, the Morgan School District is authorized to sell the Morgan School building and property to the town of Morgan to use for community purposes without repayment of school construction aid. Thereafter, if the town of Morgan sells the building and property to another entity, including the Morgan School District, the town shall repay the sum owed to the State for school construction aid under the terms set forth in 16 V.S.A. § 3448(b).

Sec. 47. ENHANCED 911 PROGRAM; IMPLEMENTATION IN
SCHOOL DISTRICTS

On or before January 15, 2014, the Enhanced 911 Board shall, in coordination with the Secretary of Education, provide technical assistance and guidance to school districts to comply with the requirement in 30 V.S.A. § 7057 that accurate location information be associated with each landline telephone installed in a school. The Board is authorized to use funds appropriated in Sec. 18a of this act to plan and implement compliance with this program. It is the intent of the General Assembly that these funds are used by the Enhanced 911 Board as a supplement to funding from the Vermont Universal Service Fund established pursuant to 30 V.S.A. chapter 88.

* * * Public Safety * * *

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal.

* * * Energy Use on State Properties * * *Sec. 49. RENEWABLE ENERGY AND ENERGY CONSERVATION
POLICY

(a) The Department of Buildings and General Services shall incorporate the use of renewable energy sources, energy efficiency, and thermal energy conservation in any new building construction or major renovation project in excess of \$250,000.00 unless a life cycle cost analysis demonstrates that the investment cannot be recouped or there are limitations on siting.

(b) On or before January 15, 2014, the Department of Buildings and General Services shall contract for a desk audit to examine and report on the feasibility of installing renewable energy devices on up to 20 properties owned by the State.

(c) As used in this section, the "life cycle cost" of each new building construction or major renovation project shall mean the present value purchase price of an item, plus the replacement cost, plus or minus the salvage value, plus the present value of operation and maintenance costs, plus the energy and environmental externalities' costs or benefits.

* * * Effective Date * * *

Sec. 50. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur with the Senate proposal of amendment? **Rep. Emmons of Springfield** moved to concur with the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 1, Legislative Intent, in subsection (a), by striking out "\$90,148,531.00" and inserting in lieu thereof \$90,373,066.00

Second: In Sec. 2, State Buildings, in subsection (b), by striking out subdivision (5) and inserting in lieu thereof:

(5) Statewide, BGS engineering and architectural project costs:

\$2,982,132.00

Third: In Sec. 2, State Buildings, in subsection (c), by striking out subdivisions (4) and (5) and inserting in lieu thereof:

(4) Statewide, major maintenance: \$8,334,994.00

(5) Statewide, BGS engineering and architectural project costs:

\$2,982,132.00

Fourth: In Sec. 2, in subsection (d), by inserting after the last sentence:

It is also the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$360,000.00 of the funds appropriated in subdivisions (b)(5) and (c)(5) of this section for the purpose of funding four limited service positions in the Department of Buildings and General Services created for engineering-related work pursuant to the 2013 Acts and Resolves No. [], Sec. E.100(b)(1) (FY 2014 Appropriations Act).

Fifth: In Sec. 2, in subsection (e), by striking out “\$52,281,597.00”, “\$45,966,661.00”, and “\$98,248,258.00” and inserting in lieu thereof \$52,461,132.00, \$45,742,126.00, and \$98,203,258.00

Sixth: By striking out Sec. 4, Human Services, in its entirety and inserting in lieu thereof:

Sec. 4. HUMAN SERVICES

(a) The following sums are appropriated in FY 2014 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of Department of Health laboratory with the UVM Colchester research facility: \$5,000,000.00

(2) Corrections, security upgrades: \$100,000.00

(3) Corrections, facilities conditions analysis: \$100,000.00

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

(1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of the Department of Health laboratory with the UVM Colchester research facility: \$6,000,000.00

(2) Corrections, security upgrades: \$100,000.00

(c) It is the intent of the General Assembly that the funds appropriated in subdivision (b)(1) of this section are committed funds not subject to budget adjustment.

(d) On or before January 15, 2014, the Department of Corrections and the Department of Buildings and General Services shall report to the General Assembly on capital needs at state correctional facilities. The report shall evaluate five-year capital needs and shall include:

- (1) a facilities conditions analysis;
- (2) an assessment of space and capacity at Vermont state correctional facilities required for programming use; and
- (3) proposed unit configurations for the housing of aging and other special needs populations.

(e) The Commissioner of Buildings and General Services shall use the funds appropriated to the Department of Buildings and General Services for the Agency of Human Services in subdivision (a)(3) of this section for the purpose described in subdivision (d)(1) of this section.

Appropriation – FY 2014 \$5,200,000.00

Appropriation – FY 2015 \$6,100,000.00

Total Appropriation – Section 4 \$11,300,000.00

Seventh: In Sec. 6, Commerce and Community Development, by striking out subsection (c) in its entirety and inserting in lieu thereof:

(c) The following sum is appropriated in FY 2014 to the Department of Buildings and General Services for the Battle of Cedar Creek and Winchester Memorials, relocation and placement of roadside marker: \$25,000.00

Eighth: In Sec. 6, in subsection (e), by striking out “\$495,000.00” and “\$745,000.00” and inserting in lieu thereof \$440,000.00 and \$690,000.00, respectively

Ninth: In Sec. 8, Education, in subsection (b), by striking out the second sentence and inserting in lieu thereof:

It is the intent of the General Assembly that the funds appropriated in this subsection are committed funds not subject to budget adjustment.

Tenth: In Sec. 11, Natural Resources, in subsection (a), by striking out subdivision (4)(B) and inserting in lieu thereof:

(B) Fish and Wildlife Enforcement Division, for equipment: \$75,950.00

Eleventh: In Sec. 18a, Enhanced 911 Program, by striking out the section in its entirety and inserting in lieu thereof:

Sec. 18a. ENHANCED 911 PROGRAM

(a) The sum of \$10,000.00 is appropriated in FY 2014 to the Enhanced 911 Board for one-time fees and equipment associated with the planning and

implementation of the Enhanced 911 program in schools pursuant to 30 V.S.A. § 7057.

(b) The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section.

(c) It is the intent of the General Assembly that the appropriations to the Enhanced 911 Board for the Enhanced 911 program in subsections (a) and (b) of this section are one-time appropriations. Any future appropriations shall be funded through the Universal Service Fund established pursuant to 30 V.S.A. chapter 88.

Total Appropriation – Section 18a

\$20,000.00

Twelfth: In Sec. 24, Newport Waterfront, by striking out the section in its entirety and inserting in lieu thereof:

Sec. 24. 2009 Acts and Resolves No. 43, Sec. 25(a) is amended to read:

(a) Notwithstanding 29 V.S.A. § 166(b), ~~the commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to ~~negotiate the sale of~~ sell, lease, gift, or otherwise convey all or a portion of the ~~state's~~ State's property that adjoins the ~~Hebard state office building~~ State Office Building in Newport City for the purposes of transferring ownership and operation of the bike path, walking path, and boardwalk. ~~Upon approval of the chairs and vice chairs of the senate committee on institutions and the house committee on corrections and institutions, the commissioner may sell the property for the negotiated price. The commissioner shall strive to sell the property at fair market value. However, due to the unique nature of the transaction, the commissioner may use the following factors to justify selling the property at less than fair market value:~~

~~(1) Ongoing maintenance and operation costs associated with the property.~~

~~(2) Risk potential to the state.~~

~~(3) The local economic situation.~~

The Commissioner is further authorized to accept federal or state grants for improvements, maintenance, and operating costs associated with this property.

Thirteenth: In Sec. 25, Battle of Cedar Creek and Winchester Memorials, by inserting the word “capital” before each instance of the word “expenses”, either lower or upper cased, and the words “of the Memorial” after the word “transportation”

Fourteenth: In Sec. 28, Windsor County Courthouse, by striking out “\$40,000.00” and inserting in lieu thereof \$45,000.00

Fifteenth: By adding a Sec. 29a, after Sec. 29, to read as follows:

Sec. 29a. 29 V.S.A. § 821(a) is amended to read:

(a) State buildings.

(1) “Asa Bloomer State Office Building” shall be the name of the building now known as the “Hulett” office building in the city of Rutland.

* * *

(9) “Vermont Psychiatric Care Hospital” shall be the name of the state hospital in Berlin.

(10) “Vermont State Health Laboratory” shall be the name of the state health laboratory in Colchester.

Sixteenth: In Sec. 30, Regional Economic Development Grant Program, by designating the existing language as (a) and by replacing the word “consider” with the word “evaluate” and by inserting a subsection (b) to read as follows:

(b) On or before September 15, 2013, the Commissioner of Buildings and General Services shall report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs with the results of the evaluation described in subsection (a) of this section.

Seventeenth: In Sec. 43, Additional Funding for Capital Projects, by inserting in subdivision (d)(1) “A total of” before “\$200,000.00”, by adding “for the Agency of Natural Resources” after “funds”, and by adding subsections (e) and (f) to read as follows:

(e) On or before January 15, 2014, the Secretary of Natural Resources shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the amount of unexpended funds reallocated pursuant to subsection (c) of this section and a description of the projects that received the funds.

(f) It is the intent of the General Assembly to evaluate in FY 2014 whether to grant the Agency of Natural Resources additional authority to reallocate unexpended funds.

Eighteenth: In Sec. 47, Enhanced 911 Program; Implementation in School Districts, by striking out the second sentence and inserting in lieu thereof:

The Board is authorized to use funds appropriated in Sec. 18a of this act for one-time fees and equipment associated with planning and implementing compliance with this program.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto, as proposed by **Rep. Emmons of Springfield**?

Recess

At ten o'clock and fifteen minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and five minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Senate Proposal of Amendment Concurred in with a Further Amendment thereto

H. 533

Consideration resumed on House bill, entitled

An act relating to capital construction and state bonding;

Thereupon, the recurring question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto, as proposed by **Rep. Emmons of Springfield**? was agreed to.

Proposal of Amendment Agreed to: Read Third Time and Passed in Concurrence with Proposal of Amendment

S. 85

Senate bill, entitled

An act relating to workers' compensation for firefighters and rescue or ambulance workers

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

In Sec. 1, 21 V.S.A. § 601, in subdivision (11)(H)(i), after the words "infectious disease", by inserting "either one of which is"

Which was agreed to.

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

Proposal of Amendment Agreed to; Third Reading Ordered**S. 155**

Rep. Kupersmith of South Burlington, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to creating a strategic workforce development needs assessment and strategic plan

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. FINDINGS AND PURPOSE

(a) Over the years, significant resources have been devoted in Vermont to supporting many workforce development, training, and education opportunities that prepare individuals for employment. Among them are private and public education, social service programs focusing on work readiness, internships, apprenticeships, training programs, and other forms of government support.

(b) Despite these investments, there is a gap between the readiness of individuals for employment and the needs of employers in the State. Graduates, underemployed, and unemployed workers express that they cannot find work, they do not possess adequate work skills and experience, or that jobs for which they are qualified are unavailable. At the same time, employers report difficulty in filling current and projected job openings due in part to the insufficient skills, training, or experience of the available workforce. Consequently, individuals are not advancing their employment interests and businesses are impeded in their success. The combination of these factors negatively impacts the revenues of the State and the well-being of our citizenry.

(c) There is broad agreement in the General Assembly that individuals should have adequate opportunities to engage in the workforce in the way that best suits their needs and wishes. There is also agreement that the workforce needs of our employers must be met in order for our businesses and economy to thrive.

(d) Administrators and policy makers acknowledge that there are both gaps and overlaps among the many workforce development, training, and education activities in the State. There is broad consensus on the need for significantly improved coordination and strategic focus.

(e) In adopting this act, it is the goal of the General Assembly to create a process that will result in a comprehensive compendium of information about the workforce education and training activities that are taking place in the State. This information, which is not currently compiled in a way that is sufficiently useful to policy makers and administrators, will serve as the basis for the more effective and strategic use of both public and private dollars.

Sec. 2. WORKFORCE DEVELOPMENT WORK GROUP

(a) Creation. There is created a Workforce Development Work Group composed of the following members:

(1) two members of the Senate appointed by the President Pro Tempore of the Senate;

(2) two members of the House of Representatives appointed by the Speaker of the House;

(3) the Secretary of Commerce and Community Development or designee; and

(4) the Commissioner of Labor or designee.

(b) Duties. The Work Group shall:

(1) coordinate with the Workforce Development Council in the performance of the Council's duties under 10 V.S.A. § 541(i);

(2) research, compile, and inventory all workforce education and training programs and activities taking place in Vermont;

(3) identify the number of individuals served by each of the programs and activities, and estimate the number of individuals in the State who could benefit from these programs and activities;

(4) identify the amount and source of financial support for these programs and activities, including financial support that goes directly to the individuals, and, to the extent practicable, the allocation of resources to the direct benefits, management, and overhead costs of each program and activity;

(5) identify the mechanics by which these programs and activities are evaluated for effectiveness and outcomes;

(6) provide a summary for each program or activity of its delivery model, including how the program or activity aligns with employment opportunities located in Vermont;

(7) identify current statutory provisions concerning coordination, integration, and improvement of workforce education and training programs, including identification of the entities responsible for performing those duties;

(8) identify overlaps in existing workforce development programs and activities; and

(9)(A) research and inventory all programs and activities taking place in the State, both public and private, that identify and evaluate employers' needs for employees, including the skills, education, and experience required for available and projected jobs;

(B) indicate who is responsible for these activities and how they are funded;

(C) specify the data collection activities that are taking place; and

(D) identify overlaps in programs, activities, and data collection that identify and evaluate employers' needs for employees.

(c) The Work Group shall meet not more than eight times, and shall have the administrative, legal, and fiscal support of the Office of Legislative Council and the Legislative Joint Fiscal Office.

(d) In order to perform its duties pursuant to this act, the Work Group shall have the authority to request and gather data and information as it determines is necessary from entities that conduct workforce education and training programs and activities, including agencies, departments, and programs within the Executive Branch and from nongovernmental entities that receive state-controlled funding. Unless otherwise exempt from public disclosure pursuant to state or federal law, a workforce education and training provider shall provide the data and information requested by the Work Group within a reasonable time period.

(e) On or before January 15, 2014, the Work Group shall submit its findings and recommendations to the House Committees on Commerce and Economic Development and on Education, and to the Senate Committees on Economic Development, Housing and General Affairs and on Education.

(f) Members of the Work Group shall be eligible for per diem compensation, mileage reimbursement, and other necessary expenses as provided in 2 V.S.A. § 406.

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.

Senate Proposal of Amendment Concurred in**H. 205**

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

An act relating to professions and occupations regulated by the Office of Professional Regulation

By adding a new section to be Sec. 47a to read:

Sec. 47a. 26 V.S.A. § 4606 is amended to read:

§ 4606. APPLICATION

* * *

(b)(1) The ~~director~~ Director shall license otherwise qualified applicants who have obtained a license in another jurisdiction which has licensure requirements substantially equivalent to those in this ~~state~~ State.

(2) For experienced applicants from states without licensure, the Director may allow related education, training, or experience of the applicant on a case-by-case basis to be a substitute for all or part of the apprenticeship requirement.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in**H. 474**

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

An act relating to amending the membership and charge of the Government Accountability Committee

First: In Sec. 1, 2 V.S.A. § 970, by adding subdivision (a)(11) to read as follows:

(11) Assess whether and how the State of Vermont should provide funds to nonprofit organization, including whether grants to or contracts with nonprofit organizations should require results-based accountability.

Second: In Sec. 1, 2 V.S.A. § 970, by adding subsection (h) to read as follows:

(h)(1) On or before January 1, 2014, the Committee shall:

(A) review whether and under what conditions or situations the State of Vermont, through its agencies and other instrumentalities, should provide

funding, grants, or other financial awards to a nonprofit organization subject to requirements for results-based accountability from the organization;

(B) if, after completion of its review under subdivision (1)(A) of this subsection (h), it determines that results-based accountability should be required as a condition of a financial award from the State to a nonprofit organization, review whether a special fund should be created to provide nonprofit organizations with funding to develop capacities and other resources to support results-based accountability at an organizational level; and

(C) if it determines that a special fund should be established under subdivision (1)(B) of this subsection (h), examine how the special fund would be financed, including whether a fee or assessment on a nonprofit organization would be an appropriate funding mechanism.

(2) On or before January 15, 2014, the Committee shall submit its findings or recommendations under this subsection to the Senate Committee on Finance, the House Committee on Ways and Means, and the Senate and House Committee on Appropriations.

Third: By adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. REPEAL; GOVERNMENT ACCOUNTABILITY REVIEW OF
FUNDING OF NONPROFIT ORGANIZATIONS UNDER
RESULTS-BASED ACCOUNTABILTY

2 V.S.A. § 970(h) (results-based accountability; funding of nonprofit organizations) shall be repealed on January 16, 2014.

And by renumbering the existing Sec. 2 to be Sec. 3

Which proposal of amendment was considered and concurred in.

Report of Committee of Conference Adopted

H. 131

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to harvesting guidelines and procurement standards

Respectfully reported that it has met and considered the same and recommended that the House accede to the Senate proposal of amendment and

that the bill be further amended in Sec. 4, 30 V.S.A. § 248(b)(11), by striking out subdivisions (B) and (C) in their entirety and inserting in lieu thereof new subdivisions (B) and (C) to read:

(B) ~~incorporate commercially available and feasible designs to achieve a reasonable~~ the highest design system efficiency that is commercially available, feasible, and cost-effective for the type and design of the proposed facility; and

(C) comply with harvesting ~~guidelines~~ procedures and procurement standards that ~~are consistent~~ ensure long-term forest health and sustainability. These procedures and standards at a minimum shall be consistent with the guidelines and standards developed by the secretary of natural resources pursuant to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards) when adopted under that statute.

ROBERT M. HARTWELL

JOHN S. RODGERS

DIANE B. SNELLING

Committee on the part of the Senate

JOHN W. MALCOLM

ANTHONY W. KLEIN

WILLIAM P. CANFIELD

Committee on the part of the House

Which was considered and adopted on the part of the House.

Joint Resolution Adopted

J.R.H. 10

Joint resolution, entitled

Joint resolution opposing the recalculation of Social Security benefits;

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

Rules Suspended; Bill Messaged to Senate Forthwith

H. 533

House bill, entitled

An act relating to capital construction and state bonding

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 59

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 136. An act relating to cost-sharing for preventive services.

H. 182. An act relating to search and rescue.

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

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 530. An act relating to making appropriations for the support of government.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Sears
Senator Snelling.

Message from the Senate No. 60

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 50. An act relating to the sale, transfer, or importation of pets.

H. 101. An act relating to hunting, fishing, and trapping.

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 a bill originating in the House of the following title:

H. 315. An act relating to group health coverage for same-sex spouses.

And has passed the same in concurrence.

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

J.R.H. 9. Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House.

And has adopted the same in concurrence.

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

S. 14. An act relating to payment of fair-share fees.

S. 30. An act relating to siting of electric generation plants.

And has concurred therein.

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

S.C.R. 24. Senate concurrent resolution designating September 2013 as River Green Up Month.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 123. House concurrent resolution designating April 25, 2013 as Victims' Awareness Day.

H.C.R. 124. House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain.

H.C.R. 125. House concurrent resolution commemorating the sescentennial anniversary of the Town of Sudbury.

H.C.R. 126. House concurrent resolution honoring *Burlington Free Press* reporter Candace Page for her outstanding journalism career.

H.C.R. 127. House concurrent resolution designating April 27 as Vermont Youth Appreciation Day.

H.C.R. 128. House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont.

H.C.R. 129. House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners.

H.C.R. 130. House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails.

H.C.R. 131. House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls.

H.C.R. 132. House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions.

H.C.R. 133. House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield.

H.C.R. 134. House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners.

H.C.R. 135. House concurrent resolution honoring West Rutland municipal official Jayne Pratt.

H.C.R. 136. House concurrent resolution commemorating the centennial anniversary of the Lothrop School.

H.C.R. 137. House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury.

H.C.R. 138. House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest.

H.C.R. 139. House concurrent resolution designating May as Older Americans Month in Vermont .

H.C.R. 140. House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont.

Adjournment

At eleven o'clock and forty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, May 5, 2013, at one o'clock in the afternoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 123

House concurrent resolution designating April 25, 2013 as Victims' Awareness Day;

H.C.R. 124

House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain;

H.C.R. 125

House concurrent resolution commemorating the sescentennial anniversary of the Town of Sudbury;

H.C.R. 126

House concurrent resolution honoring *Burlington Free Press* reporter Candace Page for her outstanding journalism career;

H.C.R. 127

House concurrent resolution designating April 27 as Vermont Youth Appreciation Day;

H.C.R. 128

House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont;

H.C.R. 129

House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners;

H.C.R. 130

House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails;

H.C.R. 131

House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls;

H.C.R. 132

House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions;

H.C.R. 133

House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield;

H.C.R. 134

House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners;

H.C.R. 135

House concurrent resolution honoring West Rutland municipal official Jayne Pratt;

H.C.R. 136

House concurrent resolution commemorating the centennial anniversary of the Lothrop School;

H.C.R. 137

House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury;

H.C.R. 138

House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest;

H.C.R. 139

House concurrent resolution designating May as Older Americans Month in Vermont ;

H.C.R. 140

House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont;

S.C.R. 24

Senate concurrent resolution designating September 2013 as River Green Up Month;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2013, seventy-second Adjourned session.]

Monday, May 6, 2013

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Antonia Farrell of Norwich led the House in the Pledge of Allegiance.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the third day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 71 An act relating to tobacco products

H. 280 An act relating to payment of wages

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and placed on the Calendar for notice, as follows:

H. 542

By the committee on Agriculture and Forest Products;

House bill, entitled

An act relating to the taxation of soil amendments

H. 543

By the committee on Government Operations;

House bill, entitled

An act relating to records and reports of the Auditor of Accounts

Rules Suspended; Bill Committed**H. 542**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Lawrence of Lyndon**, the rules were suspended and House bill, entitled

An act relating to the taxation of soil amendments

Was taken up for immediate consideration.

Pending second reading of the bill, **Rep. Lawrence of Lyndon** moved to commit the bill to the committee on Agriculture and Forest Products.

Which was agreed to.

Bill Referred to Committee on Ways and Means

S. 61

Senate bill, entitled

An act relating to alcoholic beverages

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

Bill Referred to Committee on Appropriations

S. 152

Senate bill, entitled

An act relating to the Green Mountain Care Board's rate review authority

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 37

Rep. Botzow of Pownal moved that the committee on Commerce and Economic Development be relieved of Senate bill, entitled

An act relating to tax increment financing districts

And that the bill be committed to the committee on Ways and Means, which was agreed to.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 155

Senate bill, entitled

An act relating to creating a strategic workforce development needs assessment and strategic plan

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Bill Amended; Third Reading Ordered**H. 441**

Rep. Scheuermann of Stowe, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares

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

Sec. 1. 27A V.S.A. § 3-102 is amended to read:

§ 3-102. POWERS OF UNIT OWNERS' ASSOCIATION

(a) Except as otherwise provided in subsection (b) of this section and other provisions of this title, the association:

* * *

(18) May suspend any right or privilege of a unit owner that fails to pay an assessment, but may not:

(A) except as otherwise provided in subsection 3-116(q) of this title, deny a unit owner or other occupant access to the owner's unit;

(B) suspend a unit owner's right to vote;

(C) prevent a unit owner from seeking election as a director or officer of the association; or

(D) withhold services provided to a unit or a unit owner by the association if the effect of withholding the service would be to endanger the health, safety, or property of any person.

* * *

Sec. 2. 27A V.S.A. § 3-108(b) is amended to read:

(b) The following requirements apply to meetings of the executive board and committees of the association authorized to act for the association:

* * *

(6) If any materials are distributed to the executive board before the meeting, the executive board at the same time shall make copies of those materials reasonably available to unit owners, except:

(A) ~~that~~ the board need not make available copies of unapproved minutes or materials that are to be considered in executive session; and

(B) the board of an association composed exclusively of time-share unit owners shall be required to make reasonably available to the unit owners only those materials concerning matters on which action will be taken at the meeting.

* * *

Sec. 3. 27A V.S.A. § 3-116 is amended to read:

§ 3-116. LIEN FOR SUMS DUE ASSOCIATION; ENFORCEMENT

* * *

(j) The association's lien may be foreclosed pursuant to 12 V.S.A. ~~§ 4531a~~ § 4941, 4945, or 4961 and subsection (o) of this section. The association shall give the notice required by statute, or if there is no such requirement, reasonable notice of its action to all lienholders of the unit whose interest would be affected.

* * *

(q) Unless other procedures are provided in the declaration, bylaws, or rules, an association of time-share unit owners may not deny an owner of a time-share access to the owner's time-share for failure to pay an assessment unless:

(1) the time-share owner is delinquent in payment of that owner's common expense assessments based on the periodic budget last adopted by the association pursuant to section 3-115(a) of this title; and

(2) the association provides written notice of the delinquency to the time-share owner no less than 30 days after the date the assessment was due, but in no case later than 30 days before the date the time-share owner is entitled to occupy that owner's time-share.

(3) The following provisions apply to the notice required in subdivision (2) of this subsection:

(A) The notice shall clearly state the total amount of any delinquency which then exists, including any accrued interest and late charges permitted to be imposed under the terms of the declaration or bylaws and including a per diem amount, if any, to account for further accrual of interest and late charges between the stated effective date of the notice and the first date of use;

(B) The notice shall clearly state that the time-share owner will not be permitted to use his or her time-share interest, that the time-share owner will not be permitted to make a reservation in the time-share property's reservation system, or that any confirmed reservation may be canceled, as

applicable, until the total amount of such delinquency is satisfied in full or until the time-share owner produces satisfactory evidence that the delinquency does not exist.

(C) The notice shall be mailed to the time-share owner at his or her last known address as recorded in the books and records of the time-share property, and the notice shall be effective to bar the use of the time-share owner and those claiming use rights under the time-share owner, including his or her guests, lessees, and the third parties receiving use rights in the time-share in question through a nonaffiliated exchange program, until such time as the unit owner is no longer delinquent.

(D) If the association elects to deny use of the owner's time-share to any third party receiving use rights through an affiliated exchange program, the association shall at the same time provide similar written notice of the owner's delinquency as required in subdivision (2) of this subsection to any affiliated exchange program. Receipt of the written notice by the affiliated exchange program is effective to bar the use of all third parties claiming through the affiliated exchange program.

Sec. 4. 12 V.S.A. § 4931(2) is amended to read:

(2) "Dwelling house" means a residential structure or mobile home which contains one to four family housing units, or individual units of condominiums or cooperatives, other than a time-share in a unit, each of which is used or intended to be used as a residence. For the purposes of this subdivision, "time-share" means a time-share estate as defined by 32 V.S.A. § 3619(a).

Sec. 5. 14 V.S.A. § 1902 is amended to read:

§ 1902. LETTERS OF ADMINISTRATION AND LETTERS

TESTAMENTARY, SMALL ESTATES, NOTICE

(a) Upon receiving and filing such petition, the judge of probate may make such investigation of the circumstances of the case and the facts set forth in the petition, as he or she deems proper and necessary.

(b) The court may grant administration of the estate to the petitioner or some other suitable person forthwith without further notice, and may issue letters of administration to the administrator or letters testamentary to the executor without requiring further bonds, if from the petition and the investigation it appears to the satisfaction of the court that:

(1)(A) the deceased left a surviving spouse or children of any age, or both; or

(B) the deceased left a surviving parent or parents but no spouse or child;

(2) the deceased died seized of no real estate other than a time-share estate as defined by 32 V.S.A. § 3619(a); and

(3) the personal estate of the deceased, appraised at its true cash value as of the date of death, amounts to not more than the sum of \$10,000.00.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 4

Rep. Christie of Hartford, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to concussions and school athletic activities

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. 16 V.S.A. § 1431 is amended to read:

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. For purposes of this subchapter:

(1) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(2) “Coach” means a person who instructs or trains students on a school athletic team.

(3) “Health care provider” means an athletic trainer, or other health care provider, licensed pursuant to Title 26, who has within the preceding five years been specifically trained in the evaluation and management of concussions and other head injuries. Training pursuant to this subdivision shall include training materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention, if available.

(4) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(b) Guidelines and other information. The ~~commissioner of education~~ Secretary of Education or designee, assisted by members of the Vermont Principals’ Association selected by that association, members of the Vermont School Boards Insurance Trust, and others as the Secretary deems appropriate, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; ~~and~~

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;

(4) effective methods to reduce the risk of concussions occurring during athletic activities; and

(5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the ~~state~~ State, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete’s parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete’s participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury, how to reduce the risk of concussions during athletic activities, and how to teach athletes the proper techniques for avoiding concussions; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school; and

(4) each referee of a contest involving a high school athletic team participating in a collision sport receive training not less than every two years on how to recognize concussions when they occur during athletic activities.

(d) Participation in athletic activity.

(1) ~~A~~ Neither a coach nor a health care provider shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) ~~A~~ Neither a coach nor health care provider shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider licensed pursuant to Title 26 and trained in the evaluation and management of concussions and other head injuries.

(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State or a designee shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion. The action plan shall include policies on:

(A) who makes the initial decision to remove a student athlete from play when it is suspected that the athlete has suffered a concussion;

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

(C) who makes the final decision that a student athlete may return to athletic activity; and

(D) who has the responsibility to inform a parent or guardian when a student on that school's athletic team suffers a concussion.

(2) The action plan required by subdivision (1) of this subsection shall be provided annually to each youth athlete and the athlete's parents or guardians.

(3) Each youth athlete and a parent or guardian of the athlete shall annually sign a form acknowledging receipt of the information provided pursuant to subdivision (2) of this subsection and return it to the school prior to

the athlete's participation in training or competition associated with a school athletic team.

Sec. 2. 16 V.S.A. § 1388 is added to read:

§ 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
EPINEPHRINE AUTO-INJECTORS

(a) As used in this section:

(1) "Designated personnel" means a school employee, agent, or volunteer who has been authorized by the school administrator to provide and administer epinephrine auto-injectors under this section and who has completed the training required by the State Board by rule.

(2) "Epinephrine auto-injector" means a single-use device that delivers a premeasured dose of epinephrine.

(3) "Health care professional" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 31.

(4) "School" means a public or approved independent school and extends to school grounds, school-sponsored activities, school-provided transportation, and school-related programs.

(5) "School administrator" means a school's principal or headmaster.

(b)(1) A health care professional may prescribe an epinephrine auto-injector in a school's name, which may be maintained by the school for use as described in subsection (d) of this section. The health care professional shall issue to the school a standing order for the use of an epinephrine auto-injector prescribed under this section, including protocols for:

(A) assessing whether an individual is experiencing a potentially life-threatening allergic reaction;

(B) administering an epinephrine auto-injector to an individual experiencing a potentially life-threatening allergic reaction;

(C) caring for an individual after administering an epinephrine auto-injector to him or her, including contacting emergency services personnel and documenting the incident; and

(D) disposing of used or expired epinephrine auto-injectors.

(2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health care professional may dispense epinephrine auto-injectors prescribed to a school.

(c) A school may maintain a stock supply of epinephrine auto-injectors. A school may enter into arrangements with epinephrine auto-injector manufacturers or suppliers to acquire epinephrine auto-injectors for free or at reduced or fair market prices.

(d) The school administrator may authorize a school nurse or designated personnel or both to:

(1) provide an epinephrine auto-injector to a student for self-administration according to a plan of action for managing the student's life-threatening allergy maintained in the student's school health records pursuant to section 1387 of this title;

(2) administer a prescribed epinephrine auto-injector to a student according to a plan of action maintained in the student's school health records; and

(3) administer an epinephrine auto-injector, in accordance with the protocol issued under subsection (b) of this section, to a student or other individual at a school if the nurse or designated personnel believe in good faith that the student or individual is experiencing anaphylaxis, regardless of whether the student or individual has a prescription for an epinephrine auto-injector.

(e) Designated personnel, a school, and a health care professional prescribing an epinephrine auto-injector to a school shall be immune from any civil or criminal liability arising from the administration or self-administration of an epinephrine auto-injector under this section unless the person's conduct constituted intentional misconduct. Providing or administering an epinephrine auto-injector under this section does not constitute the practice of medicine.

(f) On or before January 1, 2014, the State Board, in consultation with the Department of Health, shall adopt rules pursuant to 3 V.S.A. chapter 25 for managing students with life-threatening allergies and other individuals with life-threatening allergies who may be present at a school. The rules shall:

(1) establish protocols to prevent exposure to allergens in schools;

(2) establish procedures for responding to life-threatening allergic reactions in schools, including post-emergency procedures;

(3) implement a process for schools and the parents or guardians of students with a life-threatening allergy to jointly develop a written individualized allergy management plan of action that:

(A) incorporates instructions from a student's physician regarding the student's life-threatening allergy and prescribed treatment;

(B) includes the requirements of section 1387 of this title, if a student is authorized to possess and self-administer emergency medication at school;

(C) becomes part of the student's health records maintained by the school; and

(D) is updated each school year;

(4) require education and training for school nurses and designated personnel, including training related to storing and administering an epinephrine auto-injector and recognizing and responding to a life-threatening allergic reaction;

(5) require each school to make publicly available protocols and procedures developed in accordance with the rules adopted by the State Board under this section; and

(6) require each school to submit to the Agency a standardized report of each incident at the school involving a life-threatening allergic reaction or administration or self-administration of an epinephrine auto-injector.

(g) Annually on or before January 15, the Secretary shall submit a report to the House and Senate Committees on Education that summarizes and analyzes the incident reports submitted by schools in accordance with the rules adopted by the State Board and that makes recommendations to improve schools' responses to life-threatening allergic reactions.

Sec. 3. CONCUSSION TASK FORCE

(a) Creation. There is created a Concussion Task Force to study concussions resulting from school athletic activities and to provide recommendations for further action.

(b) Membership. The Concussion Task Force shall be composed of the following members:

(1) the Secretary of Education or designee;

(2) the Commissioner of Health or designee;

(3) a representative of the Vermont Principals' Association;

(4) a representative of the Vermont Athletic Trainers' Association;

(5) a representative of the Vermont Traumatic Brain Injury Advisory Board;

(6) a representative of the School Nurses Division of the Department of Health;

(7) a student athlete appointed by the Vermont Principals' Association; and

(8) a representative of the Vermont School Boards Insurance Trust.

(c) Powers and duties. The Concussion Task Force shall study issues related to concussions resulting from school athletic activities and make recommendations, including:

(1) what sports necessitate on-site trained medical personnel at athletic events based on data from public high schools and independent schools participating in interscholastic sports;

(2) the availability of trained medical personnel and whether school athletic events could be adequately covered; and

(3) the financial impact on schools of requiring medical personnel to be present at some athletic activities.

(d) Assistance. The Concussion Task Force shall have the administrative and technical assistance of the Agency of Education.

(e) Report. On or before December 15, the Concussion Task Force shall report to the House and Senate Committees on Education, the House Committee on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Concussion Task Force to occur on or before July 15, 2013.

(2) The Secretary of Education or designee shall be the chair.

(3) A majority of the members of the Concussion Task Force shall be physically present at the same location to constitute a quorum.

(4) Action shall be taken only if there is both a quorum and a majority vote of all members of the Concussion Task Force.

(5) The Concussion task Force shall cease to exist on December 31, 2013.

Sec. 4. REPORT

To the extent permitted by applicable state and federal law, the Vermont Traumatic Brain Injury Advisory Board (the Board) shall obtain information necessary to create an annual report on the incidences of concussions sustained by student athletes in Vermont in the previous school year. To the extent such information is available, the report shall include the number of concussions sustained by student athletes in Vermont, the sport the student athlete was playing when he or she sustained the concussion, the number of Vermont student athletes treated in emergency rooms for concussions received while participating in school athletics, and who made the decision that a student athlete was able to return to play. For purposes of the report, the Board shall consult with the Vermont Principals' Association and the Vermont Association of Athletic Trainers. If the Board obtains information sufficient to create the report, it shall report on or before December 15 of each year starting in 2014 to the Senate and House Committees on Judiciary and on Education.

Sec. 5. SCHOOL-BASED MENTAL HEALTH SERVICES

(a) It is estimated that 10 percent of children need mental health services nationally, but that only 20 percent of this 10 percent receive treatment.

(b) Children who need mental health services are at a higher risk of dropping out of school than those who do not have mental health needs.

(c) Untreated mental health conditions have been linked to higher rates of juvenile incarceration, drug abuse, and unemployment.

(d) Early intervention decreases subsequent expenditures for special education and increases the likelihood of academic success.

(e) School-based mental health services increase access to and use of mental health services and improve coordination of services.

(f) School-based mental health services increase student and parental awareness of available services.

Sec. 6. SCHOOL-BASED MENTAL HEALTH SERVICES; STUDY

(a) The Secretaries of Education and of Human Services, in consultation with the Green Mountain Care Board, the Department of State's Attorneys, the Juvenile Division of the Office of the Defender General, and other interested parties, shall:

(1) catalogue the type and scope of mental health and substance abuse services provided in or in collaboration with Vermont public schools;

(2) determine the number of students who are currently receiving mental health or substance abuse services through Vermont public schools and identify the sources of payment for these services;

(3) estimate the number of students enrolled in Vermont public schools who are not receiving the mental health or substance abuse services they need and, in particular, the number of students who were referred for services but are not receiving them, identifying whenever possible the barriers to the receipt of services;

(4) identify successful programs and practices related to providing mental health and substance abuse services in Vermont public schools and nationally, and determine which, if any, could be replicated in other areas of the State;

(5) determine how the provision of health insurance in Vermont may affect the availability of mental health or substance abuse services to Vermont students;

(6) detail the costs and sources of funding for mental health and substance abuse services provided by or through Vermont public schools during the two most recent fiscal years for which data is available; and

(7) develop a proposal based on the information collected pursuant to this subsection to ensure that clinically-appropriate and sufficient school-based mental health and substance abuse services are available to students in Vermont public schools.

(b) On or before January 15, 2014, the Secretaries shall present their research, findings, and proposals to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2013, except that the reporting requirement under Sec. 2, 16 V.S.A. § 1388(g), shall take effect on July 1, 2014.

and that after passage the title of the bill be amended to read: "An act relating to health and schools"

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. 11**

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

An act relating to the Austine School

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

By inserting a new Sec. 2, after Sec. 1, to read as follows:

Sec. 2. SERVICE PLAN; AUSTINE SCHOOL

On or before January 15, 2014, the Secretary of Education, in consultation with the President and Board of Trustees of the Austine School, shall develop and present to the House Committees on Corrections and Institutions and on Education and the Senate Committees on Institutions and on Education a service plan to meet the needs of Vermont students served by the Austine School.

and by renumbering the remaining section to be numerically correct

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 Reports; Consideration Interrupted by Recess**S. 38**

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

An act relating to expanding eligibility for driving and identification privileges in Vermont

Reported in favor of its passage in concurrence

Rep. Ram of Burlington, for the committee on Ways and Means, recommended that the bill ought to pass in concurrence.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read the third time?

Recess

At two o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed and Third Reading was Ordered**S. 38**

Consideration resumed on Senate bill, entitled

An act relating to expanding eligibility for driving and identification privileges in Vermont;

Thereupon, third reading was ordered.

Senate Proposal of Amendment Concurred in**H. 99**

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

An act relating to equal pay;

First: In Sec. 2, 21 V.S.A. § 495, by striking out subdivision (a)(7)(B) and inserting a new subdivision (a)(7)(B) to read:

(B)(i) No employer may do any of the following:

~~(i)(I)~~ Require, as a condition of employment, that an employee refrain from disclosing the amount of his or her wages or from inquiring about or discussing the wages of other employees.

~~(ii)(II)~~ Require an employee to sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages or to inquire about or discuss the wages of other employees.

~~(iii)~~ ~~Discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages.~~

(ii) Unless otherwise required by law, an employer may prohibit a human resources manager from disclosing the wages of other employees.

Second: In Sec. 2, 21 V.S.A. § 495, in subsection (h), by adding a sentence at the end of the subsection to read: “Unless otherwise required by law, nothing in this section shall require an employee to disclose his or her wages in response to an inquiry by another employee.”

Third: In Sec. 3, 3 V.S.A. § 345, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) A contractor subject to this section shall maintain and make available its books and records at reasonable times and upon notice to the contracting agency and the Attorney General so that either may determine whether the contractor is in compliance with this section.

Fourth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. 21 V.S.A. § 309 is added to read:

§ 309. FLEXIBLE WORKING ARRANGEMENTS

(a)(1) An employee may request a flexible working arrangement that meets the needs of the employer and employee. The employer shall consider a request using the procedures in subsections (b) and (c) of this section at least twice per calendar year.

(2) As used in this section, “flexible working arrangement” means intermediate or long-term changes in the employee’s regular working arrangements including changes in the number of days or hours worked, changes in the time the employee arrives at or departs from work, work from home, or job-sharing. “Flexible working arrangement” does not include vacation, routine scheduling of shifts, or another form of employee leave.

(b)(1) The employer shall discuss the request for a flexible working arrangement with the employee in good faith. The employer and employee may propose alternative arrangements during the discussion.

(2) The employer shall consider the employee’s request for a flexible working arrangement and whether the request could be granted in a manner that is not inconsistent with its business operations or its legal or contractual obligations.

(3) As used in this section, “inconsistent with business operations” includes:

(A) the burden on an employer of additional costs;

(B) a detrimental effect on aggregate employee morale unrelated to discrimination or other unlawful employment practices;

(C) a detrimental effect on the ability of an employer to meet consumer demand;

(D) an inability to reorganize work among existing staff;

(E) an inability to recruit additional staff;

(F) a detrimental impact on business quality or business performance;

(G) an insufficiency of work during the periods the employee proposes to work; and

(H) planned structural changes to the business.

(c) The employer shall notify the employee of the decision regarding the request. If the request was submitted in writing, the employer shall state any complete or partial denial of the request in writing.

(d) This section shall not diminish any rights under this chapter or pursuant to a collective bargaining agreement. An employer may institute a flexible working arrangement policy that is more generous than is provided by this section.

(e) The Attorney General, a state's attorney, or the Human Rights Commission in the case of state employees may enforce subsections (b) and (c) of this section by restraining prohibited acts, conducting civil investigations, and obtaining assurances of discontinuance in accordance with the procedures established in subsection 495b(a) of this title. An employer subject to a complaint shall have the rights and remedies specified in subsection 495b(a) of this title. An investigation against an employer shall not be a prerequisite for bringing an action. The Civil Division of the Superior Court may award injunctive relief and court costs in any action. There shall be no private right of action to enforce this section.

(f) An employer shall not retaliate against an employee exercising his or her rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

(g) Nothing in this section shall affect any legal rights an employer or employee may have under applicable law to create, terminate, or modify a flexible working arrangement.

Fifth: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read:

Sec. 13. PAID FAMILY LEAVE STUDY COMMITTEE

(a) Creation. There is created a Committee to study the issue of paid family leave in Vermont and to make recommendations regarding whether and how paid family leave may benefit Vermont citizens.

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

- (1) One member of the House of Representatives chosen by the Speaker;
- (2) One member of the Senate chosen by the Committee on Committees;
- (3) three representatives from the business community, one appointed by the Speaker and two by the Committee on Committees;
- (4) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;
- (5) one representative appointed by the Governor;
- (6) the Attorney General or designee;
- (7) the Commissioner of Labor or designee;
- (8) the Executive Director of the Vermont Commission on Women or designee; and
- (9) the Executive Director of the Human Rights Commission or designee.

(c) Duties. The Committee shall examine:

- (1) existing paid leave laws and proposed paid leave legislation in other states;
- (2) which employees should be eligible for paid leave benefits;
- (3) the appropriate level of wage replacement for eligible employees;
- (4) the appropriate duration of paid leave benefits;
- (5) mechanisms for funding paid leave through employee contributions;
- (6) administration of paid leave benefits;
- (7) transitioning to a funded paid leave program; and
- (8) any other issues relevant to paid leave.

(d) The Committee shall make recommendations including proposed legislation to address paid family leave in Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent

meetings. The Committee shall have the administrative assistance of the Department of Labor. The Committee shall meet not more than five (5) times.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) For participation on the Committee at meetings during the adjournment of the General Assembly, legislative members shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(h) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their participation shall be entitled to per diem compensation or reimbursement of expenses, or both, pursuant to 32 V.S.A. § 1010.

(i) The Committee shall cease to function upon transmitting its report.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 178

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

An act relating to anatomical gifts;

First: In Sec. 2, 18 V.S.A. § 5227, by inserting a new subsection (c) to read as follows:

(c) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or crematory operator has cremated the remains, the funeral director or crematory operator shall retain the remains for three years, and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or crematory operator shall arrange for the final disposition of the cremated remains consistent with any applicable law and standard funeral practices.

and by relettering the existing subsection (c) to be (d).

Second: In Sec. 4, subsection (b), at the end of subdivision (4), by striking out the word "and" and by inserting new subdivisions (5) and (6) to read:

(5) a licensed funeral director or crematory operator;

(6) a family member of a decedent who made an anatomical gift under 18 V.S.A. chapter 110; and

and by renumbering the existing subdivision (5) to be (7)

Which proposal of amendment was considered and concurred in.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the sixth day of May, 2013, he approved and signed a bill originating in the House of the following title:

H. 401 An act relating to municipal and regional planning and flood resilience

**Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 169

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

An act relating to relieving employers' experience-rating records

First: By striking out Sec. 4 (effective date) in its entirety and by inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

The following words and phrases, as used in this chapter, shall have the following meanings unless the context clearly requires otherwise:

* * *

(6)(A)(i) "Employment," subject to the other provisions of this subdivision (6), means service within the jurisdiction of this ~~state~~ State, performed prior to January 1, 1978, which was employment as defined in this subdivision prior to such date and, subject to the other provisions of this subdivision, service performed after December 31, 1977, by an employee, as defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. Services partly within and partly without this ~~state~~ State may by election as hereinbefore provided be treated as if wholly within the jurisdiction of this ~~state~~ State. And whenever an employing unit shall have elected to come under the provisions of a similar act

of a state where a part of the services of an employee are performed, the ~~commissioner~~ Commissioner, upon his or her approval of said election as to any such employee, may treat the services covered by said approved election as having been performed wholly without the jurisdiction of this ~~state~~ State.

* * *

(C) The term "employment" shall not include:

* * *

(xxi) Service performed by a direct seller if the individual is in compliance with all the following:

(I) The individual is engaged in:

(aa) the trade or business of selling or soliciting the sale of consumer products, including services or other intangibles, in the home or a location other than in a permanent retail establishment, including whether the sale or solicitation of a sale is to any buyer on a buy-sell basis, a deposit-commission basis, or any similar basis for resale by the buyer or any other person; or

(bb) the trade or business of the delivery or distribution of newspapers or shopping news, including any services directly related to such trade or business.

(II) Substantially all the remuneration, whether or not received in cash, for the performance of the services described in subdivision (I) of this subdivision (C)(xxi) is directly related to sales or other output, including the performance of services, rather than to the number of hours worked.

(III) The services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed, and the contract provides that the individual will not be treated as an employee for federal and state tax purposes.

* * *

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

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage except that Sec. 4 of this act shall take effect on July 1, 2013.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Reps. Marcotte of Coventry and Botzow of Pownal** moved to

concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 4 and 5 in their entirety and inserting Secs. 4, 5, and 6 to read:

Sec. 4. DEPARTMENT OF LABOR; ENFORCEMENT OF
UNEMPLOYMENT INSURANCE COVERAGE RULE

The Department of Labor shall not implement proposed rule 12P044, unemployment insurance coverage for newspaper carriers, until July 1, 2014.

Sec. 5. STUDY

(a) The Department of Labor shall study the issue of exempting newspaper carriers from unemployment compensation coverage, including its appropriateness and the potential impact of the exemption on the unemployment trust fund.

(b) The study shall include an analysis of:

(1) the average earnings of newspaper carriers and whether based on those earnings they would be eligible for unemployment compensation benefits;

(2) the frequency of layoffs of newspaper carriers;

(3) the history of how newspaper carriers have been treated for purposes of unemployment compensation in Vermont and the history and rationale behind the 2006 Department of Labor bulletin treating newspaper carriers as direct sellers;

(4) the amount of savings realized by newspaper publishers as a result of the 2006 bulletin;

(5) whether newspaper carriers are required to be covered by workers' compensation insurance;

(6) the impact of a newspaper carrier exemption on other public assistance programs;

(7) the approaches taken by other states regarding unemployment compensation for newspaper carriers;

(8) how the unemployment compensation statutes should apply to individuals who do not earn enough wages to qualify for unemployment benefits; and

(9) any other issues relating to unemployment compensation coverage for newspaper carriers and other similar occupations.

(c) The Department shall report its findings to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before December 15, 2013.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto? **Rep. Marcotte of Coventry** 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 concur in the Senate proposal of amendment with a further amendment thereto? was decided in the affirmative. Yeas, 130. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Kupersmith of South
Bartholomew of Hartland	Evans of Essex	Burlington
Batchelor of Derby	Fagan of Rutland City	Larocque of Barnet
Beyor of Highgate	Fay of St. Johnsbury	Lawrence of Lyndon
Bissonnette of Winooski	Feltus of Lyndon	Lenes of Shelburne
Botzow of Pownal	Fisher of Lincoln	Lewis of Berlin
Bouchard of Colchester	Frank of Underhill	Lippert of Hinesburg
Branagan of Georgia	French of Randolph	Macaig of Williston
Brennan of Colchester	Gage of Rutland City	Malcolm of Pawlet
Buxton of Tunbridge	Gallivan of Chittenden	Manwaring of Wilmington
Campion of Bennington	Goodwin of Weston	Marcotte of Coventry
Canfield of Fair Haven	Grad of Moretown	Marek of Newfane
Carr of Brandon	Greshin of Warren	Martin of Springfield
Cheney of Norwich	Haas of Rochester	Martin of Wolcott
Christie of Hartford	Head of South Burlington	Masland of Thetford
Clarkson of Woodstock *	Heath of Westford	McCarthy of St. Albans City
Cole of Burlington	Hebert of Vernon	McCormack of Burlington
Connor of Fairfield	Helm of Fair Haven	McCullough of Williston
Conquest of Newbury	Higley of Lowell	McFaun of Barre Town
Consejo of Sheldon	Hooper of Montpelier	Miller of Shaftsbury
Corcoran of Bennington	Hubert of Milton	Mook of Bennington
Cross of Winooski	Huntley of Cavendish	Moran of Wardsboro
Cupoli of Rutland City	Jerman of Essex	Morrissey of Bennington
Dakin of Chester	Jewett of Ripton	Myers of Essex
Davis of Washington	Johnson of South Hero	Nuovo of Middlebury
Deen of Westminster	Juskiewicz of Cambridge	O'Brien of Richmond
Devereux of Mount Holly	Keenan of St. Albans City	O'Sullivan of Burlington
Dickinson of St. Albans	Kilmartin of Newport City	Pearce of Richford
Town	Kitzmiller of Montpelier	Pearson of Burlington
Donaghy of Poultney	Koch of Barre Town	Peltz of Woodbury
Donahue of Northfield	Krebs of South Hero	Poirier of Barre City *
Donovan of Burlington	Krowinski of Burlington	Potter of Clarendon
Ellis of Waterbury		Pugh of South Burlington

Quimby of Concord	Stuart of Brattleboro	Waite-Simpson of Essex
Rachelson of Burlington	Sweaney of Windsor	Webb of Shelburne
Ralston of Middlebury	Taylor of Barre City	Weed of Enosburgh
Savage of Swanton	Terenzini of Rutland Town	Wilson of Manchester
Scheuermann of Stowe	Toleno of Brattleboro	Winters of Williamstown
Sharpe of Bristol	Toll of Danville	Wizowaty of Burlington
Shaw of Pittsford	Townsend of Randolph	Woodward of Johnson
Shaw of Derby	Townsend of South	Wright of Burlington
Smith of New Haven	Burlington	Yantachka of Charlotte
Spengler of Colchester	Trieber of Rockingham	Young of Glover
Stevens of Waterbury	Turner of Milton	Zagar of Barnard
Strong of Albany	Van Wyck of Ferrisburgh	

Those who voted in the negative are: none

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

Browning of Arlington	Klein of East Montpelier	Ram of Burlington
Burditt of West Rutland	Komline of Dorset	Russell of Rutland City
Burke of Brattleboro	Lanpher of Vergennes	South of St. Johnsbury
Condon of Colchester	Michelsen of Hardwick	Stevens of Shoreham
Copeland-Hanzas of	Mitchell of Fairfax	Till of Jericho
Bradford	Mrowicki of Putney	Vowinkel of Hartford
Johnson of Canaan	Partridge of Windham	

Rep. Clarkson of Woodstock explained her vote as follows:

“Mr. Speaker:

I’d like to thank the House Commerce Committee for responding to the needs of our small businesses devastated by Vermont’s natural disasters of 2011. This bill provides much needed relief for those whose unemployment insurance tax went up more than fourfold – and relief in the future when natural disasters may close our businesses again.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ with reservation because the rule adopted by the Douglas administration flies in the face of the carriers’ working rights to working compensation benefits. These carriers have been deprived of this benefit for seven years. What is one more year? I hope not a serious injury.”

Committee of Conference Appointed

S. 1

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to consideration of financial cost of criminal sentencing options

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Lippert of Hinesburg
Rep. Grad of Moretown
Rep. Koch of Barre Town

Adjournment

At four o'clock and forty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock in the forenoon.

Tuesday, May 7, 2013

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Bill Referred to Committee on Appropriations

S. 130

Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Member Replaced on Committee of Conference

H. 39

The Speaker announced that he has appointed **Rep. Cheney of Norwich** to replace **Rep. Klein of East Montpelier** on the Committee of Conference on House bill, entitled

An act relating to the Public Service Board and the Department of Public Service

Bill Amended, Read Third Time and Passed

H. 441

House bill, entitled

An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares

Was taken up and pending third reading of the bill, **Rep. Scheuermann of Stowe** moved to amend the bill as follows:

In Sec. 3, 27A V.S.A. § 3-116(j), by striking “§ 4941, 4945, or 4961” and inserting in lieu thereof “chapter 172”

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 4

Senate bill, entitled

An act relating to concussions and school athletic activities

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 11

Senate bill, entitled

An act relating to the Austine School

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Bill Amended; Third Reading Ordered

H. 534

Rep. Townsend of South Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Reported in favor of its passage when amended as follows:

First: In Sec. 3, in 24 App. V.S.A. chapter 19, in § 304 (general powers and duties), in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

(4) To adopt, amend, repeal, and enforce in accordance with the general laws of the State ordinances relating to the regulation or prohibition of the possession and use of dangerous objects and substances; the discharge of firearms and air rifles; and the possession and use of other weapons and devices having a capacity to inflict personal injury.

Second: In Sec. 3, in 24 App. V.S.A. chapter 19, by striking out § 719 (local options tax) in its entirety and inserting in lieu thereof the following:

§ 719. LOCAL OPTION TAX

(a) If the City Council by a majority vote recommends, the voters of the City may, at an annual or special meeting warned for the purpose, by a majority vote of those present and voting, assess any or all of the following:

(1) a one-percent meals and alcoholic beverages tax;

(2) a one-percent rooms tax;

(3) a one-percent sales tax.

(b) Any local option tax assessed under subsection (a) of this section shall be collected and administered and may be rescinded as provided by the general laws of this State.

Rep. Ram of Burlington, for the committee on Ways and Means, recommended that the bill ought to pass when amended, as recommended, by the committee on Government Operations.

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. 81

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

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

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. 9 V.S.A. chapter 80 is amended to read:

CHAPTER 80. FLAME RETARDANTS

§ 2971. ~~BROMINATED FLAME RETARDANTS~~

~~(a) As used in this section:~~

~~(1) “Brominated flame retardant” means any chemical containing the element bromine that is added to plastic, foam, or textile to inhibit flame formation.~~

~~(2) “Congener” means a specific PBDE molecule.~~

~~(3) “DecaBDE” means decabromodiphenyl ether or any technical mixture in which decabromodiphenyl ether is a congener.~~

~~(4) “Flame retardant” means any chemical that is added to a plastic, foam, or textile to inhibit flame formation.~~

~~(5) “Manufacturer” means any person who manufactures a final product containing a regulated brominated flame retardant or any person whose brand-name is affixed to a product containing a regulated brominated flame retardant.~~

~~(6) “Motor vehicle” means every vehicle intended primarily for use and operation on the public highways, and shall include farm tractors and other machinery used in the production, harvesting, and care of farm products.~~

~~(7) “OctaBDE” means octabromodiphenyl ether or any technical mixture in which octabromodiphenyl ether is a congener.~~

~~(8) “PentaBDE” means pentabromodiphenyl ether or any technical mixture in which a pentabromodiphenyl ether is a congener.~~

~~(9) “PBDE” means polybrominated diphenyl ether.~~

~~(10) “Technical mixture” means a PBDE mixture that is sold to a manufacturer. A technical mixture is named for the predominant congener in the mixture, but is not exclusively made up of that congener.~~

~~(b) As of July 1, 2010, no person may offer for sale, distribute for sale, distribute for promotional purposes, or knowingly sell at retail a product containing octaBDE or pentaBDE in a concentration greater than 0.1 percent by weight.~~

~~(c) Except for inventory purchased prior to July 1, 2009, a person may not, as of July 1, 2010, manufacture, offer for sale, distribute for sale, or knowingly sell at retail the following products containing decaBDE in a concentration greater than 0.1 percent by weight:~~

~~(1) A mattress or mattress pad; or~~

~~(2) Upholstered furniture.~~

~~(d) Except for inventory purchased prior to July 1, 2009, a person may not, as of July 1, 2012, manufacture, offer for sale, distribute for sale, or knowingly sell at retail a television or computer with a plastic housing containing decaBDE in a concentration greater than 0.1 percent by weight.~~

~~(e) This section shall not apply to:~~

~~(1) the sale or resale of used products; or~~

~~(2) motor vehicles or parts for use on motor vehicles.~~

~~(f) As of July 1, 2010, a manufacturer of a product that contains decaBDE and that is prohibited under subsection (c) or (d) of this section shall notify persons that sell the manufacturer's product of the requirements of this section.~~

~~(g) A manufacturer shall not replace decaBDE, pursuant to this section, with a chemical that is:~~

~~(1) Classified as "known to be a human carcinogen" or "reasonably anticipated to be a human carcinogen" in the most recent report on carcinogens by the National Toxicology Program in the U.S. Department of Health and Human Services;~~

~~(2) Classified as "carcinogenic to humans" or "likely to be carcinogenic to humans" in the U.S. Environmental Protection Agency's most recent list of chemicals evaluated for carcinogenic potential; or~~

~~(3) Identified by the U.S. Environmental Protection Agency as causing birth defects, hormone disruption, or harm to reproduction or development.~~

~~(h) A violation of this section shall be deemed a violation of the Consumer Protection Act, chapter 63 of this title. The attorney general has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.~~

~~(i) In addition to any other remedies and procedures authorized by this section, the attorney general may request a manufacturer of upholstered furniture, mattresses, mattress pads, computers, or televisions offered for sale or distributed for sale in this state to provide the attorney general with a certificate of compliance with this section with respect to such products. Within 30 days of receipt of the request for a certificate of compliance, the manufacturer shall:~~

~~(1) Provide the attorney general with a certificate declaring that its product complies with the requirements of this section; or~~

~~(2) Notify persons who sell in this state a product of the manufacturer's which does not comply with this section that sale of the product is prohibited, and submit to the attorney general a list of the names and addresses of those notified.~~

~~(j) The attorney general shall consult with retailers and retailer associations in order to assist retailers in complying with the requirements of this section.~~
~~[Repealed.]~~

§ 2972. DEFINITIONS

(a) As used in this chapter:

(1) "Article" means an object that during production is given a special shape, surface, or design which determines its function to a greater degree than its chemical composition.

(2) "Brominated flame retardant" means any chemical containing the element bromine that is added to plastic, foam, or textile to inhibit flame formation.

(3) "Children's product" means a consumer product:

(A) marketed for use by children under 12 years of age; or

(B) the substantial use of which by a child under 12 years of age is reasonably foreseeable.

(4) "Commissioner" means the Commissioner of Health of the Vermont Department of Health.

(5) "Congener" means a specific PBDE molecule.

(6) "DecaBDE" means decabromodiphenyl ether or any technical mixture in which decabromodiphenyl ether is a congener.

(7) "Flame retardant" means any chemical that is added to a plastic, foam, or textile to inhibit flame formation.

(8) "Manufacturer" means any person:

(A) who manufactures a final product containing a flame retardant regulated under this chapter; or

(B) whose brand name is affixed to a final product containing a flame retardant regulated under this chapter.

(9) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways and shall include farm tractors and other machinery used in the production, harvesting, and care of farm products.

(10) "OctaBDE" means octabromodiphenyl ether or any technical mixture in which octabromodiphenyl ether is a congener.

(11) "PBDE" means polybrominated diphenyl ether.

(12) "PentaBDE" means pentabromodiphenyl ether or any technical mixture in which pentabromodiphenyl ether is a congener.

(13) "Residential upholstered furniture" means furniture intended for personal use that includes cushioning material covered by fabric or similar material.

(14) "TCEP" means tris(2-chloroethyl) phosphate, chemical abstracts service number 115-96-8 (as of the effective date of this section).

(15) "TCPP" means tris (2-chloro-1-methylethyl) phosphate, chemical abstracts service number 13674-84-5 (as of the effective date of this section).

(16) "TDCPP" means tris(1,3-dichloro-2-propyl) phosphate, chemical abstracts service number 13674-87-8 (as of the effective date of this section).

(17) "Technical mixture" means a PBDE mixture that is sold to a manufacturer. A technical mixture is named for the predominant congener in the mixture but is not exclusively made up of that congener.

§ 2973. BROMINATED FLAME RETARDANTS; PROHIBITION

(a) As of July 1, 2010, no person may offer for sale, distribute for sale, distribute for promotional purposes, or knowingly sell at retail a product containing octaBDE or pentaBDE in a concentration greater than 0.1 percent by weight.

(b) Except for inventory purchased prior to July 1, 2009, a person may not, as of July 1, 2010, manufacture, offer for sale, distribute for sale, or knowingly sell at retail the following products containing decaBDE in a concentration greater than 0.1 percent by weight:

(1) a mattress or mattress pad; or

(2) upholstered furniture.

(c) Except for inventory purchased prior to July 1, 2009, a person may not, as of July 1, 2012, manufacture, offer for sale, distribute for sale, or knowingly sell at retail a television or computer with a plastic housing containing decaBDE in a concentration greater than 0.1 percent by weight.

(d)(1) Except as provided in subdivision (2) of this subsection, beginning July 1, 2013, no person may manufacture, sell or offer for sale, or distribute for

sale or use in the State plastic shipping pallets that contain decaBDE in a concentration greater than 0.1 percent by weight.

(2) Subdivision (1) of this subsection shall not apply to the sale, lease, distribution, or use in the State of:

(A) plastic shipping pallets manufactured prior to January 1, 2011; or

(B) plastic shipping pallets manufactured from recycled shipping pallets that contain decaBDE in a concentration that is no greater than the concentration of decaBDE in the recycled pallets from which the plastic pallets were manufactured.

§ 2974. CHLORINATED FLAME RETARDANTS

(a) Except for inventory manufactured prior to January 1, 2014, no person, other than a retailer, shall, as of January 1, 2014, manufacture, offer for sale, distribute for sale, or knowingly sell in or into this State any children's product or residential upholstered furniture that contains a concentration of TCEP or TDCPP that is greater than 0.1 percent by weight in any product component.

(b) A retailer shall not, as of July 1, 2014, knowingly sell or offer for sale in or into this State any children's product or residential upholstered furniture that contains a concentration of TCEP or TDCPP that is greater than 0.1 percent by weight in any product component.

(c)(1) Notwithstanding the requirements of subsections (a) and (b) of this section, the 0.1 percent-by-weight thresholds under this section for TCEP and TDCPP shall be applied to an individual article and not to individual product components for the following:

(A) personal computers, audio and video equipment, calculators, wireless telephones, game consoles, handheld devices incorporating a screen that are used to access interactive software and their associated peripherals, and cable and other similar connecting devices; and

(B) interactive software intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs.

(2) In applying the requirements of the 0.1 percent-by-weight thresholds under this section for TCEP and TDCPP to an individual article under this subsection, the Attorney General shall interpret what constitutes an "article" in a manner that is consistent with industry practices and guidance, including the European Union's Registration, Evaluation, and Restriction on Chemical Substances regulation, known as "REACH," Regulation (EC) Number 1907/2006, Art. 3(3).

§ 2975. NOTICE TO RETAILERS; DISCLOSURE OF PRODUCT CONTENT; CONSULTATION

(a) As of July 1, 2010, a manufacturer of a product that contains decaBDE and that is prohibited under subsection 2973(c) or (d) of this chapter shall notify persons that sell the manufacturer's product of the requirements of this chapter.

(b) As of July 1, 2013, a manufacturer of a product that contains TCEP or TDCPP and that is prohibited under subsection 2974(a) or (b) of this chapter shall notify persons that sell the manufacturer's product of the requirements of this chapter.

(c) As of March 31, 2014, a person other than a retailer who, since July 1, 2013, has manufactured, distributed, or sold in or into this State any product containing TCEP or TDCPP that is prohibited under subsection 2974(a) or (b) of this chapter shall notify persons who sell the manufacturer's product of the fact that the product sold to the person selling the manufacturer's product contains TCEP or TDCPP. The notification shall be sent by mail and shall notify the person selling the manufacturer's product of the concentration of TCEP or TDCPP in the product sold in percent by weight of each product component.

(d) The Attorney General shall consult with retailers and retailer associations to assist retailers in complying with the requirements of this chapter.

§ 2976. REPLACEMENT OF REGULATED FLAME RETARDANTS

A manufacturer shall not replace decaBDE, TCEP or TDCPP with a chemical that is:

(1) classified as "known to be a human carcinogen" or "reasonably anticipated to be a human carcinogen" in the most recent report on carcinogens by the National Toxicology Program in the U.S. Department of Health and Human Services;

(2) classified as "carcinogenic to humans" or "likely to be carcinogenic to humans" in the U.S. Environmental Protection Agency's most recent list of chemicals evaluated for carcinogenic potential; or

(3) identified by the U.S. Environmental Protection Agency or National Institutes of Health as causing birth defects, hormone disruption, neurotoxicity, or harm to reproduction or development.

§ 2977. EXEMPTIONS

The requirements and prohibitions of this chapter shall not apply to:

- (1) the sale or resale of used products;
- (2) motor vehicles or parts for use on motor vehicles; and
- (3) building insulation materials.

§ 2978. VIOLATIONS; ENFORCEMENT

A violation of this chapter shall be considered a violation of the Consumer Protection Act, chapter 63 of this title. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions and private parties have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

§ 2979. PRODUCTION OF INFORMATION

In addition to any other remedies and procedures authorized by this chapter, the Attorney General may request a manufacturer of upholstered furniture, mattresses, mattress pads, computers, televisions, children's products, or residential upholstered furniture offered for sale or distributed for sale in this State to provide the Attorney General with a certificate of compliance with this chapter with respect to such products. Within 30 days of receipt of the request for a certificate of compliance, the manufacturer shall:

- (1) provide the Attorney General with a certificate declaring that its product complies with the requirements of this chapter; or
- (2) notify persons who sell in this State a product of the manufacturer's which does not comply with this chapter that sale of the product is prohibited and submit to the Attorney General a list of the names and addresses of those notified.

§ 2980. DEPARTMENT OF HEALTH RULEMAKING; TCP

(a) The Commissioner may adopt by rule a prohibition on the manufacture, offer for sale, distribution for sale, or knowing sale at retail in or into the State of the flame retardant TCP in children's products and residential upholstered furniture if the Commissioner determines, based on the weight of available, scientific studies, that the toxicity of TCP and its potential exposure pathways in those products pose a significant public health risk as that term is defined in 18 V.S.A. § 2(12).

(b) The rule shall not regulate TCP in a manner that is materially different from the requirements of sections 2972 (definitions), 2974 (chlorinated flame

retardants), 2975 (notice to retailers; disclosure of product content; consultation), 2976 (replacement of regulated flame retardants), 2977 (exemptions), 2978 (violations; enforcement), and 2979 (production of information) of this title regarding the regulation of TCEP and TDCPP. The Commissioner shall adopt reasonable time frames for manufacturers, distributors, and retailers to comply with such provisions that are comparable to the time frames for the regulation of TCEP and TDCPP.

(c) A violation of a prohibition or requirement adopted by rule under this section shall be enforceable by the Attorney General under section 2978 of this title as a violation of this chapter.

(d) In addition to the public participation requirements of 3 V.S.A. chapter 25 and prior to submitting a rule authorized under this section to the Secretary of State under 3 V.S.A. § 838, the Commissioner shall make reasonable efforts to consult with interested parties within the State regarding a proposed prohibition on the manufacture, offer for sale, distribution for sale, or knowing sale at retail in the State of the flame retardant TDCPP. The Commissioner may satisfy the consultation requirement of this section through the use of one or more workshops, focused work groups, dockets, meetings, or other forms of communication.

(e) A rule adopted by the Commissioner under this section shall become effective according to the following:

(1) A proposed rule filed with the Secretary of State under 3 V.S.A. § 838 on or before July 1, 2014 shall not go into effect earlier than one calendar year after the Commissioner files the adopted rule under 3 V.S.A. chapter 25.

(2) A proposed rule filed with the Secretary of State under 3 V.S.A. § 838 after July 1, 2014 shall not go into effect earlier than one calendar year after the Commissioner files the adopted rule under 3 V.S.A. chapter 25, unless the Commissioner determines that an earlier effective date is required to protect human health, the Commissioner notifies interested parties of the determination, and the new effective date is established by rule.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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. 99**

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

An act relating to the standard measure of recidivism

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

First: By adding Sec. 1a to read as follows:

Sec. 1a. Sec. 22(a) of No. 179 of the Acts of the 2007 Adj. Sess. (2008), as amended by Sec. 14 of No. 158 of the Acts of the 2009 Adj. Sess. (2010), as further amended by Sec. 38 of No. 104 of the Acts of the 2011 Adj. Sess. (2012), is amended to read:

(a) Secs. 11 and 12 of this act shall take effect on July 1, ~~2013~~ 2014.

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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.

Bill Read Second Time; Consideration Interrupted by Recess**S. 82**

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

An act relating to campaign finance law

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. FINDINGS

The General Assembly finds that:

(1) Article 7 of Chapter 1 of the Vermont Constitution affirms the central principle “That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community . . .”

(2) To carry out this central principle that the government is for the common benefit of the whole people of Vermont, candidates need to be responsive to the community as a whole and not to a small portion which may be funding the candidate’s electoral campaign.

(3) Because of the small size of Vermont communities and the personal nature of campaigning in Vermont, a key feature of Vermont electoral campaigns is the personal connection between candidates and voters. Limiting contributions to candidates encourages this connection by giving candidates an incentive to conduct grassroots campaigns that reach many constituents and many donors, rather than relying on just a few people to fund their campaigns.

(4) Unduly large campaign contributions reduce public confidence in the electoral process and increase the risk and the appearance that candidates and elected officials may be beholden to contributors and not act in the best interests of all Vermont citizens.

(5) In Vermont, contributions greater than the amounts specified in this act are considered by the General Assembly, candidates, and elected officials to be unduly large contributions that have the ability to corrupt and create the appearance of corrupting candidates and the democratic system.

(6) When a person is able to make unduly large contributions to a candidate, there is a risk of voters losing confidence in our system of representative government because voters may believe that a candidate will be more likely to represent the views of persons who make those contributions and less likely to represent views of their constituents and Vermont citizens in general. This loss of confidence may lead to increased voter cynicism and a lack of participation in the electoral process among both candidates and voters.

(7) Lower limits encourage candidates to interact and communicate with a greater number of voters in order to receive contributions to help fund a campaign, rather than to rely on a small number of large contributions. This interaction between candidates and the electorate helps build a greater confidence in our representative government and is likely to make candidates more responsive to voters.

(8) Different limits on contributions to candidates based on the office they seek are necessary in order for these candidates to run effective

campaigns. Moreover, since it generally costs less to run an effective campaign for nonstatewide offices, a uniform limit on contributions for all offices could enable contributors to exert undue influence over those nonstatewide offices.

(9) In Vermont, candidates can raise sufficient monies to fund effective, competitive campaigns from contributions no larger than the amounts specified in this act.

(10) Exempting certain activities of political parties from the definition of what constitutes a contribution is important so as to not overly burden collective political activity. These activities, such as using the assistance of volunteers, preparing party candidate listings, and hosting certain campaign events, are part of a party's traditional role in assisting candidates to run for office. Moreover, these exemptions help protect the right to associate in a political party.

(11) Political parties play an important role in electoral campaigns and must be given the opportunity to support their candidates. Their historic role in American elections makes them different from political committees. For that reason, it is appropriate to limit contributions from political committees without imposing the same limits on political parties.

(12) If independent expenditure-only political committees are allowed to receive unlimited contributions, they may eclipse political parties. This would be detrimental to the electoral system because such committees can be controlled by a small number of individuals who finance them. In contrast, political parties are created by a representative process of delegates throughout the State.

(13) Large independent expenditures by independent expenditure-only political committees can unduly influence the decision-making, legislative voting, and official conduct of officeholders and candidates through the committees' positive or negative advertising regarding their election for office. It also causes officeholders and candidates to act in a manner that either encourages independent expenditure-only committees to support them or discourages those committees from attacking them. Thus, candidates can become beholden to the donors who make contributions to these independent expenditure-only committees. Therefore, it is appropriate to limit contributions to all political committees, regardless of whether they make only independent expenditures.

(14) Limiting contributions to all political committees, including independent expenditure-only political committees, prevents persons from

hiding behind these committees when making election-related expenditures. It encourages persons wishing to fund communications to do so directly in their own names. In this way, limiting contributions to all political committees fosters greater transparency. When a person makes an expenditure on electioneering communications in the person's own name, that name, rather than that of a political committee to which the person contributed, appears on the face of the communication. This provides the public with immediate information as to the identity of the communication's funder.

(15) In order to provide the electorate with information regarding who seeks to influence their votes through campaign advertising; to make campaign financing more transparent; to aid voters in evaluating those seeking office; to deter actual corruption and avoid its appearance by exposing contributions and expenditures to the light of publicity; and to gather data necessary to detect violations of contributions limits, it is imperative that Vermont increase the frequency of campaign finance reports and include more information in electioneering communications.

(16) Increasing identification information in electioneering communications will enable the electorate to immediately evaluate the speaker's message and will bolster the sufficiently important interest in permitting Vermonters to learn the sources of significant influence in our State's elections.

(17) The General Assembly is aware of reports of potential corruption in other states and in federal politics. It is important to enact legislation that will prevent corruption here and maintain the electorate's confidence in the integrity of Vermont's government.

(18) This act is necessary in order to implement more fully the provisions of Article 8 of Chapter I of the Constitution of the State of Vermont, which declares "That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution."

Sec. 2. REPEAL

17 V.S.A. chapter 59 (campaign finance) is repealed.

Sec. 3. 17 V.S.A. chapter 61 is added to read:

CHAPTER 61. CAMPAIGN FINANCE

Subchapter 1. General Provisions

§ 2901. DEFINITIONS

As used in this chapter:

(1) “Candidate” means an individual who has taken affirmative action to become a candidate for state, county, local, or legislative office in a primary, special, general, or local election. An affirmative action shall include one or more of the following:

(A) accepting contributions or making expenditures totaling \$500.00 or more;

(B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that the individual seeks an elected position as a state, county, or local officer or a position as representative or senator in the General Assembly.

(2) “Candidate’s committee” means the candidate’s campaign staff, whether paid or unpaid.

(3) “Clearly identified,” with respect to a candidate, means:

(A) the name of the candidate appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(4) “Contribution” means a payment, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates in any election. For purposes of this chapter, “contribution” shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate;

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse;

(E) the use by a candidate or volunteer of his or her own personal property, including offices, telephones, computers, and similar equipment;

(F) the use of a political party's offices, telephones, computers, and similar equipment;

(G) the payment by a political party of the costs of preparation, display, or mailing or other distribution of a party candidate listing;

(H) documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this title, lists of registered voters, and voter identification information created, obtained, or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party or to another political party;

(I) compensation paid by a political party to its employees whose job responsibilities are not for the specific and exclusive benefit of a single candidate in any election;

(J) compensation paid by a political party to its employees or consultants for the purpose of providing assistance to another political party;

(K) campaign training sessions provided to three or more candidates;

(L) costs paid for by a political party in connection with a campaign event at which three or more candidates are present; or

(M) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention or depict a clearly identified candidate.

(5) "Election" means the procedure whereby the voters of this State or any of its political subdivisions select a person to be a candidate for public office or to fill a public office or to act on public questions including voting on constitutional amendments. Each primary, general, special, or local election shall constitute a separate election.

(6) "Electioneering communication" means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or

against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass e-mails.

(7) “Expenditure” means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates. For the purposes of this chapter, “expenditure” shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate; or

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate’s spouse.

(8) “Full name” means an individual’s full first name, middle name or initial, if any, and full legal last name, making the identity of the person who made the contribution apparent by unambiguous reference.

(9) “Independent expenditure-only political committee” means a political committee that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures.

(10) “Mass media activity” means a television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office.

(11) “Party candidate listing” means any communication by a political party that:

(A) lists the names of at least three candidates for election to public office;

(B) is distributed through public advertising such as broadcast stations, cable television, newspapers, and similar media or through direct mail, telephone, electronic mail, a publicly accessible site on the Internet, or personal delivery;

(C) treats all candidates in the communication in a substantially similar manner; and

(D) is limited to:

(i) the identification of each candidate, with which pictures may be used;

(ii) the offices sought;

(iii) the offices currently held by the candidates;

(iv) the party affiliation of the candidates and a brief statement about the party or the candidates' positions, philosophy, goals, accomplishments, or biographies;

(v) encouragement to vote for the candidates identified; and

(vi) information about voting, such as voting hours and locations.

(12) "Political committee" or "political action committee" means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee.

(13) "Political party" means a political party organized under chapter 45 of this title and any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof, and shall be considered a single, unified political party. The national affiliate of the political party shall be considered a separate political party.

(14) "Public question" means an issue that is before the voters for a binding decision.

(15) “Single source” means an individual, partnership, corporation, association, labor organization, or any other organization or group of persons which is not a political committee or political party.

(16) “Telephone bank” means more than 500 telephone calls of an identical or substantially similar nature that are made to the general public within any 30-day period.

(17) “Two-year general election cycle” means the 24-month period that begins 38 days after a general election.

§ 2902. EXCEPTIONS

The definitions of “contribution,” “expenditure,” and “electioneering communication” shall not apply to:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication that has not been paid for or such facilities are not owned or controlled by any political party, committee, or candidate; or

(2) any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and if all candidates in the race have an equal opportunity to promote their candidacies through the station.

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund the unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation.

(c) In addition to the other penalties provided in this section, a state’s attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

§ 2904. CIVIL INVESTIGATION

(a)(1) The Attorney General or a state’s attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule or regulation made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her

for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a state's attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for his or her information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a state's attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address. Such notice shall include a statement that a knowing and intentional violation of subchapters 2 through 4 of this chapter is subject to criminal prosecution.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a state's attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

(5) Nothing in this subsection is intended to prevent the Attorney General or a state's attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule or regulation made pursuant to this chapter.

(6) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place; conceals, withholds, or destroys; or mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to such notice or mistakes or conceals any information shall be fined not more than \$5,000.00.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender the material, the Attorney General or a state's attorney may file, in the superior court in the county in which the person resides or has his or her principal place of business or in Washington County if the person is a nonresident or has no principal place of business in this State, and serve upon the person a petition for an order of the court for the enforcement of this section.

(2) Whenever any petition is filed under this section, the court shall have jurisdiction to hear and determine the matter so presented and to enter any order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt of the court.

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the superior court in the county in which the aggrieved person resides. Except for cases the court considers to be of greater importance, proceedings before superior court as authorized by this section shall take precedence on the docket over all other cases.

§ 2905. ADJUSTMENTS FOR INFLATION

(a) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two two-year general election cycles. Increases shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(b) On or before the first two-year general election cycle beginning after the general election held in 2016, the Secretary of State shall calculate and publish on the online database set forth in section 2906 of this chapter each adjusted monetary amount that will apply to those two two-year general election cycles. On or before the beginning of each second subsequent two-year general election cycle, the Secretary shall publish the amount of each

adjusted monetary amount that shall apply for that two-year general election cycle and the next two-year general election cycle.

§ 2906. CAMPAIGN DATABASE; CANDIDATE INFORMATION

WEB PAGE

(a) Campaign database. For each two-year general election cycle, the Secretary of State shall develop and continually update a publicly accessible campaign database which shall be made available to the public through the Secretary of State's home page online service or through printed reports from the Secretary in response to a public request within 14 days of the date of the request. The database shall contain:

(1) at least the following information for all candidates for statewide, county, and local office and for the General Assembly:

(A) for candidates receiving public financing grants, the amount of each grant awarded; and

(B) the information contained in any reports submitted pursuant to subchapter 4 of this chapter;

(2) an Internet link to campaign finance reports filed by Vermont's candidates for federal office;

(3) the adjustments for inflation made to monetary amounts as required by this chapter; and

(4) any photographs, biographical sketches, and position statements submitted to the Secretary pursuant to subsection (b) of this section.

(b) Candidate information web page.

(1) Any candidate for statewide office and any candidate for federal office qualified to be on the ballot in this State may submit to the Secretary of State a photograph, biographical sketch, and position statement of a length and format specified by the Secretary for the purposes of preparing a candidate information web page within the website of the Secretary of State.

(2) Without making any substantive changes in the material presented, the Secretary shall prepare a candidate information web page on the Secretary's website, which includes the candidates' photographs, biographies, and position statements; a brief explanation of the process used to obtain candidate submissions; and, with respect to offices for which public financing is available, an indication of which candidates are receiving Vermont campaign finance grants and which candidates are not receiving Vermont campaign finance grants.

(3) The Secretary shall populate the candidate information web page by posting each candidate's submission no fewer than three business days after receiving the candidate's submission.

§ 2907. ADMINISTRATION

The Secretary of State shall administer this chapter and shall perform all duties required under this chapter. The Secretary may employ or contract for the services of persons necessary for performance of these duties.

Subchapter 2. Registration and Maintenance Requirements

§ 2921. CANDIDATES; REGISTRATION; CHECKING ACCOUNT;

TREASURER

(a) Each candidate who has made expenditures or accepted contributions of \$500.00 or more in a two-year general election cycle shall register with the Secretary of State stating his or her full name and address; the office the candidate is seeking; the name and address of the bank in which the candidate maintains his or her campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her spouse.

(b) All expenditures by a candidate shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the candidate under subsection (a) of this section, or, if under \$250.00, the candidate may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the candidate for at least two years from the end of the two-year general election cycle in which the expenditure was made.

§ 2922. POLITICAL COMMITTEES; REGISTRATION; CHECKING

ACCOUNT; TREASURER

(a) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more stating its full name and address; the name and address of the bank in which it maintains its campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee

under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

§ 2923. POLITICAL PARTIES; REGISTRATION; CHECKING

ACCOUNTS; TREASURER

(a)(1) Each political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle shall register with the Secretary of State within 10 days of reaching the \$1,000.00 threshold. In its registration, the party shall state its full name and address, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(2) A political party may permit any subsidiary, branch, or local unit of the political party to maintain its own checking account. If a subsidiary, branch, or local unit of a political party is so permitted, it shall file with the Secretary of State within five days of establishing the checking account its full name and address, the name of the political party, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political party or its subsidiary, branch, or local unit shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political party under subsection (a) of this section, or if under \$250.00, the political party may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political party for at least two years from the end of the two-year general election cycle in which the expenditure was made.

(c) A political party or its subsidiary, branch, or local unit whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this

State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political party, subsidiary, branch, or local unit. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

§ 2924. CANDIDATES; SURPLUS CAMPAIGN FUNDS; NEW

CAMPAIGN ACCOUNTS

(a) A candidate who has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use, other than to reduce personal campaign debts or as otherwise provided in this chapter.

(b) Surplus funds in a candidate's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund;

(4) rolled over into a new campaign account as provided in subsection (d) of this section; or

(5) liquidated using a combination of the provisions set forth in subdivisions (1)–(4) of this subsection.

(c) The “final report” of a candidate shall indicate the amount of the surplus and how it has been liquidated.

(d)(1) A candidate who chooses to roll over any surplus contributions into a new campaign account for public office shall close out his or her former campaign by filing a final report with the Secretary of State converting all debts and assets to the new campaign.

(2) A candidate who rolls over surplus contributions into a new campaign account shall be required to file a new bank designation form only if there has been a change in the treasurer or the location of the campaign account.

§ 2925. POLITICAL COMMITTEES; SURPLUS CAMPAIGN FUNDS

(a) A member of a political committee which has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use.

(b) Surplus funds in a political committee's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund; or

(4) liquidated using a combination of the provisions set forth in subdivisions (1)–(3) of this subsection.

(c) The “final report” of a political committee shall indicate the amount of the surplus and how it has been liquidated.

Subchapter 3. Contribution Limitations

§ 2941. LIMITATIONS OF CONTRIBUTIONS

In any two-year general election cycle:

(1)(A) A candidate for state representative or for local office shall not accept contributions totaling more than:

(i) \$1,000.00 from a single source; or

(ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for state senator or county office shall not accept contributions totaling more than:

(i) \$1,500.00 from a single source; or

(ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

(i) \$4,000.00 from a single source; or

(ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

(A) \$5,000.00 from a single source;

(B) \$5,000.00 from a political committee; or

(C) \$5,000.00 from a political party.

(5) A political party shall not accept contributions totaling more than:

(A) \$5,000.00 from a single source;

(B) \$5,000.00 from a political committee; or

(C) \$30,000.00 from a political party.

(6) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under subdivisions (1) through (5) of this section.

§ 2942. EXCEPTIONS

The contribution limitations established by this subchapter shall not apply to contributions to a political committee made for the purpose of advocating a position on a public question, including a constitutional amendment.

§ 2943. LIMITATIONS ADJUSTED FOR INFLATION

The contribution limitations contained in this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.

(b) For the purposes of this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six

candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.

(d)(1) For the purposes of this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if all of the following apply:

(A) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(B) the expenditure was made for:

(i) invitations and any postage for those invitations to invite voters to the event; or

(ii) any food or beverages consumed at the event and any related supplies thereof; and

(C) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(2) For the purposes of this subsection:

(A) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a "related expenditure made on the candidate's behalf"; and

(B) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the superior court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the court shall schedule the petition for hearing. Except as to cases the court considers of greater importance, proceedings before the superior court, as authorized by this section, and appeals therefrom take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the court shall be prima facie evidence in any proceedings brought for violation of this chapter.

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.

§ 2945. ACCEPTING CONTRIBUTIONS

(a) A candidate, political committee, or political party accepts a contribution when the contribution is deposited in the candidate's, committee's, or party's campaign account or five business days after the candidate, committee, or party receives it, whichever comes first.

(b) A candidate, political committee, or political party shall not accept a monetary contribution in excess of \$100.00 unless made by check, credit or debit card, or other electronic transfer.

§ 2946. CANDIDATE'S ATTRIBUTION TO PREVIOUS CYCLE

A candidate's expenditures related to a previous campaign and contributions used to retire a debt of a previous campaign shall be attributed to the earlier campaign.

§ 2947. CONTRIBUTIONS FROM A CANDIDATE OR IMMEDIATE FAMILY

This subchapter shall not be interpreted to limit the amount a candidate or his or her immediate family may contribute to his or her own campaign. For purposes of this subsection, "immediate family" means a candidate's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, legal guardian, or former legal guardian.

§ 2948. PROHIBITION ON TRANSFERRING CONTRIBUTIONS

A candidate, political committee, or political party shall not accept a contribution which the candidate, political committee, or political party knows is not directly from the contributor but was transferred to the contributor by another person for the purpose of transferring the same to the candidate, political committee, or political party or otherwise circumventing the provisions of this chapter. It shall be a violation of this chapter for a person to make a contribution with the explicit or implicit understanding that the contribution will be transferred in violation of this section.

§ 2949. USE OF TERM "CANDIDATE"

For purposes of this subchapter, the term "candidate" includes the candidate's committee, except in regard to the provisions of section 2947 of this subchapter.

Subchapter 4. Reporting Requirements; Disclosures§ 2961. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

(a)(1) The Secretary of State shall provide on the online database set forth in section 2906 of this chapter digital access to the form that he or she provides for any report required by this chapter. Digital access shall enable any person required to file a report under this chapter to file the report by completing and submitting the report to the Secretary of State online.

(2) The Secretary shall maintain on the online database reports that have been filed for each two-year general election cycle so that any person may have direct machine-readable electronic access to the individual data elements in each report and the ability to search those data elements as soon as a report is filed.

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database.

§ 2962. REPORTS; GENERAL PROVISIONS

(a) Any report required to be submitted to the Secretary of State under this chapter shall contain the statement "I hereby certify that the information provided on all pages of this campaign finance disclosure report is true to the best of my knowledge, information, and belief" and places for the signature of the candidate or the treasurer of the candidate, political committee, or political party.

(b) Any person required to file a report under this chapter shall provide the information required in the Secretary of State's reporting form. Disclosure shall be limited to the information required to administer this chapter.

(c) All reports filed under this chapter shall be retained in an indexed file by the Secretary of State and shall be subject to the examination of any person.

§ 2963. CAMPAIGN REPORTS; SECRETARY OF STATE; FORMS;FILING

(a) The Secretary of State shall prescribe and provide a uniform reporting form for all campaign finance reports. The reporting form shall be designed to show the following information:

(1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed, as well as a space on the form for the occupation of each contributor, which the candidate, political committee, or political party shall make a reasonable effort to obtain;

(2) the total amount of all contributions of \$100.00 or less and the total number of all such contributions;

(3) each expenditure listed by amount, date, to whom paid, and for what purpose;

(4) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period; and

(5) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period.

(b)(1) The form shall require the reporting of all contributions and expenditures accepted or spent during the reporting period and during the campaign to date and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven.

(2) Contributions and expenditures for the reporting period and for the campaign to date also shall be totaled in an appropriate place on the form. The total of contributions shall include a subtotal of nonmonetary contributions and a subtotal of all monetary contributions.

(3) The form shall contain a list of the required filing times so that the person filing may designate for which time period the filing is made.

(4) Contributions accepted and expenditures spent after 5:00 p.m. on the third day prior to the filing deadline shall be reported on the next report.

§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,

THE GENERAL ASSEMBLY, AND COUNTY OFFICE;

POLITICAL COMMITTEES; POLITICAL PARTIES

(a)(1) Each candidate for state office, the General Assembly, and a two-year-term county office who has made expenditures or accepted contributions of \$500.00 or more during a two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has made expenditures or accepted contributions of \$500.00 or more in the current two-year general election cycle and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 15 and November 1 of the odd-numbered year; and

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

(i) on March 15;

- (ii) on July 15, August 1, and August 15;
- (iii) on September 1;
- (iv) on October 1, October 15, and November 1; and
- (v) two weeks after the general election.

(2)(A) Each candidate for a four-year-term county office who has made expenditures or accepted contributions of \$500.00 or more during a four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(i) in the first three years of the four-year general election cycle, on July 15 and November 1; and

(ii) in the fourth year of the four-year general election cycle:

- (I) on March 15;
- (II) on July 15, August 1, and August 15;
- (III) on September 1;
- (IV) on October 1, October 15, and November 1; and
- (V) two weeks after the general election.

(B) As used in this subdivision (2), "four-year general election cycle" means the 48-month period that begins 38 days after a general election.

(3) The failure of a candidate, political committee, or political party to file a report under this subsection shall be deemed an affirmative statement that a report is not required of the candidate, political committee, or political party under subdivision (1) or (2) of this subsection.

(b) A political committee or a political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall file with the Secretary of State campaign finance reports regarding that election 30 days before, 10 days before, and two weeks after the local election.

§ 2965. FINAL REPORTS; CANDIDATES FOR STATE OFFICE, THE
GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL
COMMITTEES; POLITICAL PARTIES

(a) At any time, but not later than December 15th following the general election, each candidate for state office, the General Assembly, and a

two-year-term county office who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and each candidate for a four-year-term county office who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(b) At any time, a political committee or a political party may file a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of its campaign activities.

§ 2966. REPORTS BY CANDIDATES NOT REACHING MONETARY

REPORTING THRESHOLD

(a) Each candidate for state office, the General Assembly, and a two-year-term county office who has made expenditures or accepted contributions of less than \$500.00 during a two-year general election cycle shall file with the Secretary of State 10 days following the general election a statement that the candidate has not made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle.

(b) Each candidate for a four-year-term county office who has made expenditures or accepted contributions of less than \$500.00 during a four-year general election cycle shall file with the Secretary of State 10 days following the general election a statement that the candidate has not made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle.

§ 2967. ADDITIONAL CAMPAIGN REPORTS; CANDIDATES FOR

STATE OFFICE AND THE GENERAL ASSEMBLY

(a) In addition to any other reports required to be filed under this chapter, a candidate for state office or for the General Assembly who accepts a monetary contribution in an amount over \$2,000.00 within 10 days of a primary or general election shall report the contribution to the Secretary of State within 24 hours of receiving the contribution.

(b) A report required by this section shall include the following information:

(1) the full name, town of residence, and mailing address of the contributor; the date of the contribution; and the amount contributed; and

(2) the amount contributed or loaned by the candidate to his or her own campaign.

§ 2968. CAMPAIGN REPORTS; LOCAL CANDIDATES

(a) Each candidate for local office who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, and two weeks after the local election.

(b) Within 40 days after the local election, each candidate for local office who has made expenditures or accepted contributions of \$500.00 or more shall file with the Secretary of State a “final report” which lists a complete accounting of all contributions and expenditures since the last report and a liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(c) The failure of a local candidate to file a campaign finance report shall be deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of \$500.00 or more since the last local election for that office.

§ 2969. REPORTING OF SURPLUS

A former candidate who has rolled over surplus into a new campaign account as provided in subsection 2924(d) of this chapter but who is not a candidate for office in a subsequent campaign shall file a report of the amount of his or her surplus and any liquidation of it two weeks after each general election until liquidation of all surplus has been reported.

§ 2970. CAMPAIGN REPORTS; OTHER ENTITIES; PUBLIC

QUESTIONS

Any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of advocating a position on a public question in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 30 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

§ 2972. IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

(1) An electioneering communication transmitted through radio and paid for by a candidate does not need to contain the candidate's address.

(2) An electioneering communication paid for by a person acting as an agent or consultant on behalf of another person, candidate, political committee, or political party shall clearly designate the name and mailing address of the person, candidate, political committee, or political party on whose behalf the communication is published or broadcast.

(b) If an electioneering communication is a related campaign expenditure made on a candidate's behalf as provided in section 2944 of this chapter, then in addition to other requirements of this section, the communication shall also clearly designate the candidate on whose behalf it was made by including language such as "on behalf of" such candidate.

(c) The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year general election cycle, a cumulative amount of no more than \$150.00 on those electioneering communications, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO OR TELEVISION COMMUNICATIONS

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio or television, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication, that the person paid for the communication, and that the person approves of the content of the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person, the name and title of the principal officer of the person, and a statement that the officer approves of the content of the communication.

Subchapter 5. Public Financing Option

§ 2981. DEFINITIONS

As used in this subchapter:

(1) "Affidavit" means the Vermont campaign finance affidavit required under section 2982 of this chapter.

(2) "General election period" means the period beginning the day after the primary election and ending the day of the general election.

(3) "Primary election period" means the period beginning the day after primary petitions must be filed under section 2356 of this title and ending the day of the primary election.

(4) "Vermont campaign finance qualification period" means the period beginning February 15 of each even-numbered year and ending on the date on which primary petitions must be filed under section 2356 of this title.

§ 2982. FILING OF VERMONT CAMPAIGN FINANCE AFFIDAVIT

(a) A candidate for the office of Governor or Lieutenant Governor who intends to seek Vermont campaign finance grants from the Secretary of State Services Fund shall file a Vermont campaign finance affidavit on the date on or before which primary petitions must be filed, whether the candidate seeks to enter a party primary or is an independent candidate.

(b) The Secretary of State shall prepare a Vermont campaign finance affidavit form, informational materials on procedures and financial requirements, and notification of the penalties for violation of this subchapter.

(c)(1) The Vermont campaign finance affidavit shall set forth the conditions of receiving grants under this subchapter and provide space for the candidate to agree that he or she will abide by such conditions and all expenditure and contribution limitations, reporting requirements, and other provisions of this chapter.

(2) The affidavit shall also state the candidate's name, legal residence, business or occupation, address of business or occupation, party affiliation, if any, the office sought, and whether the candidate intends to enter a party primary.

(3) The affidavit shall also contain a list of all the candidate's qualifying contributions together with the name and town of residence of the contributor and the date each contribution was made.

(4) The affidavit may further require affirmation of such other information as deemed necessary by the Secretary of State for the administration of this subchapter.

(5) The affidavit shall be sworn and subscribed to by the candidate.

§ 2983. VERMONT CAMPAIGN FINANCE GRANTS; CONDITIONS

(a) A person shall not be eligible for Vermont campaign finance grants if, prior to February 15 of the general election year during any two-year general election cycle, he or she becomes a candidate by announcing that he or she seeks an elected position as Governor or Lieutenant Governor or by accepting contributions totaling \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more.

(b) A candidate who accepts Vermont campaign finance grants shall:

(1) not solicit, accept, or expend any contributions except qualifying contributions, Vermont campaign finance grants, and contributions authorized under section 2985 of this chapter, which contributions may be solicited, accepted, or expended only in accordance with the provisions of this subchapter;

(2) deposit all qualifying contributions, Vermont campaign finance grants, and any contributions accepted in accordance with the provisions of section 2985 of this chapter in a federally insured noninterest-bearing checking account; and

(3) not later than 40 days after the general election, deposit in the Secretary of State Services Fund, after all permissible expenditures have been paid, the balance of any amounts remaining in the account established under subdivision (2) of this subsection.

§ 2984. QUALIFYING CONTRIBUTIONS

(a) In order to qualify for Vermont campaign finance grants, a candidate for the office of Governor or Lieutenant Governor shall obtain during the Vermont campaign finance qualification period the following amount and number of qualifying contributions for the office being sought:

(1) for Governor, a total amount of no less than \$35,000.00 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50.00 each; or

(2) for Lieutenant Governor, a total amount of no less than \$17,500.00 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50.00 each.

(b) A candidate shall not accept more than one qualifying contribution from the same contributor and a contributor shall not make more than one qualifying contribution to the same candidate in any Vermont campaign finance qualification period. For the purpose of this section, a qualified individual contributor means an individual who is registered to vote in Vermont. No more than 25 percent of the total number of qualified individual contributors may be residents of the same county.

(c) Each qualifying contribution shall indicate the name and town of residence of the contributor and the date accepted and be acknowledged by the signature of the contributor.

(d) A candidate may retain and expend qualifying contributions obtained under this section. A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions and may expend

the remaining qualifying contributions during the primary and general election periods. Amounts expended under this subsection shall be considered expenditures for purposes of this chapter.

§ 2985. VERMONT CAMPAIGN FINANCE GRANTS; AMOUNTS;
TIMING

(a) To the extent funds are available, the Secretary of State shall make grants from the Secretary of State Services Fund in separate grants for the primary and general election periods to candidates who have qualified for Vermont campaign finance grants under this subchapter.

(b) Whether a candidate has entered a primary or is an independent candidate, Vermont campaign finance grants shall be in the following amounts:

(1) For Governor, \$150,000.00 in a primary election period and \$450,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions.

(2) For Lieutenant Governor, \$50,000.00 in a primary election period and \$150,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions;

(3) A candidate who is an incumbent of the office being sought shall be entitled to receive a grant in an amount equal to 85 percent of the amount listed in subdivision (1) or (2) of this subsection.

(c) In an uncontested general election and in the case of a candidate who enters a primary election and is unsuccessful in that election, an otherwise eligible candidate shall not be eligible for a general election period grant. However, such candidate may solicit and accept contributions and make expenditures as follows: contributions shall be subject to the limitations set forth in subchapter 3 of this chapter, and expenditures shall be limited to an amount equal to the amount of the grant set forth in subsection (b) of this section for the general election for that office.

(d) Grants awarded in a primary election period but not expended by the candidate in the primary election period may be expended by the candidate in the general election period.

(e) Vermont campaign finance grants for a primary election period shall be paid to qualifying candidates within the first 10 business days of the primary election period. Vermont campaign finance grants for a general election

period shall be paid to qualifying candidates during the first 10 business days of the general election period.

(f) If the Secretary of State Services Fund contains insufficient revenues to provide Vermont campaign finance grants to all candidates under this section, the available funds shall be distributed proportionately among all qualifying candidates. If grants are reduced under this subsection, a candidate may solicit and accept additional contributions equal to the amount of the difference between the amount of the Vermont campaign finance grants authorized and the amount received under this section. Additional contributions authorized under this subsection shall be governed by the provisions of sections 2941 and 2983 of this chapter.

§ 2986. MONETARY AMOUNTS ADJUSTED FOR INFLATION

The monetary amounts contained in sections 2983–2985 of this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

Sec. 4. EVALUATION OF 2014 PRIMARY AND GENERAL ELECTIONS

The House and Senate Committees on Government Operations shall evaluate the 2014 primary and general elections to determine the effect of the implementation of this act.

Sec. 5. SECRETARY OF STATE; REPORT; CORPORATIONS AND LABOR UNIONS; SEPARATE SEGREGATED FUNDS

(a) By December 15, 2013, the Secretary of State shall report to the Senate and House Committees on Government Operations regarding any impact on his or her office and on corporations and labor unions if corporations and labor unions were required to establish separate segregated funds in order to make contributions to candidates, political committees, and political parties as provided in 2 U.S.C. § 441b and related federal law.

(b) The report shall include an analysis of what entities would be subject to the requirement described in subsection (a) of this section and how those entities would otherwise be able to use their general treasury funds in relation to political activity.

Sec. 6. INTERIM REPORTING; METHOD OF REPORTING

(a) Prior to and until the effective date of 17 V.S.A. § 2961 (submission of reports to the Secretary of State) in Sec. 3 of this act, as the effective date is provided in subdivision Sec. 7 of this act, a candidate, political committee, or

political party shall file reports required under Sec. 3 of this act by any of the following methods:

(1) by filing an original paper copy of a required report with the Secretary of State; or

(2) by sending to the Secretary of State a copy of the report by facsimile; or

(3) by attaching a PDF copy of the form to an e-mail and by sending the e-mail to campaignfinance@sec.state.vt.us.

(b) Any reports filed under subsection (a) of this section shall contain the signature of the candidate or his or her treasurer or the treasurer of the political committee or political party. The treasurer shall be the same treasurer as provided by the candidate, political committee, or political party under 17 V.S.A. §§ 2921–2923 in Sec. 3 of this act.

Sec. 7. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

This act shall take effect on passage, except that in Sec. 3 of this act, 17 V.S.A. § 2961 (submission of reports to the Secretary of State) shall take effect on January 15, 2015.

Rep. Keenan of St. Albans City, for the committee in Appropriations, recommended that the bill ought to pass when amended, as recommended, by the committee on Government Operations.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Recess

At eleven o'clock and forty-five minutes in the forenoon, the Speaker declared a recess until two o'clock in the afternoon.

At two o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Proposal of Amendment Agreed to and Third Reading Ordered

S. 82

Consideration resumed on Senate bill, entitled

An act relating to campaign finance law;

Thereupon, the report of the committees on Government Operations and Appropriations agreed to and third reading was ordered.

Bill Read Third Time and Passed in Concurrence**S. 38**

Senate bill, entitled

An act relating to expanding eligibility for driving and identification privileges in Vermont

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

By adding a new section to be Sec. 1a to read:

Sec. 1a. 23 V.S.A. § 604 is amended to read:

§ 604. ~~Repealed.~~ REPORTING OF PRIVILEGE CARD AND NON-REAL ID COMPLIANT IDENTIFICATION CARD HOLDER NAMES

On the last business day of every month, the Commissioner shall report to the appropriate regional office of the U.S. Department of Homeland Security (“DHS”) the names of all holders of privilege cards issued under section 603 of this title and of non-REAL ID compliant identification cards issued under subdivisions 115(1)(2) and 115(1)(3) of this title, in order to enable DHS to check the list of names against the Terrorist Watchlist maintained by the Terrorist Screening Center of the Federal Bureau of Investigation.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Hubert of Milton? **Rep. Hubert of Milton** 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 propose to the Senate to amend the bill as recommended by Rep. Hubert of Milton? was decided in the negative. Yeas, 41. Nays, 100.

Those who voted in the affirmative are:

Batchelor of Derby	Fagan of Rutland City	Lewis of Berlin
Beyor of Highgate	Feltus of Lyndon	McFaun of Barre Town
Bouchard of Colchester	Gage of Rutland City	Mitchell of Fairfax
Branagan of Georgia	Hebert of Vernon	Morrissey of Bennington
Brennan of Colchester	Helm of Fair Haven	Myers of Essex
Burditt of West Rutland	Higley of Lowell	Pearce of Richford
Canfield of Fair Haven	Hubert of Milton	Quimby of Concord
Corcoran of Bennington	Johnson of Canaan	Savage of Swanton
Cupoli of Rutland City	Juskiewicz of Cambridge	Shaw of Pittsford
Devereux of Mount Holly	Kilmartin of Newport City	Shaw of Derby
Dickinson of St. Albans	Koch of Barre Town	Smith of New Haven
Town	Larocque of Barnet	Strong of Albany
Donaghy of Poultney	Lawrence of Lyndon	Terenzini of Rutland Town

Turner of Milton

Winters of Williamstown

Wright of Burlington

Those who voted in the negative are:

Ancel of Calais

Head of South Burlington

Partridge of Windham

Bartholomew of Hartland

Heath of Westford

Pearson of Burlington

Bissonnette of Winooski

Hooper of Montpelier

Peltz of Woodbury

Botzow of Pownal

Huntley of Cavendish

Potter of Clarendon

Burke of Brattleboro

Jerman of Essex

Pugh of South Burlington

Buxton of Tunbridge

Jewett of Ripton

Rachelson of Burlington

Campion of Bennington

Johnson of South Hero

Ralston of Middlebury

Carr of Brandon

Keenan of St. Albans City

Ram of Burlington

Cheney of Norwich

Kitzmiller of Montpelier

Russell of Rutland City

Christie of Hartford

Komline of Dorset

Scheuermann of Stowe

Clarkson of Woodstock

Krebs of South Hero

Sharpe of Bristol

Cole of Burlington

Krowinski of Burlington

South of St. Johnsbury

Connor of Fairfield

Kupersmith of South

Spengler of Colchester

Conquest of Newbury

Burlington

Stevens of Shoreham

Consejo of Sheldon

Lanpher of Vergennes

Sweaney of Windsor

Copeland-Hanzas of

Lenes of Shelburne

Taylor of Barre City

Bradford

Lippert of Hinesburg

Till of Jericho

Cross of Winooski

Macaig of Williston

Toleno of Brattleboro

Dakin of Chester

Malcolm of Pawlet

Toll of Danville

Davis of Washington

Manwaring of Wilmington

Townsend of Randolph

Deen of Westminster

Marek of Newfane

Townsend of South

Donahue of Northfield

Martin of Springfield

Burlington

Donovan of Burlington

Martin of Wolcott

Trieber of Rockingham

Ellis of Waterbury

Masland of Thetford

Vowinkel of Hartford

Emmons of Springfield

McCarthy of St. Albans City

Waite-Simpson of Essex

Evans of Essex

McCormack of Burlington

Webb of Shelburne

Fay of St. Johnsbury

McCullough of Williston

Weed of Enosburgh

Fisher of Lincoln

Michelsen of Hardwick

Wilson of Manchester

Frank of Underhill

Miller of Shaftsbury

Wizowaty of Burlington

French of Randolph

Mook of Bennington

Woodward of Johnson

Gallivan of Chittenden

Moran of Wardsboro

Yantachka of Charlotte

Goodwin of Weston

Mrowicki of Putney

Young of Glover

Grad of Moretown

Nuovo of Middlebury

Zagar of Barnard

Greshin of Warren

O'Brien of Richmond

Haas of Rochester

O'Sullivan of Burlington

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

Browning of Arlington

Marcotte of Coventry

Stuart of Brattleboro

Condon of Colchester

Poirier of Barre City

Van Wyck of Ferrisburgh

Klein of East Montpelier

Stevens of Waterbury

Pending third reading of the bill, **Rep. Fagan of Rutland City** moved that the House propose to the Senate to amend the bill as follows:

First: In Sec. 1, 23 V.S.A. § 603, by striking subdivision (e)(1) in its entirety and inserting in lieu thereof:

(e)(1) Upon application, a citizen of a foreign country unable to establish legal presence in the United States shall be eligible to obtain and renew an operator's privilege card, a junior operator's privilege card, or a learner's privilege card if he or she:

(A) furnishes reliable proof of Vermont residence and of name, date of birth, and place of birth;

(B) consents to fingerprint-supported state and national criminal history record checks in accordance with 20 V.S.A. § 2056i and pays the Department the applicable record check fees, and if the Commissioner determines from the results of the check that the applicant has neither been convicted of a felony nor has pending criminal felony charges; and

(C) satisfies all other requirements of this chapter for obtaining a license or permit.

Second: In Sec. 2, 23 V.S.A. § 115, in subdivision (l)(2), by striking “subsection 603(e)” and inserting in lieu thereof “subdivisions (e)(1)(A), (e)(2), and (e)(3)”

Third: By inserting new two new sections to be Secs. 3–4 prior to the existing Sec. 3 to read:

Sec. 3. 20 V.S.A. § 2056i is added to read:

§ 2056i. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE DEPARTMENT OF MOTOR VEHICLES

(a) The Vermont Criminal Information Center (Center) shall provide the Department of Motor Vehicles (DMV) a criminal history record as defined in section 2056a of this chapter, an out-of-state criminal record, and a national criminal history record check from the Federal Bureau of Investigation (FBI) of an applicant for a privilege card under 23 V.S.A. § 603(e) who has signed a release on a form provided by the Center and submitted a set of his or her fingerprints, provided that DMV has entered into a user's agreement with the Center. The user's agreement shall require DMV to comply with all federal and state statutes, rules, regulations, and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner of DMV. Release of FBI criminal history records is subject to the rules and regulations of the FBI's National Crime Information Center.

(b) DMV shall forward to the Center fees under section 2063 of this chapter for the Vermont criminal history record, as well as fees established by the Center for the cost of the national criminal history record check.

(c) The Center shall send DMV any record received pursuant to this section or inform DMV that no record exists.

(d) DMV shall promptly provide a copy of any record of convictions and pending criminal charges to the privilege card applicant and shall inform the applicant of the right to appeal the accuracy and completeness to the Center.

(e) No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this chapter.

Sec. 4. 20 V.S.A. § 2059 is amended to read:

§ 2059. RELATIONSHIP TO DEPARTMENTS OF CORRECTIONS AND MOTOR VEHICLES

~~This~~ Except as provided in section 2056i of this chapter or otherwise as provided by law, this chapter shall not apply to traffic offenses or any provisions of Title 23, 3 V.S.A. § 3116a, or those sections of Title 32 which are administered by the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles. Notwithstanding any other provisions of this chapter, the ~~department of corrections~~ Department of Corrections shall be only required to furnish statistical, identification, and status data, and the provisions shall not extend to material related to case supervision or material of a confidential nature such as presentence investigation, medical reports, or psychiatric reports.

and by renumbering the remaining section to be numerically correct

Which was disagreed to.

Pending third reading of the bill, **Rep. Higley of Lowell** moved to propose to the Senate to amend the bill as follows:

By adding a new section to be Sec. 1a to read:

Sec. 1a. 23 V.S.A. § 604 is amended to read:

§ 604. ~~Repealed.~~ REPORTING OF PRIVILEGE CARD AND NON-REAL ID COMPLIANT IDENTIFICATION CARD HOLDER NAMES

On the last business day of every month, the Commissioner shall report to the appropriate regional office of the U.S. Department of Homeland Security ("DHS") the names of all holders of privilege cards issued under section 603 of

this title and of non-REAL ID compliant identification cards issued under subdivisions 115(l)(2) and 115(l)(3) of this title, in order to enable DHS to check the list of names against the Terrorist Watchlist maintained by the Terrorist Screening Center of the Federal Bureau of Investigation.

Which was disagreed to on a Division vote: Yeas, 30. Nays, 63.

Pending third reading of the bill, **Rep. Bouchard of Colchester** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, 23 V.S.A. § 603, by striking subdivision (e)(2) in its entirety and inserting in lieu thereof:

(2) The Commissioner shall require applicants under this subsection to furnish:

(A) the same proof of name, date of birth, and place of birth as is required of residents lawfully present in the United States, except that the Commissioner shall accept as proof of name, date of birth, and place of birth a foreign passport with or without an entry form or stamp, and may require that any foreign documents include a translation by an approved translator; and

(B)(i) documentation from the Social Security Administration stating that he or she is ineligible for a Social Security number; or

(ii) an individual tax identification number (ITIN). The applicant's ITIN card or the applicant's letter from the Internal Revenue Service issuing the ITIN is sufficient proof of the ITIN.

Which was disagreed to.

Pending third reading of the bill, **Rep. Hubert of Milton** moved to propose to the Senate to amend the bill as follows:

By adding a new section to be Sec. 2a to read:

Sec. 2a. ACCEPTANCE OF PRIVILEGE CARDS AND NON-REAL ID COMPLIANT IDENTIFICATION CARDS

Privilege cards issued under 23 V.S.A. § 603(e) or (f), and non-REAL ID compliant identification cards issued under 23 V.S.A. § 115(l)(2) or (l)(3), shall not be accepted in Vermont by licensees of the Department of Liquor Control ("Department") as identification or proof of age for the purchase of alcohol or tobacco products until the Department has provided notification and education to each licensee sufficient to apprise the licensee of the appearance and security features of the cards so as to enable licensees to detect fraudulent cards. The Department shall notify its licensees of the date upon which they may accept privilege cards or non-REAL ID compliant identification cards as

identification or proof of age for the purchase of alcohol or tobacco products consistent with this section.

Which was disagreed to.

Pending third reading of the bill, **Rep. Fagan of Rutland City** moved to propose to the Senate to amend the bill as follows:

By adding a new section to be Sec. 2a to read:

Sec. 2a. 7 V.S.A. § 236 is amended to read:

§ 236. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT;
ADMINISTRATIVE PENALTY

* * *

(e) Until an employee of a permittee or licensee under this chapter has completed a training program approved by the Department of Liquor Control under section 239 of this chapter, a permit or license issued under this title shall not be suspended or revoked, and a person permitted or licensed under this chapter shall not be subject to an administrative penalty, if the permittee's or licensee's employee accepts as a valid authorized form of identification a privilege card that the employee reasonably believes to be issued validly under 23 V.S.A. § 603(e) or (f), or a non-REAL ID compliant identification card that the employee reasonably believes to be issued validly under 23 V.S.A. § 115(l)(2) or (3). This subsection shall not apply, however, if the permittee or licensee failed to ensure that the employee received training every two years as required under section 239 of this chapter.

Thereupon, **Rep Fagan of Rutland City** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to propose to the Senate to amend the bill as follows:

In Sec. 2, 23 V.S.A. § 115, in subdivision (l)(4)(A), by striking the phrase "bear on its face" and inserting in lieu thereof the phrase on its face bear the phrase "non-REAL ID compliant identification card" and

Which was disagreed to.

Pending third reading of the bill, **Rep. Savage of Swanton** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 1, 23 V.S.A. § 603, in subdivision (e)(1), by striking the phrase "reliable proof of Vermont residence" and inserting in lieu thereof

“reliable proof of financial responsibility in accordance with subsection (g) of this section, of Vermont residence.”

Second: In Sec. 1, 23 V.S.A. § 603, in subsection (f), by striking the phrase “reliable proof of Vermont residence” and inserting in lieu thereof “reliable proof of financial responsibility in accordance with subsection (g) of this section, of Vermont residence,”

Third: In Sec. 1, 23 V.S.A. § 603, by inserting a new subsection (g) prior to the existing subsection (g) to read:

(g) For purposes of this section, “reliable proof of financial responsibility” means that prior to issuing a privilege card under this section, the Commissioner shall require either proof of insurance in accordance with section 801 of this title or submission of a surety bond executed and issued by a person authorized to issue surety bonds in this State in the amounts specified in section 800 of this title.

and by relettering the remaining subsections to be alphabetically correct

Thereupon, **Rep. Savage of Swanton** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read a third time.

Thereupon, **Rep. Fagan of Rutland City** moved to recommit the bill to the committee on Transportation.

Pending the question, Shall the bill be recommitted to the Committee on Transportation? **Rep. Fagan of Rutland City** 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 bill be recommitted to the Committee on Transportation? was decided in the negative. Yeas, 37. Nays, 108.

Those who voted in the affirmative are:

Batchelor of Derby	Goodwin of Weston	Marcotte of Coventry
Beyor of Highgate	Hebert of Vernon	McFaun of Barre Town
Bouchard of Colchester	Higley of Lowell	Mitchell of Fairfax
Canfield of Fair Haven	Hubert of Milton	Morrissey of Bennington
Cupoli of Rutland City	Johnson of Canaan	Myers of Essex
Devereux of Mount Holly	Juskiewicz of Cambridge	Pearce of Richford
Dickinson of St. Albans	Kilmartin of Newport City *	Quimby of Concord
Town	Koch of Barre Town	Savage of Swanton
Donaghy of Poultney	Larocque of Barnet	Shaw of Derby
Fagan of Rutland City	Lawrence of Lyndon	Smith of New Haven
Gage of Rutland City	Lewis of Berlin	Strong of Albany

Terenzini of Rutland Town
Turner of Milton

Van Wyck of Ferrisburgh
Winters of Williamstown

Wright of Burlington

Those who voted in the negative are:

Ancel of Calais
Bartholomew of Hartland
Bissonnette of Winooski
Botzow of Pownal
Branagan of Georgia
Brennan of Colchester
Burke of Brattleboro
Buxton of Tunbridge
Campion of Bennington
Carr of Brandon
Cheney of Norwich
Christie of Hartford
Clarkson of Woodstock
Cole of Burlington
Condon of Colchester
Connor of Fairfield
Conquest of Newbury
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Dakin of Chester
Davis of Washington
Deen of Westminster
Donahue of Northfield
Donovan of Burlington
Ellis of Waterbury
Emmons of Springfield
Evans of Essex
Fay of St. Johnsbury
Feltus of Lyndon
Fisher of Lincoln
Frank of Underhill
French of Randolph
Gallivan of Chittenden
Grad of Moretown

Greshin of Warren
Haas of Rochester
Head of South Burlington
Heath of Westford
Helm of Fair Haven
Hooper of Montpelier
Huntley of Cavendish
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Komline of Dorset
Krebs of South Hero
Krowinski of Burlington
Kupersmith of South
Burlington
Lanpher of Vergennes
Lenes of Shelburne
Lippert of Hinesburg
Macaig of Williston
Malcolm of Pawlet
Manwaring of Wilmington
Marek of Newfane *
Martin of Springfield
Martin of Wolcott
Masland of Thetford
McCarthy of St. Albans City
McCormack of Burlington
McCullough of Williston
Michelsen of Hardwick
Miller of Shaftsbury
Mook of Bennington
Moran of Wardsboro
Mrowicki of Putney
Nuovo of Middlebury
O'Brien of Richmond

O'Sullivan of Burlington
Partridge of Windham
Pearson of Burlington
Peltz of Woodbury
Potter of Clarendon
Pugh of South Burlington
Rachelson of Burlington
Ralston of Middlebury
Ram of Burlington
Russell of Rutland City
Scheuermann of Stowe
Sharpe of Bristol
Shaw of Pittsford
South of St. Johnsbury
Spengler of Colchester
Stevens of Waterbury
Stevens of Shoreham
Stuart of Brattleboro
Sweaney of Windsor
Taylor of Barre City
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of Randolph
Townsend of South
Burlington
Trieber of Rockingham
Vowinkel of Hartford
Waite-Simpson of Essex
Webb of Shelburne
Weed of Enosburgh
Wilson of Manchester
Wizowaty of Burlington
Woodward of Johnson
Yantachka of Charlotte
Young of Glover
Zagar of Barnard

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

Browning of Arlington
Burditt of West Rutland

Klein of East Montpelier
Poirier of Barre City

Rep. Gage of Rutland City explained his vote as follows:

“Mr. Speaker:

Our safety as a nation is more important than giving driving rights to a few immigrant workers.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

This is one of two explanations I shall give on this bill. By refusing to commit this bill back to committee for review by Homeland Security, we are putting mere convenience of those here illegally over their safety and the safety of our children and grandchildren who trust us to do the right thing. A prominent state official said, ‘We look the other way when it comes to illegal aliens.’ ‘Looking the other way’ will not be an adequate answer to those who use the security loopholes in this bill to do us serious harm. It will do little to quell the tears and grief of the widow and her children when an act of terrorism causes the loss of a husband.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Our highly respected Commissioner of Public Safety is in regular contact with Homeland Security. He supports the bill as it is before us. He certainly would not do so if he thought it posed any security problem or if he had any thought whatsoever that it required a Homeland Security review.”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

Our farmers and associated communities are crying out for the need to fill jobs so vitally important to the success of our Green Mountain State’s economy. These necessary and historically proud jobs go unwanted by so many Vermonters in today’s culture.

My vote is to render these newly migrated men and women the respect we should always give each human being. I was most impressed during testimony, hearing from each individual, just how diligent the effort to find work in order to support their families. As well as the strong desire to fit into a community and state they have come to love. My vote is for a sense of uplifting hope for these folks as well as for our dairy industry.

We as Vermonters are a far better people than name calling or placing titles or assigning stereotypes. We should embrace these newcomers as yet another

one of the threads of our fabric. That quilt we hold high as Vermont, which makes us such a special place. Our collective brand will survive and become even stronger in response to our positive actions here today.

My vote has been cast for inclusion, independence, dignity, justice, equality and in support of the human spirit. Look above; we stand for Freedom and Unity.

I vote no to recommit. I vote yes for fairness!"

Pending the question, Shall the bill pass in concurrence? **Rep. Jerman of Essex** 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 bill pass in concurrence? was decided in the affirmative. Yeas, 105. Nays, 39.

Those who voted in the affirmative are:

Ancel of Calais	Gallivan of Chittenden	McCarthy of St. Albans City
Bartholomew of Hartland	Goodwin of Weston *	McCormack of Burlington
Bissonnette of Winooski	Grad of Moretown	McCullough of Williston
Botzow of Pownal	Greshin of Warren	Michelsen of Hardwick
Burke of Brattleboro	Haas of Rochester	Miller of Shaftsbury
Buxton of Tunbridge	Head of South Burlington	Mitchell of Fairfax
Campion of Bennington	Heath of Westford	Mook of Bennington
Carr of Brandon	Hooper of Montpelier	Moran of Wardsboro
Cheney of Norwich	Huntley of Cavendish	Mrowicki of Putney *
Christie of Hartford	Jerman of Essex	Nuovo of Middlebury
Clarkson of Woodstock	Jewett of Ripton	O'Brien of Richmond
Cole of Burlington	Johnson of South Hero	O'Sullivan of Burlington
Condon of Colchester	Juskiewicz of Cambridge	Partridge of Windham
Connor of Fairfield *	Keenan of St. Albans City	Pearson of Burlington
Conquest of Newbury	Kitzmiller of Montpelier	Peltz of Woodbury
Consejo of Sheldon	Komline of Dorset	Potter of Clarendon
Cross of Winooski	Krebs of South Hero	Pugh of South Burlington
Cupoli of Rutland City	Krowinski of Burlington	Rachelson of Burlington
Dakin of Chester	Kupersmith of South	Ralston of Middlebury
Davis of Washington	Burlington	Ram of Burlington
Deen of Westminster	Lanpher of Vergennes	Russell of Rutland City
Donahue of Northfield *	Larocque of Barnet	Scheuermann of Stowe
Donovan of Burlington	Lenes of Shelburne	Sharpe of Bristol
Ellis of Waterbury	Lippert of Hinesburg	South of St. Johnsbury
Emmons of Springfield	Macaig of Williston	Spengler of Colchester
Evans of Essex	Malcolm of Pawlet	Stevens of Waterbury
Fay of St. Johnsbury	Manwaring of Wilmington	Stuart of Brattleboro
Feltus of Lyndon	Marek of Newfane *	Sweaney of Windsor
Fisher of Lincoln	Martin of Springfield	Taylor of Barre City
Frank of Underhill	Martin of Wolcott	Till of Jericho
French of Randolph	Masland of Thetford	Toleno of Brattleboro

Townsend of Randolph	Waite-Simpson of Essex	Woodward of Johnson
Townsend of South	Webb of Shelburne	Yantachka of Charlotte
Burlington	Weed of Enosburgh	Young of Glover
Trieber of Rockingham	Wilson of Manchester	Zagar of Barnard
Vowinkel of Hartford	Wizowaty of Burlington	

Those who voted in the negative are:

Batchelor of Derby	Hebert of Vernon	Quimby of Concord
Beyor of Highgate	Helm of Fair Haven	Savage of Swanton
Bouchard of Colchester	Higley of Lowell	Shaw of Pittsford
Branagan of Georgia	Hubert of Milton	Shaw of Derby
Brennan of Colchester	Johnson of Canaan	Smith of New Haven
Burditt of West Rutland	Kilmartin of Newport City *	Stevens of Shoreham
Canfield of Fair Haven *	Koch of Barre Town	Terenzini of Rutland Town *
Corcoran of Bennington	Lawrence of Lyndon	Toll of Danville
Devereux of Mount Holly	Lewis of Berlin	Turner of Milton
Dickinson of St. Albans	Marcotte of Coventry	Van Wyck of Ferrisburgh
Town	McFaun of Barre Town	Winters of Williamstown
Donaghy of Poultney	Morrissey of Bennington	Wright of Burlington *
Fagan of Rutland City *	Myers of Essex	
Gage of Rutland City	Pearce of Richford	

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

Browning of Arlington	Klein of East Montpelier
Copeland-Hanzas of	Poirier of Barre City
Bradford	Strong of Albany

Rep. Canfield of Fair Haven explained his vote as follows:

“Mr. Speaker:

I see this as a kick in the teeth to all of the millions of immigrants who have done things correctly and became naturalized United States citizens. I cannot support this measure.”

Rep. Connor of Fairfield explained his vote as follows:

“Mr. Speaker:

This bill is not just about the dairy community. However it is this very community that has born the brunt of ugly comments. My family and friends have heard from Vermont farmers who support S.38. I have also heard from non-farm constituents asking me to support this legislation. In the morning, I have to look myself in the mirror and voting for S.38 will allow me a peaceful heart.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I vote yes for safe driving for all Vermonters. I regret that this also involves supporting something I am less comfortable with, because I feel I lack an adequate understanding of the potential consequences of the non-driver identification card with its primary purpose of identification, rather than of driving.”

Rep. Fagan of Rutland City explained his vote as follows:

“Mr. Speaker:

This bill (S.38) has not been reviewed by the federal government, we do not know if it undermines the security procedures put in place to protect us from those in our country with the intent to do us harm. My vote has nothing to do with equity and fairness or adding new voices to the American Chorus. My vote has to do with protecting our state and nation before we proceed with S.38 which a Department of Homeland Security review would help to insure. I vote no because we have not had S.38 reviewed.”

Rep. Goodwin of Weston explained his vote as follows:

“Mr. Speaker:

I voted yes, but not without concern for our farmers who are, more than ever, identified as employers of undocumented immigrants; and, Mr. Speaker, if I thought the people this bill is meant to accommodate were a threat, I would not have voted yes. But I think we lack the defensive thought that will develop after our first ski area sabotage.”

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

I would like to vote ‘yes.’ But I vote ‘no’ because my research shows clearly that this bill has significant potential for causing catastrophic harm to Vermonters and also to those among us undocumented from Mexico and Guatemala. Our farm workers know better than I, first hand, up-close, and personal, the reach of the four drug cartels based in Mexico. The Department of Justice has informed us that one or more of the drug cartels based in Mexico have active bases of operation in every state bordering Vermont. The same cartels have caused murder and mayhem in each of our border states. This bill expands drug cartel opportunities as many say, ‘We are looking the other way.’

In addition to drug cartels, we need to understand terrorism. The bill expects DMV to accept Mexican and Guatemalan consul cards at face value,

and accept other consul ID cards if they meet the same ID and security standards and protocols of Mexico and Guatemala. But DMV does not have the ability to know the Mexican or Guatemalan standards and protocols, so what does DMV do when Syria, Iran, etc., create consular ID cards and claim they are the same as Mexico? Is it really 'looking the other way', or is it 'intentionally turning a blind eye' to the rights and needs of Vermonters, their children and grandchildren.

Equally important, we have turned a blind eye to the circumstances which drove them here. They came here to escape a barren landscape of opportunity, full of corruption, and murder of courageous officials and the most vulnerable. We have turned a blind eye to integrity, honesty, and protection of those we claim we are trying to help – Mexican and Guatemalan farm workers.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

We have roughly eleven and a half million illegal immigrants in the U.S., the overwhelming majority of whom are hard-working and actually pay taxes. The notion that a careful process to issue those few in Vermont with identification cards or driving cards will either affect immigration enforcement or threaten national security by its existence simply exalts fear over reason. Reason prevailed today.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

Buenos tardes mes amigos, I vote yes to honor my immigrant grandparents. I haven't forgotten where I came from. I vote yes to welcome new immigrants, new Americans, and to help move Vermont into the 21st century. Viva los nuevos inmigrantes.”

Rep. Terenzini of Rutland Town explained his vote as follows:

“Mr. Speaker:

I voted against this bill because it is a breach of homeland security.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

I vote, no. The answer lies in Federal immigration reform, which I believe is within our grasp. Today, in order to help people who are undocumented, we ignored the serious concerns of law enforcement and the reality of what has

happened in other states. The potential consequences of our actions could be very serious. We chose to ignore those concerns.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 132

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to sheriffs, deputy sheriffs, and the service of process

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

By striking Sec. 6 (amending 24 V.S.A. § 367) in its entirety and inserting in lieu thereof the following:

Sec. 6. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS

(a) There is established a ~~department of state’s attorneys~~ Department of State’s Attorneys and Sheriffs which shall consist of the 14 state’s attorneys and 14 sheriffs. The state’s attorneys shall elect an ~~executive committee~~ Executive Committee of five state’s attorneys from among their members. The members of the ~~executive committee~~ Executive Committee shall serve for terms of two years. There shall be one general appropriation for the ~~department of state’s attorneys~~ Department of State’s Attorneys and Sheriffs.

(b) The ~~executive committee~~ Executive Committee and the Executive Committee of the Vermont Sheriff’s Association shall appoint an ~~executive director~~ Executive Director who shall serve at the pleasure of the ~~committee~~ Committees. The ~~executive director~~ Executive Director shall be an exempt employee.

(c) The ~~executive director~~ Executive Director shall prepare and submit all budgetary and financial materials and forms which are required of the head of a department of state government with respect to all state funds appropriated for all of the Vermont state’s attorneys and sheriffs. At the beginning of each fiscal year, the ~~executive director~~ Executive Director, with the approval of the ~~executive committee~~ Executive Committee, shall establish allocations for each of the state’s attorneys’ offices from the state’s attorneys’ appropriation. Thereafter, the ~~executive director~~ Executive Director shall exercise budgetary control over these allocations and the general appropriation for state’s attorneys. The Executive Director shall monitor the sheriff’s transport budget and report to the sheriffs on a monthly basis the status of the budget. He or she

shall provide centralized support services for the state's attorneys and sheriffs with respect to budgetary planning, training, and office management, and perform such other duties as the ~~executive committee~~ Executive Committee directs. The ~~executive director~~ Executive Director may employ clerical staff as needed to carry out the functions of the ~~department~~ Department. ~~The executive director shall provide similar services to the sheriffs.~~

(d)(1) If an individual state's attorney is aggrieved by a decision of the ~~executive director~~ Executive Director pertaining to an expenditure or proposed expenditure by the state's attorney, the question shall be decided by the ~~executive committee~~ Executive Committee. The decision of the ~~committee~~ Committee shall be final.

(2) If an individual sheriff is aggrieved by a decision of the Executive Director pertaining to an expenditure or proposed expenditure by the sheriff, the question shall be decided by the Executive Committee of the Vermont Sheriff's Association. The decision of the Executive Committee of the Vermont Sheriff's Association shall be final.

(e) [Repealed.]

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. 148

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

An act relating to criminal investigation records and the Vermont Public Records Act

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. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(5)(A) ~~records dealing with the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal or disciplinary investigation by any police or professional licensing agency; but only to the extent that the production of such records:~~

(i) could reasonably be expected to interfere with enforcement proceedings;

(ii) would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law;

(vi) could reasonably be expected to endanger the life or physical safety of any individual;

(B) provided, however, that Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302; and records reflecting the charge of a person shall be public;

(C) It is the intent of the General Assembly that in construing subdivision (A) of this subdivision (5), the courts of this State will be guided by the construction of similar terms contained in 5 U.S.C. § 552(b)(7) (Freedom of Information Act) by the courts of the United States;

(D) It is the intent of the General Assembly that, consistent with the manner in which courts have interpreted subdivision (A) of this subdivision (5), a public agency shall not reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing. A record shall not be withheld in its entirety because it contains identities or information that have been redacted pursuant to this subdivision;

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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.

Senate Proposal of Amendment Concurred in

H. 50

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

An act relating to the sale, transfer, or importation of pets

First: In Sec. 5, 20 V.S.A. § 3682, in subsection (c), by striking out “chapter 9” where it appears in the first and second sentences, and inserting in lieu thereof chapter 8

Second: In Sec. 6, 20 V.S.A. chapter 194, in § 3901, by striking out subdivision (11) in its entirety and inserting in lieu thereof the following:

(11) “Pet shop” means a place ~~where animals are bought, sold, exchanged, or offered for~~ of retail or wholesale business, including a flea market, that is not part of a private dwelling, where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are maintained or displayed for the purpose of sale or exchange to the general public.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 136

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

An act relating to cost-sharing for preventive services

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

Sec. 1. 8 V.S.A. § 4100a is amended to read:

§ 4100a. MAMMOGRAMS; COVERAGE REQUIRED

(a) Insurers shall provide coverage for screening by ~~low-dose~~ mammography for the presence of occult breast cancer, as provided by this subchapter. Benefits provided shall cover the full cost of the mammography service, subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00. Mammography services shall not be subject to deductible or coinsurance requirements.

(b) For females 40 years or older, coverage shall be provided for an annual screening. For females less than 40 years of age, coverage for screening shall be provided upon recommendation of a health care provider.

(c) After January 1, 1994, this section shall apply only to screening procedures conducted by test facilities accredited by the American College of Radiologists.

(d) For purposes of this subchapter:

(1) "Insurer" means any insurance company which provides health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical service corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(2) ~~"Low-dose mammography"~~ "Mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, screens, films and cassettes. ~~The average radiation dose to the breast shall be the lowest dose generally recognized by competent medical authority to be practicable for yielding acceptable radiographic images.~~

(3) "Screening" includes the ~~low-dose~~ mammography test procedure and a qualified physician's interpretation of the results of the procedure, including additional views and interpretation as needed.

Sec. 2. 8 V.S.A. § 4100g is amended to read:

§ 4100g. COLORECTAL CANCER SCREENING, COVERAGE REQUIRED

(a) For purposes of this section:

(1) "Colonoscopy" means a procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps, biopsy, or both.

(2) "Insurer" means insurance companies that provide health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical services corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(b) Insurers shall provide coverage for colorectal cancer screening, including:

(1) Providing an insured 50 years of age or older with the option of:

(A) Annual fecal occult blood testing plus one flexible sigmoidoscopy every five years; or

(B) One colonoscopy every 10 years.

(2) For an insured who is at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests as recommended by the treating physician.

(c) For the purposes of subdivision (b)(2) of this section, an individual is at high risk for colorectal cancer if the individual has:

(1) A family medical history of colorectal cancer or a genetic syndrome predisposing the individual to colorectal cancer;

(2) A prior occurrence of colorectal cancer or precursor polyps;

(3) A prior occurrence of a chronic digestive disease condition such as inflammatory bowel disease, Crohn's disease, or ulcerative colitis; or

(4) Other predisposing factors as determined by the individual's treating physician.

(d) Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$100.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also shall not be subject to deductible or coinsurance requirements. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include one or more of the following:

- (1) removal of tissue or other matter;
- (2) laboratory services;
- (3) physician services;
- (4) facility use; and
- (5) anesthesia.

(e) ~~If determined to be permitted by Centers for Medicare and Medicaid Services, for a patient covered under the Medicare program, the patient's out-of-pocket expenditure for a colorectal cancer screening shall not exceed \$100.00, with the hospital or other health care facility where the screening is performed absorbing the difference between the Medicare payment and the Medicare negotiated rate for the screening. [Deleted.]~~

Sec. 3. STATUTORY CONSTRUCTION; LEGISLATIVE INTENT

The express enumeration of the services associated with a procedure or test for colorectal cancer in 8 V.S.A. § 4100g(d) shall not be construed as indicating legislative intent with respect to the scope of covered services associated with any other procedure or test referenced in the Vermont Statutes Annotated.

Sec. 4. 8 V.S.A. § 4100a(a) is amended to read:

(a) Insurers shall provide coverage for screening by mammography for the presence of occult breast cancer, as provided by this subchapter. Benefits provided shall cover the full cost of the mammography service, ~~subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00. Mammography services and~~ shall not be subject to any co-payment, deductible, or coinsurance requirements, or other cost-sharing requirement or additional charge.

Sec. 5. 8 V.S.A. § 4100g(d) is amended to read:

(d) ~~Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$100.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also~~ shall not be subject to any co-payment, deductible, or coinsurance requirements, or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated

with a procedure or test for colorectal cancer screening, which may include one or more of the following:

- (1) removal of tissue or other matter;
- (2) laboratory services;
- (3) physician services;
- (4) facility use; and
- (5) anesthesia.

Sec. 6. EFFECTIVE DATE

(a) Secs. 4 and 5 of this act shall take effect on October 1, 2013 and shall apply to all health benefit plans on and after October 1, 2013 on such date as a health insurer offers, issues, or renews the health benefit plan, but in no event later than October 1, 2014.

(b) The remaining sections of this act shall take effect upon passage.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 182

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

An act relating to search and rescue

First: In Sec. 1, in § 1820 (definitions), by striking out subdivision (1) and inserting in lieu thereof the following:

(1) “Missing person” means an individual;

(A) whose whereabouts is unknown; and

(B)(i) who is with either physically disabled, mentally disabled a physical disability, a mental disability, or a developmental disability; or

(ii) who is an unemancipated minor.

Second: In Sec. 1, in 20 V.S.A. § 1845 (search and rescue report; response), in subdivision (b)(1), by adding a second sentence to read: The Department shall also ensure that notification is made to any municipal police and fire departments of the town in which the person is missing, any volunteer fire departments of that town, and any emergency medical service providers of that town which are in the search and rescue database.

Third: In Sec. 1, in § 1847 (Search and Rescue Council), by striking out subdivision (b)(1) (membership) in its entirety and inserting in lieu thereof the following:

(b)(1) Membership. The Council shall be composed of eight members who shall serve two-year terms commencing on July 1 of each odd-numbered year. Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(D) one member of the public with experience in search and rescue operations, appointed by the Governor;

(E) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor;

(F) one member of a professional or volunteer search and rescue organization, appointed by the Governor; and

(G) one volunteer firefighter and one career firefighter, each of whom has obtained National Association of Search and Rescue "SARTECH 3" or equivalent training and either Incident Command System (ICS) 200 or National Incident Management System (NIMS) 300 training, appointed by the Governor.

Fourth: In Sec. 1, in § 1847 (Search and Rescue Council), in subsection (f) (reimbursement), by striking out the last sentence

Fifth: By striking out Sec. 4 (effective dates) in its entirety and inserting in lieu thereof the following three new sections to be Sec. 4, Sec. 4a, and Sec. 5 to read as follows:

Sec. 4. PUBLICATION AND DISTRIBUTION OF SEARCH AND RESCUE PROTOCOL

(a) The Search and Rescue Coordinator set forth in Sec. 1 of this act shall publish a search and rescue protocol that describes the procedure set forth in Sec. 1, in 20 V.S.A. § 1845, that is required to be followed by any public safety agency or any nonpublic entity that specializes in protecting the safety of the public and which is included in the search and rescue database. The protocol shall be published as a resource for those agencies and entities to understand their responsibilities under Sec. 1, 20 V.S.A. § 1845, of this act.

(b) The Search and Rescue Coordinator shall ensure that the protocol is distributed to those public safety agencies and nonpublic entities within five business days of its publication.

Sec. 4a. REPEAL

20 V.S.A. § 1847 (Search and Rescue Council) is repealed.

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) In Sec. 1 of this act, 20 V.S.A. § 1846 (search and rescue database) shall take effect no later than 15 days after passage of this act. The search and rescue database shall be established, populated, and used as set forth in 20 V.S.A. § 1846 upon its effective date;

(2) Sec. 4 (publication and distribution of search and rescue protocol) of this act shall take effect 15 days after the passage of this act; and

(3) Sec. 4a (repeal of 20 V.S.A. § 1847 (Search and Rescue Council)) of this act shall take effect on June 30, 2017.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 377

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

An act relating to neighborhood planning and development for municipalities with designated centers

First: In Sec. 2, 24 V.S.A. § 2791, in subdivision (3), by striking out the words “a regional” and inserting in lieu thereof the word the

Second: In Sec. 8, 24 V.S.A. § 2793e, in subsection (c), by striking out subdivision (5) in its entirety and inserting in lieu thereof the following:

(5) The proposed neighborhood development area consists of those portions of the neighborhood planning area that are appropriate for new and infill housing, excluding identified flood hazard and fluvial erosion areas. In determining what areas are most suitable for new and infill housing, the municipality shall balance local goals for future land use, the availability of land for housing within the neighborhood planning area, and the smart growth principles. Based on those considerations, the municipality shall select an area for neighborhood development area designation that:

(A) Avoids or that minimizes to the extent feasible the inclusion of “important natural resources” as defined in subdivision 2791(14) of this title. If an “important natural resource” is included within a proposed neighborhood development area, the applicant shall identify the resource, explain why the resource was included, describe any anticipated disturbance to such resource, and describe why the disturbance cannot be avoided or minimized.

(B) Is served by planned or existing transportation infrastructure that conforms with “complete streets” principles as described under 19 V.S.A. § 309d and establishes pedestrian access directly to the downtown, village center, or new town center.

(C) Is compatible with and will reinforce the character of adjacent National Register Historic Districts, national or state register historic sites, and other significant cultural and natural resources identified by local or state government.

Third: In Sec. 8, 24 V.S.A. § 2793e, in subsection (d), by striking out subdivision (1) in its entirety and inserting in lieu thereof the following:

(1) When approving a neighborhood development area, the State Board shall consult with the applicant about any changes the Board considers making to the boundaries of the proposed area. After consultation with the applicant, the Board may change the boundaries of the proposed area.

Fourth: In Sec. 8, 24 V.S.A. § 2793e, in subsection (d), in subdivision (2), before the words “the members”, by inserting the words at least 80 percent but no fewer than seven of, and by striking out the word “unanimously” and inserting in lieu thereof the word present

Fifth: In Sec. 8, 24 V.S.A. § 2793e, in subsection (h), after the last sentence, by adding Before reviewing such an application, the State Board shall request comment from the municipality.

Sixth: By adding a new section to be Sec. 14a to read:

Sec. 14a. 32 V.S.A. § 3850 is added to read:

§ 3850. BLIGHTED PROPERTY IMPROVEMENT PROGRAM

(a) At an annual or special meeting, a municipality may vote to authorize the legislative body of the municipality to exempt from municipal taxes for a period not to exceed five years the value of improvements made to dwelling units certified as blighted. As used in this section, “dwelling unit” means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(b) If a municipality votes to approve the exemption described in subsection (a) of this section, the legislative body of the municipality shall appoint an independent review committee that is authorized to certify dwelling units in the municipality as blighted and exempt the value of improvements made to these dwelling units.

(c) As used in this section, a dwelling unit may be certified as blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

(d) If a dwelling unit is certified as blighted under subsection (b) of this section, the exemption shall take effect on the April 1 following the certification of the dwelling unit.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Dickinson of St. Albans Town**, for the committee on Commerce and Economic Development moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 8, 24 V.S.A. § 2793e, by striking out subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) as follows:

(h) Alternative designation. If a municipality has completed all of the planning and assessment steps of this section but has not requested designation of a neighborhood development area, an owner of land within a neighborhood planning area may apply to the State Board for neighborhood development area designation status for a portion of land within the neighborhood planning area. The applicant shall have the responsibility to demonstrate that all of the requirements for a neighborhood development area designation have been satisfied and to notify the municipality that the applicant is seeking the designation. The State Board shall provide the municipality with at least 14 days' prior notice of the Board's meeting to consider the application, and the municipality shall submit to the State Board the municipality's response, if any, to the application before or during that meeting. On approval of a neighborhood development area designation under this subsection, the applicant may proceed to obtain a jurisdictional opinion from the district coordinator under subsection (f) of this section in order to obtain the benefits granted to neighborhood development areas.

Second: By striking Sec. 14a (blighted property improvement program) in its entirety

Which was agreed to.

Rules Suspended; Bill Read the Third Time and Passed**H. 534**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage.

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

**Rules Suspended; Proposal of Amendment Agreed to
and Third Reading Ordered****S. 7**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to social networking privacy protection

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

Rep. Weed of Enosburgh, for the committee on General, Housing and Military Affairs, to which had been referred the bill 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. SOCIAL NETWORKING PRIVACY PROTECTION STUDY
COMMITTEE

(a) A Committee is established to study the issue of prohibiting employers from requiring employees or applicants for employment to disclose a means of accessing the employee's or applicant's social network account.

(b) The Committee shall examine:

(1) existing social networking privacy laws and proposed legislation in other states;

(2) the interplay between state law and existing or proposed federal law on the subject of social networking privacy and employment; and

(3) any other issues relevant to social networking privacy or employment.

(c) The Committee shall make recommendations, including proposed legislation.

(d) The Committee shall consist of the following members:

(1) two representatives of employers, one appointed by the Speaker of the House and one by the Committee on Committees;

(2) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;

(3) the Attorney General or designee;

(4) the Commissioner of Labor or designee;

(5) the Commissioner of Financial Regulation or designee;

(6) the Commissioner of Human Resources or designee;

(7) the Commissioner of Public Safety or designee;

(8) the Executive Director of the Human Rights Commission or designee; and

(9) a representative of the American Civil Liberties Union of Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent meetings.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) The Committee shall cease to function upon transmitting its report.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Ralston of Middlebury, for the committee on Commerce and Economic Development, recommended that the House propose to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Social Networking Privacy Protection Study * * *

Sec. 1. SOCIAL NETWORKING PRIVACY PROTECTION STUDY COMMITTEE

(a) A Committee is established to study the issue of prohibiting employers from requiring employees or applicants for employment to disclose a means of accessing the employee's or applicant's social network account.

(b) The Committee shall examine:

(1) existing social networking privacy laws and proposed legislation in other states;

(2) the interplay between state law and existing or proposed federal law on the subject of social networking privacy and employment; and

(3) any other issues relevant to social networking privacy or employment.

(c) The Committee shall make recommendations, including proposed legislation.

(d) The Committee shall consist of the following members:

(1) two representatives of employers, one appointed by the Speaker of the House and one by the Committee on Committees;

(2) two representatives from labor organizations, one appointed by the Speaker and one by the Committee on Committees;

(3) the Attorney General or designee;

(4) the Commissioner of Labor or designee;

(5) the Commissioner of Financial Regulation or designee;

(6) the Commissioner of Human Resources or designee;

(7) the Commissioner of Public Safety or designee;

(8) the Executive Director of the Human Rights Commission or designee; and

(9) a representative of the American Civil Liberties Union of Vermont.

(e) The Committee shall convene its first meeting on or before September 1, 2013. The Commissioner of Labor or designee shall be designated Chair of the Committee and shall convene the first and subsequent meetings.

(f) The Committee shall report its findings and recommendations on or before January 15, 2014 to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.

(g) The Committee shall cease to function upon transmitting its report.

* * * Bad Faith Assertions of Patent Infringement * * *

Sec. 2. 9 V.S.A. chapter 120 is added to read:

CHAPTER 120. BAD FAITH ASSERTIONS

OF PATENT INFRINGEMENT

§ 4195. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE

(a) The General Assembly finds that:

(1) Vermont is striving to build an entrepreneurial and knowledge based economy. Attracting and nurturing small and medium sized internet technology ("IT") and other knowledge based companies is an important part of this effort and will be beneficial to Vermont's future.

(2) Patents are essential to encouraging innovation, especially in the IT and knowledge based fields. The protections afforded by the federal patent system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are infringed, and patent enforcement litigation is necessary to protect intellectual property.

(3) The General Assembly does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The General Assembly also recognizes that Vermont is preempted from passing any law that conflicts with federal patent law.

(4) Patent litigation can be technical, complex, and expensive. The expense of patent litigation, which may cost hundreds of thousands of dollars or more, can be a significant burden on small and medium sized companies. Vermont wishes to help its businesses avoid these costs by encouraging the most efficient resolution of patent infringement claims without conflicting with federal law.

(5) In order for Vermont companies to be able to respond promptly and efficiently to patent infringement assertions against them, it is necessary that they receive specific information regarding how their product, service, or technology may have infringed the patent at issue. Receiving such information at an early stage will facilitate the resolution of claims and lessen the burden of potential litigation on Vermont companies.

(6) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Vermont companies. A business that receives a letter asserting such claims faces the threat of expensive and protracted

litigation and may feel that it has no choice but to settle and to pay a licensing fee, even if the claim is meritless. This is especially so for small and medium sized companies and nonprofits that lack the resources to investigate and defend themselves against infringement claims.

(7) Not only do bad faith patent infringement claims impose a significant burden on individual Vermont businesses, they also undermine Vermont's efforts to attract and nurture small and medium sized IT and other knowledge based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand, or hire new workers, thereby harming Vermont's economy.

(b) Through this narrowly focused act, the General Assembly seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Vermont businesses from abusive and bad faith assertions of patent infringement, and build Vermont's economy, while at the same time respecting federal law and being careful to not interfere with legitimate patent enforcement actions.

§ 4196. DEFINITIONS

In this chapter:

(1) "Demand letter" means a letter, e-mail, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) "Target" means a Vermont person:

(A) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(B) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(C) whose customers have received a demand letter asserting that the person's product, service, or technology has infringed a patent.

§ 4197. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

(a) A person shall not make a bad faith assertion of patent infringement.

(b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) The demand letter does not contain the following information:

(A) the patent number;

(B) the name and address of the patent owner or owners and assignee or assignees, if any; and

(C) factual allegations concerning the specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(3) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time.

(4) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(A) those threats or lawsuits lacked the information described in subdivision (1) of this subsection; or

(B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (b)(1) of this section.

(2) Where the demand letter lacks the information described in subdivision (b)(1) of this section and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

(6) The person has:

(A) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(B) successfully enforced the patent, or a substantially similar patent, through litigation.

(7) Any other factor the court finds relevant.

§ 4198. BOND

If a court determines that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court may require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim. A bond ordered pursuant to this section shall not exceed \$250,000.00.

§ 4199. ENFORCEMENT; REMEDIES; DAMAGES

(a) The Attorney General shall have the same authority under this chapter to make rules, conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under chapter 63 of this title. In an action brought by the Attorney General under this chapter the court may award or impose any relief available under chapter 63 of this title.

(b) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter, may bring an action in superior court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(1) equitable relief;

(2) damages;

(3) costs and fees, including reasonable attorney's fees; and

(4) exemplary damages in an amount equal to \$50,000.00 or three times the total of damages, costs, and fees, whichever is greater.

(c) This chapter shall not be construed to limit rights and remedies available to the State of Vermont or to any person under any other law and shall not alter or restrict the Attorney General's authority under chapter 63 of this title with regard to conduct involving assertions of patent infringement.

* * * Effective Date * * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Koch of Barre Town, for the committee on Judiciary, recommended that the bill ought to pass when amended, as recommended by the committee on Commerce and Economic Development, and when further amended as follows:

In Sec. 2, by striking out section 4198 in its entirety and by inserting in lieu thereof a new section 4198 to read:

§ 4198. BOND

Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under § 4199(b) of this chapter, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this section shall not exceed \$250,000.00. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

Thereupon, **Rep. Weed of Enosburgh**, asked and was granted leave of the House to withdraw the report of the committee on General, Housing and Military Affairs.

Thereupon, the recommendation of proposal of amendment offered by the committee on Judiciary was agreed to, and the recommendation of amendment offered by the committee on Commerce and Economic Development, as amended, was agreed to and third reading ordered.

**Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 101

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

An act relating to hunting, fishing, and trapping

First: In Sec. 6, 10 V.S.A. § 4252, by striking subdivisions (a)(9) and (10) in their entirety

and in the first sentence of subdivision (a)(12), after “archery, muzzle loader,” and before the period, by striking “turkey, second archery, and second muzzle loader” and inserting in lieu thereof: and turkey

and in the first sentence of subsection (b), by striking “, second archery license, or” where it appears and inserting in lieu thereof: or a

Second: in Sec. 8, 10 V.S.A. § 4254b, by striking subdivision (a)(4) in its entirety and inserting in lieu thereof the following:

(4) “Long-term care facility” means any facility required to be licensed under 33 V.S.A. chapter 71 or a mental hospital required to be licensed under 18 V.S.A. chapter 43.

Third: By striking Sec. 9 in its entirety and inserting in lieu thereof the following:

Sec. 9. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the ~~commissioner~~ Commissioner. Fees for each license shall be:

(1) Fishing license	\$25.00
(2) Hunting license	\$22.00
(3) Combination hunting and fishing license	\$38.00
(4) Big game licenses (all require a hunting license)	
(A) archery license	\$20.00
(B) muzzle loader license	\$20.00
(C) turkey license	\$23.00
(D) ~~second muzzle loader license~~ <u>[Deleted.]</u>	~~\$17.00~~
(E) ~~second archery license~~ <u>[Deleted.]</u>	~~\$17.00~~

(F) moose license	\$100.00
(G) ~~additional~~ <u>early season</u> bear tag	\$5.00
(5) Trapping license	\$20.00
(6) Hunting license for persons aged 17 or under	\$8.00
(7) Trapping license for persons aged 17 or under	\$10.00
(8) Fishing license for persons aged 15 through 17	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	\$10.00
(11) Combination hunting and fishing license for persons aged 17 or under	\$12.00
(12) Mentored hunting license	\$10.00
(b) Nonresidents may apply for licenses on forms provided by the ~~commissioner~~ <u>Commissioner</u> . Fees for each license shall be:	
(1) Fishing license	\$50.00
(2) One-day fishing license	\$20.00
(3) [Deleted.]	
(4) Hunting license	\$100.00
(5) Combination hunting and fishing license	\$135.00
(6) Big game licenses (all require a hunting license)	
(A) archery license	\$38.00
(B) muzzle loader license	\$40.00
(C) turkey license	\$38.00
(D) ~~second muzzle loader license~~ [Deleted]	~~\$25.00~~
(E) ~~second archery license~~ [Deleted.]	~~\$25.00~~
(F) moose license	\$350.00
(G) ~~additional~~ <u>early season</u> bear tag	\$15.00

* * *

(j) If the ~~board~~ Board determines that a moose season will be held in accordance with the rules adopted under sections 4082 and 4084 of this title, the ~~commissioner~~ Commissioner annually may issue three no-cost moose

licenses to a ~~child or young adult age 21 years or under~~ person who has a ~~life threatening~~ life-threatening disease or illness and who is sponsored by a qualified charitable organization, provided that at least one of the no-cost annual moose licenses awarded each year shall be awarded to a child or young adult age 21 years of age or under who has a life-threatening illness. The child or ~~young adult~~ must shall comply with all other requirements of this chapter and the rules of the ~~board~~ Board. Under this subsection, a person may receive only one no-cost moose license in his or her lifetime. The ~~commissioner~~ Commissioner shall adopt rules in accordance with 3 V.S.A. chapter 25 of Title 3 to implement this subsection. The rules shall define the child or ~~young~~ adult qualified to receive the no-cost license, shall define a qualified sponsoring charitable organization, and shall provide the application process and criteria for issuing the no-cost moose license.

* * *

(m) The fee for a therapeutic group fishing license issued under section 4254b of this title shall be \$50.00 per year, provided that the Commissioner may waive the fee under this section if the applicant for a therapeutic group fishing license completes instructor certification under the Department's Let's Go Fishing Program. The Commissioner may, at his or her discretion, issue a free therapeutic fishing license to an applicant.

Fourth: In Sec. 20, 10 V.S.A. § 5201, in subdivision (a)(2), after "owner's name and a" and before "method by which to" by striking "legitimate" where it appears

Fifth: In Sec. 21 (Effective Dates), in subsection (b), by striking "Fish and Wildlife Board" where it appears and inserting in lieu thereof: Commissioner of Fish and Wildlife

Thereupon, **Rep. McCullough of Williston** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: in Sec. 8, 10 V.S.A. § 4254b, by striking subdivision (a)(4) in its entirety and inserting in lieu thereof the following:

(4) "Long-term care facility" means any facility required to be licensed under 33 V.S.A. chapter 71 or a psychiatric facility with a long-term care unit required to be licensed under 18 V.S.A. chapter 43.

Second: In Sec. 9, by adding subdivision (H) to 10 V.S.A. § 4255(a)(4) to read:

(H) additional deer archery tag

\$23.00

Third: In Sec. 9, by adding subdivision (H) to 10 V.S.A. § 4255(b)(6) to read:

(H) additional deer archery tag \$38.00

Which was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

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

H. 534

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

H. 101

House bill, entitled

An act relating to hunting, fishing, and trapping

Adjournment

At six o'clock and fifteen minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Wednesday, May 8, 2013

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from the Senate No. 61

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 26. An act relating to technical corrections.

H. 522. An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

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 House proposal of amendment to Senate bill of the following title:

S. 31. An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding.

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

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

J.R.S. 30. Joint resolution relating to weekend adjournment.

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

The Governor has informed the Senate that on the sixth day of May, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 47. An act relating to protection orders and second degree domestic assault.

S. 161. An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventh day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 2 **An act relating to the Governor's Snowmobile Council**

H. 527 **An act relating to approval of the adoption and the codification of the charter of the town of Northfield**

H. 529 **An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer**

Message from the Senate No. 62

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 299. An act relating to enhancing consumer protection provisions for propane refunds, unsolicited demands for payment, and failure to comply with civil investigations.

H. 395. An act relating to the establishment of the Vermont Clean Energy Loan Fund.

H. 405. An act relating to manure management and anaerobic digesters.

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

H. 403. An act relating to community supports for persons with serious functional impairments.

H. 512. An act relating to approval of amendments to the charter of the City of Barre.

And has passed the same in concurrence.

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

S. 85. An act relating to workers' compensation for firefighters and rescue or ambulance workers.

And has concurred therein.

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

H. 101. An act relating to hunting, fishing, and trapping.

And has concurred therein.

Joint Resolution Placed on Calendar**J.R.H. 12**

Joint resolution expressing concern regarding the public policy implications of the proposed Trans-Pacific Partnership Agreement

Offered by: Representatives Keenan of St. Albans City, Yantachka of Charlotte, Botzow of Pownal, Christie of Hartford, Connor of Fairfield, Dakin of Chester, Emmons of Springfield, Evans of Essex, Gallivan of Chittenden, Head of South Burlington, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Krowinski of Burlington, Lenex of Shelburne, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Miller of Shaftsbury, Peltz of Woodbury, Potter of Clarendon, Rachelson of Burlington, Ram of Burlington, Spengler of Colchester, Stevens of Shoreham, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of South Burlington, and Zagar of Barnard

Whereas, the Trans-Pacific Partnership Agreement (TPPA) is a proposed multinational agreement which if implemented will be the largest trading bloc in the world, and

Whereas, the countries currently involved in the TPPA negotiations include Australia, Brunei Darussalam, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam, and the United States, and

Whereas, on April 24, 2013, President Obama notified Congress of his administration's intent to include Japan in the TPPA negotiations, and China and Korea could enter the TPPA at a later date, and

Whereas, the ability of Vermont and other states to regulate the environment, tobacco products, pharmaceuticals, and the government procurement process, and to control the use of a state's name in consumer products could be inhibited under the TPPA, and

Whereas, in 1992, Congress amended the Natural Gas Act, Pub.L. 102-486, including 15 U.S.C. § 717b(c), and

Whereas, subsection 717b(c) provides, with respect to natural gas imports from, and exports to, a nation with which the United States has a free trade agreement, that applications for importation or exportation are to be granted "without modification or delay," and

Whereas, two of the TPPA's prospective members, Chile and Singapore, are importers of natural gas, and were Japan to join the TPPA, the amount of natural gas exported from the United States could rise significantly, and

Whereas, this new policy on exporting natural gas might result in increased fracking in this country to meet the TPPA nations' increased demand for natural gas, and

Whereas, according to a TPPA analysis from Georgetown Law's Harrison Institute for Public Law (Harrison Institute), if the TPPA follows the model of other free trade agreements, the threats to domestic control of tobacco regulations would include: (1) increased rights for foreign investors to challenge regulations outside domestic courts; (2) new rights to use elements of a tobacco product's trademarks; (3) expansion of the use of trade rules that limit regulation of tobacco-related services such as advertising, distribution, and display of products; and (4) new obligations to involve tobacco companies in policy-making, and

Whereas, the Office of the United States Trade Representative (USTR) is proposing that language be included in the general exceptions chapter of the TPPA that would permit health regulatory authorities in TPPA member nations to adopt tobacco regulations that are scientifically based and may be applied regardless of a tobacco product's country of origin, and

Whereas, the Harrison Institute's analysis finds that the USTR proposal is problematic because the proposed TPPA exception for health-related tobacco regulations would not cover: (1) statutory provisions; (2) enforcement of regulations adopted before the TPPA takes effect; (3) regulations that nonhealth regulatory authorities adopt; and (4) investment and trade rules that are currently being used to challenge tobacco controls, and

Whereas, potential clauses on pharmaceutical pricing could be problematic for the enforcement of the cost-containment provisions of Medicare, Medicaid, and the U.S. veterans' governmental health programs, and

Whereas, the TPPA could potentially restrict the ability of states to favor in-state producers or vendors in their procurement policies and limit the inclusion of environmental protection provisions as part of those policies, and

Whereas, the State of Vermont has placed great emphasis on protecting the use of the name Vermont on the State's products, including maple syrup, and

Whereas, the proposed Article 2:22 of the TPPA's intellectual property chapter would expand the right of product manufacturers to use place names, even if the product does not originate in that place, a policy that could be detrimental to the Vermont Attorney General's Statement of Origin Rule which has great importance for the national marketing of Vermont-produced products, and

Whereas, the USTR intends to complete TPPA negotiations as early as October 2013, which means Vermont and other states must express their

concerns about the TPPA's public policy implications as soon as possible, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the USTR to be cognizant of the concerns of the individual states and to promote positions in TPPA negotiations that would enable the states to retain their existing flexibility in matters pertaining to the regulation of the environment, tobacco, pharmaceutical pricing, and the use of place names in products, and be it further

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

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

Motion to Reconsider Disagreed to

S. 82

Senate bill, entitled

An act relating to campaign finance law;

Rep. Davis of Washington, assuring the Chair that she voted with the prevailing side the previous Legislative day when the House adopted the report of the committee on Government Operations, moved that the House reconsider its vote, which was disagreed to on a Division vote. Yeas, 9. Nays, 113.

Committee Appointed

The Speaker appointed the following named members to the committee on Government Accountability:

Rep. Toleno of Brattleboro

Rep. Evans of Essex

Rep. Sharpe of Bristol

Rep. O'Brien of Richmond

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 7

Senate bill, entitled

An act relating to social networking privacy protection

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Ralston of Middlebury** 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 bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 144. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Fay of St. Johnsbury	Marek of Newfane
Bartholomew of Hartland	Feltus of Lyndon	Martin of Springfield
Batchelor of Derby	Fisher of Lincoln	Martin of Wolcott
Beyor of Highgate	Frank of Underhill	Masland of Thetford
Bissonnette of Winooski	French of Randolph	McCarthy of St. Albans City
Botzow of Pownal	Gage of Rutland City	McCormack of Burlington
Bouchard of Colchester	Gallivan of Chittenden	McCullough of Williston
Branagan of Georgia	Goodwin of Weston	McFaun of Barre Town
Brennan of Colchester	Grad of Moretown	Michelsen of Hardwick
Browning of Arlington	Greshin of Warren	Miller of Shaftsbury
Burditt of West Rutland	Haas of Rochester	Mitchell of Fairfax
Burke of Brattleboro	Head of South Burlington	Mook of Bennington
Buxton of Tunbridge	Heath of Westford	Moran of Wardsboro
Campion of Bennington	Hebert of Vernon	Morrissey of Bennington
Canfield of Fair Haven	Higley of Lowell	Mrowicki of Putney
Carr of Brandon	Hooper of Montpelier	Myers of Essex
Christie of Hartford	Hubert of Milton	Nuovo of Middlebury
Clarkson of Woodstock	Huntley of Cavendish	O'Brien of Richmond
Cole of Burlington	Jerman of Essex	O'Sullivan of Burlington
Condon of Colchester	Johnson of South Hero	Partridge of Windham
Connor of Fairfield	Johnson of Canaan	Pearce of Richford
Conquest of Newbury	Juskiewicz of Cambridge	Pearson of Burlington
Consejo of Sheldon	Keenan of St. Albans City	Peltz of Woodbury
Copeland-Hanzas of	Kilmartin of Newport City	Poirier of Barre City
Bradford	Kitzmiller of Montpelier	Potter of Clarendon
Corcoran of Bennington	Koch of Barre Town	Pugh of South Burlington
Cross of Winooski	Komline of Dorset	Quimby of Concord
Cupoli of Rutland City	Krebs of South Hero	Rachelson of Burlington
Dakin of Chester	Krowinski of Burlington	Ralston of Middlebury
Davis of Washington	Kupersmith of South	Ram of Burlington
Deen of Westminster	Burlington	Russell of Rutland City
Devereux of Mount Holly	Lanpher of Vergennes	Savage of Swanton
Dickinson of St. Albans	Larocque of Barnet	Scheuermann of Stowe
Town	Lawrence of Lyndon	Sharpe of Bristol
Donaghy of Poultney	Lenes of Shelburne	Shaw of Pittsford
Donahue of Northfield	Lewis of Berlin	Shaw of Derby
Donovan of Burlington	Lippert of Hinesburg	Smith of New Haven
Ellis of Waterbury	Macaig of Williston	South of St. Johnsbury
Emmons of Springfield	Malcolm of Pawlet	Spengler of Colchester
Evans of Essex	Manwaring of Wilmington	Stevens of Waterbury
Fagan of Rutland City	Marcotte of Coventry	Stevens of Shoreham

Strong of Albany	Townsend of South	Wilson of Manchester
Stuart of Brattleboro	Burlington	Wizowaty of Burlington
Sweaney of Windsor	Trieber of Rockingham	Woodward of Johnson
Taylor of Barre City	Turner of Milton	Wright of Burlington
Terenzini of Rutland Town	Van Wyck of Ferrisburgh	Yantachka of Charlotte
Till of Jericho	Vowinkel of Hartford	Young of Glover
Toleno of Brattleboro	Waite-Simpson of Essex	Zagar of Barnard
Toll of Danville	Webb of Shelburne	
Townsend of Randolph	Weed of Enosburgh	

Those who voted in the negative are: none

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

Cheney of Norwich	Klein of East Montpelier	Winters of Williamstown
Helm of Fair Haven	Smith of Morristown	

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 81

Senate bill, entitled

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Jewett of Ripton** 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 bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 141. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Canfield of Fair Haven	Davis of Washington
Bartholomew of Hartland	Carr of Brandon	Deen of Westminster
Batchelor of Derby	Christie of Hartford	Devereux of Mount Holly
Beyor of Highgate	Clarkson of Woodstock	Dickinson of St. Albans
Bissonnette of Winooski	Cole of Burlington	Town
Botzow of Pownal	Connor of Fairfield	Donaghy of Poultney
Bouchard of Colchester	Conquest of Newbury	Donahue of Northfield
Branagan of Georgia	Consejo of Sheldon	Donovan of Burlington
Brennan of Colchester	Copeland-Hanzas of	Emmons of Springfield
Browning of Arlington	Bradford	Evans of Essex
Burditt of West Rutland	Corcoran of Bennington	Fagan of Rutland City
Burke of Brattleboro	Cross of Winooski	Fay of St. Johnsbury
Buxton of Tunbridge	Cupoli of Rutland City	Feltus of Lyndon
Campion of Bennington	Dakin of Chester	Fisher of Lincoln

Frank of Underhill	Macaig of Williston	Savage of Swanton
French of Randolph	Malcolm of Pawlet	Scheuermann of Stowe
Gage of Rutland City	Manwaring of Wilmington	Sharpe of Bristol
Gallivan of Chittenden	Marcotte of Coventry	Shaw of Pittsford
Goodwin of Weston	Marek of Newfane	Shaw of Derby
Grad of Moretown	Martin of Springfield	Smith of New Haven
Greshin of Warren	Martin of Wolcott	South of St. Johnsbury
Haas of Rochester	Masland of Thetford	Spengler of Colchester
Head of South Burlington	McCarthy of St. Albans City	Stevens of Waterbury
Heath of Westford	McCormack of Burlington	Stevens of Shoreham
Hebert of Vernon	McCullough of Williston	Strong of Albany
Higley of Lowell	McFaun of Barre Town	Stuart of Brattleboro
Hooper of Montpelier	Michelsen of Hardwick	Sweaney of Windsor
Hubert of Milton	Miller of Shaftsbury	Taylor of Barre City
Huntley of Cavendish	Mitchell of Fairfax	Terenzini of Rutland Town
Jerman of Essex	Mook of Bennington	Till of Jericho
Jewett of Ripton	Moran of Wardsboro	Toleno of Brattleboro
Johnson of South Hero	Morrissey of Bennington	Toll of Danville
Johnson of Canaan	Mrowicki of Putney	Townsend of Randolph
Juskiewicz of Cambridge	Myers of Essex	Townsend of South
Keenan of St. Albans City	Nuovo of Middlebury	Burlington
Kilmartin of Newport City	O'Brien of Richmond	Trieber of Rockingham
Kitzmiller of Montpelier	O'Sullivan of Burlington	Vowinkel of Hartford
Koch of Barre Town	Partridge of Windham	Waite-Simpson of Essex
Komline of Dorset	Pearce of Richford	Webb of Shelburne
Krebs of South Hero	Pearson of Burlington	Weed of Enosburgh
Krowinski of Burlington	Peltz of Woodbury	Wilson of Manchester
Kupersmith of South	Poirier of Barre City	Wizowaty of Burlington
Burlington	Potter of Clarendon	Woodward of Johnson
Lanpher of Vergennes	Pugh of South Burlington	Wright of Burlington
Larocque of Barnet	Quimby of Concord	Yantachka of Charlotte
Lawrence of Lyndon	Rachelson of Burlington	Young of Glover
Lenes of Shelburne	Ralston of Middlebury	Zagar of Barnard
Lewis of Berlin	Ram of Burlington	
Lippert of Hinesburg	Russell of Rutland City	

Those who voted in the negative are: none

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

Cheney of Norwich	Klein of East Montpelier	Van Wyck of Ferrisburgh
Condon of Colchester	Smith of Morristown	Winters of Williamstown
Helm of Fair Haven	Turner of Milton	

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

S. 99

Senate bill, entitled

An act relating to the standard measure of recidivism

Was taken up, read the third time and passed in concurrence with proposal of amendment.

S. 132

Senate bill, entitled

An act relating to sheriffs, deputy sheriffs, and the service of process

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment**

S. 148

Senate bill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act

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

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

Sec. 2. Rule 6(f) of the Vermont Rules of Criminal Procedure is amended to read:

(f) Secrecy of Proceedings and Disclosure. – Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the prosecuting attorneys for use in the performance of their duties. Otherwise, a juror, attorney, interpreter, court reporter, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when do directed by the court preliminarily to or in connection with a judicial proceeding, or as provided in Rule 16(a)(2). No obligation of secrecy may be imposed upon any person except in accordance with this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall

disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons. Notwithstanding any provision of this rule or any other provision of law, the Attorney General or a State's Attorney may disclose the decision of a grand jury not to return a true bill in a matter involving actions committed by a law enforcement officer while acting within the scope of employment or while on duty as a law enforcement officer.

and by renumbering the remaining section to be numerically correct

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

Bill Read Second Time; Third Reading Ordered

H. 543

Rep. Cole of Burlington spoke for the committee on Government Operations.

House bill entitled

An act relating to records and reports of the Auditor of Accounts

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Proposals of Amendment Agreed to; Consideration Interrupted by Recess

S. 82

Senate bill, entitled

An act relating to campaign finance law;

Pending third reading of the bill, **Reps. Stevens of Shoreham, Goodwin of Weston, and Greshin of Warren** moved to amend the House proposal of amendment as follows:

First: In Sec. 3, in section 2941 (limitations of contributions), by striking out subdivision (1)(A)(i) in its entirety and inserting in lieu thereof the following:

(i) \$1,000.00 from a single source, except that an independent candidate may accept unlimited contributions from a single source; or

Second: In Sec. 3, in section 2941 (limitations of contributions), by striking out subdivision (2)(A)(i) in its entirety and inserting in lieu thereof the following:

(i) \$1,500.00 from a single source, except that an independent candidate may accept unlimited contributions from a single source; or

Third: In Sec. 3, in section 2941 (limitations of contributions), by striking out subdivision (3)(A)(i) in its entirety and inserting in lieu thereof the following:

(i) \$4,000.00 from a single source, except that an independent candidate may accept unlimited contributions from a single source; or

Which was disagreed to.

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

In Sec. 3, in section 2963 (campaign reports; Secretary of State; forms; filing), in subsection (a), by striking out subdivisions (2)–(5) in their entirety and inserting in lieu thereof the following:

(2) the cash balance carried over from the previous report or last campaign;

(3) the total amount of all contributions of \$100.00 or less and the total number of all such contributions;

(4) each expenditure listed by amount, date, to whom paid, and for what purpose;

(5) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period;

(6) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period; and

(7) the cash balance remaining at the end of the reporting period.

Thereupon, **Rep. Koch of Barre Town** asked and was granted leave of the House to withdraw his amendment.

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

In Sec. 3 by striking out section 2973 (specific identification requirements for radio or television communications) in its entirety and inserting in lieu thereof the following:

§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO OR
TELEVISION COMMUNICATIONS

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio or television, in a clearly

spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person and the name and title of the principal officer of the person.

Thereupon, **Rep. Koch of Barre Town** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the House proposal of amendment as follows:

In Sec. 3, in 17 V.S.A. § 2945 (accepting contributions), in subsection (b), by striking out “\$100.00” and inserting in lieu thereof “200.00”

Which was disagreed to.

Pending third reading of the bill, **Rep. Townsend of South Burlington** moved to amend the House proposal of amendment as follows:

First: In Sec. 3, in section 2921 (candidates; registration; checking account; treasurer), in subsection (a) in the first sentence after “shall register with the Secretary of State” by inserting “within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first,”

Second: In Sec. 3, in section 2921 (candidates; registration; checking account; treasurer), at the end of subsection (b), by adding the following: “Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the candidate.”

Third: In Sec. 3, in section 2922 (political committees; registration; checking account; treasurer), at the end of subsection (b), by adding the following: “Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.”

Fourth: In Sec. 3, in section 2923 (political parties; registration; checking accounts; treasurer), in subsection (b), by inserting “, subsidiary, branch, or local unit” after “the political party” in the three places in which that term appears, and at the end of the subsection, by adding the following: “Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political party, subsidiary, branch, or local unit.”

Which was agreed to.

Pending third reading of the bill, **Rep. Poirier of Barre City** moved to amend the House proposal of amendment as follows:

In Sec. 3, in section 2963 (campaign reports; Secretary of State; forms; filing), by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof the following:

(3) each expenditure listed by amount, date, to whom paid, for what purpose, and:

(A) if the expenditure was a related campaign expenditure made on a candidate's behalf:

(i) the name of the candidate or candidates on whose behalf the expenditure was made; and

(ii) the name of any other candidate or candidates who were otherwise supported or opposed by the expenditure; or

(B) if the expenditure was not a related campaign expenditure made on a candidate's behalf but was made to support or oppose a candidate or candidates, the name of the candidate or candidates:

Which was agreed to.

Pending third reading of the bill, **Rep. Wright of Burlington** moved to amend the House proposal of amendment as follows:

First: In Sec. 3, in section 2941 (limitations of contributions), by striking out subdivision (4) in its entirety and inserting in lieu thereof the following:

(4)(A) A political committee shall not accept contributions totaling more than:

(i) \$5,000.00 from a single source;

(ii) \$5,000.00 from a political committee; or

(iii) \$5,000.00 from a political party

(B) The provisions of this subdivision (4) shall not apply to independent expenditure-only political committees, which may accept unlimited contributions from a single source, political committee, or political party.

Pending the question, Shall the House proposal of amendment be amended as recommended by Rep. Wright of Burlington? **Rep. Wright of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Recess

At twelve o'clock noon, the Speaker declared a recess until two o'clock in the afternoon.

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

Consideration Resumed; Proposal of Amendment Agreed to; Bill Read the Third Time and Passed in Concurrence with Proposal of Amendment

S. 82

Consideration resumed on Senate bill, entitled

An act relating to campaign finance law;

The recurring question, Shall the House proposal of amendment be amended as recommended by Rep. Wright of Burlington? The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be amended as recommended by Rep. Wright of Burlington? was decided in the negative. Yeas, 49. Nays, 95.

Those who voted in the affirmative are:

Batchelor of Derby	Dickinson of St. Albans	Hebert of Vernon
Beyor of Highgate	Town	Helm of Fair Haven
Bouchard of Colchester	Donaghy of Poultney	Higley of Lowell
Branagan of Georgia	Donahue of Northfield	Hubert of Milton
Brennan of Colchester	Fagan of Rutland City	Johnson of Canaan
Burditt of West Rutland	Feltus of Lyndon	Juskiewicz of Cambridge
Canfield of Fair Haven	Gage of Rutland City *	Kilmartin of Newport City
Cupoli of Rutland City	Goodwin of Weston	Koch of Barre Town *
Devereux of Mount Holly	Greshin of Warren	Komline of Dorset
Krebs of South Hero	Myers of Essex	Smith of New Haven
Larocque of Barnet	Pearce of Richford	Strong of Albany
Lawrence of Lyndon	Poirier of Barre City	Terenzini of Rutland Town
Lewis of Berlin	Quimby of Concord	Townsend of Randolph
Marcotte of Coventry	Savage of Swanton	Turner of Milton
McFaun of Barre Town	Scheuermann of Stowe	Van Wyck of Ferrisburgh
Mitchell of Fairfax	Shaw of Pittsford	Wright of Burlington *
Morrissey of Bennington	Shaw of Derby	

Those who voted in the negative are:

Ancel of Calais	Carr of Brandon	Copeland-Hanzas of
Bartholomew of Hartland	Cheney of Norwich	Bradford
Bissonnette of Winooski	Christie of Hartford	Corcoran of Bennington
Botzow of Pownal	Clarkson of Woodstock	Cross of Winooski
Browning of Arlington	Cole of Burlington	Dakin of Chester
Burke of Brattleboro	Connor of Fairfield	Davis of Washington
Buxton of Tunbridge	Conquest of Newbury	Deen of Westminster
Campion of Bennington	Consejo of Sheldon	Donovan of Burlington

Ellis of Waterbury	Macaig of Williston	Ram of Burlington
Emmons of Springfield	Malcolm of Pawlet	Russell of Rutland City
Evans of Essex	Manwaring of Wilmington	Sharpe of Bristol
Fay of St. Johnsbury	Marek of Newfane	South of St. Johnsbury
Fisher of Lincoln	Martin of Springfield	Spengler of Colchester
Frank of Underhill	Martin of Wolcott	Stevens of Waterbury
French of Randolph	Masland of Thetford	Stevens of Shoreham
Gallivan of Chittenden	McCarthy of St. Albans City	Sweaney of Windsor
Grad of Moretown	McCormack of Burlington	Taylor of Barre City
Haas of Rochester	McCullough of Williston	Till of Jericho
Head of South Burlington	Michelsen of Hardwick	Toleno of Brattleboro
Heath of Westford	Miller of Shaftsbury	Toll of Danville
Hooper of Montpelier	Mook of Bennington	Townsend of South
Huntley of Cavendish	Moran of Wardsboro	Burlington
Jerman of Essex	Mrowicki of Putney	Trieber of Rockingham
Jewett of Ripton	Nuovo of Middlebury	Vowinkel of Hartford
Johnson of South Hero	O'Brien of Richmond	Waite-Simpson of Essex
Keenan of St. Albans City	O'Sullivan of Burlington	Webb of Shelburne
Kitzmiller of Montpelier	Partridge of Windham	Weed of Enosburgh
Krowinski of Burlington	Pearson of Burlington	Wilson of Manchester
Kupersmith of South	Peltz of Woodbury	Woodward of Johnson
Burlington	Potter of Clarendon	Yantachka of Charlotte
Lanpher of Vergennes	Pugh of South Burlington	Young of Glover
Lenes of Shelburne	Rachelson of Burlington	Zagar of Barnard
Lippert of Hinesburg	Ralston of Middlebury	

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

Condon of Colchester	Stuart of Brattleboro	Wizowaty of Burlington
Klein of East Montpelier	Winters of Williamstown	

Rep. Gage of Rutland City explained his vote as follows:

“Mr. Speaker:

I voted for this amendment because Vermonters should not have to pay for litigation in connection with S.82 when much larger states have chosen not to go down this road, given that litigation estimates are between 6-11 million dollars if we lose this case; it could cost this average working family in Vermont about \$55.00.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

As an attorney, I am not afraid to battle for what I think is right in court. But before I do so, I take care to assess my chances of success.

In this case, I believe the Supreme Court of the United States will find that the bill's effort to restrict contributions to what have come to be known as 'super PACS' violates the First Amendment right of free speech.

We are assured that a court challenge to this provision will be filed, and a loss by the State of Vermont will result in payment of 'loser fees,' probably in excess of \$5 million.

I think we have better uses for the taxpayers' money."

Rep. Wright of Burlington explained his vote as follows:

"Mr. Speaker:

By opposing this amendment, this body just took a good bill and made it into a costly multi-million dollar law suit that we are likely to lose. When we do not learn from history we are doomed to repeat history. Clearly, at least in the House, we have not learned from history. The language from the 2nd Circuit Court of Appeals makes clear why this is a mistake. May the Senate save us."

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

In Sec. 3 by striking out section 2973 (specific identification requirements for radio or television communications) in its entirety and inserting in lieu thereof the following:

§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO,

TELEVISION, OR INTERNET COMMUNICATIONS

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication which is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that person and the name and title of the principal officer of the person.

Which was agreed to and the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Pearson of Burlington** 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 bill pass in concurrence

with proposal of amendment? was decided in the affirmative. Yeas, 96. Nays, 49.

Those who voted in the affirmative are:

Ancel of Calais	Haas of Rochester	O'Brien of Richmond
Bartholomew of Hartland	Head of South Burlington	O'Sullivan of Burlington
Bissonnette of Winooski	Heath of Westford	Partridge of Windham
Botzow of Pownal	Higley of Lowell	Pearce of Richford
Browning of Arlington	Hooper of Montpelier	Peltz of Woodbury
Burke of Brattleboro	Huntley of Cavendish	Potter of Clarendon
Buxton of Tunbridge	Jerman of Essex	Pugh of South Burlington
Campion of Bennington	Jewett of Ripton	Rachelson of Burlington
Carr of Brandon	Johnson of South Hero	Ralston of Middlebury
Cheney of Norwich	Juskiewicz of Cambridge	Ram of Burlington
Christie of Hartford	Keenan of St. Albans City	Russell of Rutland City
Clarkson of Woodstock	Kitzmiller of Montpelier	Sharpe of Bristol
Cole of Burlington	Krowinski of Burlington	South of St. Johnsbury
Condon of Colchester	Kupersmith of South Burlington	Spengler of Colchester
Connor of Fairfield	Lanpher of Vergennes	Stevens of Waterbury
Consejo of Sheldon	Lenes of Shelburne	Sweaney of Windsor
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Taylor of Barre City
Corcoran of Bennington	Macaig of Williston	Till of Jericho
Cross of Winooski	Malcolm of Pawlet	Toleno of Brattleboro
Dakin of Chester	Manwaring of Wilmington	Toll of Danville
Deen of Westminster	Marek of Newfane	Townsend of Randolph
Donovan of Burlington	Martin of Springfield	Townsend of South Burlington
Ellis of Waterbury	Martin of Wolcott	Trieber of Rockingham
Emmons of Springfield	Masland of Thetford	Vowinkel of Hartford
Evans of Essex	McCarthy of St. Albans City	Waite-Simpson of Essex
Fagan of Rutland City	McCullough of Williston	Webb of Shelburne
Fay of St. Johnsbury	Michelsen of Hardwick	Wilson of Manchester
Fisher of Lincoln	Miller of Shaftsbury	Wizowaty of Burlington
Frank of Underhill	Mook of Bennington	Woodward of Johnson
French of Randolph	Moran of Wardsboro	Yantachka of Charlotte
Gallivan of Chittenden	Mrowicki of Putney	Young of Glover
Grad of Moretown	Nuovo of Middlebury	Zagar of Barnard

Those who voted in the negative are:

Batchelor of Derby	Devereux of Mount Holly	Helm of Fair Haven
Beyor of Highgate	Dickinson of St. Albans Town	Hubert of Milton
Bouchard of Colchester	Donaghy of Poultney	Johnson of Canaan
Branagan of Georgia	Donahue of Northfield	Kilmartin of Newport City *
Brennan of Colchester	Feltus of Lyndon	Koch of Barre Town *
Burditt of West Rutland	Gage of Rutland City	Komline of Dorset
Canfield of Fair Haven	Goodwin of Weston	Krebs of South Hero
Conquest of Newbury	Greshin of Warren	Larocque of Barnet
Cupoli of Rutland City	Hebert of Vernon	Lewis of Berlin
Davis of Washington		Marcotte of Coventry

McCormack of Burlington	Quimby of Concord	Strong of Albany
McFaun of Barre Town	Savage of Swanton	Terenzini of Rutland Town
Mitchell of Fairfax	Scheuermann of Stowe	Turner of Milton
Morrissey of Bennington	Shaw of Pittsford	Van Wyck of Ferrisburgh
Myers of Essex	Shaw of Derby	Weed of Enosburgh
Pearson of Burlington *	Smith of New Haven	Wright of Burlington
Poirier of Barre City *	Stevens of Shoreham	

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

Klein of East Montpelier	Stuart of Brattleboro
Lawrence of Lyndon	Winters of Williamstown

Rep. Kilmartin of Newport City explained his vote as follows:

“Mr. Speaker:

I vote ‘no’. We are not being ‘first again in the nation’, as so proudly claimed. Fool us once, shame on you. Fool us twice, shame on us, the Vermont House of Representatives.

We fooled ourselves once, at a taxpayer cost of over \$7 million to have the Supreme Court laugh at us. We have been warned by many credible voices, including those who do not like super-Pacs. We show ourselves not merely fools twice. We show ourselves small minded actors in the theatre of the absurd for all the world to see. To this absurd theatre we will pay the price of admission to the tune of millions of dollars of Vermont taxpayers’ money.

Instead of protecting the public treasury, we squander it on a form of death with no dignity, only derision and ridicule as the House hearse passes by the streets lined with Vermont taxpayers.

The ultimate absurdity will be heard from the lips of a Supreme Court Justice: ‘Mr. Attorney General, did that super-Pac win one election.’ Attorney General: ‘No.’”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

I wish the committee had produced a bill that we could all vote for, and indeed, they came very close. Overall, this is a very good bill.

A few sections are troublesome, however, notably the attempt to restrict the First Amendment rights relative to ‘super-PACS.’ I simply cannot vote to commit millions of dollars of the taxpayers’ money to what I believe will be a losing court case.”

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

I voted no. It seems to me we had an opportunity to pass a strong campaign finance bill. We could have protected the grassroots nature of Vermont’s politics as we tried to do several times under the previous administration. Instead we have opened our doors to big money’s influence and welcomed the damaging impact that comes with it.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted no because this bill allows unlimited contributions to major party candidates, and thus makes independent candidates an endangered species. And furthermore, I do not believe wealthy people should lose their First Amendment Rights.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 152

Rep. Fisher of Lincoln, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to the Green Mountain Care Board’s rate review authority

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:

* * * Health Insurance Rate Review * * *

~~and the date, not less than 30 days after such hearing when the withdrawal of approval shall become effective.~~

(e) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of ~~any requested rate increase of five percent or greater. If, during the plan year, the insurer files for rate increases that are cumulatively five percent or greater, the insurer shall file a summary applicable to the cumulative rate increase~~ the proposed rate. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the ~~commissioner~~ Board. The plain language summary shall be in the format required by the Secretary of HHS pursuant to

the Patient Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and shall include notification of the public comment period established in subsection ~~(d)~~(c) of this section. In addition, the insurer shall post the summaries on its website.

~~(d)~~(c)(1) The ~~commissioner~~ Board shall provide information to the public on the ~~department's~~ Board's website about the public availability of the filings and summaries required under this section.

(2)(A) Beginning no later than January 1, ~~2012~~ 2014, the ~~commissioner~~ Board shall post the rate filings pursuant to subsection (a) of this section and summaries pursuant to subsection ~~(e)~~(b) of this section on the ~~department's~~ Board's website within five calendar days of filing. The Board shall also establish a mechanism by which members of the public may request to be notified automatically each time a proposed rate is filed with the Board.

(B) The ~~department~~ Board shall provide an electronic mechanism for the public to comment on ~~proposed rate increases over five percent all rate filings~~. The public shall have 21 days from the posting of the summaries and filings to provide Board shall accept public comment on each rate filing from the date on which the Board posts the rate filing on its website pursuant to subdivision (A) of this subdivision (2) until 15 calendar days after the Board posts on its website the analyses and opinions of the Department of Financial Regulation and of the Board's consulting actuary, if any, as required by subsection (d) of this section. The ~~department~~ Board shall review and consider the public comments prior to submitting the policy or rate for the Green Mountain Care board's approval pursuant to subsection (a) of this section. The department shall provide the Green Mountain Care board with the public comments for its consideration in approving any rates issuing its decision.

(3)(A) In addition to the public comment provisions set forth in this subsection, the Office of the Health Care Advocate established in 18 V.S.A. chapter 229 may, within 30 calendar days after the Board receives an insurer's rate request pursuant to this section, submit questions regarding the filing to the insurer and to the Board's contracting actuary, if any.

(B) The Office of the Health Care Advocate may also submit to the Board written comments on an insurer's rate request. The Board shall post the comments on its website and shall consider the comments prior to issuing its decision.

~~(e)~~(d)(1) No later than 60 calendar days after receiving an insurer's rate request pursuant to this section, the Green Mountain Care Board shall make

available to the public the insurer's rate filing, the Department's analysis and opinion of the effect of the proposed rate on the insurer's solvency, and the analysis and opinion of the rate filing by the Board's contracting actuary, if any.

(2) The Board shall post on its website, after redacting any confidential or proprietary information relating to the insurer or to the insurer's rate filing:

(A) all questions the Board poses to its contracting actuary, if any, and the actuary's responses to the Board's questions;

(B) all questions the Office of the Health Care Advocate poses to the Board's contracting actuary, if any, and the actuary's responses to the Office's questions; and

(C) all questions the Board, the Board's contracting actuary, if any, the Department, or the Office of the Health Care Advocate poses to the insurer and the insurer's responses to those questions.

(e) Within 30 calendar days after making the rate filing and analysis available to the public pursuant to subsection (d) of this section, the Board shall:

(1) conduct a public hearing, at which the Board shall:

(A) call as witnesses the Commissioner of Financial Regulation or designee and the Board's contracting actuary, if any, unless all parties agree to waive such testimony; and

(B) provide an opportunity for testimony from the insurer, the Office of the Health Care Advocate, and members of the public;

(2) at a public hearing, announce the Board's decision of whether to approve, modify, or disapprove the proposed rate; and

(3) issue its decision in writing.

(f)(1) The insurer shall notify its policyholders of the Board's decision in a timely manner, as defined by the Board by rule.

(2) Rates shall take effect on the date specified in the insurer's rate filing.

(3) If the Board has not issued its decision by the effective date specified in the insurer's rate filing, the insurer shall notify its policyholders of its pending rate request and of the effective date proposed by the insurer in its rate filing.

(g) An insurer, the Office of the Health Care Advocate, and any member of the public with party status, as defined by the Board by rule, may appeal a decision of the Board approving, modifying, or disapproving the insurer's proposed rate to the Vermont Supreme Court.

(h)(1) The following provisions of this This section shall apply only to policies for major medical insurance coverage and shall not apply to policies for specific disease, accident, injury, hospital indemnity, dental care, vision care, disability income, long-term care, or other limited benefit coverage; to Medicare supplemental insurance; or

(A) the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests;

(B) the review standards in subdivision (a)(3) of this section as to whether a policy or rate is affordable, promotes quality care, and promotes access to health care; and

(C) subsections (c) and (d) of this section.

(2) The exemptions from the provisions described in subdivisions (1)(A) through (C) of this subsection shall also apply to benefit plans that are paid directly to an individual insured or to his or her assigns and for which the amount of the benefit is not based on potential medical costs or actual costs incurred.

(3) Medicare supplemental insurance policies shall be exempt only from the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests and shall be subject to the remaining provisions of this section.

(i) Notwithstanding the procedures and timelines set forth in subsections (a) through (e) of this section, the Board may establish, by rule, a streamlined rate review process for certain rate decisions, including proposed rates affecting fewer than a minimum number of covered lives and proposed rates for which a de minimis increase, as defined by the Board by rule, is sought.

Sec. 2. 8 V.S.A. § 4062a is amended to read:

§ 4062a. FILING FEES

Each filing of a policy, contract, or document form or premium rates or rules, submitted pursuant to section 4062 of this title, shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Green Mountain Care Board, as appropriate, of a nonrefundable fee of \$50.00 \$150.00.

Sec. 3. 8 V.S.A. § 4089b(d)(1)(A) is amended to read:

(d)(1)(A) A health insurance plan that does not otherwise provide for management of care under the plan, or that does not provide for the same degree of management of care for all health conditions, may provide coverage for treatment of mental health conditions through a managed care organization provided that the managed care organization is in compliance with the rules adopted by the ~~commissioner~~ Commissioner that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. In reviewing rates and forms pursuant to section 4062 of this title, the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, shall consider the compliance of the policy with the provisions of this section.

Sec. 4. 8 V.S.A. § 4512(b) is amended to read:

(b) Subject to the approval of the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, a hospital service corporation may establish, maintain, and operate a medical service plan as defined in section 4583 of this title. The ~~commissioner~~ Commissioner or the Board may refuse approval if the ~~commissioner~~ Commissioner or the Board finds that the rates submitted are excessive, inadequate, or unfairly discriminatory, fail to protect the hospital service corporation's solvency, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. The contracts of a hospital service corporation which operates a medical service plan under this subsection shall be governed by chapter 125 of this title to the extent that they provide for medical service benefits, and by this chapter to the extent that the contracts provide for hospital service benefits.

Sec. 5. 8 V.S.A. § 4513(c) is amended to read:

(c) In connection with a rate decision, the ~~commissioner~~ Green Mountain Care Board may also make reasonable supplemental orders to the corporation and may attach reasonable conditions and limitations to such orders as ~~he~~ the Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at minimum cost under efficient and economical management of the corporation. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or reimbursement made by the corporation to any physician, hospital, or other health care provider.

Sec. 6. 8 V.S.A. § 4515a is amended to read:

§ 4515a. FORM AND RATE FILING; FILING FEES

Every contract or certificate form, or amendment thereof, including the rates charged therefor by the corporation shall be filed with the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, for ~~his or her~~ the Commissioner's or the Board's approval prior to issuance or use. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. In addition, each such filing shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Board, as appropriate, of a nonrefundable fee of ~~\$50.00~~ \$150.00 and the plain language summary of rate increases pursuant to section 4062 of this title.

Sec. 7. 8 V.S.A. § 4584(c) is amended to read:

(c) In connection with a rate decision, the ~~commissioner~~ Green Mountain Care Board may also make reasonable supplemental orders to the corporation and may attach reasonable conditions and limitations to such orders as ~~he or she~~ the Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at minimum cost under efficient and economical management of the corporation. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or reimbursement made by the corporation to any physician, hospital, or other health care provider.

Sec. 8. 8 V.S.A. § 4587 is amended to read:

§ 4587. FILING AND APPROVAL OF CONTRACTS

A medical service corporation which has received a permit from the ~~commissioner of financial regulation~~ Commissioner of Financial Regulation under section 4584 of this title shall not thereafter issue a contract to a subscriber or charge a rate therefor which is different from copies of contracts and rates originally filed with such ~~commissioner~~ Commissioner and approved by him or her at the time of the issuance to such medical service corporation of its permit, until it has filed copies of such contracts which it proposes to issue and the rates it proposes to charge therefor and the same have been approved by ~~such commissioner~~ the Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. Each such filing of a contract or the rate therefor shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Board, as appropriate, of a nonrefundable fee of ~~\$50.00~~ \$150.00. A medical service corporation shall file a plain language summary of rate increases pursuant to section 4062 of this title.

Sec. 9. 8 V.S.A. § 5104 is amended to read:

§ 5104. FILING AND APPROVAL OF RATES AND FORMS;

SUPPLEMENTAL ORDERS

(a)(1) A health maintenance organization which has received a certificate of authority under section 5102 of this title shall file and obtain approval of all policy forms and rates as provided in sections 4062 and 4062a of this title. This requirement shall include the filing of administrative retentions for any business in which the organization acts as a third party administrator or in any other administrative processing capacity. The ~~commissioner~~ Commissioner or the Green Mountain Care Board, as appropriate, may request and shall receive any information that the ~~commissioner~~ Commissioner or the Board deems necessary to evaluate the filing. In addition to any other information requested, the ~~commissioner~~ Commissioner or the Board shall require the filing of information on costs for providing services to the organization's Vermont members affected by the policy form or rate, including Vermont claims experience, and administrative and overhead costs allocated to the service of Vermont members. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. A health maintenance organization shall file a summary of rate filings pursuant to section 4062 of this title.

(2) The ~~commissioner~~ Commissioner or the Board shall refuse to approve, ~~or to seek the Green Mountain Care board's approval of~~, the form of evidence of coverage, filing, or rate if it contains any provision which is unjust, unfair, inequitable, misleading, or contrary to the law of the ~~state~~ State or plan of operation, or if the rates are excessive, inadequate or unfairly discriminatory, ~~fail to protect the organization's solvency~~, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. No evidence of coverage shall be offered to any potential member unless the person making the offer has first been licensed as an insurance agent in accordance with chapter 131 of this title.

(b) In connection with a rate decision, the ~~commissioner~~ Board may also, ~~with the prior approval of the Green Mountain Care board established in 18 V.S.A. chapter 220~~, make reasonable supplemental orders and may attach reasonable conditions and limitations to such orders as the ~~commissioner~~ Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at reasonable cost under efficient and economical management of the organization. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or

reimbursement made by the organization to any physician, hospital, or health care provider.

Sec. 10. 18 V.S.A. § 9375(b) is amended to read:

(b) The ~~board~~ Board shall have the following duties:

* * *

(6) Approve, modify, or disapprove requests for health insurance rates pursuant to 8 V.S.A. § 4062 ~~within 30 days of receipt of a request for approval from the commissioner of financial regulation~~, taking into consideration the requirements in the underlying statutes, changes in health care delivery, changes in payment methods and amounts, protecting insurer solvency, and other issues at the discretion of the ~~board~~ Board;

* * *

Sec. 11. 18 V.S.A. § 9381 is amended to read:

§ 9381. APPEALS

(a)(1) The Green Mountain Care ~~board~~ Board shall adopt procedures for administrative appeals of its actions, orders, or other determinations. Such procedures shall provide for the issuance of a final order and the creation of a record sufficient to serve as the basis for judicial review pursuant to subsection (b) of this section.

~~(2) Only decisions by the board shall be appealable under this subsection. Recommendations to the board by the commissioner of financial regulation pursuant to 8 V.S.A. § 4062(a) shall not be subject to appeal.~~

(b) Any person aggrieved by a final action, order, or other determination of the Green Mountain Care ~~board~~ Board may, upon exhaustion of all administrative appeals available pursuant to subsection (a) of this section, appeal to the ~~supreme court~~ Supreme Court pursuant to the Vermont Rules of Appellate Procedure.

(c) If an appeal or other petition for judicial review of a final order is not filed in connection with an order of the Green Mountain Care ~~board~~ Board pursuant to subsection (b) of this section, the ~~chair~~ Chair may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(d) A decision of the Board approving, modifying, or disapproving a health insurer's proposed rate pursuant to 8 V.S.A. § 4062 shall be considered a final

action of the Board and may be appealed to the Supreme Court pursuant to subsection (b) of this section.

Sec. 12. 33 V.S.A. § 1811(j) is amended to read:

(j) ~~The commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, shall disapprove any rates filed by any registered carrier, whether initial or revised, for insurance policies unless the anticipated medical loss ratios for the entire period for which rates are computed are at least 80 percent, as required by the ~~Patient Protection and Affordable Care Act (Public Law 111-148).~~

* * * Office of the Health Care Advocate * * *

Sec. 13. 18 V.S.A. chapter 229 is added to read:

CHAPTER 229. OFFICE OF THE HEALTH CARE ADVOCATE

§ 9601. DEFINITIONS

As used in this chapter:

(1) “Green Mountain Care Board” or “Board” means the Board established in chapter 220 of this title.

(2) “Health insurance plan” means a policy, service contract, or other health benefit plan offered or issued by a health insurer and includes beneficiaries covered by the Medicaid program unless they are otherwise provided with similar services.

(3) “Health insurer” shall have the same meaning as in section 9402 of this title.

§ 9602. OFFICE OF THE HEALTH CARE ADVOCATE; COMPOSITION

(a) The Agency of Administration shall establish the Office of the Health Care Advocate by contract with any nonprofit organization.

(b) The Office shall be administered by the Chief Health Care Advocate, who shall be an individual with expertise and experience in the fields of health care and advocacy. The Advocate may employ legal counsel, administrative staff, and other employees and contractors as needed to carry out the duties of the Office.

§ 9603. DUTIES AND AUTHORITY

(a) The Office of the Health Care Advocate shall:

(1) Assist health insurance consumers with health insurance plan selection by providing information, referrals, and assistance to individuals and

employers with not more than 10 full-time equivalent employees about means of obtaining health insurance coverage and services. The Office shall accept referrals from the Vermont Health Benefit Exchange and Exchange navigators created pursuant to 33 V.S.A. chapter 18, subchapter 1, to assist consumers experiencing problems related to the Exchange.

(2) Assist health insurance consumers to understand their rights and responsibilities under health insurance plans.

(3) Provide information to the public, agencies, members of the General Assembly, and others regarding problems and concerns of health insurance consumers as well as recommendations for resolving those problems and concerns.

(4) Identify, investigate, and resolve complaints on behalf of individual health insurance consumers and employers with not more than 10 full-time equivalent employees who purchase insurance for their employees, and assist those consumers with filing and pursuit of complaints and appeals.

(5) Provide information to individuals and employers regarding their obligations and responsibilities under the Patient Protection and Affordable Care Act (Public Law 111-148).

(6) Analyze and monitor the development and implementation of federal, state, and local laws, rules, and policies relating to patients and health insurance consumers.

(7) Facilitate public comment on laws, rules, and policies, including policies and actions of health insurers.

(8) Suggest policies, procedures, or rules to the Green Mountain Care Board in order to protect patients' and consumers' interests.

(9) Promote the development of citizen and consumer organizations.

(10) Ensure that patients and health insurance consumers have timely access to the services provided by the Office.

(11) Submit to the General Assembly and the Governor on or before January 1 of each year a report on the activities, performance, and fiscal accounts of the Office during the preceding calendar year.

(b) The Office of the Health Care Advocate may:

(1) Review the health insurance records of a consumer who has provided written consent. Based on the written consent of the consumer or his or her guardian or legal representative, a health insurer shall provide the Office with access to records relating to that consumer.

(2) Pursue administrative, judicial, and other remedies on behalf of any individual health insurance consumer or group of consumers.

(3) Represent the interests of the people of the State in cases requiring a hearing before the Green Mountain Care Board established in chapter 220 of this title.

(4) Adopt policies and procedures necessary to carry out the provisions of this chapter.

(5) Take any other action necessary to fulfill the purposes of this chapter.

(c) The Office of the Health Care Advocate shall be able to speak on behalf of the interests of health care and health insurance consumers and to carry out all duties prescribed in this chapter without being subject to any disciplinary or retaliatory action; provided, however, that nothing in this subsection shall limit the authority of the Agency of Administration to enforce the terms of the contract.

§ 9604. DUTIES OF STATE AGENCIES

All state agencies shall comply with reasonable requests from the Office of the Health Care Advocate for information and assistance. The Agency of Administration may adopt rules necessary to ensure the cooperation of state agencies under this section.

§ 9605. CONFIDENTIALITY

In the absence of written consent by a complainant or an individual using the services of the Office or by his or her guardian or legal representative or the absence of a court order, the Office of the Health Care Advocate, its employees, and its contractors shall not disclose the identity of the complainant or individual.

§ 9606. CONFLICTS OF INTEREST

The Office of the Health Care Advocate, its employees, and its contractors shall not have any conflict of interest relating to the performance of their responsibilities under this chapter. For the purposes of this chapter, a conflict of interest exists whenever the Office of the Health Care Advocate, its employees, or its contractors or a person affiliated with the Office, its employees, or its contractors:

(1) have a direct involvement in the licensing, certification, or accreditation of a health care facility, health insurer, or health care provider;

(2) have a direct ownership interest or investment interest in a health care facility, health insurer, or health care provider;

(3) are employed by or participating in the management of a health care facility, health insurer, or health care provider; or

(4) receive or have the right to receive, directly or indirectly, remuneration under a compensation arrangement with a health care facility, health insurer, or health care provider.

§ 9607. CONSUMER ASSISTANCE ASSESSMENT

(a) The premium for each health insurance policy issued in this state shall include a monthly consumer assistance assessment of \$0.22 per covered life to fund the activities of the Office of the Health Care Advocate. Each health insurer shall remit the assessments collected during the preceding calendar quarter to the Commissioner of Financial Regulation by January 15, April 15, July 15, and October 15 of each year.

(b) There is established pursuant to 32 V.S.A. chapter 7, subchapter 5 a special fund called the "Consumer Assistance Assessment Fund" into which shall be deposited the funds collected under this section. The fund shall be administered by the Secretary of Administration and disbursements are authorized to fund the activities of the Office of the Health Care Advocate as appropriated by the General Assembly.

(c) Health insurers and the Vermont Health Benefit Exchange shall clearly communicate to all applicants and enrollees on materials such as enrollment forms, member handbooks, and the Exchange website information regarding the consumer assistance assessment established by this section and contact information for the Office of the Health Care Advocate.

(d) As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, or any managed care organization as defined in section 9402 of this title. The term includes comprehensive major medical policies, contracts, or plans but does not include Medicaid or any other state health care assistance program financed in whole or in part through a federal program. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, dental care, long-term care, disability income, or other limited benefit health insurance policies.

(2) "Health insurer" means any person who offers, issues, renews, or administers a health insurance policy, contract, or other health benefit plan in this State and includes third-party administrators or pharmacy benefit managers who provide administrative services only for a health benefit plan offering coverage in this State. The term does not include a third-party administrator or pharmacy benefit manager to the extent that a health insurer has collected and remitted the surcharges which would otherwise be imposed on the covered lives attributed to the third-party administrator or pharmacy benefit manager. The term also does not include a health insurer with a monthly average of fewer than 200 Vermont insured lives.

Sec. 14. 18 V.S.A. § 9374(f) is amended to read:

(f) In carrying out its duties pursuant to this chapter, the ~~board~~ Board shall seek the advice of the ~~state health care ombudsman established in 8 V.S.A. § 4089~~ from the Office of the Health Care Advocate. The ~~state health care ombudsman~~ Office of the Health Care Advocate shall advise the ~~board~~ Board regarding the policies, procedures, and rules established pursuant to this chapter. The ~~ombudsman~~ Office shall represent the interests of Vermont patients and Vermont consumers of health insurance and may suggest policies, procedures, or rules to the ~~board~~ Board in order to protect patients' and consumers' interests.

Sec. 15. 18 V.S.A. § 9377(e) is amended to read:

(e) The ~~board~~ Board or designee shall convene a broad-based group of stakeholders, including health care professionals who provide health services, health insurers, professional organizations, community and nonprofit groups, consumers, businesses, school districts, the ~~state health care ombudsman~~ Office of the Health Care Advocate, and state and local governments, to advise the ~~board~~ Board in developing and implementing the pilot projects and to advise the Green Mountain Care ~~board~~ Board in setting overall policy goals.

Sec. 16. 18 V.S.A. § 9410(a)(2) is amended to read:

(2)(A) The program authorized by this section shall include a consumer health care price and quality information system designed to make available to consumers transparent health care price information, quality information, and such other information as the ~~commissioner~~ Commissioner determines is necessary to empower individuals, including uninsured individuals, to make economically sound and medically appropriate decisions.

(B) The ~~commissioner~~ Commissioner shall convene a working group composed of the ~~commissioner of mental health, the commissioner of Vermont health access~~ Commissioner of Mental Health, the Commissioner of Vermont Health Access, health care consumers, the ~~office of the health care ombudsman~~

~~Office of the Health Care Advocate~~, employers and other payers, health care providers and facilities, the Vermont ~~program for quality in health care~~ Program for Quality in Health Care, health insurers, and any other individual or group appointed by the ~~commissioner~~ Commissioner to advise the ~~commissioner~~ Commissioner on the development and implementation of the consumer health care price and quality information system.

* * *

Sec. 17. 18 V.S.A. § 9440(c) is amended to read:

(c) The application process shall be as follows:

* * *

(9) The ~~health care ombudsman's office~~ Office of the Health Care Advocate established under ~~8 V.S.A. chapter 107, subchapter 1A~~ chapter 229 of this title or, in the case of nursing homes, the ~~long-term care ombudsman's office~~ Long-Term Care Ombudsman's Office established under 33 V.S.A. § 7502; is authorized but not required to participate in any administrative or judicial review of an application under this subchapter and shall be considered an interested party in such proceedings upon filing a notice of intervention with the ~~board~~ Board.

Sec. 18. 18 V.S.A. § 9445(b) is amended to read:

(b) In addition to all other sanctions, if any person offers or develops any new health care project without first having been issued a certificate of need or certificate of exemption ~~therefore~~ for the project, or violates any other provision of this subchapter or any lawful rule ~~or regulation promulgated thereunder~~ adopted pursuant to this subchapter, the ~~board~~ Board, the ~~commissioner~~ Commissioner, the ~~state health care ombudsman~~ Office of the Health Care Advocate, the ~~state long-term care ombudsman~~ State Long-Term Care Ombudsman, and health care providers and consumers located in the ~~state~~ State shall have standing to maintain a civil action in the ~~superior court~~ Superior Court of the county ~~wherein~~ in which such alleged violation has occurred, or ~~wherein~~ in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the ~~board~~ Board, it shall be the duty of the ~~attorney general of the state~~ Vermont Attorney General to furnish appropriate legal services and to prosecute an action for injunctive relief to an appropriate conclusion, which shall not be reimbursed under subdivision (a)(2) of this ~~subsection~~ section.

Sec. 19. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES

The Vermont ~~health benefit exchange~~ Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

(16) Referring consumers to the ~~office of health care ombudsman~~ Office of the Health Care Advocate for assistance with grievances, appeals, and other issues involving the Vermont ~~health benefit exchange~~ Health Benefit Exchange.

* * *

Sec. 20. 33 V.S.A. § 1807(b) is amended to read:

(b) Navigators shall have the following duties:

* * *

(4) Provide referrals to the ~~office of health care ombudsman~~ Office of the Health Care Advocate and any other appropriate agency for any enrollee with a grievance, complaint, or question regarding his or her health benefit plan, coverage, or a determination under that plan or coverage;

* * *

* * * Allocation of Expenses * * *

Sec. 21. 18 V.S.A. § 9374(h) is amended to read:

(h)(1) ~~Expenses~~ Except as otherwise provided in subdivision (2) of this subsection, expenses incurred to obtain information, analyze expenditures, review hospital budgets, and for any other contracts authorized by the ~~board~~ Board shall be borne as follows:

(A) 40 percent by the ~~state~~ State from state monies;

(B) 15 percent by the hospitals;

(C) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;

(D) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101; and

(E) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(2) The Board may determine the scope of the incurred expenses to be allocated pursuant to the formula set forth in subdivision (1) of this subsection if, in the Board's discretion, the expenses to be allocated are in the best interests of the regulated entities and of the State.

(3) Expenses under subdivision (1) of this subsection shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section shall include major medical, comprehensive medical, hospital or surgical coverage, and comprehensive health care services plans, but shall not include long-term care or limited benefits, disability, credit or stop loss, or excess loss insurance coverage.

Sec. 22. 18 V.S.A. § 9415 is amended to read:

§ 9415. ALLOCATION OF EXPENSES

(a) ~~Expenses~~ Except as otherwise provided in subsection (b) of this section, expenses incurred to obtain information and to analyze expenditures, review hospital budgets, and for any other related contracts authorized by the ~~commissioner~~ Commissioner shall be borne as follows:

(1) 40 percent by the ~~state~~ State from state monies;

(2) 15 percent by the hospitals;

(3) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;

(4) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101; and

(5) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(b) The Commissioner may determine the scope of the incurred expenses to be allocated pursuant to the formula set forth in subsection (a) of this section if, in the Commissioner's discretion, the expenses to be allocated are in the best interests of the regulated entities and of the State.

(c) Expenses under subsection (a) of this section shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section include major medical, comprehensive medical, hospital or surgical coverage, and any comprehensive health care services plan, but ~~does~~ shall not include long-term care, limited benefits, disability, credit or stop loss or excess loss insurance coverage

Sec. 23. BILL-BACK REPORT

(a) Annually on or before September 15, the Green Mountain Care Board and the Department of Financial Regulation shall report to the House Committee on Health Care, the Senate Committees on Health and Welfare and on Finance, and the House and Senate Committees on Appropriations the total amount of all expenses eligible for allocation pursuant to 18 V.S.A. §§ 9374(h) and 9415 during the preceding state fiscal year and the total amount actually billed back to the regulated entities during the same period.

(b) The Board and the Department shall also present the information required by subsection (a) of this section to the Joint Fiscal Committee annually at its September meeting.

* * * Prior Authorizations * * *

Sec. 24. 18 V.S.A. § 9377a is added to read:

§ 9377a. PRIOR AUTHORIZATION PILOT PROGRAM

(a) The Green Mountain Care Board shall develop and implement a pilot program or programs for the purpose of measuring the change in system costs within primary care associated with eliminating prior authorization requirements for imaging, medical procedures, prescription drugs, and home care. The program shall be designed to measure the effects of eliminating prior authorizations on provider satisfaction and on the number of requests for and expenditures on imaging, medical procedures, prescription drugs, and home care. In developing the pilot program proposal, the Board shall collaborate with health care professionals and health insurers throughout the State or regionally.

(b) The Board shall submit an update regarding implementation of prior authorization pilot programs as part of its annual report under subsection 9375(d) of this title.

Sec. 25. 18 V.S.A. § 9375(d) is amended to read:

(d) Annually on or before January 15, the ~~board~~ Board shall submit a report of its activities for the preceding ~~state-fiscal~~ calendar year to the ~~house committee~~ House Committee on health-care ~~Health Care~~ and the ~~senate committee~~ Senate Committee on health-and-welfare ~~Health and Welfare~~. The report shall include any changes to the payment rates for health care professionals pursuant to section 9376 of this title, any new developments with respect to health information technology, the evaluation criteria adopted pursuant to subdivision (b)(8) of this section and any related modifications, the results of the systemwide performance and quality evaluations required by subdivision (b)(8) of this section and any resulting recommendations, the

process and outcome measures used in the evaluation, an update regarding implementation of any prior authorization pilot programs under section 9377a of this title, any recommendations for modifications to Vermont statutes, and any actual or anticipated impacts on the work of the ~~board~~ Board as a result of modifications to federal laws, regulations, or programs. The report shall identify how the work of the ~~board~~ Board comports with the principles expressed in section 9371 of this title.

Sec. 26. 18 V.S.A. § 9414b is added to read:

§ 9414b. ANNUAL REPORTING BY THE DEPARTMENT OF VERMONT
HEALTH ACCESS

(a) The Department of Vermont Health Access shall annually report the following information, in plain language, to the House Committee on Health Care and the Senate Committee on Health and Welfare, as well as posting the information on its website:

- (1) the total number of Vermont lives covered by Medicaid;
- (2) the total number of claims submitted to the Department for services provided to Medicaid beneficiaries;
- (3) the total number of claims denied by the Department;
- (4) the total number of denials of service by the Department at the preauthorization level, the total number of denials that were appealed, and of those, the total number overturned;
- (5) the total number of adverse determinations made by the Department;
- (6) the total number of claims denied by the Department because the service was experimental, investigational, or an off-label use of a drug; was not medically necessary; or involved access to a provider that is inconsistent with the limitations imposed by Medicaid;
- (7) the total number of claims denied by the Department as duplicate claims, as coding errors, or for services or providers not covered;
- (8) the Department's legal expenses related to claims or service denials during the preceding year; and
- (9) the effects of the Department's policy of allowing automatic approval of certain prior authorizations on the number of requests for imaging, medical procedures, prescription drugs, and home care.

(b) The Department may indicate the extent of overlap or duplication in reporting the information described in subsection (a) of this section.

(c) To the extent practicable, the Department shall model its report on the standardized form created by the Department of Financial Regulation for use by health insurers under subsection 9414a(c) of this title.

(d) The Department of Financial Regulation shall post on its website, in the same location as the forms posted under subdivision 9414a(d)(1) of this title, a link to the information reported by the Department of Vermont Health Access under subsection (a) of this section.

Sec. 27. 18 V.S.A. § 9414a(a)(5) is amended to read:

(5) data regarding the number of denials of service by the health insurer at the preauthorization level, including:

(A) the total number of denials of service by the health insurer at the preauthorization level, including;

(A)(B) the total number of denials of service at the preauthorization level appealed to the health insurer at the first-level grievance and, of those, the total number overturned;

(B)(C) the total number of denials of service at the preauthorization level appealed to the health insurer at any second-level grievance and, of those, the total number overturned;

(C)(D) the total number of denials of service at the preauthorization level for which external review was sought and, of those, the total number overturned;

* * * Additional Provisions * * *

Sec. 28. RATE FILINGS FOR 2014

In reviewing health insurance rate filings to take effect in calendar year 2014 pursuant to 8 V.S.A. § 4062, the Department of Financial Regulation and the Green Mountain Care Board shall take into account the consumer assistance assessment established by this act in 18 V.S.A. § 9607.

Sec. 29. REPEAL

8 V.S.A. § 4089w (Health Care Ombudsman) is repealed.

Sec. 30. APPROPRIATION

The sum of \$250,000.00 is appropriated from the Consumer Assistance Assessment Fund established by 18 V.S.A. § 9607 to the Agency of Administration in fiscal year 2014 for the purposes of a contract with Vermont Legal Aid to carry out the duties of the Office of the Health Care Advocate established in 18 V.S.A. chapter 229.

Sec. 31. APPLICABILITY AND EFFECTIVE DATES

(a) Secs. 1–12 (rate review) of this act shall take effect on January 1, 2014 and shall apply to all insurers filing rates and forms for major medical insurance plans on and after January 1, 2014, except that the Green Mountain Care Board and the Department of Financial Regulation may amend their rules and take such other actions before that date as are necessary to ensure that the revised rate review process will be operational on January 1, 2014.

(b) Secs. 13–20 (Office of the Health Care Advocate) shall take effect on January 1, 2014.

(c) Sec. 28 (2014 rate filings) of this act and this section shall take effect on passage.

(d) The remaining sections of this act shall take effect on July 1, 2013.

Rep. Sharpe of Bristol, for the committee on Ways and Means, reported that it has considered the same and recommended that the report of the Committee on Health Care be amended as follows:

First: In Sec. 13, 18 V.S.A. chapter 229, in subsection 9603(c), preceding the word “retaliatory”, by striking out the words “disciplinary or”

Second: In Sec. 13, 18 V.S.A. chapter 229, by striking out § 9607 in its entirety

Third: In Sec. 21, 18 V.S.A. § 9374(h), by adding a subdivision (4) to read:

(4) Financial support for the Office of the Health Care Advocate established pursuant to chapter 229 of this title for services related to the Board’s regulatory and supervisory duties shall be considered expenses incurred by the Board under this subsection and shall be an acceptable use of the funds realized pursuant to this subsection.

Fourth: In Sec. 22, 18 V.S.A. § 9415, by adding a subsection (d) to read:

(d) Financial support for the Office of the Health Care Advocate established pursuant to chapter 229 of this title for services related to the Department’s regulatory and supervisory duties shall be considered expenses incurred by the Department under this subsection and shall be an acceptable use of the funds realized pursuant to this subsection.

Fifth: By striking out Sec. 28, Rate filings for 2014, in its entirety and inserting in lieu thereof a new Sec. 28 to read:

Sec. 28. OFFICE OF THE HEALTH CARE ADVOCATE BUDGET;
INTENT

(a) Beginning in fiscal year 2015, the Governor's budget submitted to the General Assembly in accordance with 32 V.S.A. § 306 shall include a separate line item within the Agency of Administration for the Office of the Health Care Advocate program and related program costs and shall specify the sums appropriated for the program's actuarial services.

(b) It is the intent of the General Assembly that the Office of the Health Care Advocate shall maximize the amount of federal and grant funds available to support the activities of the Office.

Fifth: By striking out Sec. 30, Appropriation, in its entirety

Sixth: By renumbering Sec. 31, Applicability and Effective Dates, to be Sec. 30 and by striking subsections (b)–(d) in their entirety and inserting in lieu thereof the following:

(b) Secs. 13–20 (Office of the Health Care Advocate) and 28 (budget) of this act shall take effect on January 1, 2014.

(c) The remaining sections of this act shall take effect on July 1, 2013.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the report of the committee on Health Care be amended, as recommended by the committee on Ways and Means, and that it be further amended as follows:

In Sec. 28 by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Beginning with the 2014 annual report filed pursuant to 18 V.S.A. § 9603(a)(11), the Office of the Health Care Advocate shall specify the sums expended by the Office in carrying out its duties, including identifying the specific amount expended for actuarial services.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care, as amended? **Rep. Fisher of Lincoln** moved to amend the report of the committee on Health Care, as amended, as follows:

In Sec. 13, in 18 V.S.A. § 9603, as follows:

First: In subdivision (a)(1), following “individuals”, by striking out “and employers with not more than 10 full-time equivalent employees”

Second: In subdivision (a)(4), following “consumers”, by striking out “and employers with not more than 10 full-time equivalent employees who purchase insurance for their employees”

Third: In subdivision (a)(5), following “individuals”, by striking out “and employers”

Which was agreed to.

Thereupon, the recommendation of proposal of amendment offered by the committee on Health Care, as amended, was agreed to and third reading ordered.

Rules Suspended; Bills Messaged to Senate Forthwith

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

S. 7

Senate bill, entitled

An act relating to social networking privacy protection

S. 81

Senate bill, entitled

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products

S. 82

Senate bill, entitled

An act relating to campaign finance law

S. 99

Seante bill, entitled

An act relating to the standard measure of recidivism

S. 132

Senate bill, entitled

An act relating to sheriffs, deputy sheriffs, and the service of process

S. 148

Seante bill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 130

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

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

Rep. Peltz of Woodbury, for the committee on Education, to which had been referred the bill 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:

* * * Flexible Pathways Initiative; Dual Enrollment * * *

Sec. 1. 16 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Flexible Pathways to Secondary
School Completion

§ 941. FLEXIBLE PATHWAYS INITIATIVE

(a) There is created within the Agency a Flexible Pathways Initiative:

(1) to encourage and support the creativity of school districts as they develop and expand high-quality educational experiences that are an integral part of secondary education in the evolving 21st Century classroom;

(2) to promote opportunities for Vermont students to achieve postsecondary readiness through high-quality educational experiences that acknowledge individual goals, learning styles, and abilities; and

(3) to increase the rates of secondary school completion and postsecondary continuation in Vermont.

(b) The Secretary shall develop, publish, and regularly update guidance, in the form of technical assistance, sharing of best practices and model documents, legal interpretations, and other support designed to assist school districts:

(1) to identify and support secondary students who require additional assistance to succeed in school and to identify ways in which individual students would benefit from flexible pathways to graduation;

(2) to work with every student in grade seven through grade 12 in an ongoing personalized learning planning process that:

(A) identifies the student's emerging abilities, aptitude, and disposition;

(B) includes participation by families and other engaged adults;

(C) guides decisions regarding course offerings and other high-quality educational experiences; and

(D) is documented by a personalized learning plan;

(3) to create opportunities for secondary students to pursue flexible pathways to graduation that:

(A) increase aspiration and encourage postsecondary continuation of training and education;

(B) are an integral component of a student's personalized learning plan; and

(C) include:

(i) applied or work-based learning opportunities, including career and technical education and internships;

(ii) virtual learning and blended learning;

(iii) dual enrollment opportunities as set forth in section 944 of this title;

(iv) early college programs as set forth in subsection 4011(e) of this title;

(v) the High School Completion Program as set forth in section 943 of this title; and

(vi) the Adult Diploma Program and General Educational Development Program as set forth in section 946 of this title; and

(4) to provide students, beginning no later than in the seventh grade, with career development and postsecondary planning resources to ensure that they are able to take full advantage of the opportunities available within the flexible pathways to graduation and to achieve their career and postsecondary education and training goals.

(c) Nothing in this subchapter shall be construed as discouraging or limiting the authority of any school district to develop or continue to provide educational opportunities for its students that are otherwise permitted, including the provision of Advanced Placement courses.

(d) An individual entitlement or private right of action shall not arise from creation of a personalized learning plan.

§ 942. DEFINITIONS

As used in this title:

(1) “Accredited postsecondary institution” means a postsecondary institution that has been accredited by the New England Association of Schools and Colleges or another regional accrediting agency recognized by the U.S. Department of Education.

(2) “Approved provider” means an entity approved by the Secretary to provide educational services that may be awarded credits or used to determine proficiency necessary for a high school diploma.

(3) “Blended learning” means a formal education program in which content and instruction are delivered both in a traditional classroom setting and through virtual learning.

(4) “Career development” means the identification of student interests and aptitudes and the ability to link these to potential career paths and the training and education necessary to succeed on these paths.

(5) “Carnegie unit” means 125 hours of class or contact time with a teacher over the course of one year at the secondary level.

(6) “Contracting agency” means an entity that enters into a contract with the Agency to provide “flexible pathways to graduation” services itself or in conjunction with one or more approved providers in Vermont.

(7) “Dual enrollment” means enrollment by a secondary student in a course offered by an accredited postsecondary institution and for which, upon successful completion of the course, the student will receive:

(A) secondary credit toward graduation from the secondary school in which the student is enrolled; and

(B) postsecondary credit from the institution that offered the course if the course is a credit-bearing course at that institution.

(8) “Early college” means full-time enrollment, pursuant to subsection 4011(e) of this title, by a 12th grade Vermont student for one academic year in

a program offered by a postsecondary institution in which the credits earned apply to secondary school graduation requirements.

(9) “Flexible pathways to graduation” means any combination of high-quality academic and experiential components leading to secondary school completion and postsecondary readiness, which may include assessments that allow the student to apply his or her knowledge and skills to tasks that are of interest to that student.

(10) “Personalized learning plan” and “PLP” mean documentation of an evolving plan developed on behalf of a student in an ongoing process involving a secondary student, a representative of the school, and, if the student is a minor, the student’s parents or legal guardian and updated at least annually by November 30; provided, however, that a home study student and the student’s parent or guardian shall be solely responsible for developing a plan. The plan shall be developmentally appropriate and shall reflect the student’s emerging abilities, aptitude, and disposition. The plan shall define the scope and rigor of academic and experiential opportunities necessary for a secondary student to complete secondary school successfully, attain postsecondary readiness, and be prepared to engage actively in civic life. While often less formalized, personalized learning and personalized instructional approaches are critical to students in kindergarten through grade 6 as well.

(11) “Postsecondary planning” means the identification of education and training programs after high school that meet a student’s academic, vocational, financial, and social needs and the identification of financial assistance available for those programs.

(12) “Postsecondary readiness” means the ability to enter the workforce or to pursue postsecondary education or training without the need for remediation.

(13) “Virtual learning” means learning in which the teacher and student communicate concurrently through real-time telecommunication. “Virtual learning” also means online learning in which communication between the teacher and student does not occur concurrently and the student works according to his or her own schedule.

§ 943. [RESERVED.]

§ 944. DUAL ENROLLMENT PROGRAM

(a) Program creation. There is created a statewide Dual Enrollment Program to be a potential component of a student’s flexible pathway. The

Program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited postsecondary institution on the campus of a secondary school. The Program may include online college courses or components.

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in:

(I) a Vermont public school, including a Vermont career technical center;

(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or

(III) an approved independent school in Vermont to which the student's district of residence pays publicly funded tuition on behalf of the student;

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;

(B) dual enrollment is an element included within the student's personalized learning plan; and

(C) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) An eligible student may enroll in up to two dual enrollment courses prior to completion of secondary school for which neither the student nor the student's parent or guardian shall be required to pay tuition. A student may enroll in courses offered while secondary school is in session and during the summer.

(c) Public postsecondary institutions. The Vermont State Colleges and the University of Vermont shall work together to provide dual enrollment opportunities throughout the State.

(1) When a dual enrollment course is offered on a secondary school campus, the public postsecondary institution shall:

(A) retain authority to determine course content; and

(B) work with the secondary school to select, monitor, support, and evaluate instructors.

(2) The public postsecondary institution shall maintain the postsecondary academic record of each participating student and provide transcripts on request.

(3) To the extent permitted under the Family Educational Rights and Privacy Act, the public postsecondary institution shall collect and send data related to student participation and success to the student's secondary school and the Secretary and shall send data to the Vermont Student Assistance Corporation necessary for the Corporation's federal reporting requirements.

(4) The public postsecondary institution shall accept as full payment the tuition set forth in subsection (f) of this section.

(d) Secondary schools. Each school identified in subdivision (b)(1) of this section that is located in Vermont shall:

(1) provide access for eligible students to participate in any dual enrollment courses that may be offered on the campus of the secondary school;

(2) accept postsecondary credit awarded for dual enrollment courses offered by a Vermont public postsecondary institution under this section as meeting secondary school graduation requirements;

(3) collect enrollment data as prescribed by the Secretary for longitudinal review and evaluation;

(4) identify and provide necessary support for participating students and continue to provide services for students with disabilities; and

(5) provide support for a seamless transition to postsecondary enrollment upon graduation.

(e) Program management. The Agency shall manage or may contract for the management of the Dual Enrollment Program in Vermont by:

(1) marketing the Dual Enrollment Program to Vermont students and their families;

(2) assisting secondary and postsecondary partners to develop memoranda of understanding, when requested;

(3) coordinating with secondary and postsecondary partners to understand and define student academic readiness;

(4) convening regular meetings of interested parties to explore and develop improved student support services;

(5) coordinating the use of technology to ensure access and coordination of the Program;

(6) reviewing program costs;

(7) evaluating all aspects of the Dual Enrollment Program and ensuring overall quality and accountability; and

(8) performing other necessary or related duties.

(f) Tuition and funding.

(1) Tuition shall be paid to public postsecondary institutions in Vermont as follows:

(A) For any course for which the postsecondary institution pays the instructor, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to the tuition rate charged by the Community College of Vermont (CCV) at the time the dual enrollment course is offered; provided however, that tuition paid to CCV under this subdivision (A) shall be in an amount equal to 90 percent of the CCV rate.

(B) For any course that is taught by an instructor who is paid as part of employment by a secondary school, the student's school district of residence shall pay tuition to the postsecondary institution in an amount equal to 20 percent of the tuition rate charged by the Community College of Vermont at the time the dual enrollment course is offered.

(2) Notwithstanding subdivision (1) of this subsection requiring the district of residence to pay tuition, the State shall pay 50 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the Next Generation Initiative Fund created in section 2887 of this title; provided, however, that the total amount paid by the State in any fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year.

(3) If it agrees to the terms of subsection (c) of this section, an accredited private postsecondary institution in Vermont approved pursuant to section 176 of this title shall receive tuition pursuant to subdivisions (1) and

(2) of this subsection (f) for each eligible student it enrolls in a college-level course under this section.

(g) Private and out-of-state postsecondary institutions. Nothing in this section shall be construed to limit a school district's authority to enter into a contract for dual enrollment courses with an accredited private or public postsecondary institution not identified in subsection (c) of this section located in or outside Vermont. The school district may negotiate terms different from those set forth in this section, including the amount of tuition to be paid. The school district may determine whether enrollment by an eligible student in a course offered under this subsection shall constitute one of the two courses authorized by subdivision (b)(2) of this section.

(h) Number of courses. Nothing in this section shall be construed to limit a school district's authority to pay for more than the two courses per eligible student authorized by subdivision (b)(2) of this section; provided, however, that payment under subdivision (f)(2) of this section shall not be made for more than two courses per eligible student.

(i) Other postsecondary courses. Nothing in this section shall be construed to limit a school district's authority to award credit toward graduation requirements to a student who receives prior approval from the school and successfully completes a course offered by an accredited postsecondary institution that was not paid for by the district pursuant to this section. The school district shall determine the number and nature of credits it will award to the student for successful completion of the course, including whether the course will satisfy one or more graduation requirements, and shall inform the student prior to enrollment. Credits awarded shall be based on performance and not solely on Carnegie units; provided, however, that unless the school district determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A school district shall not withhold approval or credit without reasonable justification. A student may request that the superintendent review the district's determination regarding course approval or credits. The superintendent's decision shall be final.

(j) Reports. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report to the House and Senate Committees on Education annually in January regarding the Dual Enrollment Program, including data relating to student demographics, levels of participation, marketing, and program success.

§ 945. [RESERVED.]

Sec. 2. DUAL ENROLLMENT; TRANSITION; FUNDING;
NONOPERATING DISTRICTS

(a) Notwithstanding any provision of Sec. 1, 16 V.S.A. § 944(f), to the contrary, the State shall pay 100 percent of the tuition owed to postsecondary institutions under subdivision (f)(1) for courses offered in fiscal years 2014 and 2015; provided, however, that the total amount paid by the State in either fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year. Any balance carried forward from fiscal year 2015 shall be used to satisfy the financial obligations of school districts under subsection (f) in fiscal year 2016.

(b)(1) The Secretary shall analyze issues relating to providing dual enrollment opportunities pursuant to Sec. 1 of this act to publicly funded students enrolled in Vermont approved independent schools. Specifically, the analysis shall include:

(A) the anticipated utilization of dual enrollment opportunities;

(B) the anticipated financial impact on sending school districts;

(C) the ways in which sending school districts will ensure student participation in a personalized learning planning process and inclusion of dual enrollment in the student's plan; and

(D) other financial and programmatic issues related to dual enrollment access by publicly funded students enrolled in approved independent schools.

(2) On or before February 1, 2014, the Secretary shall report the results of the analysis to the House and Senate Committees on Education together with any recommendations for amendment to statutes or rules, including whether it would be advisable to amend or repeal Sec. 1, 16 V.S.A. § 944(b)(1)(A)(i)(III) (eligibility of publicly funded student enrolled in Vermont approved independent school).

Sec. 3. REPEAL

16 V.S.A. § 913 (secondary credit; postsecondary course) is repealed.

* * * Flexible Pathways: High School Completion Program * * *

Sec. 4. 16 V.S.A. § 1049a is redesignated to read:

§ ~~1049a~~ 943. HIGH SCHOOL COMPLETION PROGRAM

Sec. 5. 16 V.S.A. § 943 is amended to read:

§ 943. HIGH SCHOOL COMPLETION PROGRAM

(a) ~~In this section:~~

(1) ~~“Graduation education plan” means a written plan leading to a high school diploma for a person who is 16 to 22 years of age and has not received a high school diploma, who may or may not be enrolled in a public or approved independent school. The plan shall define the scope and rigor of services necessary for the student to attain a high school diploma, and may describe educational services to be provided by a public high school, an approved independent high school, an approved provider, or a combination of these.~~

(2) ~~“Approved provider” means an entity approved by the commissioner to provide educational services which may be counted for credit toward a high school diploma.~~

(3) ~~“Contracting agency” means an agency that has entered into a contract with the department of education to provide adult education services in Vermont.~~

There is created a High School Completion Program to be a potential component of a flexible pathway for any Vermont student who is at least 16 years old, who has not received a high school diploma, and who may or may not be enrolled in a public or approved independent school.

(b) If a person who wishes to work on a ~~graduation education plan~~ personalized learning plan leading to graduation through the High School Completion Program is not enrolled in a public or approved independent school, then the ~~commissioner~~ Secretary shall assign the prospective student to a high school district, which shall be the district of residence whenever possible. The school district in which a student is enrolled or to which a non-enrolled student is assigned shall work with the contracting agency and the student to develop a ~~graduation education~~ personalized learning plan. The school district shall award a high school diploma upon successful completion of the plan.

(c) The ~~commissioner~~ Secretary shall reimburse, and net cash payments where possible, a school district that has agreed to a ~~graduation education~~ personalized learning plan developed under this section in an amount:

(1) established by the ~~commissioner~~ Secretary for the development and ongoing evaluation and revision of the ~~graduation-education~~ personalized learning plan and for other educational services typically provided by the assigned district or an approved independent school pursuant to the plan, such as counseling, health services, participation in cocurricular activities, and participation in academic or other courses; provided, however, that this amount shall not be available to a school district that provides services under this section to an enrolled student; and

(2) negotiated by the ~~commissioner~~ Secretary and the contracting agency, with the approved provider, for services and outcomes purchased from the approved provider on behalf of the student pursuant to the ~~graduation-education~~ personalized learning plan.

* * * Flexible Pathways: Adult Diploma Program; GED * * *

Sec. 6. 16 V.S.A. § 1049 is redesignated to read:

~~§ 1049. PROGRAMS~~ § 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL DEVELOPMENT PROGRAM

Sec. 7. 16 V.S.A. § 945 is amended to read:

§ 945. ADULT DIPLOMA PROGRAM; GENERAL EDUCATIONAL DEVELOPMENT PROGRAM

(a) ~~The commissioner of education may provide programs designed to fit the individual needs and circumstances of adult students. Programs authorized under this section shall give priority to those adult persons with the lowest levels of literacy skills.~~

~~(b)(1) Fees for general educational development shall be \$3.00 for a transcript.~~

(2) The Secretary shall maintain an adult diploma program (ADP) means, which shall be an assessment process administered by the Vermont department of education Agency through which an adult individual who is at least 20 years old can receive a local high school diploma granted by one of the program's participating high schools.

~~(3) General (b)~~ (b) The Secretary shall maintain a general educational development (GED) means a testing program administered jointly by the Vermont department of education, program, which it shall administer jointly with the GED testing service, and approved local testing centers and through which an adult individual who is at least 16 years old and who is not enrolled in secondary school can receive a secondary school equivalency certificate

based on successful completion of the GED tests of ~~general educational development~~.

~~(c) Fees collected under this section shall be credited to a special fund established and managed pursuant to chapter 7, subchapter 5 of Title 32, and shall be available to the department to offset the costs of providing those services~~ The Secretary may provide additional programs designed to address the individual needs and circumstances of adult students, particularly students with the lowest levels of literacy skills.

* * * Flexible Pathways: Early College * * *

Sec. 8. 16 V.S.A. § 4011(e) is amended to read:

(e) Early college.

~~(1) The commissioner~~ For each 12th grade Vermont student enrolled, the Secretary shall pay an amount equal to 87 percent of the base education amount to:

~~(A) the Vermont Academy of Science and Technology for each Vermont resident, 12th grade student enrolled (VAST); and~~

(B) an early college program other than the VAST program that is developed and operated or overseen by one of the Vermont State Colleges, by the University of Vermont, or by an accredited private postsecondary school located in Vermont and that is approved for operation by the Secretary; provided, however, when making a payment under this subdivision (B), the Secretary shall not pay more than the tuition charged by the institution.

(2) The Secretary shall make the payment pursuant to subdivision (1) of this subsection directly to the postsecondary institution, which shall accept the amount as full payment of the student's tuition.

(3) A student on whose behalf the Secretary makes a payment pursuant to subdivision (1) of this subsection:

(A) shall be enrolled as a full-time student in the institution receiving the payment for the academic year for which payment is made;

(B) shall not be enrolled concurrently in a secondary school operated by the student's district of residence or to which the district pays tuition on the student's behalf; and

(C) shall not be included in the average daily membership of any school district for the academic year for which payment is made; provided, however, that if more than five percent of the 12th grade students residing in a district enroll in an early college program, then the district may include the

number of students in excess of five percent in its average daily membership; but further provided that a 12th grade student enrolled in a college program shall be included in the percentage calculation only if, for the previous academic year, the student was enrolled in a school maintained by the district or was a student for whom the district paid tuition to a public or approved independent school.

(4) A postsecondary institution shall not accept a student into an early college program unless enrollment in an early college program was an element of the student's personalized learning plan.

Sec. 9. 16 V.S.A. § 1545(c) is amended to read:

(c) For any resident 12th grade student attending the Vermont academy for science and technology enrolled in the Vermont Academy of Science and Technology pursuant to subsection 4011(e) of this title or in another early college program pursuant to that subsection, the credits and grades earned shall, upon request of the student or the student's parent or guardian, be applied toward graduation requirements at the Vermont high school which secondary school that the student attended prior to enrolling in the academy early college program.

Sec. 10. 16 V.S.A. § 4011a is added to read:

§ 4011a. EARLY COLLEGE PROGRAM; REPORT

Notwithstanding 2 V.S.A. § 20(d), any postsecondary institution receiving funds pursuant to subsection 4011(e) of this title shall report annually in January to the Senate and House Committees on Education regarding the level of participation in the institution's early college program, the success in achieving the stated goals of the program to enhance secondary students' educational experiences and prepare them for success in college and beyond, and the specific outcomes for participating students relating to programmatic goals.

Sec. 11. EARLY COLLEGE; ENROLLMENT; CAPS; REPORTS; SUNSET

(a) A postsecondary institution receiving funds in connection with an early college program pursuant to Sec. 8, 16 V.S.A. § 4011(e), of this act shall not enroll more than 18 Vermont students in the program in one academic year; provided, however, that:

(1) the Vermont Academy of Science and Technology shall not enroll more than 60 Vermont students in one academic year; and

(2) there shall be no limitations on enrollment in any early college programs offered by the Community College of Vermont.

(b) Annually in January of 2014 through 2017, the Vermont State Colleges and the University of Vermont shall report to the House and Senate Committees on Education regarding the expansion of the early college program in public and private postsecondary institutions as provided in Sec. 2 of this act, including data regarding actual enrollment, expected enrollment, unmet demand, if any, and marketing efforts for the purpose of considering whether it would be advisable to consider legislation repealing or amending the limit on the total number of students who may enroll.

(c) This section is repealed on July 1, 2017.

* * * Implementation and Transitional Provisions;
Effective Dates * * *

Sec. 12. FLEXIBLE PATHWAYS IMPLEMENTATION PROJECT ON POSTSECONDARY PLANNING

To assist implementation of the Flexible Pathways Initiative established in Sec. 1 of this act, the Secretary of Education is authorized to enter into an agreement with the Vermont Student Assistance Corporation and one or more elementary or secondary schools to design and implement demonstration projects related to career planning and planning for postsecondary education and training.

Sec. 13. PERSONALIZED LEARNING PLAN PROCESS; IMPLEMENTATION; WORKING GROUP

(a) The process of developing and updating a personalized learning plan reflects the discussions and collaboration of a student and involved adults. When students engage in the personalized learning plan process, they assume an active role in the planning, assessment, and reflection required to identify developmentally appropriate academic, social, and career goals.

(b) On or before July 15, 2013, the Secretary of Education shall convene a working group to consist of teachers and principals of elementary and secondary schools, superintendents, and other interested parties to support implementation of the personalized learning plan process, particularly in those schools that do not already have a process in place. The working group shall consider ways in which effective personalized learning plan processes enhance development of the evolving academic, career, social, transitional, and family engagement elements of a student's plan and shall identify best practices that can be replicated in other schools. The working group also shall consider ways

in which the personalized learning that should occur in kindergarten through grade six can be used to reinforce and enhance the personalized learning plan process in grade seven through grade 12.

(c) By January 20, 2014, the working group shall develop and the Secretary shall publish on the Agency website guiding principles and practical tools for the personalized learning plan process and for developing personalized learning plans. The Secretary shall provide clarity regarding the differences in form, purpose, and function of personalized learning plans, educational support teams, plans created pursuant to section 504 of the federal Rehabilitation Act of 1973, and individualized education programs (IEPs). The Agency shall provide further guidance and support to schools as requested.

Sec. 14. EFFECTIVE DATE; IMPLEMENTATION DATES

(a) This act shall take effect on July 1, 2013.

(b)(1) By November 30, 2015, a school district shall ensure development of a personalized learning plan for:

(A) each student then in grade seven or nine; and

(B) for each student then in grade 11 or 12 who wishes to enroll in a dual enrollment pursuant to Sec. 1 of this act.

(2) By November 30, 2016, a school district:

(A) shall ensure development of a personalized learning plan for:

(i) each student then in grade seven or nine; and

(ii) each student then in grade 11 or 12 who wishes to enroll in a dual enrollment course; and

(B) shall ensure that the personalized learning plan process continues for enrolled students for whom plans were developed in previous years.

(3) By November 30, 2017 and by that date in each subsequent year, a school district:

(A) shall ensure development of a personalized learning plan for:

(i) each student then in grade seven; and

(ii) each student then in grade 11 or 12 who wishes to enroll in a dual enrollment course for whom a plan was not previously developed; and

(B) shall ensure that the personalized learning plan process continues for enrolled students for whom plans were developed in previous years.

(4) During academic years 2013–14 and 2014–15, a student who has not developed a personalized learning plan may enroll in a dual enrollment course pursuant to Sec. 1 of this act or an early college program pursuant to Sec. 8 of this act upon receiving prior approval of participation from the postsecondary institution and the principal or headmaster of the secondary school in which the student is enrolled. The principal or headmaster shall not withhold approval without reasonable justification. A student may request that the superintendent review a decision of the principal or headmaster to withhold approval. The superintendent’s decision shall be final.

(5) Upon the recommendation of the working group created in Sec. 13 of this act, the Secretary of Education may extend by one year any of the implementation dates required under this subsection (b).

(c) Funds for new early college programs pursuant to Sec. 8, 16 V.S.A. § 4011(e)(1)(B), of this act shall be available to students beginning in the 2014–2015 academic year.

Rep. Ram of Burlington, for the committee on Ways and Means, recommended that the report of the committee on Education be amended as follows:

First: In Sec. 1, in 16 V.S.A. § 944, in subsection (f) (tuition and funding), in subdivision (2), before the period, by inserting the following: “; and further provided that, notwithstanding subdivision (b)(2) of this section, the cumulative amount to be paid by school districts under subdivision (1)(A) in any fiscal year shall not exceed the amount available to be paid by General Fund dollars in that year.

Second: In Sec. 10, 16 V.S.A. § 4011a, in the designation, after the word “REPORT” by adding the following “; APPROPRIATION” and also in § 4011a, by designating the existing language as subsection “(a)” and adding a new subsection to be subsection (b) to read:

(b) In the budget submitted annually to the General Assembly pursuant to 32 V.S.A. chapter 5, the Governor shall include the recommended appropriation for all early college programs to be funded pursuant to subsection 4011(e) of this title, including the VAST program, as a distinct amount.

Rep. Manwaring of Wilmington, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committees on Education and Ways and Means.

Thereupon, the bill was read the second time and report of the committees on Education, Ways and Means and Appropriations agreed to and third reading ordered.

Rules Suspended; Favorable Report; Third Reading Ordered

H. 537

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

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

Rep. Higley of Lowell, for the committee on Government Operations, to which had been referred the bill, 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.

Rules Suspended; Favorable Report; Third Reading Ordered

H. 541

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the Village of Essex Junction

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

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

**Rules Suspended; Bill Read Third Time and Passed; Rules Suspended
and the Bill was Ordered Messaged to the Senate Forthwith**

H. 537

House bill, entitled

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

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read Third Time and Passed; Rules Suspended
and the Bill was Ordered Messaged to the Senate Forthwith**

H. 541

House bill, entitled

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

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At four o'clock and forty-five minutes in the afternoon, the Speaker declared a recess until five o'clock and forty-five minutes in the afternoon.

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

Message from the Senate No. 63

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 95. An act relating to unclaimed life insurance benefits.

H. 533. An act relating to capital construction and state bonding.

And has concurred therein.

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

J.R.S. 14. Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont.

And has concurred therein.

The Governor has informed the Senate that on the seventh day of May, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 151. An act relating to miscellaneous changes to the laws governing commercial motor vehicle licensing and operation.

Adjournment

At five o'clock and fifty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Thursday, May 9, 2013

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Rules Suspended; Bill Recommitted

S. 40

On motion of **Rep. Donovan of Burlington**, the rules were suspended and Senate bill, entitled

An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable

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

Pending the reading of the report of the committee on Education, on motion of **Rep. Donovan of Burlington**, the bill was recommitted to the committee on Education.

Proposal of Amendment Agreed to; Third Reading Ordered**S. 129**

Rep. Marcotte of Coventry, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to workers' compensation liens

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. 21 V.S.A. § 7 is added to read:

§ 7. POWERS OF COMMISSIONER

In addition to all other powers granted the Commissioner by this title, the Commissioner or designee may, upon presenting appropriate credentials, at reasonable times and without disrupting critical business operations, enter and inspect any place of business or employment, question any employees, and investigate any facts, conditions, or matters necessary and material to the administration of chapters 9 and 17 of this title. The Commissioner shall inform the employer of his or her right to refuse entry. If entry is refused, the Commissioner may apply to the Civil Division of the Superior Court of Washington County for an order to enforce the rights given the Commissioner under this section.

Sec. 2. 21 V.S.A. § 397 is added to read:

§ 397. WORKPLACE POSTINGS AND EMPLOYER REQUIREMENTS

(a) The Department of Labor shall develop and include in its workplace posters information regarding the rights of employees to unemployment compensation, workers compensation, wages and overtime pay, workplace safety and protections, and misclassification of employees. The information shall also contain contact information for individuals to inquire about their rights and obligations and to file complaints or inquire about employment classification status. This information shall be provided in English or other languages required by the Commissioner. The posters shall be posted by employers in a conspicuous location at the worksite.

(b) Employers who violate this section shall be subject to an administrative penalty of up to \$100.00 per violation.

Sec. 3. 21 V.S.A. § 643a is amended to read:

§ 643a. DISCONTINUANCE OF BENEFITS

Unless an injured worker has successfully returned to work, an employer shall notify both the ~~commissioner~~ Commissioner and the employee prior to terminating benefits under either section 642 or 646 of this title. The notice of intention to discontinue payments shall be filed on forms prescribed by the ~~commissioner~~ Commissioner and shall include the date of the proposed discontinuance, the reasons for it, and, if the employee has been out of work for 90 days, a verification that the employer offered vocational rehabilitation screening and services as required under this chapter. All relevant evidence, including evidence that does not support discontinuance in the possession of the employer not already filed, shall be filed with the notice. The liability for the payments shall continue for seven days after the notice is received by the ~~commissioner~~ Commissioner and the employee. If the claimant disputes the discontinuance, the claimant may file with the Commissioner an objection to the discontinuance and seek an extension of the seven-day limit. The Commissioner may grant an extension up to seven days. The request for an extension shall be specific as to the number of days needed and the reason for the extension and must be received by the Commissioner prior to the end of the seven-day limit. A copy of the request for an extension shall be provided to the employer at the time the request is made to the Commissioner. Those payments shall be made without prejudice to the employer and may be deducted from any amounts due pursuant to section 648 of this title if the ~~commissioner~~ Commissioner determines that the discontinuance is warranted or if otherwise ordered by the ~~commissioner~~ Commissioner. Every notice shall be reviewed by the ~~commissioner~~ Commissioner to determine the sufficiency of the basis for the proposed discontinuance. If, after review of all the evidence in the file, the ~~commissioner~~ Commissioner finds that a preponderance of all the evidence in the file does not reasonably support the proposed discontinuance, the ~~commissioner~~ Commissioner shall order that payments continue until a hearing is held and a decision is rendered. Prior to a formal hearing, an injured worker may request reinstatement of benefits by providing additional new evidence to the ~~department~~ Department that establishes that a preponderance of all evidence now supports the claim. If the ~~commissioner's~~ Commissioner's decision, after a hearing, is that the employee was not entitled to any or all benefits paid between the discontinuance and the final decision, upon request of the employer, the ~~commissioner~~ Commissioner may order that the employee repay all benefits to which the employee was not entitled. The employer may enforce a repayment order in any court of law having jurisdiction.

Sec. 4. 21 V.S.A. § 655 is amended to read:

§ 655. PROCEDURE IN OBTAINING COMPENSATION; MEDICAL EXAMINATION; VIDEO AND AUDIO RECORDING

After an injury and during the period of disability, if so requested by his or her employer, or ordered by the ~~commissioner~~ Commissioner, the employee shall submit to examination, at reasonable times and places, by a duly licensed physician or surgeon designated and paid by the employer. The employee may make a video or audio recording of any examination performed by the insurer's physician or surgeon or have a licensed health care provider designated and paid by the employee present at the examination. The employer may make an audio recording of the examination. The right of the employee to record the examination shall not be construed to deny to the employer's physician the right to visit the injured employee at all reasonable times and under all reasonable conditions during total disability. If an employee refuses to submit to or in any way obstructs the examination, the employee's right to prosecute any proceeding under the provisions of this chapter shall be suspended until the refusal or obstruction ceases, and compensation shall not be payable for the period which the refusal or obstruction continues. The physician shall provide a report of the examination to the employee at the same time any report is provided to the employer.

Sec. 5. 21 V.S.A. § 678 is amended to read:

§ 678. COSTS; ATTORNEY FEES

(a) Necessary costs of proceedings under this chapter, including deposition expenses, subpoena fees, and expert witness fees, shall be assessed by the ~~commissioner~~ Commissioner against the employer or its workers' compensation carrier when the claimant prevails. The ~~commissioner~~ Commissioner may allow the claimant to recover reasonable ~~attorney~~ attorney's fees when the claimant prevails. Costs shall not be taxed or allowed either party except as provided in this section.

(b) In appeals to the ~~superior or supreme courts~~ Superior or Supreme Court, if the claimant prevails, he or she shall be entitled to reasonable ~~attorney~~ attorney's fees as approved by the ~~court~~ Court, necessary costs, including deposition expenses, subpoena fees, and expert witness fees, and interest at the rate of 12 percent per annum on that portion of any award the payment of which is contested. Interest shall be computed from the date of the award of the ~~commissioner~~ Commissioner.

* * *

Sec. 6. 21 V.S.A. § 692 is amended to read:

§ 692. PENALTIES; FAILURE TO INSURE; ~~STOP WORK~~ STOP-WORK
ORDERS

(a) Failure to insure. If after a hearing under section 688 of this title, the ~~commissioner~~ Commissioner determines that an employer has failed to comply with the provisions of section 687 of this title, the employer shall be assessed an administrative penalty of not more than \$100.00 for every day for the first seven days the employer neglected to secure liability and not more than \$150.00 for every day thereafter. In addition to any other remedies and proceedings authorized by this chapter, the Commissioner may bring an action in the Civil Division of the Superior Court. The remedies available in a civil action, including attachment and trustee process, shall be available for the collection of any fines, penalties, and amounts assessed under this chapter

(b) Stop-work orders. If an employer fails to comply with the provisions of section 687 of this title after investigation by the ~~commissioner~~ Commissioner, the ~~commissioner~~ Commissioner shall issue an emergency order to that employer to stop work until the employer has secured workers' compensation insurance. If the ~~commissioner~~ Commissioner determines that issuing a stop-work order would immediately threaten the safety or health of the public, the ~~commissioner~~ Commissioner may permit work to continue until the immediate threat to public safety or health is removed. The ~~commissioner~~ Commissioner shall document the reasons for permitting work to continue, and the document shall be available to the public. In addition, the employer shall be assessed an administrative penalty of not more than \$250.00 for every day that the employer fails to secure workers' compensation coverage after the ~~commissioner~~ Commissioner issues an order to obtain insurance and may also be assessed an administrative penalty of not more than \$250.00 for each employee for every day that the employer fails to secure workers' compensation coverage as required in section 687 of this title. When a stop-work order is issued, the ~~commissioner~~ Commissioner shall post a notice at a conspicuous place on the work site of the employer informing the employees that their employer failed to comply with the provisions of section 687 of this title and that work at the work site has been ordered to cease until workers' compensation insurance is secured. The stop-work order shall be rescinded as soon as the ~~commissioner~~ Commissioner determines that the employer is in compliance with section 687 of this title. An employer against whom a stop-work order has been issued is prohibited from contracting, directly or indirectly, with the ~~state~~ State or any of its subdivisions for a period of up to three years following the date of the issuance of the stop-work order, as determined by the ~~commissioner~~ Commissioner in consultation with the ~~commissioner of buildings and general services or the secretary of~~

~~transportation~~ Commissioner of Buildings and General Services or the Secretary of Transportation, as appropriate. Either the ~~secretary or the commissioner~~ Secretary or Commissioner, as appropriate, shall be consulted in any contest of the prohibition of the employer from contracting with the ~~state~~ State or its subdivisions.

(c) The Commissioner may issue an order of conditional release from a stop-work order upon a finding that the employer has secured the required workers' compensation coverage and has agreed to remit periodic payments to satisfy any penalties assessed under this chapter pursuant to a written payment arrangement approved by the Commissioner. If the Commissioner issues an order of conditional release, the employer's failure to meet any term or condition of the order or to make periodic payments shall result in the immediate reinstatement of the stop-work order and the entire unpaid balance of the penalty shall become due immediately.

(d) A stop-work order issued against an employer shall apply to any successor employer that has substantially common ownership, management, or control as the employer on whom the stop-work order was issued and is engaged in the same or similar trade or activity.

(e) The Commissioner may bring an action in the Civil Division of the Superior Court of Washington County or in the county in which the employer has its principal office or is continuing to work in violation of the stop-work order to enjoin any employer from violating a stop-work order until the employer establishes that it is in compliance with this chapter and has paid any penalty assessed by the Commissioner.

(f) Penalty for violation of stop-work order. In addition to any other penalties, an employer who violates a stop-work order described in subsection (b) of this section is subject to:

(1) A civil penalty of not more than \$5,000.00 for the first violation and a civil penalty of not more than \$10,000.00 for a second or subsequent violation; or

(2) A criminal fine of not more than \$10,000.00 or imprisonment for not more than 180 days, or both.

Sec. 7. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

(20) ~~Violations of 21 V.S.A. § 692(e)(1).~~ [Deleted.]

* * *

Sec. 8. 21 V.S.A. § 1253 is amended to read:

§ 1253. ELIGIBILITY

The ~~commissioner~~ Commissioner shall make all determinations for eligibility under this chapter. An individual shall be eligible for up to 26 weekly payments when the ~~commissioner~~ Commissioner determines that the individual voluntarily left work due to circumstances directly resulting from domestic and sexual violence, provided the individual:

(1) Leaves employment for one of the following reasons:

* * *

(D) The individual is physically or emotionally unable to work as a result of experiencing domestic or sexual violence as certified by a medical professional. The certification shall be reviewed by the Commissioner every six weeks and may be renewed until the individual is able to work or the benefits are exhausted.

* * *

Sec. 9. 21 V.S.A. § 1254 is amended to read:

§ 1254. CONDITIONS

An individual shall be eligible to receive payments with respect to any week, only if the ~~commissioner~~ Commissioner finds that the individual complies with all of the following requirements:

(1) ~~Files~~ files a claim certifying that he or she did not work during the week;

(2) ~~Is~~ is not eligible for unemployment compensation benefits; ~~and~~

(3) ~~Is taking steps to become employed~~ is working with the Department to determine work readiness and taking reasonable steps as determined by the Commissioner to become employed.

Sec. 10. 21 V.S.A. § 1255 is amended to read:

§ 1255. PROCEDURES

(a) The ~~commissioner~~ Commissioner or designee shall review all claims for payment and shall promptly provide written notification to the individual of any claim that is denied and the reasons for the denial.

(b) Within 30 days after receipt of a denial, the individual may appeal the determination to the ~~commissioner~~ Commissioner by requesting a review of the decision. On appeal to the Commissioner the individual may provide supplementary evidence to the record. The ~~commissioner~~ Commissioner shall review the record within seven working days after the notice of the appeal is filed and promptly notify the individual in writing of the ~~commissioner's~~ Commissioner's decision. The decision of the ~~commissioner~~ Commissioner shall become final unless an appeal to the ~~supreme court~~ Supreme Court is taken within 30 days of the date of the ~~commissioner's~~ Commissioner's decision.

Sec. 11. 21 V.S.A. § 1314a is amended to read:

§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
PENALTIES

* * *

(g) Notwithstanding any other provisions of this section, the ~~commissioner~~ Commissioner may where practicable require of employing units ~~with 25 or more employees~~ that the reports required to be filed pursuant to subsections (a) through (d) of this section be filed in an electronic media form.

Sec. 12. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID
\$1,000.00 OR LESS DURING BASE PERIOD~~

* * *

(d) Notwithstanding any other provision of law, the following shall apply to assignment of rates and transfers of experience:

(1) If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management, or control of the two employers, the ~~employment~~ unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective immediately upon the date of the transfer of trade or business.

* * *

Sec. 13. 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

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

(1) “Affected unit” means a specific plan, department, shift, or other definable unit consisting of not less than five employees to which an approved short-time compensation plan applies.

(2) “Defined benefit plan” means a plan described in 26 U.S.C. § 414(j).

(3) “Defined contribution plan” means a plan described in 26 U.S.C. § 414(i).

(4) “Short-time compensation” or “STC” means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan as distinguished from the unemployment benefits otherwise payable under the conventional unemployment compensation provisions of this chapter.

~~(3)(5)~~ “Short-time compensation plan” means a plan of an employer under which there is a reduction in the number of hours worked by employees of an affected unit rather than temporary layoffs. The term “temporary layoffs” for this purpose means the total separation of one or more workers in the affected unit for an indefinite period expected to last for more than two months but not more than six months.

~~(4)(6)~~ “Short-time compensation employer” means an employer who has one or more employees covered by an approved “Short-Time Compensation Plan.” “Short-time compensation employer” includes means an employer with experience rating records an experience rating record and or an employer who makes payments in lieu of tax contributions to the unemployment compensation trust fund and that meets all of the following criteria:

(A) ~~Has~~ has five or more employees covered by an approved short-time compensation plan;

(B) ~~Is~~ is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages; and

(C) ~~Is~~ is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years immediately prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a

negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the ~~commissioner~~ Commissioner grants a waiver based upon extenuating economic conditions or other good cause.

~~(5)(7)~~ (7) “Usual weekly hours of work” means the normal hours of work for full-time ~~and regular~~ or part-time employees in the affected unit when that unit is operating on its ~~normally full-time basis not less than 30 hours and regular basis~~ not to exceed 40 hours and not including hours of overtime work.

~~(6)(8)~~ (8) “Unemployment compensation” means the unemployment benefits payable under this chapter other than short-time compensation and includes any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

~~(7)(9)~~ (9) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

~~(8)(10)~~ (10) “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

~~(9)(11)~~ (11) “Seasonal employment” means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment during the off-season in each of the previous three years as reported to the ~~department~~ Department, or employment with an employer on a temporary basis during a particular season.

Sec. 14. 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

(a) An employer wishing to participate in an STC program shall submit a ~~department of labor~~ Department of Labor electronic application or a signed written short-time compensation plan to the ~~commissioner~~ Commissioner for approval. The ~~commissioner~~ Commissioner may approve an STC plan only if the following criteria are met:

* * *

(3) the plan outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that lead to the need for the STC plan provides that if the employer provides fringe benefits, including health benefits

and retirement benefits under a defined benefit plan or contributions under a defined contribution plan, to any employee whose workweek is reduced under the program, that the benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek had not been reduced. However, reductions in the benefits of short-time compensation plan participants are permitted to the extent that the reductions also apply to nonparticipant employees;

* * *

(5) the plan certifies that the aggregate reduction in work hours is in lieu of ~~temporary total~~ layoffs of one or more workers which would have resulted in an equivalent reduction in work hours and which the ~~commissioner~~ Commissioner finds would have caused an equivalent dollar amount to be payable in unemployment compensation;

* * *

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the ~~department~~ Department. The plan shall not subsidize seasonal employers during the off-season;

* * *

(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; ~~and~~

(12) ~~in addition to subdivisions (1) through (11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan~~ the plan describes the manner in which the requirements of this section will be implemented and where feasible how notice will be given to an employee whose workweek is to be reduced and an estimate of the number of layoffs that would have occurred absent the ability to participate in the short-time compensation program and any other information that the U.S. Secretary of Labor determines is appropriate; and

(13) the employer certifies that the plan is consistent with employer obligations under applicable state and federal laws.

(b) In the event of any conflict between any provisions of sections 1451–1460 of this title, or the regulations implemented pursuant to these sections, and applicable federal law, the federal law shall prevail and the provision shall be deemed invalid.

Sec. 15. 21 V.S.A. § 1457 is amended to read:

§ 1457. ELIGIBILITY

(a) An individual is eligible to receive STC benefits with respect to any week only if, in addition to eligibility for monetary entitlement, the ~~commissioner~~ Commissioner finds that:

(1) the individual is employed during that week as a member of an affected unit under an approved short-time compensation plan which was in effect for that week;

(2) the individual is able to work and is available for the normal work week with the short-time employer;

(3) notwithstanding any other provisions of this chapter to the contrary, an individual is deemed unemployed in any week for which remuneration is payable to him or her as an employee in an affected unit for less than his or her normal weekly hours of work as specified under the approved short-time compensation plan in effect for the week;

(4) notwithstanding any other provisions of this chapter to the contrary, an individual shall not be denied STC benefits for any week by reason of the application of provisions relating to availability for work and active search for work with an employer other than the short-time employer.

(b) Eligible employees may participate, as appropriate, in training, including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998, to enhance job skills if the program has been approved by the Department.

Sec. 16. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(14) “Worker” and “employee” means an individual who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. Any reference to a worker who has died as the result of a work injury shall include a reference to the worker’s dependents, and any

reference to a worker who is a minor or incompetent shall include a reference to the minor's committee, guardian, or next friend. The term "worker" or "employee" does not include:

* * *

(I) An individual who receives foster care payments excluded from the definition of gross income under Section 131 of Title 26 of the Internal Revenue Code.

* * *

Sec. 17. INFORMATION AND EDUCATION; INDEPENDENT CONTRACTOR STATUS

The Commissioner shall conduct a comprehensive information and education campaign regarding independent contractor status. The campaign shall address the tests for determining independent contractor status under Vermont law, the rights and responsibilities of employers and employees under Vermont law, including wage and hour laws, workers' compensation and unemployment compensation requirements, information regarding the misclassification and miscoding laws, including the requirements for employers to comply with those laws and the penalties for failing to do so, and other information the Commissioner determines is necessary and appropriate.

Sec. 18. STUDY; UNEMPLOYMENT COMPENSATION; WORKERS' COMPENSATION; JOB TRAINING

(a) The Department of Labor in consultation with interested parties shall evaluate and make recommendations regarding:

(1) whether the principles of fairness, equity, proportionality, affordability, and fiscal responsibility embodied in 2010 Acts and Resolves No. 124 would be affected if any changes are made to the act. Specifically, the Department shall study the potential impacts to employers, employees, and the trust fund if changes are made to certain aspects of the unemployment compensation system, including the earnings disregard, the one-week waiting period, the weekly benefit amount, and the taxable wage base. The Department shall study these potential impacts as they relate to paying off the trust fund debt and establishing the fund's solvency.

(2) whether the annual report on trust fund solvency required by 21 V.S.A. § 1309 is providing appropriate and sufficient information regarding the long-term health and solvency of the unemployment compensation trust fund, or whether further measures are required to provide information necessary to achieve and maintain solvency.

(3) whether any structural, administrative, or procedural changes should be made to the workers' compensation system, including changes that would increase the affordability and regional competitiveness of workers' compensation insurance for employers while ensuring fairness for beneficiaries.

(4) whether the agencies and departments of state government are in compliance with required workers' compensation and unemployment compensation coverage related to their contracts with designated agencies and other subcontractors.

(5) whether the current workers' compensation system can better incentivize and promote healthy and safe work environments through information, education, and collaboration with employers, insurers, and employees; and whether private and public training programs and enforcement divisions could be better utilized to achieve improved safety in workplaces.

(6) the benefits and feasibility of developing and implementing a job training program for persons collecting unemployment benefits in Vermont that allows the Department to place persons collecting unemployment into job sites for job training and skill development in order to enhance the individual's job prospects and career development. The Department shall examine conformity issues with federal and state unemployment and wage and hour laws. The Commissioner shall solicit public input and engage interested parties from the business and labor communities in determining the benefits of a job training program.

(7) how workers' compensation cases are resolved under 21 V.S.A. § 624(e), including whether the operation of workers' compensation liens may or may not result in an equitable distribution of third party payments to the employer and employee, and the equities and appropriateness of using third party payments as an advance on any future workers' compensation benefits.

(8) whether there should be any limitations placed on how independent medical examinations are conducted, including their timing and location.

(9) whether school district employees who are not federally exempted from unemployment compensation should be included in Vermont's unemployment compensation system and be eligible for benefits during periods of layoff.

(b) The Department shall examine whether existing state and federal laws would allow a student who is under the age of 18 and enrolled at a regional technical center to gain practical working experience outside the classroom setting. The Department shall make recommendations to enhance the learning

experience of students enrolled at regional technical centers by providing practical work experiences while also maintaining adequate health and safety protections.

(c) The Department, in consultation with the Agency of Commerce and Community Development and interested parties, shall evaluate and make recommendations regarding whether the current workers' compensation system and other relevant employment laws are suited to the needs of an evolving workforce. As part of the evaluation, the Department shall consider Vermont's growing knowledge-based economic sector, the future of the Vermont economy, and changing workforce habits. The Department shall make recommendations regarding how to modernize the employment laws to meet employer and employee needs while maintaining employee protections.

(d) The Department shall report its findings and any recommendations to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before December 15, 2013.

Sec. 19. WORKERS' COMPENSATION PREMIUMS

The Department of Financial Regulation in consultation with the Department of Labor shall study the issue of workers' compensation premiums increasing as a result of an employee completing a job-related safety course. The Department of Financial Regulation shall investigate how workers' compensation premiums can be decreased or kept at a steady rate for employers who are providing approved safety and health training to employees.

Sec. 20. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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.

Third Reading; Bill Passed

H. 543

House bill, entitled

An act relating to records and reports of the Auditor of Accounts

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 130

Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Joint Resolution Adopted

J.R.H. 12

Joint resolution, entitled

Joint resolution expressing concern regarding the public policy implications of the proposed Trans-Pacific Partnership Agreement;

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

Bill Read Second Time; Consideration Interrupted by Recess

H. 112

Rep. Zagar of Barnard, for the committee on Agriculture and Forest Products, to which had been referred House bill, entitled

An act relating to the labeling of food produced with genetic engineering

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the regulation of the safety and labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of Dr. Robert Merker, a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not

consider genetically engineered foods to be materially different from their traditional counterparts to justify such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding the need for the FDA to regulate labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(D) The FDA regulates genetically engineered foods in the same way it regulates foods developed by traditional plant breeding.

(E) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers may submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(F) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(G) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(H) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(I) Independent scientists are limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions on the use for research of those genetically engineered materials used in food products.

(2) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(3) Genetically engineered foods pose potential risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) Independent studies in laboratory animals indicate that the ingestion of genetically engineered foods may lead to health problems such as gastrointestinal damage, liver and kidney damage, reproductive problems, immune system interference, and allergic responses.

(B) The genetic engineering of plants and animals may cause unintended consequences. The use of genetic engineering to manipulate genes by inserting them into organisms is an imprecise process. Mixing plant, animal, bacteria, and viral genes through genetic engineering in combinations that cannot occur in nature may produce results that lead to adverse health or environmental consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices. Genetically engineered crops promote large-scale monoculture production, which contributes to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Genetically engineered crops that include pesticides may adversely affect populations of bees, butterflies, and other nontarget insects.

(E) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and prevent organic farmers and organic food producers from qualifying for organic certification under federal law.

(F) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(4) For multiple health, personal, cultural, religious, environmental, and economic reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(C) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(D) Requiring that foods produced through genetic engineering be labeled as such will create additional market opportunities for those producers who are not certified as organic and whose products are not produced from genetic engineering. Such additional market opportunities will also contribute to vibrant and diversified agricultural communities.

(E) Labeling gives consumers information they can use to make informed decisions about what products they would prefer to purchase.

(5) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, promote food safety, protect cultural and religious practices, protect the environment, and promote economic development.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A: LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Public health and food safety. Promote food safety and protect public health by enabling consumers to avoid the potential risks associated

with genetically engineered foods, and serve as a risk management tool enabling consumers, physicians, and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods.

(2) Environmental impacts. Assist consumers who are concerned about the potential effects of genetic engineering on the environment to make informed purchasing decisions.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception and promote the disclosure of factual information on food labels to allow consumers to make informed decisions.

(4) Promoting economic development. Create additional market opportunities for those producers who are not certified organic and whose products are not produced using genetic engineering and to enable consumers to make informed purchasing decisions.

(5) Protecting religious and cultural practice. Provide consumers with data from which they may make informed decisions for personal, religious, moral, cultural, or ethical reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(2) “Enzyme” means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

(3) “Genetic engineering” is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(4) “In vitro nucleic acid techniques” means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and

techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(5) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

(6) "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

(7) "Processing aid" means:

(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

(8) "Raw agricultural commodity" means any food in its raw or natural state, including any fruit that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

(a) Except as set forth in section 3044 of this title, food shall be labeled as produced entirely or in part from genetic engineering if it is a product:

(1) offered for retail sale in Vermont; and

(2) entirely or partially produced with genetic engineering.

(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:

(1) in the case of a raw agricultural commodity, on the package offered for retail sale, with the clear and conspicuous words, "produced with genetic engineering" or "genetically engineered" on the front of the package of the commodity or in the case of any such commodity that is not separately

packaged or labeled, on a label appearing on the retail store shelf or bin in which the commodity is displayed for sale; or

(2) in the case of any processed food that contains a product or products of genetic engineering, in clear and conspicuous language on the front or back of the package of the food, with the words “partially produced with genetic engineering” or “may be partially produced with genetic engineering.”

(c) Except as set forth under section 3044 of this title, a food produced entirely or in part from genetic engineering shall not be labeled on the product, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have a tendency to mislead a consumer.

(d) This law shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the labeling requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering.

(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing and intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the commodity or food to that person, a sworn statement that the commodity or food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.

(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.

(4) Any beverage that is subject to the provisions of Title 7.

(5) Until July 1, 2019, any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than nine-tenths of one percent of the total weight of the processed food.

(6) Food that an independent organization has verified has not been knowingly and intentionally produced from or commingled with food or seed produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this section.

(7) Food that has been lawfully certified to be labeled, marketed, and offered for sale as "organic" pursuant to the federal Organic Food Products Act of 1990 and the regulations promulgated pursuant thereto by the U.S. Department of Agriculture.

(8) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(9) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. RETAILER LIABILITY

(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless:

(1) the retailer is the producer or manufacturer of the processed food; or

(2) the retailer sells the processed food under a brand it owns, but the food was produced or manufactured by another producer or manufacturer.

(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 20 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.

§ 3046. SEVERABILITY

If any provision of this subchapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.

§ 3047. PENALTIES; ENFORCEMENT

(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on the first occurring of the following two dates:

(1) 18 months after two other states enact legislation with requirements substantially comparable to the requirements of this act for the labeling of food produced from genetic engineering; or

(2) July 1, 2015.

Rep. Conquest of Newbury, for the committee on Judiciary, recommended that the bill ought to pass when amended, as recommended by the committee on Agriculture and Forest Products.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended, as recommended by the committee on Agriculture and Forest Products?

Recess

At eleven o'clock and five minutes in the forenoon, the Speaker declared a recess until eleven o'clock and forty-five minutes in the forenoon.

At eleven o'clock and fifty minutes in the forenoon, the Speaker called the House to order.

**Consideration Resumed; Bill Amended;
Consideration Interrupted by Recess**

H. 112

Consideration resumed on House bill, entitled

An act relating to the labeling of food produced with genetic engineering;

The recurring question, Shall the bill be amended as recommended by the committee on Agriculture and Forest Products was agreed to on a Division vote. Yeas, 63. Nays, 27.

Pending the question, Shall the bill be read the third time? **Reps. Michelsen of Hardwick, Toleno of Brattleboro and Zagar of Barnard** moved that the bill be amended as follows:

First: In Sec. 2, in 9 V.S.A. § 3043(a), by striking “food shall be labeled” where it appears and inserting in lieu thereof “food purchased by a retailer after July 1, 2015 shall be labeled”

and in 9 V.S.A. § 3046, by striking the word “subchapter” where it appears and inserting in lieu thereof “chapter” and by striking the word “section” where it appears and inserting the word “chapter”

Second: By striking Sec. 3 in its entirety and adding Secs. 3 and 4 to read:

Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD

PRODUCED WITH GENETIC ENGINEERING

The Attorney General is authorized to adopt by rule requirements for the implementation of Sec. 2 of this act, including a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods. Any rule adopted under this section shall not go into effect until the effective date of this act.

Sec. 4. EFFECTIVE DATE

(a) This section and Sec. 3 (Attorney General rulemaking) of this act shall take effect on passage.

(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) of this act shall take effect on the first occurring of the following two dates:

(1) 18 months after two other states enact legislation with requirements substantially comparable to the requirements of this act for the labeling of food produced from genetic engineering; or

(2) July 1, 2015.

Which was agreed to.

Pending the question, Shall the bill be read the third time?

Recess

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

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

Message from the Senate No. 64

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 200. An act relating to civil penalties for possession of marijuana.

H. 240. An act relating to Executive Branch fees.

H. 450. An act relating to expanding the powers of regional planning commissions.

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 House proposal of amendment to Senate bill of the following title:

S. 150. An act relating to miscellaneous amendments to laws related to motor vehicles.

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

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 155. An act relating to creating a strategic workforce development needs assessment and strategic plan.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Bray
Senator Doyle
Senator Collins

The Senate has considered House proposals of amendment to Senate proposal of amendment to House bill entitled:

H. 169. An act relating to relieving employers' experience-rating records.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mullin
Senator Bray
Senator Galbraith

Committee of Conference Appointed

S. 155

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to creating a strategic workforce development needs assessment and strategic plan

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Kupersmith of South Burlington
Rep. Marcotte of Coventry
Rep. Young of Glover

Committee of Conference Appointed

H. 169

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to relieving employers' experience-rating records

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Botzow of Pownal

Rep. Marcotte of Coventry

Rep. Kitzmiller of Montpelier

Consideration Resumed; Third Reading Ordered

H. 112

Consideration resumed on House bill, entitled

An act relating to the labeling of food produced with genetic engineering;

Pending the recurring question, Shall the bill be read a third time? **Rep. Partridge of Windham** 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 bill be read a third time? was decided in the affirmative. Yeas, 107. Nays, 38.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Lenes of Shelburne
Bartholomew of Hartland	Evans of Essex	Lippert of Hinesburg *
Bissonnette of Winooski	Fay of St. Johnsbury *	Macaig of Williston
Botzow of Pownal	Fisher of Lincoln	Malcolm of Pawlet
Browning of Arlington	Frank of Underhill	Manwaring of Wilmington
Burditt of West Rutland	French of Randolph	Marek of Newfane
Burke of Brattleboro	Gallivan of Chittenden	Martin of Springfield
Buxton of Tunbridge	Goodwin of Weston *	Martin of Wolcott
Campion of Bennington	Grad of Moretown *	Masland of Thetford
Carr of Brandon	Greshin of Warren	McCarthy of St. Albans City
Cheney of Norwich	Haas of Rochester	McCormack of Burlington
Christie of Hartford	Head of South Burlington	McCullough of Williston
Clarkson of Woodstock	Heath of Westford	McFaun of Barre Town
Cole of Burlington	Hebert of Vernon	Michelsen of Hardwick
Conquest of Newbury	Hooper of Montpelier	Miller of Shaftsbury
Copeland-Hanzas of	Huntley of Cavendish	Mook of Bennington
Bradford	Jerman of Essex	Moran of Wardsboro
Corcoran of Bennington	Jewett of Ripton	Mrowicki of Putney *
Cross of Winooski	Johnson of South Hero	Nuovo of Middlebury
Cupoli of Rutland City	Juskiewicz of Cambridge	O'Brien of Richmond
Dakin of Chester	Keenan of St. Albans City	O'Sullivan of Burlington
Davis of Washington	Kitzmiller of Montpelier	Partridge of Windham
Deen of Westminster	Krebs of South Hero	Pearson of Burlington
Devereux of Mount Holly	Krowinski of Burlington	Peltz of Woodbury
Donahue of Northfield	Kupersmith of South	Poirier of Barre City
Donovan of Burlington	Burlington	Potter of Clarendon
Ellis of Waterbury *	Lanpher of Vergennes	Pugh of South Burlington

Rachelson of Burlington	Stuart of Brattleboro	Vowinkel of Hartford
Ralston of Middlebury	Sweaney of Windsor	Waite-Simpson of Essex
Ram of Burlington	Taylor of Barre City	Webb of Shelburne
Scheuermann of Stowe *	Till of Jericho	Weed of Enosburgh
Sharpe of Bristol	Toleno of Brattleboro	Wilson of Manchester
Shaw of Pittsford *	Toll of Danville	Wizowaty of Burlington *
South of St. Johnsbury	Townsend of Randolph	Woodward of Johnson
Spengler of Colchester *	Townsend of South	Yantachka of Charlotte
Stevens of Waterbury	Burlington	Zagar of Barnard *
Stevens of Shoreham	Trieber of Rockingham	

Those who voted in the negative are:

Batchelor of Derby	Feltus of Lyndon	Morrissey of Bennington
Beyor of Highgate	Gage of Rutland City	Myers of Essex
Bouchard of Colchester	Helm of Fair Haven	Pearce of Richford
Branagan of Georgia	Higley of Lowell *	Quimby of Concord
Brennan of Colchester	Hubert of Milton *	Russell of Rutland City *
Canfield of Fair Haven	Johnson of Canaan	Savage of Swanton
Condon of Colchester	Kilmartin of Newport City *	Shaw of Derby
Connor of Fairfield	Koch of Barre Town *	Smith of New Haven
Consejo of Sheldon	Komline of Dorset	Terenzini of Rutland Town
Dickinson of St. Albans	Larocque of Barnet	Turner of Milton
Town	Lewis of Berlin	Van Wyck of Ferrisburgh
Donaghy of Poultney	Marcotte of Coventry	Winters of Williamstown
Fagan of Rutland City	Mitchell of Fairfax *	Wright of Burlington

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

Klein of East Montpelier	Strong of Albany
Lawrence of Lyndon	Young of Glover

Rep. Ellis of Waterbury explained her vote as follows:

“Mr. Speaker:

The labeling of genetically-engineered foods will promote the free flow of information, the marketplace of ideas and the discovery of truth, ideals that are embodied in, and protected by, the 1st Amendment of the U.S. Constitution. Vermont won the mercury-labeling case. This bill, too, can survive a constitutional challenge. I vote yes.”

Rep. Fay of St. Johnsbury explained her vote as follows:

“Mr. Speaker:

I vote yes. Members opposed to genetically engineered food labeling have likened concerns about health risks to baseless conspiracy theories. Biotech companies could put all this to rest by simply submitting their products for

legitimate, independent testing. Instead, we're asked to take them at their word. The revolving door between the regulators and the industry they are appointed to regulate gives me no confidence. In the absence of these checks and balances, we have the right to clear labeling so that consumers can make informed choices about what we eat and what we feed our children."

Rep. Goodwin of Weston explained his vote as follows:

"Mr. Speaker:

I voted yes with the sincere hope that this bill will be transformed by amending modification to a bill I can vote for again."

Rep. Grad of Moretown explained her vote as follows:

"Mr. Speaker:

My yes vote is to support the legitimate and strong state interests set forth in this bill of food safety, public health, economic development, environmental protection and the prevention of consumer confusion and deception."

Rep. Higley of Lowell explained his vote as follows:

"Mr. Speaker:

I'm not opposed to knowing what's in our food products but I believe we are going about it the wrong way by supporting this particular bill."

Rep. Hubert of Milton explained his vote as follows:

"Mr. Speaker:

I voted no.as we are doing this backwards, making 85% change instead of promoting the 15%who are doing it now."

Rep. Kilmartin of Newport City explained his vote as follows:

"Mr. Speaker:

I vote 'no' for several reasons:

1. The laudable goal of fully informed food buying decisions by Vermonters will not be achieved by this bill. This bill misleads the consuming public into a false sense of security. The goal can be achieved cost-effectively by making it easier for gmo-free producers and retailers to label their products 'gmo free' or 'no gmo ingredients'.

2. The real gmo problems lay with Supreme Court decisions allowing genetic alteration of life forms to be patented commercially, while allowing the owners of those patents to defy antitrust considerations. The lack of Court or Congressional imposed restrictions, including restrictions on vertical

monopolies on gmo seeds, fertilizers, pesticides, and end products, the current trespass perversions and unconscionable contract provisions, etc., prevent an individual state from untying the existing federal Gordian knot.

3. With this bill, Vermont is going to offend the First Amendment, interstate commerce clause and federal exclusivity over patents, copyrights, and other intellectual property. Congress enhanced the Gordian knot by recently granting huge liability exemptions to Monsanto and other predatory corporations, which are already close to monopolizing, and jeopardizing the security of, our food chain through gmos.

4. Finally, for the second day in a row, this House parades on the stage of the theatre of the absurd. While this bill has a marginally greater chance of surviving court challenge than the caps on Super-Pacs, the difference, between a million-to-one and five-hundred-thousand-to-one, is statistically insignificant. If we get hit with Plaintiff's attorney's fees to the tune of several million dollars, Vermont consumers and taxpayers are twice the victims of consumer fraud perpetrated by those who claim to protect them and their purse. For the second day, we send the House hearse down the street with its undignified occupants wearing the proverbial 'Emperor's new clothes.'

Quite a picture, indeed!"

Rep. Koch of Barre Town explained his vote as follows:

"Mr. Speaker:

While I fully support the intent of this bill, I cannot vote for it, because I believe it is unlikely to survive a court challenge to its constitutionality.

No other state has passed a similar bill; they all seem to be waiting for Vermont to go first and 'lead the nation.' What they mean is that they don't want to risk their taxpayers' money – they want us to risk Vermonters' money. That is a 5 to 10 million dollar risk, and one that I am not willing to take.

Have we learned nothing from our losses in the rBST, campaign finance, and data mining cases?"

Rep. Lippert of Hinesburg explained his vote as follows:

"Mr. Speaker:

When we passed Civil Unions, we were told that Vermont would be boycotted and that our tourism industry would die.

When we passed mercury labeling requirements, we were told that fluorescent lightbulbs would no longer be for sale in Vermont to light our homes and offices.

Now we are told that if we pass GE labeling, we will lose our boxes of corn flakes and face empty grocery store shelves.

Let us move forward and lead the nation once again.

I vote yes, once again, without fear.”

Rep. Mitchell of Fairfax explained his vote as follows:

“Mr. Speaker:

I voted no on this bill with the idea that there is no need to put Vermont in a \$10 million jeopardy. Let others lead and we can follow for a change.”

Rep. Mrowicki of Putney explained his vote as follows:

Plain and simple, Vermonters are asking for the right to know what is in their food. I vote yes so Vermonters know we’re listening.”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ as I am concerned with possible job losses in my Rutland district. In addition, I have concern that this legislation may expose the state to costs through possible litigation.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Mr. Speaker:

I vote yes on this bill with significant reservations. While I wholeheartedly support full transparency in this regard, I am very concerned about the estimated 5-10 million dollars of Vermont taxpayer money that will be at risk for an all-but-certain lawsuit.

I also have significant concerns about the effects it will have on our state’s thriving specialty food industry. I am hopeful that when the Senate takes this legislation up next year, they will take into consideration these concerns and modify it accordingly so that it is a bill everybody can support.”

Rep. Shaw of Pittsford explained his vote as follows:

“Mr. Speaker:

My constituents have spoken and my yes vote indicates their wishes.”

Rep. Spengler of Colchester explained her vote as follows:

“Mr. Speaker:

I’m looking forward to truth in labeling as my European cousins are able to enjoy. Thank you Monsanto for supporting European GMO labeling.”

Rep. Wizowaty of Burlington explained her vote as follows:

“Mr. Speaker:

I believe we have carefully and thoroughly vetted the constitutional issues raised and have ended with an excellent, defensible bill that promotes the public welfare. I am proud of our work.”

Rep. Zagar of Barnard explained his vote as follows:

“Mr. Speaker:

I want to believe that genetically engineered foods are perfectly safe and have been sufficiently tested and regulated, for my sake and the sake of everyone else I know who consumes them because of their unacknowledged presence in most of the food we eat. But I don’t. I have a right and a reason to know what I’m being sold in a free market.”

**Read Third Time and Passed in Concurrence
with Proposal of Amendmenmt**

S. 152

Senate bill, entitled

An act relating to the Green Mountain Care Board’s rate review authority

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

In Sec. 13, 18 V.S.A. chapter 229, in section 9603, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The Office of the Health Care Advocate shall be able to speak on behalf of the interests of health care and health insurance consumers and to carry out all duties prescribed in this chapter without being subject to any disciplinary or retaliatory action; provided, however, that nothing in this subsection shall limit the authority of the Agency of Administration to enforce the terms of the contract.

Theruepon, **Rep. Till of Jericho** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Fisher of Lincoln** moved to amend the House proposal of amendment as follows:

In Sec. 29, Repeal, by inserting before the period “on January 1, 2014”

Which was agreed to.

Pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the House proposal of amendment as follows:

By adding Secs. 12a–12c to read as follows:

* * * Participation in the Exchange to be Voluntary * * *

Sec. 12a. 33 V.S.A. § 1811 is amended to read:

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL EMPLOYERS

(a) As used in this section:

(1) “Health benefit plan” means a health insurance policy, a nonprofit hospital or medical service corporation service contract, or a health maintenance organization health benefit plan ~~offered through the Vermont health benefit exchange and~~ issued to an individual or to an employee of a small employer. The term does not include coverage only for accident or disability income insurance, liability insurance, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, automobile medical payment insurance, credit-only insurance, coverage for on-site medical clinics, or other similar insurance coverage in which benefits for health services are secondary or incidental to other insurance benefits as provided under the Affordable Care Act. The term also does not include stand-alone dental or vision benefits; long-term care insurance; specific disease or other limited benefit coverage, Medicare supplemental health benefits, Medicare Advantage plans, and other similar benefits excluded under the Affordable Care Act.

* * *

~~(b) No person may provide a health benefit plan to an individual or small employer unless the plan is offered through the Vermont health benefit exchange and complies with the provisions of this subchapter. [Deleted.]~~

* * *

Sec. 12b. 2011 Acts and Resolves No. 48, Sec. 2 is amended to read:

Sec. 2. STRATEGIC PLAN; UNIVERSAL AND UNIFIED HEALTH SYSTEM

(a) Vermont must begin to plan now for health care reform, including simplified administration processes, payment reform, and delivery reform, in order to have a publicly financed program of universal and unified health care operational after the occurrence of specific events, including the receipt of a waiver from the federal Exchange requirement from the U.S. Department of

Health and Human Services. A waiver will be available in 2017 under the provisions of existing law in the Patient Protection and Affordable Care Act (Public Law 111-148) ("Affordable Care Act"), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and may be available in 2014 under the provisions of two bills, H.R. 844 and S.248, introduced in the 112th Congress. In order to begin the planning efforts, the ~~director of health care reform in the agency of administration~~ Director of Health Care Reform in the Agency of Administration shall establish a strategic plan, which shall include time lines and allocations of the responsibilities associated with health care system reform, to further the containment of health care costs, to further Vermont's existing health care system reform efforts as described in 3 V.S.A. § 2222a and to further the following:

* * *

(2)(A) As provided in Sec. 4 of this act, no later than ~~November~~ October 1, 2013, the Vermont ~~health benefit exchange~~ Health Benefit Exchange established in 33 V.S.A. chapter 18, subchapter 1 shall begin enrolling individuals and ~~small~~ employers with 50 or fewer employees for coverage beginning January 1, 2014. Beginning January 1, 2014, the Commissioner of Financial Regulation may require qualified health benefit plans to be sold to individuals and small groups through the Vermont Health Benefit Exchange, provided that the Commissioner shall also allow qualified and nonqualified plans that comply with the required provision of the Affordable Care Act to be sold to individuals and small groups outside the Exchange. The intent of the ~~general assembly~~ General Assembly is to establish the Vermont ~~health benefit exchange~~ Health Benefit Exchange in a manner such that it may become the foundation for Green Mountain Care.

* * *

(3) ~~As provided in Sec. 4 of this act, no~~ No later than October 1, 2015, the Vermont Health Benefit Exchange established in 33 V.S.A. chapter 18, subchapter 1 shall make plans available to employers with 100 or fewer employees for coverage beginning January 1, 2016. No later than November ~~October~~ October 1, 2016, the Vermont ~~health benefit exchange established in 33 V.S.A. chapter 18, subchapter 1~~ Health Benefit Exchange shall begin enrolling ~~make plans available to~~ large employers for coverage beginning January 1, 2017.

* * *

Sec. 12c. 2012 Acts and Resolves No. 171, Sec. 41a is amended to read:

Sec. 41a. TRANSITIONAL PROVISIONS; IMPLEMENTATION

* * *

(c) ~~Notwithstanding Sec. 41(i) of this act, repealing 8 V.S.A. §§ 4080a and 4080b, the department of financial regulation and the Green Mountain Care board may continue to approve rates and forms for nongroup and small group health insurance plans under the statutes and rules in effect prior to the date of repeal if the Vermont health benefit exchange is not operational by January 1, 2014 and the department of Vermont health access or a health insurer is unable to facilitate enrollment in health benefit plans through another mechanism, including paper enrollment. In the alternative, the department of financial regulation may allow individuals and small employers to extend coverage under an existing health insurance plan. The department of financial regulation and the Green Mountain Care board shall maintain their authority pursuant to this subsection until the exchange is able to enroll all qualified individuals and small employers who apply for coverage through the exchange.~~ [Deleted.]

* * *

(e) Notwithstanding the provisions of 8 V.S.A. §§ 4080a(d)(1) and 4080b(d)(1), a health insurer shall not be required to guarantee acceptance of any individual, employee, or dependent on or after January 1, 2014 for a small group plan offered pursuant to 8 V.S.A. § 4080a or a nongroup plan offered pursuant to 8 V.S.A. § 4080b ~~except as required by the department of financial regulation or the Green Mountain Care board, or both, pursuant to subsection (c) of this section.~~

* * *

Thereupon, **Rep. Deen of Westminster** raised a Point of Order in that the proposal of amendment is not germane to the bill, which the Speaker ruled well taken.

Thereupon, **Rep. Browning of Arlington** moved to suspend the rules to allow consideration of a non-germane amendment.

Pending the question, Shall the House suspend its rules to take up consideration of a non-germane amendment? **Rep. Browning of Arlington** 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 suspend its rules to take up consideration of a non-germane amendment? was decided in the negative. Yeas, 39. Nays, 98.

Those who voted in the affirmative are:

Batchelor of Derby	Hebert of Vernon	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Savage of Swanton
Bouchard of Colchester	Hubert of Milton	Scheuermann of Stowe
Browning of Arlington *	Johnson of Canaan	Shaw of Pittsford
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Derby
Canfield of Fair Haven	Kilmartin of Newport City	Smith of New Haven
Condon of Colchester	Koch of Barre Town	Stevens of Shoreham
Cupoli of Rutland City	Komline of Dorset	Terenzini of Rutland Town
Devereux of Mount Holly	Larocque of Barnet	Turner of Milton *
Dickinson of St. Albans Town	Lewis of Berlin	Van Wyck of Ferrisburgh
Donahue of Northfield	Marcotte of Coventry	Winters of Williamstown
Fagan of Rutland City	McFaun of Barre Town	Wright of Burlington
Gage of Rutland City	Morrissey of Bennington	
	Myers of Essex	

Those who voted in the negative are:

Bartholomew of Hartland	Goodwin of Weston	Moran of Wardsboro
Bissonnette of Winooski	Grad of Moretown	Mrowicki of Putney
Botzow of Pownal	Greshin of Warren	Nuovo of Middlebury
Branagan of Georgia	Haas of Rochester	O'Sullivan of Burlington
Brennan of Colchester	Head of South Burlington	Partridge of Windham
Burke of Brattleboro	Helm of Fair Haven	Pearce of Richford
Buxton of Tunbridge	Hooper of Montpelier	Pearson of Burlington
Campion of Bennington	Huntley of Cavendish	Peltz of Woodbury
Carr of Brandon	Jerman of Essex	Potter of Clarendon
Cheney of Norwich	Jewett of Ripton	Pugh of South Burlington
Clarkson of Woodstock	Keenan of St. Albans City	Rachelson of Burlington
Cole of Burlington	Kitzmiller of Montpelier	Ralston of Middlebury
Connor of Fairfield	Krebs of South Hero	Ram of Burlington
Conquest of Newbury	Krowinski of Burlington	Russell of Rutland City
Consejo of Sheldon	Kupersmith of South Burlington	Sharpe of Bristol
Corcoran of Bennington	Lanpher of Vergennes	South of St. Johnsbury
Cross of Winooski	Lenes of Shelburne	Spengler of Colchester
Dakin of Chester	Macaig of Williston	Stevens of Waterbury
Davis of Washington	Malcolm of Pawlet	Stuart of Brattleboro
Deen of Westminster	Manwaring of Wilmington	Sweaney of Windsor
Donaghy of Poultney	Marek of Newfane	Taylor of Barre City
Donovan of Burlington	Martin of Springfield	Till of Jericho
Ellis of Waterbury	Martin of Wolcott	Toleno of Brattleboro
Emmons of Springfield	Masland of Thetford	Toll of Danville
Evans of Essex	McCarthy of St. Albans City	Townsend of Randolph
Fay of St. Johnsbury	McCormack of Burlington	Townsend of South Burlington
Feltus of Lyndon	McCullough of Williston	Trieber of Rockingham
Fisher of Lincoln	Miller of Shaftsbury	Vowinkel of Hartford
Frank of Underhill	Mitchell of Fairfax	Waite-Simpson of Essex
French of Randolph	Mook of Bennington	Webb of Shelburne
Gallivan of Chittenden		

Weed of Enosburgh
Wilson of Manchester
Wizowaty of Burlington

Woodward of Johnson
Yantachka of Charlotte
Young of Glover

Zagar of Barnard

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

Ancel of Calais
Christie of Hartford
Copeland-Hanzas of
Bradford
Heath of Westford

Johnson of South Hero
Klein of East Montpelier
Lawrence of Lyndon
Lippert of Hinesburg
Michelsen of Hardwick

O'Brien of Richmond
Poirier of Barre City
Strong of Albany

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

I vote yes to at least consider reducing uncertainty and increasing choice for Vermonters by making participation in the proposed Health Benefits Exchange voluntary instead of mandatory. We do not know if the new website system will be ready and we need a better backup for Vermonters in place NOW.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

In less than 5 months over 100,000 Vermonters will be forced into buying their health insurance on the health benefit exchange, an entity that as of today does not exist. I want to be sure that there is coverage available when Vermonters need it. We understand that a safety net exists, but what is wrong with allowing people to gradually migrate onto the system over the next 18 months? Thank you.”

Pending third reading of the bill, **Rep. Poirier of Barre City** moved to amend the House proposal of amendment as follows:

First: In Sec. 1, 8 V.S.A. § 4062, in subdivision (c)(3)(A), following “chapter 229”, by inserting “and the Office of the Mental Health Care Ombudsman established pursuant to 18 V.S.A. § 7259”

Second: In Sec. 1, 8 V.S.A. § 4062, in subdivision (c)(3)(B), following “Advocate”, by inserting “and the Office of the Mental Health Care Ombudsman”

Third: In Sec. 1, 8 V.S.A. § 4062, in subdivision (d)(2)(B), following “Advocate”, by striking out the word “poses” and inserting in lieu thereof “and the Office of the Mental Health Ombudsman pose” and by striking out the word “Office’s” and inserting in lieu thereof the word “Offices”

Fourth: In Sec. 1, 8 V.S.A. § 4062, by striking out subdivision (d)(2)(C), and inserting in lieu thereof a new subdivision (d)(2)(C) to read:

(C) all questions the Board, the Board's contracting actuary, if any, the Department, the Office of the Health Care Advocate, or the Office of the Mental Health Care Ombudsman pose to the insurer and the insurer's responses to those questions.

Fifth: In Sec. 1, 8 V.S.A. § 4062, in subdivision (e)(1)(B), following "Advocate,", by inserting "the Office of the Mental Health Care Ombudsman,"

Sixth: In Sec. 1, 8 V.S.A. § 4062, in subsection (g), following "Advocate,", by inserting "the Office of the Mental Health Care Ombudsman,"

Seventh: By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. 18 V.S.A. § 9374(f) is amended to read:

(f) In carrying out its duties pursuant to this chapter, the ~~board~~ Board shall seek the advice of ~~the state health care ombudsman established in 8 V.S.A. § 4089~~ from the Office of the Health Care Advocate and the Office of the Mental Health Care Ombudsman. The ~~state health care ombudsman~~ Offices shall advise the ~~board~~ Board regarding the policies, procedures, and rules established pursuant to this chapter. The ~~ombudsman~~ Offices shall represent the interests of Vermont patients and Vermont consumers of health insurance and may suggest policies, procedures, or rules to the ~~board~~ Board in order to protect patients' and consumers' interests.

Eighth: In Sec. 15, 18 V.S.A. § 9377(e), following "Advocate," by inserting "the Office of the Mental Health Care Ombudsman,"

Ninth: In Sec. 16, 18 V.S.A. § 9410(a)(2), in subdivision (B), following "Advocate,", by inserting "the Office of the Mental Health Care Ombudsman,"

Tenth: In Sec. 17, 18 V.S.A. § 9440(c), in subdivision (9), following "of this title", by inserting ", the Office of the Mental Health Care Ombudsman established pursuant to section 7259 of this title,"

Eleventh: In Sec. 18, 18 V.S.A. § 9445(b), following "Advocate," by inserting ", the Office of the Mental Health Care Ombudsman"

Which was disagreed to on a Division vote: Yeas, 40. Nays, 56.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Savage of Swanton** 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 bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 95. Nays, 40.

Those who voted in the affirmative are:

Bartholomew of Hartland	Heath of Westford	Poirier of Barre City *
Bissonnette of Winooski	Hooper of Montpelier	Potter of Clarendon
Botzow of Pownal	Huntley of Cavendish	Pugh of South Burlington
Branagan of Georgia	Jerman of Essex	Rachelson of Burlington
Browning of Arlington	Johnson of South Hero	Ralston of Middlebury
Burke of Brattleboro	Keenan of St. Albans City	Ram of Burlington
Buxton of Tunbridge	Kitzmiller of Montpelier	Russell of Rutland City
Campion of Bennington	Krebs of South Hero	Sharpe of Bristol
Carr of Brandon	Krowinski of Burlington	Spengler of Colchester
Cheney of Norwich	Kupersmith of South	Stevens of Waterbury
Christie of Hartford	Burlington	Stevens of Shoreham
Clarkson of Woodstock	Lanpher of Vergennes	Stuart of Brattleboro
Cole of Burlington	Lenes of Shelburne	Sweaney of Windsor
Connor of Fairfield	Lippert of Hinesburg	Taylor of Barre City
Conquest of Newbury	Macaig of Williston	Till of Jericho
Consejo of Sheldon	Malcolm of Pawlet	Toleno of Brattleboro
Cross of Winooski	Manwaring of Wilmington	Toll of Danville
Dakin of Chester	Marek of Newfane	Townsend of Randolph
Davis of Washington	Martin of Springfield	Townsend of South
Deen of Westminster	Martin of Wolcott	Burlington
Donovan of Burlington	Masland of Thetford	Trieber of Rockingham
Ellis of Waterbury	McCormack of Burlington	Vowinkel of Hartford
Emmons of Springfield	McCullough of Williston	Waite-Simpson of Essex
Evans of Essex	Miller of Shaftsbury	Webb of Shelburne
Fay of St. Johnsbury	Mook of Bennington	Weed of Enosburgh
Feltus of Lyndon	Moran of Wardsboro	Wilson of Manchester
Fisher of Lincoln	Mrowicki of Putney	Wizowaty of Burlington
Frank of Underhill	Nuovo of Middlebury	Woodward of Johnson
French of Randolph	O'Brien of Richmond	Yantachka of Charlotte
Gallivan of Chittenden	O'Sullivan of Burlington	Young of Glover
Grad of Moretown	Partridge of Windham	Zagar of Barnard
Haas of Rochester	Pearson of Burlington	
Head of South Burlington	Peltz of Woodbury	

Those who voted in the negative are:

Batchelor of Derby	Dickinson of St. Albans	Higley of Lowell
Beyor of Highgate	Town	Hubert of Milton
Bouchard of Colchester	Donaghy of Poultney	Johnson of Canaan
Brennan of Colchester	Donahue of Northfield *	Juskiewicz of Cambridge
Canfield of Fair Haven	Fagan of Rutland City	Kilmartin of Newport City
Corcoran of Bennington	Gage of Rutland City	Koch of Barre Town
Cupoli of Rutland City	Goodwin of Weston	Larocque of Barnet
Devereux of Mount Holly	Greshin of Warren	Lewis of Berlin
	Helm of Fair Haven	Marcotte of Coventry

McFaun of Barre Town	Savage of Swanton	South of St. Johnsbury
Morrissey of Bennington	Scheuermann of Stowe	Terenzini of Rutland Town
Myers of Essex	Shaw of Pittsford	Turner of Milton
Pearce of Richford	Shaw of Derby	Van Wyck of Ferrisburgh
Quimby of Concord	Smith of New Haven	Wright of Burlington

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

Ancel of Calais	Hebert of Vernon	Michelsen of Hardwick
Burditt of West Rutland	Klein of East Montpelier	Mitchell of Fairfax
Condon of Colchester	Komline of Dorset	Smith of Morristown
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Strong of Albany
	McCarthy of St. Albans City	Winters of Williamstown

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I will not vote for a bill that makes a conscious and deliberate statement of exclusion of mental health from the policy discussion table.”

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted yes because if this bill does not pass there will be no consumer advocacy before the Green Mountain Care Board. This legislature has taken the Department of Financial Regulation out of consumer protection.”

**Rules Suspended; Proposal of Amendment Agreed to;
And Third Reading Ordered**

S. 20

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

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

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred the bill 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. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, sexual assault, lewd and lascivious conduct, sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age may be commenced at any time after the commission of the offense:

(1) sexual assault;_i

(2) lewd and lascivious conduct;_i

(3) sexual exploitation of a minor as defined in subsection ~~3258(b)~~ 3258(c) of this title;_i and

(4) ~~lewd or lascivious conduct with a child, alleged to have been committed against a child under 18 years of age shall be commenced within the earlier of the date the victim attains the age of 24 or 10 years from the date the offense is reported, and not after. For purposes of this subsection, an offense is reported when a report of the conduct constituting the offense is made to a law enforcement officer by the victim.~~

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to removing the statute of limitations for certain sex offenses against children."

Thereupon, the bill was read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

**Rules Suspended; Proposal of Amendment Agreed to;
And Third Reading Ordered**

S. 61

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to alcoholic beverages

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

Rep. O'Sullivan of Burlington, for the committee on General, Housing and Military Affairs, to which had been referred the bill reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By striking Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(19) "Second class license": a license granted by the ~~control commissioners~~ Control Commissioners permitting the licensee to export malt or vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted.

* * *

(28) "Fourth class license" or "farmers' market license": the license granted by the ~~liquor control board~~ Liquor Control Board permitting a manufacturer or rectifier of malt or vinous beverages or spirits to sell by the unopened container and distribute, by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth class license location, a manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell its product to

no more than five additional manufacturers or rectifiers. A fourth class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

* * *

(32) "Art gallery or bookstore permit": a permit granted by the liquor control board permitting an art gallery or bookstore to conduct an event at which malt or vinous beverages or both are served by the glass to the public, provided that the event is approved by the local licensing authority. A permit holder may purchase malt or vinous beverages directly from a licensed retailer. A permit holder shall be subject to the provisions of this title and the rules of the board regarding the service of alcoholic beverages. A request for a permit shall be submitted to the department in a form required by the ~~department~~ Department at least five days prior to the event and shall be accompanied by the permit fee required by subdivision 231(a)(22) of this title. As used in this section, "art gallery" means a fixed establishment whose primary purpose is to exhibit or offer for sale works of art; and "bookstore" means a fixed establishment whose primary purpose is to offer books for sale.

* * *

(34) "Limited first class license": A license granted by the Control Commissioners permitting the licensee to serve malt or vinous beverages to the public for consumption only on the licensed premises and in accord with the requirements of section 222a of this title.

Second: By adding Secs. 3a, 3b, and 3c to read:

Sec. 3a. 7 V.S.A. § 222a is added to read:

§ 222a. LIMITED FIRST CLASS LICENSE

(a) Upon the approval of the Board and payment of the license fee, the Control Commissioners may grant to a person for the premises where the person carries on a retail sales business unrelated to food or beverage service a limited first class license authorizing the person to dispense malt or vinous beverages free of charge for consumption on the licensed premises, provided:

(1) the premises are owned or leased by the person and the premises are used primarily by the person for the production and retail sale and service of handmade artisan products;

(2) the premises have secure, adequate, and sanitary space for storing and serving malt or vinous beverages;

(3) the premises have adequate and sanitary space for storage and service of food;

(4) the premises have a designated, distinct, secure interior space of at least 50 square feet which is not generally accessible by the public and only within which malt or vinous beverages may be served to customers designing or purchasing handmade artisan products;

(5) malt or vinous will only be served to customers of the underlying business and no more than five customers may be served simultaneously in the designated space;

(6) no person under the age of 18 shall dispense malt or vinous beverages;

(7) malt or vinous beverages shall not be served to a minor; and

(8) any customer offered malt or vinous beverages shall also be offered food.

(b) As used in this section, "Artisan product" means any product fashioned primarily by hand with the final form and its characteristics shaped by hand by the artisan or craftperson in a skilled or artistic process rather than an assembly line technique.

Sec. 3b. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES; DISPOSITION OF FEES

(a) The following fees shall be paid:

* * *

(23) For a limited first class license, \$1,000.00.

* * *

Sec. 3c. 7 V.S.A. § 236 is amended to read:

§ 236. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT;

ADMINISTRATIVE PENALTY

* * *

(b) As an alternative to and in lieu of the authority to suspend or revoke any permit or license, the ~~liquor control board~~ Liquor Control Board shall also have the power to impose an administrative penalty of up to \$2,500.00 per

violation against a holder of a wholesale dealer's license or a holder of a first, second or third class license for a violation of the conditions under which the license was issued or of this title or of any rule or regulation adopted by the ~~board~~ Board. The administrative penalty may be imposed after a hearing before the ~~board~~ Board or after the licensee has been convicted by a court of competent jurisdiction of violating the provisions of this title. The ~~board~~ Board may also impose an administrative penalty under this subsection against a holder of a tobacco license for up to \$100.00 for a first violation and up to \$1,000.00 for subsequent violations. For the first violation during a tobacco or alcohol compliance check during any three-year period, a licensee shall receive a warning and be required to attend a department server training class. The Board may also impose an administrative penalty against the holder of a limited first class license of up to \$5,000.00 for an initial violation and \$10,000.00 for a second and subsequent violation.

* * *

Third: By adding Sec. 2a to read:

Sec. 2a. 7 V.S.A. § 222 is amended to read:

§ 222. FIRST AND SECOND CLASS LICENSES, GRANTING OF; SALE
TO MINORS; CONTRACTING FOR FOOD SERVICE

With the approval of the ~~liquor control board, the control commissioners~~ Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(2) Upon making application and paying the license fee provided in section 231 of this title, a second class license for the premises where such dealer shall carry on the business which shall authorize such dealer to export malt and vinous beverages and to sell malt and vinous beverages to the public from such premises for consumption off the premises and upon satisfying the ~~liquor control board~~ Board that such premises are leased, rented, or owned by such retail dealers and are safe, sanitary, and a proper place from which to sell malt and vinous beverages. A retail dealer carrying on business in more than one place shall be required to acquire a second class license for each place where he or she ~~hall~~ shall so sell malt and vinous beverages. No malt or vinous beverages shall be sold by a second class licensee to a minor.

* * *

Fourth: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. 7 V.S.A. § 230 is amended to read:

§ 230. RESTRICTIONS; FINANCIAL INTERESTS; DISPLAY OF
LICENSE; EMPLOYEES

* * *

(b) An individual who is an employee of a wholesale dealer that does not hold a solicitor's permit may also be employed by a first or second class licensee on a paid or voluntary basis, provided that the employee does not exercise any control over, or participate in, the management of the first or second class licensee's business or business decisions, and that either employment relationship does not result in the exclusion of any competitor wholesale dealer or any brand of alcoholic beverages of a competitor wholesale dealer.

Fifth: By adding Sec. 6a to read:

Sec. 6a. 7 V.S.A. § 561 is amended to read:

§ 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;
ARREST FOR UNLAWFULLY MANUFACTURING,
POSSESSING, OR TRANSPORTING ALCOHOLIC BEVERAGES;
SEIZURE OF PROPERTY

(a) ~~The director of the enforcement division of the department of liquor control~~ Director of the Enforcement Division of the Department of Liquor Control and investigators employed by the ~~liquor control board~~ Liquor Control Board or by the ~~department of liquor control~~ Department of Liquor Control shall be certified as full-time law enforcement officers by the Vermont Criminal Justice Training Council and shall have the same powers and immunities as those conferred on the ~~state police~~ State Police by 20 V.S.A. § 1914.

* * *

Rep. Ram of Burlington, for the committee on Ways and Means, recommended that the recommendation of proposal of amendment offered by the committee on General, Housing and Military Affairs be agreed to.

Thereupon, the bill was read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Message from the Senate No. 65

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

Mr. Speaker:

I am directed to inform the House that:

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

S. 77. An act relating to patient choice and control at end of life.

And has passed the same in concurrence with proposal 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. 65. An act relating to limited immunity from liability for reporting a drug or alcohol overdose.

H. 520. An act relating to reducing energy costs and greenhouse gas emissions.

H. 536. An act relating to the Adjutant and Inspector General and the Vermont National Guard.

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 a bill originating in the House of the following title:

H. 517. An act relating to approval of the adoption and the codification of the charter of the Town of St. Albans.

And has passed the same in concurrence.

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

S. 59. An act relating to independent direct support providers.

And has concurred therein.

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

J.R.H. 11. Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 405**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to manure management and anaerobic digesters

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

The Senate proposed to the House to amend the bill in Sec. 1, 30 V.S.A. § 248, in subdivision (q)(1), by striking out the last sentence and inserting in lieu thereof the following:

The certificate shall not be required for the methane digester, the digester influents and non-gas effluents, the buildings and equipment used to handle such influents and non-gas effluents, or the on-farm use of heat and exhaust produced by the generation of electricity, and these components shall not be subject to jurisdiction under this section.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment
to House Proposal of Amendment Concurred in****S. 31**

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to prohibiting a court from consideration of interests in revocable trusts or wills when making a property settlement in a divorce proceeding

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

The Senate concured in the House proposal of amendment with the following proposal of amendment thereto:

In Sec. 1, in 15 V.S.A. § 751, subdivision (b)(8), by striking subparagraphs (C) and (D) in their entirety and by relettering the existing subparagraph (E) to be (C) and the existing (F) to be (D)

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence with
Proposal of Amendment; Rules Suspended and the bill was Ordered
Messaged to the Senate Forthwith**

S. 61

Senate bill, entitled

An act relating to alcoholic beverages

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 26

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to technical corrections

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

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

First: By inserting a new Sec. 6 as follows:

Sec. 6. 10 V.S.A. § 1106(a) is amended to read:

(a) There is hereby established a special fund to be known as the Vermont ~~unsafe dam revolving loan fund~~ Unsafe Dam Revolving Loan Fund which shall be used to provide grants and loans to municipalities, nonprofit entities, and private individuals, pursuant to rules ~~proposed~~ adopted by the ~~agency of natural resources and enacted by the general assembly~~ Agency of Natural Resources, for the reconstruction, repair, removal, breaching, draining, or other action necessary to reduce the threat of a dam or portion of a dam determined to be unsafe pursuant to section 1095 of this chapter.

* * *

Second: In Sec. 24 by striking out the introductory language “2012 Acts and Resolves No. 40, Sec. 12(b)” and inserting in lieu thereof of the following: 2011 Acts and Resolves No. 40, Sec. 12(b), as amended by 2012 Acts and Resolves No. 104, Sec. 8

Third: By inserting a new Sec. 30 as follows:

Sec. 30. LEGISLATIVE COUNCIL; STATUTORY REVISION;
PHYSICIAN ASSISTANTS

The Office of Legislative Council, in its statutory revision capacity, is directed to make amendments to the Vermont Statutes Annotated as are necessary to change the term “physician’s assistant” to “physician assistant” and the term “physician’s assistants” to “physician assistants” and to correct any reference to physician assistant certification to refer instead to physician assistant licensure in order to conform with the change in the terminology of the title of physician assistants and their type of regulation as set forth in 2011 Acts and Resolves No. 61, Sec. 4. Such changes may also be made when new legislation is proposed or in preparing an individual act for codification in the Vermont Statutes Annotated or for publication in the Acts and Resolves.

And by renumbering all sections of the bill to be numerically correct.

Which proposal of amendment was considered and concurred in.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 390

Rep. Botzow of Pownal moved that the committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to elimination periods for long-term care insurance policies

And that the bill be committed to the committee on Human Services, which was agreed to.

Adjournment

At six o'clock and thirty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, May 10, 2013

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 406 An act relating to town listers, assessors and auditors

H. 518 An act relating to miscellaneous amendments to Vermont retirement laws

H. 525 An act relating to approval of amendments to the charter of the Town of Stowe

House Bill Introduced**H. 544**

Reps. Donovan of Burlington and Peltz of Woodbury introduced a bill, entitled

An act relating to requiring the merger of all school districts into 30 new districts

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

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Page Emma Curchin of East Montpelier

Page Antonia Farrell of Norwich

Margret Joos of Monkton

Ian Louras of Rutland City

Isabella McCallum of Cabot

Lauren Morse of East Montpelier

Lounglin Neuert of Richmond

Elizabeth O'Hara of Ferrisburgh

Emma Pearson of North Hero

Hannah Ruhl of Wilmington

Rules Suspended; Bills Messaged to Senate Forthwith

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

H. 543

House bill, entitled

An act relating to records and reports of the Auditor of Accounts

S. 130

Senate bill, entitled

An act relating to encouraging flexible pathways to secondary school completion

Rules Suspended; Senate Proposal of Amendment Concurred in with a Further Amendment Thereto; Bill Messaged to Senate Forthwith

H. 240

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to Executive Branch fees

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

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

First: In Sec. 26, 7 V.S.A. § 231, in subsection (a) subdivision (5), by striking out the following “\$130.00” and inserting in lieu thereof the following: \$140.00

Second: By striking out Secs. 27 and 28 in their entirety.

Third: By striking out Sec. 30 in its entirety and inserting in lieu thereof a new Sec. 30 to read as follows:

Sec. 30. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

* * *

(d) A person applying simultaneously for a tobacco license and a liquor license shall apply to the legislative body of the municipality and shall pay to the ~~department~~ Department only the fee required to obtain the liquor license. A person applying ~~only~~ for a tobacco license shall submit a fee of ~~\$10.00~~ \$100.00 to the legislative body of the municipality for each tobacco license or renewal. The municipal clerk shall forward the application to the ~~department~~

Department, and the ~~department~~ Department shall issue the tobacco license. The municipal clerk shall retain \$5.00 of this fee, and the remainder shall be deposited in the treasury of the municipality. The tobacco license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

* * *

Fourth: By adding internal captions and new Secs. 35, 36, and 37, to read as follows:

* * * State Police Dispatch Fees * * *

Sec. 35. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall adopt rules establishing uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety. In setting the fees, the Commissioner shall consult with sheriffs and other entities that provide dispatch services.

* * * Break-Open Tickets * * *

Sec. 36. REPEAL

32 V.S.A. chapter 239 (game of chance) is repealed.

Sec. 37. 7 V.S.A. chapter 26 is added to read:

CHAPTER 26. BREAK-OPEN TICKETS

§ 901. DEFINITIONS

As used in this chapter:

(1) "Break-open ticket" means a lottery using a card or ticket of the so-called pickle card, jar ticket, or break-open variety commonly bearing the name "Lucky 7," "Nevada Club," "Victory Bar," "Texas Poker," "Triple Bingo," or any other name.

(2) "Commissioner" means the Commissioner of Liquor Control.

(3) "Distributor" means a person who purchases break-open tickets from a manufacturer and sells or distributes break-open tickets at wholesale in Vermont. "Distributor" shall include any officer, employee, or agent of a corporation or dissolved corporation who has a duty to act for the corporation in complying with the requirements of this chapter. "Distributor" shall not include a person who distributes only jar tickets which are used only for merchandise prizes.

(4) “Manufacturer” means a person who designs, assembles, fabricates, produces, constructs, or otherwise prepares a break-open ticket for sale to a distributor.

(5) “Nonprofit organization” means a nonprofit corporation which is qualified for tax exempt status under the provisions of 26 U.S.C. § 501(c) and which has engaged, in good faith, in charitable, religious, educational, or civic activities in this State on a regular basis during the preceding year. “Nonprofit organization” also includes churches, schools, fire departments, municipalities, fraternal organizations, and organizations that operate agricultural fairs or field days and which have engaged, in good faith, in charitable, religious, educational, or civic activities in this State on a regular basis during the preceding year.

(6) “Seller” means a nonprofit organization that sells break-open tickets at retail.

(7) “Seller’s agent” means the owner of a premises where alcohol is served who has entered into a written agreement with a nonprofit organization to sell tickets at retail on behalf of the nonprofit organization.

§ 902. LICENSE REQUIRED

(a) Any manufacturer, distributor, seller, or seller’s agent shall be licensed by the Commissioner.

(b) Upon application and payment of the fee, the Commissioner may issue the following licenses to qualified applicants:

<u>(1) Manufacturer annual license</u>	<u>\$7,500.00</u>
<u>(2) Distributor annual license</u>	<u>\$7,500.00</u>
<u>(3) Seller’s annual license</u>	<u>\$ 50.00</u>
<u>(4) Seller’s agent annual license</u>	<u>\$ 50.00</u>

(c) A license shall not be granted to an individual who has been convicted of a felony within five years of the license application nor to an entity in which any partner, officer, or director has been convicted of a felony within five years of the application.

(d) Licenses issued under this section may be renewed annually from the date of issue or last renewal, upon reapplication and payment of the licensing fee.

(e) A seller or a seller’s agent must display his or her license in a conspicuous public place or in an area near where the break-open tickets are sold.

(f) All fees collected pursuant to this section shall be deposited into the Liquor Control Fund.

§ 903. DISTRIBUTION

(a) Only a licensed seller or licensed seller's agent may sell tickets at retail. A seller or seller's agent shall buy tickets for resale only from a licensed distributor. A distributor shall buy tickets only from a licensed manufacturer, and shall only sell tickets to a licensed seller or seller's agent.

(b) A distributor shall not distribute a box of break-open tickets unless the box bears indicia as required by the Commissioner. A distributor shall not distribute a box of break-open tickets in this State with a prize payout of less than 60 percent. A person shall not distribute or sell a break-open ticket at retail unless the ticket bears a unique serial number.

(c) When making a sale of break-open tickets, a distributor shall require a seller or seller's agent to present evidence of a valid license under this chapter.

(d) A seller may sell break-open tickets on the premises of a club as defined in subdivision 2(7) of this title. All proceeds from the sale of break-open tickets shall be used by the seller exclusively for charitable, religious, educational, and civic undertakings, with only the following costs deducted from the proceeds:

(1) the actual cost of the break-open tickets;

(2) the prizes awarded;

(3) reasonable legal fees necessary to organize the nonprofit organization and to assure compliance with all legal requirements; and

(4) reasonable accounting fees necessary to account for the proceeds from the sale of break-open tickets by the seller.

(e) Notwithstanding 13 V.S.A. § 2143, a seller's agent may sell break-open tickets at premises licensed to sell alcoholic beverages if the seller's agent meets the requirements of section 904 of this title. All proceeds from the sale of break-open tickets by a seller's agent shall be remitted to the seller, except for:

(1) the actual cost of the break-open tickets;

(2) the prizes awarded; and

(3) any taxes due on the sale of break-open tickets under 32 V.S.A. chapter 245.

§ 904. REQUIREMENTS FOR A SELLER'S AGENT

(a) In order to sell break-open tickets, a seller's agent shall enter into a written agreement with the seller. The written agreement shall include the terms required by the Commissioner but at a minimum shall be filed with the Commissioner and include the names of individuals representing the seller and the seller's agent, contact information for those individuals, and the responsibility and duties of each party. The seller's agent shall file a copy of the written agreement with the Commissioner.

(b) The seller's agent must remit to the seller at least quarterly the proceeds owed to the seller under the written agreement, along with a copy of the report due under section 905 of this title.

§ 905. RECORDS; REPORT

(a) Each distributor, manufacturer, seller, and seller's agent licensed under this chapter shall maintain records and books relating to the distribution and sale of break-open tickets and to any other expenditure required by the Commissioner. A licensee shall make its records and books available to the Commissioner for auditing.

(b) Each licensed distributor shall file with the Commissioner on the same schedule as the distributor files sales tax returns the following information for the preceding reporting period:

- (1) the names of organizations to which break-open tickets were sold;
- (2) the number of break-open tickets sold to each organization; and
- (3) the ticket denomination and serial numbers of tickets sold.

(c) Each licensed manufacturer shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain the following information for the reporting period:

- (1) the names of distributors to which deals of break-open ticket were sold;
- (2) the number of deals of break-open tickets sold to each distributor; and
- (3) the ticket denomination and serial numbers for each deal.

(d) Each licensed seller that sells tickets shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain any information required by the Commissioner, but shall include:

(1) the number of boxes purchased and the actual cost of the break-open tickets;

(2) the prizes awarded;

(3) any reasonable legal fees necessary to organize the nonprofit organization and to assure compliance with all legal requirements;

(4) any reasonable accounting fees necessary to account for the proceeds from the sale of break-open tickets by the seller; and

(5) the amount of proceeds dedicated to the charitable purpose of the organization.

(e) Each licensed seller's agent that sells tickets shall file with the Commissioner quarterly reports on or before April 25, July 25, October 25, and January 25 for the quarter ending prior to the month in which the report is due. The reports shall contain any information required by the Commissioner, but shall include:

(1) the number of boxes purchased, the number of tickets in each box, and the retail sale value of the tickets;

(2) the actual cost of the break-open tickets;

(3) the prizes awarded;

(4) the amount of funds remitted to the seller; and

(5) evidence of taxes paid under 32 V.S.A. chapter 245 on the boxes purchased by the seller's agent.

(f) Records and reports filed under this section shall be subject to the provisions of 32 V.S.A. § 3102, except as necessary for the administration of this chapter.

(g) The Commissioner of Liquor Control shall provide the records and reports filed under this section to the Attorney General and Commissioner of Taxes upon request.

§ 906. RULES

The Department of Liquor Control shall regulate the sale of break-open tickets in this State. The Commissioner may adopt regulations for the licensure and reporting requirements under this chapter to establish indicia for boxes of break-open tickets and to establish reasonable reporting and accounting requirements on manufacturers, distributors, sellers, and seller's agents of break-open tickets to ensure the requirements of this chapter are met.

§ 907. ENFORCEMENT

(a) Any person who intentionally violates section 903 of this title shall be fined not more than \$500.00 for each violation.

(b) Any person who intentionally violates section 902, 904, or 905 of this title shall be fined not more than \$10,000.00 for the first offense and fined not more than \$20,000.00 or imprisoned not more than one year, or both, for each subsequent offense.

(c) In addition to the criminal penalties provided under subsections (a) and (b) of this section, any person who violates a provision of this chapter shall be subject to one or both of the following penalties:

(1) revocation or suspension by the Commissioner of a license granted pursuant to this chapter; or

(2) confiscation of break-open tickets or confiscation of the revenues derived from the sale of those tickets, or both.

§ 908. APPEALS

Any licensee aggrieved by an action taken under this chapter and any person aggrieved by the Commissioner's refusal to issue or renew a license under this chapter may appeal in writing within 30 days of the Commissioner's decision to the Liquor Control Board for review of such action. The Board shall thereafter grant a hearing subject to the provisions of 3 V.S.A. chapter 25 upon the matter and notify the aggrieved person in writing of its determination. The Board's determination may be appealed within 30 days to the Vermont Supreme Court. Appeal pursuant to this section shall be the exclusive remedy for contesting the Commissioner's action under this chapter.

And by renumbering the remaining sections to be numerically correct.

Thereupon, **Rep. Branagan of Georgia** moved to concur in the Senate proposal of amendment with a further thereto, as follows:

First: By striking out Secs. 36 and 37 and the internal caption in their entirety

Second: In Sec. 35, UNIFORM DISPATCH FEES, by adding a sentence at the end of the section to read: The Commissioner shall report to the House Committee on Ways and Means and the Senate Committee on Finance on or before January 15, 2014, regarding the adoption and implementation of the uniform dispatch fee rules.

and by renumbering the remaining sections to be numerically correct

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Bill Read Third Time and Passed
H. 112

House bill, entitled

An act relating to the labeling of food produced with genetic engineering

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

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(2) Because both the U.S. Food and Drug Administration and the U.S. Congress do not prohibit labeling of food as natural when it is produced with genetic engineering, the State should prohibit labeling of food produced with genetic engineering as natural in order to prevent inadvertent consumer deception.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING AS NATURAL

§ 3041. PURPOSE

It is the purpose of this chapter to:

(1) Prevent consumer confusion and deception. Reduce and prevent consumer confusion and deception and promote the disclosure of factual information on food labels by prohibiting food produced with genetic engineering from being labeled as natural.

(2) Promoting economic development. Create additional market opportunities for those producers who are not certified organic and whose products are not produced using genetic engineering and to enable consumers to make informed purchasing decisions.

(3) Protecting religious and cultural practice. Provide consumers with data from which they may make informed decisions for personal, religious, moral, cultural, or ethical reasons.

§ 3042. DEFINITIONS

As used in this chapter:

(1) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(2) “Genetic engineering” is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of:

(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination.

(3) “In vitro nucleic acid techniques” means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.

(4) “Organism” means any biological entity capable of replication, reproduction, or transferring of genetic material.

§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING AS NATURAL

(a) Except as set forth under section 3044 of this title, a food produced entirely or in part from genetic engineering shall not be labeled on the product, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any words of similar import that would have a tendency to mislead a consumer.

(b) This section shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. EXEMPTIONS

The following foods shall not be subject to the requirements of section 3043 of this title:

(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering.

(2) Any beverage that is subject to the provisions of Title 7.

(3) Food that is not packaged for retail sale and that is:

(A) a processed food prepared and intended for immediate human consumption; or

(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

(4) Food that has been lawfully certified to be labeled, marketed, and offered for sale as “organic” pursuant to the federal Organic Food Products Act of 1990 and the regulations promulgated pursuant thereto by the U.S. Department of Agriculture.

(5) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).

§ 3045. PENALTIES; ENFORCEMENT

(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

Which was disagreed to.

Pending third reading of the bill, **Rep. Johnson of Canaan** moved to amend the bill as follows:

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

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. law does not adequately provide for the labeling of processed food the production of which originates in a country other than the United States;

(2) The food health and safety laws in other countries are significantly inferior to those of the United States. As a result, food that originates from other countries may be adulterated or include contaminants that could cause significant human health effects.

(3) The State should require processed food originating outside the United States to be labeled with the country of origin in order to enable consumers to avoid the potential health risks associated with and resulting from the consumption of processed food that originates outside the United States.

Sec. 2. 9 V.S.A. chapter 82A is added to read:

CHAPTER 82A. COUNTRY OF ORIGIN LABELING OF FOOD

§ 3041. PURPOSE

It is the purpose of this chapter to promote food safety and protect public health by enabling consumers to avoid the potential risks associated with food produced and originating outside the United States

§ 3042. DEFINITIONS

As used in this chapter:

(1) "Agricultural commodity" means:

(A) Muscle cuts of beef, lamb, chicken, goat, and pork;

(B) Ground beef, ground lamb, ground chicken, ground goat, and ground pork;

(C) Perishable agricultural commodities;

(D) Peanuts;

(E) Macadamia nuts;

(F) Pecans;

(G) Ginseng.

(H) Farm-raised fish and shellfish, including fillets, steaks, nuggets, and any other flesh; and

(J) Wild fish and shellfish, including fillets, steaks, nuggets, and any other flesh.

(2) “Consumer” shall have the same meaning as in subsection 2451a(a) of this title.

(3) “Origin in the United States” means:

(A) For beef, pork, lamb, chicken and goat, from animals:

(i) exclusively born, raised, and slaughtered in the United States;

(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

(iii) present in the United States on or before July 15, 2008, and once present in the United States, that remained continuously in the United States.

(B) For perishable agricultural commodities, peanuts, ginseng, pecans, and macadamia nuts, from products produced in the United States.

(C) For farm-raised fish and shellfish, from fish or shellfish hatched, raised, harvested, and processed in the United States, and that has not undergone a substantial transformation outside the United States.

(D) For wild-fish and shellfish, from fish or shellfish harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel, and that has not undergone a substantial transformation outside the United States.

(4) “Perishable agricultural commodity” means fresh and frozen fruits and vegetables of every kind and character that have not been manufactured into processed foods.

(5) “Processed food” means any food, other than an agricultural commodity, and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

§ 3043. COUNTRY OF ORIGIN LABELING OF PROCESSED FOOD

(a) A food sold at retail in the State shall be labeled with its country of origin if the country of origin is other than the United States.

(b) A food required to be labeled under this section shall be labeled as follows:

(1) for agricultural commodities, the agricultural commodity shall be labeled according to the requirement of 7 C.F.R. parts 60 and 65.

(2) for processed food, the country of origin of the processed food shall be labeled on the front or back of the package offered for retail sale, with the

clear and conspicuous words, “country of origin” and the country from which the food originated.

(c) This law shall not be construed to require:

(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

(2) the placement of the term “genetically engineered” immediately preceding any common name or primary product descriptor of a food.

§ 3044. RETAILER LIABILITY

A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless:

(1) the retailer is the producer or manufacturer of the processed food; or

(2) the retailer sells the processed food under a brand it owns, but the food was produced or manufactured by another producer or manufacturer.

§ 3046. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 3047. PENALTIES; ENFORCEMENT

(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.

(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

Thereupon, **Rep. Deen of Westminster** raised a Point of Order in that the amendment was not germane to the bill, which the Speaker ruled not well taken.

Pending the question, Shall the bill be amended as recommended by Rep. Johnson of Canaan? **Rep. Larocque of Barnet** 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 bill be amended as recommended by Rep. Johnson of Canaan? was decided in the negative. Yeas, 45. Nays, 91.

Those who voted in the affirmative are:

Batchelor of Derby	Fagan of Rutland City	Mitchell of Fairfax
Beyor of Highgate	Gage of Rutland City	Morrissey of Bennington
Bouchard of Colchester	Goodwin of Weston	Myers of Essex
Branagan of Georgia	Greshin of Warren	Pearce of Richford
Brennan of Colchester	Hebert of Vernon	Quimby of Concord
Burditt of West Rutland	Helm of Fair Haven	Savage of Swanton
Canfield of Fair Haven	Higley of Lowell	Shaw of Pittsford
Clarkson of Woodstock	Hubert of Milton	Shaw of Derby
Connor of Fairfield	Johnson of Canaan	Smith of New Haven
Consejo of Sheldon	Juskiewicz of Cambridge	Strong of Albany
Cupoli of Rutland City	Kilmartin of Newport City	Terenzini of Rutland Town
Devereux of Mount Holly	Komline of Dorset	Turner of Milton
Dickinson of St. Albans Town	Larocque of Barnet	Van Wyck of Ferrisburgh
Donaghy of Poultney	Lawrence of Lyndon	Winters of Williamstown
Donahue of Northfield	Lewis of Berlin	
	Marcotte of Coventry	

Those who voted in the negative are:

Ancel of Calais	Haas of Rochester	Michelsen of Hardwick
Bartholomew of Hartland	Head of South Burlington	Miller of Shaftsbury
Bissonnette of Winooski	Hooper of Montpelier	Mook of Bennington
Botzow of Pownal	Huntley of Cavendish	Moran of Wardsboro
Browning of Arlington	Jerman of Essex	Mrowicki of Putney
Burke of Brattleboro	Keenan of St. Albans City	Nuovo of Middlebury
Buxton of Tunbridge	Kitzmiller of Montpelier	O'Sullivan of Burlington
Campion of Bennington	Koch of Barre Town *	Partridge of Windham
Carr of Brandon	Krebs of South Hero	Pearson of Burlington
Cheney of Norwich	Krowinski of Burlington	Poirier of Barre City
Cole of Burlington	Kupersmith of South Burlington	Potter of Clarendon
Conquest of Newbury *	Lanpher of Vergennes	Pugh of South Burlington
Corcoran of Bennington	Lenes of Shelburne	Rachelson of Burlington
Cross of Winooski	Lippert of Hinesburg	Ralston of Middlebury
Dakin of Chester	Macaig of Williston	Ram of Burlington
Davis of Washington	Malcolm of Pawlet	Russell of Rutland City
Deen of Westminster	Manwaring of Wilmington	Scheuermann of Stowe
Donovan of Burlington	Marek of Newfane	Sharpe of Bristol
Ellis of Waterbury	Martin of Springfield	South of St. Johnsbury
Emmons of Springfield	Martin of Wolcott	Stevens of Waterbury
Evans of Essex	Masland of Thetford	Stevens of Shoreham
Feltus of Lyndon	McCarthy of St. Albans City	Sweaney of Windsor
Fisher of Lincoln	McCormack of Burlington	Taylor of Barre City
Frank of Underhill	McCullough of Williston	Till of Jericho
Gallivan of Chittenden	McFaun of Barre Town	Toleno of Brattleboro *
Grad of Moretown		Toll of Danville

Townsend of Randolph	Waite-Simpson of Essex	Woodward of Johnson
Townsend of South	Webb of Shelburne	Wright of Burlington
Burlington	Weed of Enosburgh	Yantachka of Charlotte
Trieber of Rockingham	Wilson of Manchester	Young of Glover
Vowinkel of Hartford	Wizowaty of Burlington	Zagar of Barnard

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

Christie of Hartford	French of Randolph	Peltz of Woodbury
Condon of Colchester	Heath of Westford	Smith of Morristown
Copeland-Hanzas of	Johnson of South Hero	Spengler of Colchester
Bradford	Klein of East Montpelier	Stuart of Brattleboro
Fay of St. Johnsbury	O'Brien of Richmond	

Rep. Conquest of Newbury explained his vote as follows:

“Mr. Speaker:

I voted no because I believe this proposed labeling requirement would clearly be struck down as preempted by federal law. But I wholeheartedly support the idea that we all benefit from more information about our food, including expanded country of origin labeling.”

Rep. Koch of Barre Town explained his vote as follows:

“Mr. Speaker:

I agree with the member from Canaan that the loopholes in federal labeling law are truly disturbing, but I believe that this amendment suffers from some of the same constitutional deficiencies as the underlying bill. Once again, I need to vote NO in order to spare Vermont’s taxpayers from a costly loss in court.”

Rep. Toleno of Brattleboro explained his vote as follows:

“Mr. Speaker:

This amendment does nothing to address the underlying legitimate concerns about GE foods which this bill addresses. It is federally pre-empted and will not help Vermont citizens avoid potential health and environmental risks from GE foods, nor further their freedom to live in harmony with their ethical and religious tenets.

Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Partridge of Windham** 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 bill pass? was decided in the affirmative. Yeas, 99. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais	Huntley of Cavendish	Pearson of Burlington
Bartholomew of Hartland *	Jerman of Essex	Peltz of Woodbury
Bissonnette of Winooski	Johnson of South Hero	Poirier of Barre City
Botzow of Pownal	Juskiewicz of Cambridge	Potter of Clarendon
Browning of Arlington	Keenan of St. Albans City	Pugh of South Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Rachelson of Burlington
Buxton of Tunbridge	Krebs of South Hero	Ralston of Middlebury
Campion of Bennington	Krowinski of Burlington	Ram of Burlington
Carr of Brandon	Kupersmith of South Burlington	Scheuermann of Stowe
Cheney of Norwich	Lanpher of Vergennes	Sharpe of Bristol
Christie of Hartford	Lenes of Shelburne	Shaw of Pittsford
Clarkson of Woodstock	Lewis of Berlin	South of St. Johnsbury
Cole of Burlington	Lippert of Hinesburg	Stevens of Waterbury
Conquest of Newbury	Macaig of Williston	Stevens of Shoreham
Corcoran of Bennington	Malcolm of Pawlet	Stuart of Brattleboro
Cross of Winooski	Manwaring of Wilmington	Sweaney of Windsor
Dakin of Chester	Marek of Newfane *	Taylor of Barre City
Davis of Washington	Martin of Springfield	Till of Jericho
Deen of Westminster	Martin of Wolcott	Toleno of Brattleboro
Devereux of Mount Holly	Masland of Thetford	Toll of Danville
Donovan of Burlington	McCarthy of St. Albans City	Townsend of Randolph
Ellis of Waterbury	McCormack of Burlington	Townsend of South Burlington
Emmons of Springfield	McCullough of Williston	Trieber of Rockingham
Evans of Essex	McFaun of Barre Town	Vowinkel of Hartford
Fisher of Lincoln	Michelsen of Hardwick	Waite-Simpson of Essex
Frank of Underhill	Miller of Shaftsbury	Webb of Shelburne *
Gallivan of Chittenden	Mook of Bennington	Weed of Enosburgh
Grad of Moretown	Moran of Wardsboro	Wilson of Manchester
Greshin of Warren	Mrowicki of Putney	Wizowaty of Burlington
Haas of Rochester	Nuovo of Middlebury	Woodward of Johnson
Head of South Burlington	O'Brien of Richmond	Yantachka of Charlotte
Heath of Westford	O'Sullivan of Burlington	Zagar of Barnard
Hebert of Vernon	Partridge of Windham	
Hooper of Montpelier		

Those who voted in the negative are:

Batchelor of Derby *	Donaghy of Poultney	Komline of Dorset
Beyor of Highgate	Donahue of Northfield *	Larocque of Barnet
Bouchard of Colchester *	Fagan of Rutland City	Lawrence of Lyndon
Branagan of Georgia	Feltus of Lyndon *	Marcotte of Coventry
Brennan of Colchester	Gage of Rutland City	Mitchell of Fairfax
Burditt of West Rutland *	Goodwin of Weston	Morrissey of Bennington
Canfield of Fair Haven	Helm of Fair Haven	Myers of Essex
Connor of Fairfield	Higley of Lowell	Pearce of Richford
Consejo of Sheldon	Hubert of Milton	Quimby of Concord
Cupoli of Rutland City	Johnson of Canaan	Russell of Rutland City
Dickinson of St. Albans Town	Kilmartin of Newport City	Savage of Swanton
	Koch of Barre Town	Shaw of Derby

Smith of New Haven *
Strong of Albany
Terenzini of Rutland Town

Turner of Milton
Van Wyck of Ferrisburgh
Winters of Williamstown

Wright of Burlington *

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

Condon of Colchester
Copeland-Hanzas of
Bradford

Fay of St. Johnsbury
French of Randolph
Klein of East Montpelier

Smith of Morristown
Spengler of Colchester
Young of Glover

Rep. Bartholomew of Hartland explained his vote as follows:

Vermont has a compelling state interest in the labeling of food products manufactured from genetically engineered crops.

The FDA disregarded the concerns raised by its own scientists when it adopted a policy that requires no safety assessment of new genetically engineered food products coming onto the market.

Numerous studies and findings have identified potential health risks associated with these foods in both animals and humans, including tumors, liver and kidney problems, flu-like symptoms, skin irritation, immune system responses, digestive disorders, serious reproductive disorders, and an increased incidence of food intolerance and food allergies.

There are also significant environmental concerns. Herbicide-tolerant weeds are on the rise around the world, leading to a huge increase in the use of ever-more potent herbicides.

Unfortunately, significant disagreement remains among scientific experts about the safety of genetically engineered foods. There are numerous unanswered questions because important safety studies have not been done. Labeling will serve as a risk management measure to deal with scientific uncertainty.

Vermont has the opportunity to lead the way so that the United States might finally join the 60 other nations that already require labeling of genetically engineered products.

There is enough evidence already published in the scientific literature to give us serious pause regarding the safety of these food products. Polls have shown that 95% of Vermonters want these products labeled. This extends well beyond simple consumer curiosity because there is enough doubt about the safety of these products to make it clear that consumers have a right to know; to be able to make informed choices regarding what they eat, one of the most basic of human needs.

Rep. Batchelor of Derby explained her vote as follows:

“Mr. Speaker:

I voted no, not because I don’t want to know what is in our food but because we cannot afford to be the only state requiring this information. This should be a request by the Federal Government.”

Rep. Bouchard of Colchester explained his vote as follows:

“Mr. Speaker:

I voted no. I would prefer that Oregon pick up the bill.”

Rep. Burditt of West Rutland explained his vote as follows:

“Mr. Speaker:

We have sugar free – fat free – gluten free – caffeine free and many other labels so listed ‘free.’ Why not GMO/GE free? Vermont has just missed an opportunity to enhance and market its products as GMO/GE free. We chose to knock down one industry to level the playing field instead of marketing and raising our respected Vermont brand to the top.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I strongly support the right of people to know what is in their food. There were two ways to achieve this: a likely unconstitutional violation of corporate free speech by mandating labeling of 80% or more of our food products, or a more likely constitutional ban on the mislabeling of foods as ‘natural’ when they include genetically engineered ingredients. A ban on mislabeling would equally allow consumers to identify GE-free foods, and I therefore proposed an amendment to pass only that section of the bill. Because we have retained the mandatory labeling section along with the ban on mislabeling, I am very regretfully unable to vote yes.”

Rep. Feltus of Lyndon explained her vote as follows:

“Mr. Speaker:

I support identification of genetically engineered ingredients in our foods; however I believe this to be of national jurisdiction rather than a state responsibility. I also believe the probable consequences of market disruption and litigation will be detrimental to all Vermonters.”

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

Vermont did not win its independence by fearing the unknown costs or by cowering before superior power. Our decision today honors those same values. We have acted to protect Vermonters' basic right simply to know what they are eating. None of us can safely predict whether we will win or lose in that effort. Not to try, though, would be to have conceded that fight before it even began."

Rep. Smith of New Haven explained his vote as follows:

"Mr. Speaker:

I voted no on this bill; however I support the right to know. I am quite confident when I go into a store to purchase food knowing that 90+% of our corn, soybean and canola are being grown from gmo seed I can be quite certain that the foods I purchase contain GMO's . If I don't want to purchase these products I already have the option to purchase certified organic food or foods from the gmo free project, both are certified gmo free.

During testimony on this issue we heard that a state gmo labeling bill could cost the state up to \$5 -\$10 million to defend. Why expose Vermont to this risk when we have other options?

Research done by several universities indicates that food costs would go up 3 % to 10% for each and every consumer if we require this gmo labeling.

The U.S. Food and Drug Administration currently requires labeling of GE foods if the food has a significantly different nutritional property; if a new food includes an allergen that consumers would not expect to be present (e.g., a peanut protein in a soybean product); or if a food contains a toxicant beyond acceptable limits. Early in 2001, the FDA proposed voluntary guidelines for labeling food that does or does not contain GE ingredients.

A voluntary labeling option made on the national level or the state level would eliminate Vermont's exposure to a law suit and still let me know what is in my foods and still give me the option to purchase good healthy foods at a reasonable cost.

Thank you."

Rep. Webb of Shelburne explained her vote as follows:

"Mr. Speaker:

Nothing in this bill bans the right to sell or purchase products containing items produced with genetic engineering. It simply allows us the right to make an informed choice. Nothing in this bill restricts the right to grow products produced through genetic engineering. It simply allows us to make an informed choice. Nothing in this bill attempts to invade a biotech company's

patent rights. It simply allows us to make an informed choice. We ask for this right based on emerging health concerns, religious laws, moral and ethical convictions, economic opportunity, environmental concerns and consumer choice. Passage of this labeling is not a matter of “if” we will get this right; it is a matter of “when.” As goes Vermont. So goes the nation.

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

My no vote reflects my belief in labeling and consumer information, but also my concerns with this particular bill. The chief executive of our state appeared to express similar concerns to the Rutland Chamber of Commerce in an article in the Times Argus titled ‘Shumlin: GMO labeling good, bill bad.’”

Senate Proposal of Amendment Concurred in

H. 299

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

An act relating to enhancing consumer protection provisions for propane refunds, unsolicited demands for payment, and failure to comply with civil investigations

First: In Sec. 4, in 9 V.S.A. § 4402(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) “Solicitation” does not include an offer to renew an existing agreement for the purchase of goods or services, provided that the offer specifies the date on which the existing agreement expires.

Second: By striking out Secs. 6–10 in their entirety and inserting in lieu thereof new Sec. 6 and Sec. 7 to read as follows:

Sec. 6. 9 V.S.A. chapter 120 is added to read:

CHAPTER 120. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

§ 4195. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE

(a) The General Assembly finds that:

(1) Vermont is striving to build an entrepreneurial and knowledge based economy. Attracting and nurturing small and medium sized internet technology (“IT”) and other knowledge based companies is an important part of this effort and will be beneficial to Vermont’s future.

(2) Patents are essential to encouraging innovation, especially in the IT and knowledge based fields. The protections afforded by the federal patent

system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are infringed, and patent enforcement litigation is necessary to protect intellectual property.

(3) The General Assembly does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The General Assembly also recognizes that Vermont is preempted from passing any law that conflicts with federal patent law.

(4) Patent litigation can be technical, complex, and expensive. The expense of patent litigation, which may cost hundreds of thousands of dollars or more, can be a significant burden on small and medium sized companies. Vermont wishes to help its businesses avoid these costs by encouraging the most efficient resolution of patent infringement claims without conflicting with federal law.

(5) In order for Vermont companies to be able to respond promptly and efficiently to patent infringement assertions against them, it is necessary that they receive specific information regarding how their product, service, or technology may have infringed the patent at issue. Receiving such information at an early stage will facilitate the resolution of claims and lessen the burden of potential litigation on Vermont companies.

(6) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Vermont companies. A business that receives a letter asserting such claims faces the threat of expensive and protracted litigation and may feel that it has no choice but to settle and to pay a licensing fee, even if the claim is meritless. This is especially so for small and medium sized companies and nonprofits that lack the resources to investigate and defend themselves against infringement claims.

(7) Not only do bad faith patent infringement claims impose a significant burden on individual Vermont businesses, they also undermine Vermont's efforts to attract and nurture small and medium sized IT and other knowledge based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand, or hire new workers, thereby harming Vermont's economy.

(b) Through this narrowly focused act, the General Assembly seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Vermont businesses from abusive and bad faith assertions of patent infringement, and build Vermont's economy, while at the same time respecting federal law and being careful to not interfere with legitimate patent enforcement actions.

§ 4196. DEFINITIONS

In this chapter:

(1) “Demand letter” means a letter, e-mail, or other communication asserting or claiming that the target has engaged in patent infringement.

(2) “Target” means a Vermont person:

(A) who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(B) who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(C) whose customers have received a demand letter asserting that the person’s product, service, or technology has infringed a patent.

§ 4197. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

(a) A person shall not make a bad faith assertion of patent infringement.

(b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(1) The demand letter does not contain the following information:

(A) the patent number;

(B) the name and address of the patent owner or owners and assignee or assignees, if any; and

(C) factual allegations concerning the specific areas in which the target’s products, services, and technology infringe the patent or are covered by the claims in the patent.

(2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target’s products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent.

(3) The demand letter lacks the information described in subdivision (1) of this subsection, the target requests the information, and the person fails to provide the information within a reasonable period of time.

(4) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license.

(6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless.

(7) The claim or assertion of patent infringement is deceptive.

(8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and:

(A) those threats or lawsuits lacked the information described in subdivision (1) of this subsection; or

(B) the person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(9) Any other factor the court finds relevant.

(c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in subdivision (b)(1) of this section.

(2) Where the demand letter lacks the information described in subdivision (b)(1) of this section and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(5) The person is:

(A) the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(B) an institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education.

(6) The person has:

(A) demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or

(B) successfully enforced the patent, or a substantially similar patent, through litigation.

(7) Any other factor the court finds relevant.

§ 4198. BOND

Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under § 4199(b) of this chapter, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this section shall not exceed \$250,000.00. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

§ 4199. ENFORCEMENT; REMEDIES; DAMAGES

(a) The Attorney General shall have the same authority under this chapter to make rules, conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as provided under chapter 63 of this title. In an action brought by the Attorney General under this chapter the court may award or impose any relief available under chapter 63 of this title.

(b) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules adopted under this chapter, may bring an action in superior court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(1) equitable relief;

(2) damages;

(3) costs and fees, including reasonable attorney's fees; and

(4) exemplary damages in an amount equal to \$50,000.00 or three times the total of damages, costs, and fees, whichever is greater.

(c) This chapter shall not be construed to limit rights and remedies available to the State of Vermont or to any person under any other law and shall not alter or restrict the Attorney General's authority under chapter 63 of this title with regard to conduct involving assertions of patent infringement.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

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

An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, bad faith assertions of patent infringement and failure to comply with civil investigations.

Which proposal of amendment was considered and concurred in.

Bill Referred to Committee on Appropriations

S. 37

House bill, entitled

An act relating to tax increment financing districts

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 20

Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment Agreed to; Consideration Interrupted by Recess

S. 129

Senate bill, entitled

An act relating to workers' compensation liens

Was taken up and pending third reading of the bill, **Reps. Stevens of Shoreham and Marcotte of Coventry** moved to amend the House proposal of amendment as follows:

In Sec. 19, workers' compensation premiums, by adding a sentence at the end of the section to read: The Department of Financial Regulation shall report its findings and any recommendations to the House Committees on Agriculture and Forest Products and on Commerce and Economic Development and the Senate Committees on Agriculture and on Finance on or before January 15, 2014.

Which was agreed to.

Pending third reading of the bill, **Reps. Pearson of Burlington, Moran of Wardsboro, McFaun of Barre Town and Poirier of Barre City** moved to amend the House proposal of amendment as follows:

By adding Sec. 16a to read:

Sec. 16a. 21 V.S.A. § 1338 is amended to read:

§ 1338. WEEKLY BENEFITS

* * *

(f) The maximum weekly benefit amount shall be \$425.00. When the ~~state unemployment compensation fund has a positive balance and all advances made to the state unemployment compensation fund pursuant to Title XII of the Social Security Act have been repaid as of December 31 of the last completed calendar year, on the first day of the first calendar week of July,~~ federal unemployment tax credit has not been reduced due to borrowing, the maximum weekly benefit amount for all new claims shall be adjusted by a percentage equal to the percentage change during the preceding calendar year in the state average weekly wage as determined by subsection (g) of this section and shall thereafter be similarly readjusted for all claims on the first day of the first calendar week of July. When the unemployment contribution rate schedule established by subsection 1326(e) of this title is at schedule III, the maximum weekly benefit amount shall be adjusted on the first day of the first calendar week in July to an amount equal to 57 percent of the state annual average weekly wage as determined by subsection (g) of this section. The maximum weekly benefit amount shall not increase in any year that advances made to the state unemployment compensation fund pursuant to Title XII of the Social Security Act, as amended, remain unpaid.

* * *

Pending the question, Shall the House proposal of amendment be amended as recommended by Rep. Pearson of Burlington, et al?

Recess

At twelve o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Read the Third Time and Passed in Concurrence with Proposal of Amendment

S. 129

Consideration resumed on Senate bill, entitled

An act relating to workers' compensation liens;

Pending the question, Shall the House proposal of amendment be amended as recommended by Reps. Pearson of Burlington, et al? **Rep. Davis of Washington** 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 Reps. Pearson of Burlington, et al? was decided in the negative. Yeas, 19. Nays, 118.

Those who voted in the affirmative are:

Burke of Brattleboro	McCullough of Williston	Spengler of Colchester
Cole of Burlington	McFaun of Barre Town	Till of Jericho
Davis of Washington	Moran of Wardsboro	Weed of Enosburgh
Haas of Rochester	O'Sullivan of Burlington	Wizowaty of Burlington
Krowinski of Burlington	Pearson of Burlington	Woodward of Johnson
Macaig of Williston	Poirier of Barre City	
McCormack of Burlington	Russell of Rutland City	

Those who voted in the negative are:

Ancel of Calais	Donovan of Burlington	Klein of East Montpelier
Bartholomew of Hartland	Ellis of Waterbury	Koch of Barre Town
Batchelor of Derby	Emmons of Springfield	Komline of Dorset
Beyor of Highgate	Evans of Essex	Krebs of South Hero
Bissonnette of Winooski	Fagan of Rutland City	Kupersmith of South Burlington
Botzow of Pownal	Feltus of Lyndon	Lanpher of Vergennes
Bouchard of Colchester	Fisher of Lincoln	Larocque of Barnet
Branagan of Georgia	Frank of Underhill	Lawrence of Lyndon
Browning of Arlington	French of Randolph	Lenes of Shelburne
Burditt of West Rutland	Gage of Rutland City	Lewis of Berlin
Campion of Bennington	Gallivan of Chittenden	Lippert of Hinesburg
Canfield of Fair Haven	Goodwin of Weston	Malcolm of Pawlet
Carr of Brandon	Grad of Moretown	Manwaring of Wilmington
Cheney of Norwich	Greshin of Warren	Marcotte of Coventry
Clarkson of Woodstock	Head of South Burlington	Marek of Newfane
Condon of Colchester	Heath of Westford	Martin of Springfield
Connor of Fairfield	Hebert of Vernon	Martin of Wolcott
Conquest of Newbury	Helm of Fair Haven	Masland of Thetford
Consejo of Sheldon	Higley of Lowell	McCarthy of St. Albans City
Corcoran of Bennington	Hubert of Milton	Michelsen of Hardwick
Cross of Winooski	Huntley of Cavendish	Miller of Shaftsbury
Cupoli of Rutland City	Jerman of Essex	Mitchell of Fairfax
Dakin of Chester	Jewett of Ripton	Mook of Bennington
Deen of Westminster	Johnson of South Hero	Morrissey of Bennington
Devereux of Mount Holly	Johnson of Canaan	Mrowicki of Putney
Dickinson of St. Albans Town	Juskiewicz of Cambridge	Myers of Essex
Donaghy of Poultney	Keenan of St. Albans City	Nuovo of Middlebury
Donahue of Northfield	Kilmartin of Newport City	O'Brien of Richmond
	Kitzmiller of Montpelier	

Partridge of Windham	South of St. Johnsbury	Van Wyck of Ferrisburgh
Pearce of Richford	Stevens of Waterbury	Vowinkel of Hartford
Potter of Clarendon	Strong of Albany	Waite-Simpson of Essex
Pugh of South Burlington	Stuart of Brattleboro	Webb of Shelburne
Quimby of Concord	Sweaney of Windsor	Wilson of Manchester
Rachelson of Burlington	Taylor of Barre City	Winters of Williamstown
Ralston of Middlebury	Terenzini of Rutland Town	Wright of Burlington
Savage of Swanton	Toll of Danville	Yantachka of Charlotte
Scheuermann of Stowe	Townsend of South	Young of Glover
Sharpe of Bristol	Burlington	Zagar of Barnard
Shaw of Pittsford	Trieber of Rockingham	
Smith of New Haven	Turner of Milton	

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

Brennan of Colchester	Fay of St. Johnsbury	Stevens of Shoreham
Buxton of Tunbridge	Hooper of Montpelier	Toleno of Brattleboro
Christie of Hartford	Peltz of Woodbury	Townsend of Randolph
Copeland-Hanzas of Bradford	Ram of Burlington	
	Shaw of Derby	

Theruepon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Poirier of Barre City** 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 bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 139. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais	Connor of Fairfield	Fisher of Lincoln
Bartholomew of Hartland	Conquest of Newbury	Frank of Underhill
Batchelor of Derby	Consejo of Sheldon	French of Randolph
Beyor of Highgate	Corcoran of Bennington	Gage of Rutland City
Bissonnette of Winooski	Cross of Winooski	Gallivan of Chittenden
Botzow of Pownal	Cupoli of Rutland City	Goodwin of Weston
Bouchard of Colchester	Dakin of Chester	Grad of Moretown
Branagan of Georgia	Davis of Washington	Greshin of Warren
Brennan of Colchester	Deen of Westminster	Haas of Rochester
Browning of Arlington	Devereux of Mount Holly	Head of South Burlington
Burditt of West Rutland	Dickinson of St. Albans Town	Heath of Westford
Burke of Brattleboro	Donaghy of Poultney	Hebert of Vernon
Campion of Bennington	Donahue of Northfield	Helm of Fair Haven
Canfield of Fair Haven	Ellis of Waterbury	Higley of Lowell
Carr of Brandon	Emmons of Springfield	Hooper of Montpelier
Cheney of Norwich	Evans of Essex	Hubert of Milton
Clarkson of Woodstock	Fagan of Rutland City	Huntley of Cavendish
Cole of Burlington	Feltus of Lyndon	Jerman of Essex
Condon of Colchester		Johnson of South Hero

Johnson of Canaan	Michelsen of Hardwick	Stevens of Waterbury
Juskiewicz of Cambridge	Miller of Shaftsbury	Stevens of Shoreham
Keenan of St. Albans City	Mitchell of Fairfax	Strong of Albany
Kilmartin of Newport City	Mook of Bennington	Stuart of Brattleboro
Kitzmiller of Montpelier	Moran of Wardsboro	Sweaney of Windsor
Klein of East Montpelier	Morrissey of Bennington	Taylor of Barre City
Koch of Barre Town	Mrowicki of Putney	Terenzini of Rutland Town
Komline of Dorset	Myers of Essex	Till of Jericho
Krebs of South Hero	Nuovo of Middlebury	Toll of Danville
Krowinski of Burlington	O'Brien of Richmond	Townsend of Randolph
Kupersmith of South Burlington	O'Sullivan of Burlington	Townsend of South Burlington
Lanpher of Vergennes	Partridge of Windham	Trieber of Rockingham
Larocque of Barnet	Pearce of Richford	Turner of Milton
Lawrence of Lyndon	Pearson of Burlington	Van Wyck of Ferrisburgh
Lenes of Shelburne	Peltz of Woodbury	Vowinkel of Hartford
Lewis of Berlin	Poirier of Barre City *	Waite-Simpson of Essex
Lippert of Hinesburg	Potter of Clarendon	Webb of Shelburne
Macaig of Williston	Pugh of South Burlington	Weed of Enosburgh
Malcolm of Pawlet	Quimby of Concord	Wilson of Manchester
Manwaring of Wilmington	Ralston of Middlebury	Winters of Williamstown
Marcotte of Coventry	Ram of Burlington	Wizowaty of Burlington
Marek of Newfane	Russell of Rutland City *	Woodward of Johnson
Martin of Springfield	Savage of Swanton	Wright of Burlington
Martin of Wolcott	Scheuermann of Stowe	Yantachka of Charlotte
Masland of Thetford	Sharpe of Bristol	Young of Glover
McCarthy of St. Albans City	Shaw of Pittsford	Zagar of Barnard
McCormack of Burlington	Smith of New Haven	
McFaun of Barre Town	South of St. Johnsbury	
	Spengler of Colchester	

Those who voted in the negative are:

McCullough of Williston

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

Buxton of Tunbridge	Donovan of Burlington	Smith of Morristown
Christie of Hartford	Fay of St. Johnsbury	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Rachelson of Burlington	
	Shaw of Derby	

Rep. Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted yes because there are good provisions in the bill. I can only hope that once we pay off the debt, we the legislature will support accelerated increases for the employees who have been frozen since 2008.”

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

I am a former 33 year member of an airline union and am always most supportive of workers’ rights and benefits. I will vote ‘Yes’ in support of the Commerce Committee’s always fine work in hopes that next year will be brighter economically for Vermont.”

Proposal of Amendment Agreed to; Third Reading Ordered

S. 157

Rep. Zagar of Barnard, for the committee on Agriculture and Forest Products, to which had been referred Senate bill, entitled

An act relating to modifying the requirements for hemp production in the State of Vermont

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. chapter 34 is amended to read:

CHAPTER 34. ~~INDUSTRIAL~~ HEMP

§ 561. FINDINGS; INTENT

(a) Findings.

(1) Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

(2) The many agricultural and environmental beneficial uses of hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

(3) The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from four to 15 feet and a stem diameter of one-quarter to three-quarters of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

(4) Hemp cultivation will enable the State of Vermont to accelerate economic growth and job creation, promote environmental stewardship, and expand export market opportunities.

(b) Purpose. The intent of this act ~~chapter~~ is to establish policy and procedures for growing industrial hemp in Vermont so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity ~~when federal regulations permit.~~

§ 562. DEFINITIONS

As used in this chapter:

~~(1) “Grower” means any a person or business entity licensed under this chapter by the secretary as an industrial hemp grower. [Deleted.]~~

~~(2) “Hemp products” means all products made from industrial hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation if such seeds originate from industrial hemp varieties.~~

~~(3) “Industrial hemp” means varieties of the plant cannabis sativa having no more than 0.3 percent tetrahydrocannabinol, whether growing or not, that are cultivated or possessed by a licensed grower in compliance with this chapter. “Hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.~~

~~(4) “Secretary” means the secretary of agriculture, food and markets Secretary of Agriculture, Food and Markets.~~

§ 563. ~~INDUSTRIAL HEMP: AN AGRICULTURAL PRODUCT~~

~~Industrial hemp~~ Hemp is an agricultural product which may be grown as a crop, produced, possessed, and commercially traded in Vermont pursuant to the provisions of this chapter. The cultivation of hemp shall be subject to and comply with the requirements of the accepted agricultural practices adopted under section 4810 of this title.

§ 564. LICENSING; APPLICATION REGISTRATION;

ADMINISTRATION

~~(a) Any person or business entity wishing to engage in the production of industrial hemp must be licensed as an industrial hemp grower by the secretary. A license from the secretary shall authorize industrial hemp production only at a site or sites specified by the license.~~

~~(b) A license from the secretary shall be valid for 24 months from the date of issuance and may be renewed but shall not be transferable.~~

~~(c)(1) The secretary shall obtain from the Vermont criminal information center a record of convictions in Vermont and other jurisdictions for any applicant for a license who has given written authorization on the application form. The secretary shall file a user's agreement with the center. The user's agreement shall require the secretary to comply with all statutes, rules, and policies regulating the release of criminal conviction records and the protection of individual privacy. Conviction records provided to the secretary under this section are confidential and shall be used only to determine the applicant's eligibility for licensure.~~

~~(2) A person who has been convicted in Vermont of a felony offense or a comparable offense in another jurisdiction shall not be eligible for a license under this chapter.~~

~~(d) When applying for a license from the secretary, an applicant shall provide information sufficient to demonstrate to the secretary that the applicant intends to grow and is capable of growing industrial hemp in accordance with this chapter, which at a minimum shall include:~~

~~(1) Filing with the secretary a set of classifiable fingerprints and written authorization permitting the Vermont criminal information center to generate a record of convictions as required by subdivision (c)(1) of this section.~~

~~(2) Filing with the secretary documentation certifying that the seeds obtained for planting are of a type and variety compliant with the maximum concentration of tetrahydrocannabinol set forth in subdivision 560(3) of this chapter.~~

~~(3) Filing with the secretary the location and acreage of all parcels sown and other field reference information as may be required by the secretary.~~

~~(e) To qualify for a license from the secretary, an applicant shall demonstrate to the satisfaction of the secretary that the applicant has adopted methods to ensure the legal production of industrial hemp, which at a minimum shall include:~~

~~(1) Ensuring that all parts of the industrial hemp plant that do not enter the stream of commerce as hemp products are destroyed, incorporated into the soil, or otherwise properly disposed of.~~

~~(2) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of industrial hemp.~~

~~(f) Every grower shall maintain all production and sales records for at least three years.~~

~~(g) Every grower shall allow industrial hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected by and at the discretion of the secretary or his or her designee.~~

(a) A person who intends to grow hemp shall register with the Secretary and submit on a form provided by the Secretary the following:

(1) the name and address of the person;

(2) a statement that the seeds obtained for planting are of a type and variety that do not exceed the maximum concentration of tetrahydrocannabinol set forth in subdivision 562(3) of this title; and

(3) the location and acreage of all parcels sown and other field reference information as may be required by the Secretary.

(b) The form provided by the Secretary pursuant to subsection (a) of this section shall include a notice statement that, until current federal law is amended to provide otherwise:

(A) cultivation and possession of hemp in Vermont is a violation of the federal Controlled Substances Act; and

(B) federal prosecution for growing hemp in violation of federal law may include criminal penalties, forfeiture of property, and loss of access to federal agricultural benefits, including agricultural loans, conservation programs, and insurance programs.

(c) A person registered with the Secretary pursuant to this section shall allow hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected and tested by and at the discretion of the Secretary or his or her designee.

(d) The Secretary may assess an annual registration fee of \$25.00 for the performance of his or her duties under this chapter.

§ 565. REVOCATION AND SUSPENSION OF LICENSE;

ENFORCEMENT

~~(a) The secretary may deny, suspend, revoke, or refuse to renew the license of any grower who:~~

~~(1) Makes a false statement or misrepresentation on an application for a license or renewal of a license.~~

~~(2) Fails to comply with or violates any provision of this chapter or any rule adopted under it.~~

~~(b) Revocation or suspension of a license may be in addition to any civil or criminal penalties imposed on a grower for a violation of any other state law. [Repealed.]~~

§ 566. RULEMAKING AUTHORITY

~~The secretary shall~~ Secretary may adopt rules to provide for the implementation of this chapter, which ~~shall~~ may include rules to ~~allow~~ require ~~for the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for~~ require inspection and supervision of ~~the industrial hemp during sowing, growing season, harvest, storage, and processing.~~ The Secretary shall not adopt under this or any other section a rule that would prohibit a person to grow hemp based on the legal status of hemp under federal law.

Sec. 2. 18 V.S.A. § 4201(15) is amended to read:

(15) “Marijuana” means any plant material of the genus ~~cannabis~~ Cannabis or any preparation, compound, or mixture thereof except:

- (A) sterilized seeds of the plant and;
- (B) fiber produced from the stalks; or
- (C) hemp or hemp products, as defined in 6 V.S.A. § 562.

Sec. 3. 18 V.S.A. § 4241(b) is amended to read:

(b) This subchapter shall not apply to any property used or intended for use in an offense involving two ounces or less of marijuana or in connection with hemp or hemp products as defined in 6 V.S.A. § 562.

Sec. 4. 2008 Acts and Resolves No. 212, Sec. 3 is amended to read:

Sec. 3. EFFECTIVE DATE

~~This act shall take effect upon passage, except that the secretary shall not issue a license to grow industrial hemp pursuant to Chapter 34 of Title 6 until the United States Congress amends the definition of “marihuana” for the purposes of the Controlled Substances Act (21 U.S.C. 802(16)) or the United States drug enforcement agency amends its interpretation of the existing definition in a manner affording an applicant a reasonable expectation that a permit to grow industrial hemp may be issued in accordance with part C of chapter 13 of Title 21 of the United States Code Annotated, or the drug enforcement agency takes affirmative steps to approve or deny a permit sought by the holder of a license to grow industrial hemp in another state.~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Masland of Thetford, for the committee on Ways and Means, recommended that the recommendation of proposal of amendment offered by the committee on Agriculture and Forest Products be agreed to.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Agriculture and Forest Products? **Rep. Lawrence of Lyndon** 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 propose to the Senate to amend the bill as recommended by the Committee on Agriculture and Forest Products? was decided in the affirmative. Yeas, 127. Nays, 4.

Those who voted in the affirmative are:

Ancel of Calais	Fagan of Rutland City	Lenes of Shelburne
Bartholomew of Hartland	Feltus of Lyndon	Lewis of Berlin
Batchelor of Derby	Fisher of Lincoln	Lippert of Hinesburg
Beyor of Highgate	Frank of Underhill	Macaig of Williston
Bissonnette of Winooski	French of Randolph	Malcolm of Pawlet
Botzow of Pownal	Gage of Rutland City	Manwaring of Wilmington
Bouchard of Colchester	Gallivan of Chittenden	Marcotte of Coventry
Branagan of Georgia	Goodwin of Weston	Marek of Newfane
Brennan of Colchester	Grad of Moretown	Martin of Springfield
Browning of Arlington	Greshin of Warren	Masland of Thetford
Burditt of West Rutland	Haas of Rochester	McCarthy of St. Albans City
Burke of Brattleboro	Head of South Burlington	McCormack of Burlington
Campion of Bennington	Heath of Westford	McCullough of Williston
Canfield of Fair Haven	Hebert of Vernon	McFaun of Barre Town
Carr of Brandon	Helm of Fair Haven	Michelsen of Hardwick
Cheney of Norwich	Hooper of Montpelier	Miller of Shaftsbury
Christie of Hartford	Huntley of Cavendish	Mitchell of Fairfax
Cole of Burlington	Jerman of Essex	Moran of Wardsboro
Condon of Colchester	Jewett of Ripton	Morrissey of Bennington
Connor of Fairfield	Johnson of South Hero	Mrowicki of Putney
Conquest of Newbury	Juskiewicz of Cambridge	Myers of Essex
Consejo of Sheldon	Keenan of St. Albans City	Nuovo of Middlebury
Corcoran of Bennington	Kilmartin of Newport City	O'Brien of Richmond
Cross of Winooski	Kitzmiller of Montpelier	Partridge of Windham
Dakin of Chester	Klein of East Montpelier	Pearce of Richford
Davis of Washington	Komline of Dorset	Pearson of Burlington
Deen of Westminster	Krebs of South Hero	Potter of Clarendon
Dickinson of St. Albans Town	Krowinski of Burlington	Pugh of South Burlington
Donahue of Northfield	Kupersmith of South Burlington	Quimby of Concord
Donovan of Burlington	Lanpher of Vergennes	Rachelson of Burlington
Ellis of Waterbury	Larocque of Barnet	Ralston of Middlebury
Emmons of Springfield	Lawrence of Lyndon	Ram of Burlington
		Russell of Rutland City

Savage of Swanton	Terenzini of Rutland Town	Webb of Shelburne
Scheuermann of Stowe	Till of Jericho	Weed of Enosburgh
Sharpe of Bristol	Toll of Danville	Wilson of Manchester
Shaw of Pittsford	Townsend of Randolph	Wizowaty of Burlington
Smith of New Haven	Townsend of South	Woodward of Johnson
Spengler of Colchester	Burlington	Wright of Burlington
Stevens of Waterbury	Trieber of Rockingham	Yantachka of Charlotte
Stevens of Shoreham	Turner of Milton	Young of Glover
Strong of Albany	Van Wyck of Ferrisburgh	Zagar of Barnard
Stuart of Brattleboro	Vowinkel of Hartford	
Taylor of Barre City	Waite-Simpson of Essex	

Those who voted in the negative are:

Donaghy of Poultney	Johnson of Canaan
Hubert of Milton	Winters of Williamstown

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

Buxton of Tunbridge	Fay of St. Johnsbury	Poirier of Barre City
Clarkson of Woodstock	Higley of Lowell	Shaw of Derby
Copeland-Hanzas of	Koch of Barre Town	South of St. Johnsbury
Bradford	Martin of Wolcott	Sweaney of Windsor
Cupoli of Rutland City	Mook of Bennington	Toleno of Brattleboro
Devereux of Mount Holly	O'Sullivan of Burlington	
Evans of Essex	Peltz of Woodbury	

Thereupon, third reading was ordered.

Message from the Senate No. 66

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 148. An act relating to criminal investigation records and the Vermont Public Records Act.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator White
 Senator Benning
 Senator Sears

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

H. 515. An act relating to miscellaneous agricultural subjects.

H. 521. An act relating to making miscellaneous amendments to education law.

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

Committee of Conference Appointed

S. 148

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Lippert of Hinesburg

Rep. Grad of Moretown

Rep. Koch of Barre Town

Proposal of Amendment Agreed to; Third Reading Ordered

S. 156

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

An act relating to home visiting standards

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. PURPOSE

In recognition of the significant positive contribution that home visiting services make with regard to enhancing family stability, family health, and child development; fostering parenting skills; reducing child maltreatment; promoting social and emotional health; improving school readiness; and promoting economic self-sufficiency, the General Assembly seeks to ensure that home visiting services to Vermonters are of the highest quality by

establishing standards for their administration, delivery, and utilization review that foster the contributions of diverse practice models.

Sec. 2. RULEMAKING

(a) As used in this section, “home visiting services” means regular, voluntary visits with a pregnant woman or a family with a young child for the purpose of providing a continuum of services that improves maternal and child health; prevents child injuries, abuse, or maltreatment; promotes social and emotional health; improves school readiness; reduces crime or domestic violence; improves economic self-sufficiency; or enhances coordination and referrals among community resources and supports, such as food, housing, and transportation.

(b) The Secretary of Human Services, in consultation with interested providers and other stakeholders, shall develop rules establishing standards for the delivery of home visiting services throughout Vermont to be adopted by the Secretary on or before July 1, 2014.

(c) In developing standards for the delivery of home visiting services, the Secretary shall be guided by best family-centered and family-directed practices and evidence-based models. The standards adopted by rule shall address the following:

(1) creation of a system of home visiting services that can respond to diverse family needs;

(2) service provider training and supervision;

(3) a structure for coordinating services at the state and local levels with respect to outreach efforts, family intake methods, referrals, and transitions;

(4) access to supports, resources, and information to address short- and long-term family needs;

(5) criteria identifying which home visiting models and home visiting programs are eligible for funding;

(6) the contributions of organizations that use trained volunteers; and

(7) performance evaluation and quality improvement measures, including mechanisms for tracking funding, utilization, and outcomes for families and children at the state, community, and program levels.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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.

Senate Proposal of Amendment Concurred in

H. 395

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

An act relating to the establishment of the Vermont Clean Energy Loan Fund

First: In Sec. 1, in 10 V.S.A. § 280dd(c)(1), by striking out “traditional”

Second: In Sec. 1, in 10 V.S.A. § 280dd, by adding subsection (d) as follows:

(d) For all sustainable energy loans, the Authority shall maintain records on the projected reductions in greenhouse gas emissions and, for energy efficiency loans, the projected energy savings from the financed improvements and shall provide data on the projected greenhouse gas emissions reductions and projected energy savings to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of section 578 of this title and the building efficiency goals of section 581 of this title.

Third: In Sec. 6, in 10 V.S.A. § 213(b), in the first sentence, after the phrase “each of whom shall serve as” by striking out “a voting” and inserting in lieu thereof an

Fourth: By adding a new section to be numbered Sec. 8a to read as follows:

Sec. 8a. VERMONT STATE TREASURER; CREDIT FACILITY FOR
RESIDENTIAL ENERGY EFFICIENCY LOANS

(a) Notwithstanding any other provision of law to the contrary, the Vermont State Treasurer, working in collaboration with the Vermont Housing Finance Agency, the entities appointed to deliver energy efficiency under 30 V.S.A. § 209(d)(2), NeighborWorks of Western Vermont, and other appropriate parties, shall have the authority to establish a credit facility of up to \$6,500,000.00, on terms acceptable to the Treasurer.

(b) The credit facility described in subsection (a) of this section shall be used for the purpose of financing energy efficiency improvements throughout

Vermont for dwellings the owners of which demonstrate that they are credit-worthy and have a need for access to financing to make energy efficiency improvements in their dwellings. For the purpose of this section, "dwelling" means a residential structure that contains one or more housing units or that part of a structure that contains one or more residential housing units.

(c) The Treasurer shall take all reasonable steps to minimize the administrative costs of the financing programs supported by the facility described in subsection (a) of this section. On or before December 15, 2013, the Treasurer shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committees on Economic Development, Housing and General Affairs and on Finance detailing the steps taken to implement this subsection.

(d) Entities providing financing supported by the credit facility described in subsection (a) of this section shall:

(1) With respect to each dwelling that seeks financing supported by the facility:

(A) evaluate energy efficiency improvements on a whole-building basis and provide the list of potential improvements resulting from this evaluation to the owner; and

(B) provide information to the owner on other incentives or financial support available for the improvements; and

(2) With respect to each dwelling that receives financing supported by the facility, maintain records on the projected energy savings and projected reductions in greenhouse gas emissions from the financed energy efficiency improvements and provide data on the number of dwellings served, projected energy saved, and projected greenhouse gas emission reductions to the Department of Public Service, the Public Service Board, and the Agency of Natural Resources on request. The methods used for calculating and reporting this data shall be the same methods used in programs delivered under 30 V.S.A. § 209(d) and (e). The data provided shall be used for the purpose of tracking progress toward the greenhouse gas reduction goals of 10 V.S.A. § 578 and the building efficiency goals of 10 V.S.A. § 581.

Fifth: By adding a new section to be numbered 8b to read as follows:

Sec. 8b. VERMONT CLEAN ENERGY JOBS INITIATIVE

The following shall be known collectively as the Vermont Clean Energy Jobs Initiative: the Vermont Sustainable Energy Loan Fund in Sec. 1 of this act; the Energy Efficiency Loan Guarantee Program under Sec. 2 of this act;

the residential energy efficiency loans under Sec. 8a of this act; property-assessed clean energy districts under 24 V.S.A. chapter 87, subchapter 2; the delivery of energy efficiency services by entities appointed under 30 V.S.A. § 209(d)(2); the Clean Energy Development Fund under 30 V.S.A. § 8015; and the Home Weatherization Assistance Program under 33 V.S.A. chapter 25.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 450

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to expanding the powers of regional planning commissions

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

The Senate proposed to the House to amend as follows:

First: In Sec. 1, 24 V.S.A. § 4345, in subdivision (16)(B), by striking out the first sentence and inserting in lieu thereof the following:

borrow money and incur indebtedness for the purposes of purchasing or leasing property for office space, establish and administer a revolving loan fund, or establish a line of credit, if approved by a two-thirds vote of those representatives to the regional planning commission present and voting at a meeting to approve such action.

Second: After Sec. 2, by inserting a new Sec. 3 as follows:

Sec. 3. 24 V.S.A. § 4341 is amended to read:

§ 4341. CREATION OF REGIONAL PLANNING COMMISSIONS

(a) A regional planning commission may be created at any time by the act of the voters or the legislative body of each of a number of contiguous municipalities, upon the written approval of the ~~agency of commerce and community development~~ Agency of Commerce and Community Development. Approval of a designated region shall be based on whether the municipalities involved constitute a logical geographic and a coherent ~~socio-economic~~ socioeconomic planning area. All municipalities within a designated region shall be considered members of the regional planning commission. For the purpose of a regional planning commission's carrying out its duties and functions under state law, such a designated region shall be considered a political subdivision of the State.

* * *

And by renumbering the remaining section to be numerically correct.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Proposal of Amendment Agreed to
and Third Reading Ordered**

S. 37

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to tax increment financing districts

Was taken up for immediate consideration.

Rep. Condon of Colchester, for the committee on Ways and Means, to which had been referred Senate bill, entitled

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

First: By striking out Sec. 1 (resolution of tax increment financing district audit report issues) in its entirety and inserting in lieu thereof the following:

Sec. 1. RESOLUTION OF TAX INCREMENT FINANCING DISTRICT
AUDIT REPORT ISSUES

(a) In 2011 and 2012, the State Auditor of Accounts performed and reported on required reviews and audits of all active tax increment financing districts. However, the tax increment financing laws currently lack a specific remedy to recover amounts identified in the Auditor's Reports or an enforcement mechanism to address issues identified in the Reports. The General Assembly seeks to address issues identified in the 2011 and 2012 Auditor's Reports by clarifying tax increment financing laws and specifying a process for future oversight and enforcement. Accordingly, it is the intent of the General Assembly not to address ongoing issues identified in the 2011 and 2012 Auditor's Reports but to leave those issues to be addressed through the rulemaking process, as described in Sec. 14 of this act. If the rule identifies issues that require corrective action on the part of one or more municipalities, then any identified underpayments to the Education Fund resulting from issues shall begin to accumulate upon the adoption date of the rule and be subject to the enforcement provisions in Sec. 14 of this act.

(b) In order to resolve any disputes over the amounts identified in the Auditor's Reports as owed to the Education Fund, the City of Burlington, the Town of Milton, and the City of Winooski shall, subject to the approval of

their respective legislative bodies, pay the State according to the schedule set out in subsection (c) of this section. The General Assembly considers these payments as final settlement of outstanding sums identified as owed to the Education Fund during the period covered by the 2012 Auditor's Reports.

(c) The municipalities with active tax increment financing districts that were audited by the State Auditor in 2012 have entered into the following agreements with the State:

(1) The City of Burlington shall remit the amount of \$200,000.00 to the Education Fund in equal installments over a five-year period beginning December 15, 2013 from incremental tax revenues not otherwise dedicated to the repayment of the district's debt obligations.

(2) The Town of Milton shall remit funds as follows:

(A) \$22,000.00 to the Education Fund in equal installments over a two-year period beginning December 15, 2013 from municipal revenues other than municipal tax increment dedicated to the repayment of tax increment financing debt;

(B) \$160,000.00 to the Catamount Husky Tax Increment Fund in equal installments over a five-year period beginning December 15, 2013 from municipal nonincrement revenues; and

(C) \$17,000.00 to the Catamount Husky Tax Increment Fund for the repayment of debt from the Town Core Tax Increment Financing Fund by no later than December 15, 2013.

(3) The City of Winooski shall remit funds as follows:

(A) the amount of \$1,300.00 to the Education Fund from municipal nonincrement revenues by July 1, 2013; and

(B) \$62,000.00 to the Tax Increment Financing Fund from municipal nonincremental revenues in equal installments over a five-year period beginning December 15, 2013.

(d) If the legislative body of a municipality with an active tax increment financing district that was audited by the State Auditor in 2012 does not approve the payments described in subsection (c) of this section, then the General Assembly shall consider any amounts identified as owed to the Education Fund during the period covered by the 2012 Auditor's Reports to remain outstanding.

(e) If a municipality does not begin payment of the amounts identified in subsection (c) of this section within 60 days of the scheduled payment date or

owes outstanding amounts to the Education Fund, as described in subsection (d) of this section, amounts identified as owed to the State may be withheld from any funds otherwise payable by the State to the municipality or a school district in the municipality or of which the municipality is a member.

Second: In Sec. 3, 24 V.S.A. § 1892, by striking subdivisions (d)(8) and (9) and inserting in lieu thereof the following:

(8) the City of St. Albans;

(9) the City of Barre; and

(10) the Town of Milton, Town Core.

Third: In Sec. 4, 24 V.S.A. § 1894, by striking subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Incurring indebtedness.

~~(1) A municipality may incur indebtedness against revenues of the tax increment financing district at any time during a period of up to 20 years following the creation of the district, if approved as required under 32 V.S.A. § 5404a(h). The creation of the district shall occur at 12:01 a.m. on April 1 of the year so voted. Any indebtedness incurred during this 20-year period may be retired over any period authorized by the legislative body of the municipality under section 1898 of this title.~~

~~(2) If no indebtedness is incurred within the first five years after creation of the district, no indebtedness may be incurred unless the municipality obtains reapproval from the Vermont economic progress council under 32 V.S.A. § 5404a(h). When considering reapproval, the Vermont economic progress council shall consider only material changes in the application under 32 V.S.A. § 5404a(h). The Vermont economic progress council shall presume that an applicant qualifies for reapproval upon a showing that the inability of the district to incur indebtedness was the result of the macro-economic conditions in the first five years after the creation of the district. Upon reapproval, the Vermont economic progress council shall grant a five-year extension of the period to incur indebtedness.~~

~~(3) The district shall continue until the date and hour the indebtedness is retired.~~ approved under 32 V.S.A. § 5404a(h) may incur indebtedness against revenues of the tax increment financing district at any time during a period of up to five years following the creation of the district. If no debt is incurred during this five-year period, the district shall terminate, unless the Vermont Economic Progress Council grants an extension to a municipality pursuant to subsection (d) of this section. However, if any indebtedness is incurred within

the first five years after the creation of the district, then the district has a total of ten years after the creation of the district to incur any additional debt.

(2) Any indebtedness incurred under subdivision (1) of this subsection may be retired over any period authorized by the legislative body of the municipality.

(3) The district shall continue until the date and hour the indebtedness is retired or, if no debt is incurred, five years following the creation of the district.

Fourth: In Sec. 4, 24 V.S.A. § 1894, in subsection (b), by striking the words “first ten years” and inserting in lieu thereof “period permitted under subdivision (a)(1) of this section”

Fifth: In Sec. 4, 24 V.S.A. § 1894, in subsection (c), by striking the words “first ten years” and inserting in lieu thereof “period permitted under subdivision (a)(1) of this section”

Sixth: In Sec. 4, 24 V.S.A. § 1894, in subsection (d), by adding a sentence after the final sentence to read as follows:

If no indebtedness is incurred within five years after the creation of the district, the municipality may submit an updated executive summary of the tax increment financing district plan and an updated tax increment financing plan to the Council to obtain approval for a five-year extension of the period to incur indebtedness; provided, however, that the updated plan is submitted prior to the five-year termination date of the district. The Council shall review the updated tax increment financing plan to determine whether the plan has continued viability and consistency with the approved tax increment financing plan. Upon approval of the updated tax increment financing plan, the Council shall grant an extension of the period to incur indebtedness of no more than five years. The submission of an updated tax increment financing plan as provided in this subsection shall operate as a stay of the termination of the district until the Council has determined whether to approve the plan.

Seventh: By adding a new Sec. 12a, after Sec. 12, to read as follows:

Sec. 12a. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT
FINANCING DISTRICTS

* * *

(h) Criteria for approval. To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont ~~economic progress council~~ Economic Progress Council shall do all the following:

(1) Review each application to determine that the new real property development would not have occurred or would have occurred in a significantly different and less desirable manner but for the proposed utilization of the incremental tax revenues. ~~A district created in a designated growth center under 24 V.S.A. § 2793c shall be deemed to have complied with this subdivision.~~ The review shall take into account:

* * *

Eighth: In Sec. 14, 32 V.S.A. § 5404a(j), by inserting in subdivision (4) before the words "In lieu of" the words "Referral; Attorney General." and by striking out subdivision (5) in its entirety and inserting a new subdivision (5) in lieu thereof to read as follows:

(5) Appeal; hearing officer.

A hearing that is held pursuant to this subsection shall be subject to the provisions of 3 V.S.A. chapter 25 relating to contested cases. The hearing shall be conducted by the Secretary or by a hearing officer appointed by the Secretary. If a hearing is conducted by a hearing officer, the hearing officer shall have all authority to conduct the hearing that is provided for in the applicable contested case provisions of 3 V.S.A. chapter 25, including issuing findings of fact, hearing evidence, and compelling, by subpoena, the attendance and testimony of witnesses.

Ninth: By striking Sec. 19, amending 3 V.S.A. § 816(a), in its entirety and inserting in lieu thereof the following:

Sec. 19. 23 V.S.A. § 3106(a)(2) is amended to read:

(2) For the purposes of subdivision (1)(B) of this subsection, the tax-adjusted retail price applicable for a quarter shall be the average of the ~~monthly~~ retail ~~prices~~ price for regular gasoline determined and published by the Department of Public Service for each of the three months of the preceding quarter. ~~The tax-adjusted retail price applicable for a quarter shall be the retail price exclusive of all~~ after all federal and state taxes and assessments, and after the petroleum distributor licensing fee established by 10 V.S.A. § 1942, ~~at the rates applicable in the preceding quarter~~ each month have been subtracted from that month's retail price.

Tenth: By striking Sec. 20, 2011 and 2012 Auditor's Reports; Payment, in its entirety and inserting in lieu thereof the following:

Sec. 20. 2013 Acts and Resolves No. 12, Sec. 24 is amended to read:

Sec. 24. ~~MOTOR FUEL ASSESSMENTS~~ TAX ASSESSMENT:
MAY 1, 2013–SEPTEMBER 30, 2013

Notwithstanding the provisions of 23 V.S.A. § ~~3106(a)(1)(B)~~ 3106(a)(1)(B)(ii) and 3106(a)(2), from May 1, 2013 through September 30, 2013, the ~~motor fuel transportation infrastructure assessment required under 23 V.S.A. § 3106(a)(1)(B)(i) shall be \$0.0656 per gallon, and the fuel tax assessment required under 23 V.S.A. § 3106(a)(1)(B)(ii) shall be \$0.067 per gallon.~~

Eleventh: By striking Sec. 22 in its entirety and inserting in lieu thereof the following:

Sec. 22. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID
\$1,000.00 OR LESS DURING BASE PERIOD~~

(a)(1) The ~~commissioner~~ Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

~~(1)~~(A) The individual's employment with that employer was terminated under disqualifying circumstances.

~~(2)~~(B) The individual's employment or right to reemployment with that employer was terminated by retirement of the individual pursuant to a retirement or lump-sum retirement pay plan under which the age of mandatory retirement was agreed upon by the employer and its employees or by the bargaining agent representing those employees.

~~(3)~~(C) As of the date on which the individual filed an initial claim for benefits, the individual's employment with that employer had not been terminated or reduced in hours.

~~(4)~~(D) The individual was employed by that employer as a result of another employee taking leave under subchapter 4A of chapter 5 of this title,

and the individual's employment was terminated as a result of the reinstatement of the other employee under subchapter 4A of chapter 5 of this title.

~~(5)(E)~~ [Repealed.]

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

* * *

Twelfth: By adding a new Sec. 23, after Sec. 22, to read as follows:

Sec. 23. UNEMPLOYMENT COMPENSATION; EMPLOYERS
AFFECTED BY NATURAL DISASTERS OCCURRING IN 2011

(a) The Department of Labor shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in 2011.

(b) Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond eight weeks shall remain chargeable to the employer.

(c) The relief described in subsection (b) of this section shall not be available to employers electing to make payments in lieu of contributions pursuant to 21 V.S.A. § 1321.

(d) Benefit charge relief provided under subsections (a) and (b) of this section shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers.

(e) The Department shall notify employers in the counties covered by the federal disaster relief declaration of the provisions of this section. An employer seeking relief shall apply to the Department within 20 days of notification by the Department. The application shall be made in a manner prescribed and approved by the Commissioner and shall be accompanied by a certified statement of the employer that the employees were separated from employment as a direct result of the disaster and would have not been otherwise. False statements made in connection with the certification shall

subject the employer to the provisions of 21 V.S.A. § 1369. The employer shall provide the Department with the name, address, last known phone number, and social security number of each employee alleged to have been separated from employment as a result of the disaster.

(f) If an employer's application for relief is denied, the employer may appeal the decision pursuant to 21 V.S.A. §§ 1348 and 1349.

Thirteenth: By adding a new Sec. 24, after Sec. 23, to read as follows:

Sec. 24. APPROPRIATION

Of the appropriations made to the Department of Labor in Sec. B.400 of House Bill 530 (An act relating to making appropriations for the support of government), the amount of \$60,000.00 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program described in Sec. 23 of this act.

Fourteenth: By adding a new Sec. 25, after Sec. 24, to read as follows:

Sec. 25. EFFECTIVE DATES

(a) Secs. 1, 6(b), 10, 12a–24, and this section shall take effect on passage. Sec. 6(b) (repeal of adjustment upon reappraisal) shall be effective retroactive to July 2006.

(b) Secs. 2 through 9 (except Sec. 6(b)), 11, and 12 (clarification of ambiguous statutes) of this act shall apply to any tax increment retained for all taxes assessed on the April 1, 2013 grand list.

(c) Sec. 6(c) (creation of taxes for special purposes) shall take effect on July 1, 2013.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the committee on Ways and Means.

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.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 536

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the Adjutant and Inspector General and the Vermont National Guard

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

The Senate proposed to the House to amend the bill by striking Secs. 1, 2, 3, 4, and 6 in their entirety, and by striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

And by renumbering the remaining sections to be numerically correct.

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

An act relating to the National Guard.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

J.R.H. 11

On motion of **Rep. Turner of Milton**, the rules were suspended and Joint resolution, entitled

Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle

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

The Senate proposed to the House to amend the resolution by striking it in its entirety and that the following be inserted in lieu thereof:

Joint resolution approving a land sale in the town of Plymouth and a land transfer in the town of Grand Isle

Whereas, 29 V.S.A. § 166(b) authorizes the Commissioner of Buildings and General Services to sell state lands with the approval of the General Assembly, and

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

First: That notwithstanding the provisions of 29 V.S.A. § 166(b), the General Assembly authorizes the Department of Buildings and General Services, in consultation with the Department of Forests, Parks and Recreation, to sell a 38-acre portion of Coolidge State Forest (Coolidge parcel), in the town of Plymouth, to Markowski Excavation for the sum of \$275,000.00 contingent on the following: (1) The Department of Buildings and General Services and the Department of Forests, Parks and Recreation shall each be reimbursed for all costs that each Department may incur; (2) the Coolidge parcel sold to Markowski Excavation shall not include any land that, in the opinion of the Agency of Natural Resources, includes important wildlife habitat, ecological or other significant natural resources, or outdoor recreation values; (3) the Department of Buildings and General Services shall hold a public meeting in the town of Plymouth on this proposal and gain the support of the Plymouth Selectboard for the sale; (4) upon the sale of the Coolidge parcel, Markowski Excavation shall convey to the State of Vermont a permanent access easement providing access from Route 100, across lands of Markowski Excavation, to adjacent state forestland located in the Calvin Coolidge State Forest; (5) the sale of the Coolidge parcel to Markowski Excavation shall be subject to restrictions that ensure that a 100-foot undeveloped buffer is retained around the perimeter of the parcel that abuts state forestland; (6) Markowski Excavation shall be responsible for all associated costs, including surveying, permitting, and legal; (7) Markowski Excavation shall be responsible for securing all permits and approvals necessary for any subsequent development of the Coolidge parcel; and (8) authorization to enter into this sale shall not be interpreted as state approval of any development proposal for the Coolidge parcel;

Second: That the General Assembly authorizes the Department of Forests, Parks and Recreation to convey for public outdoor recreational purposes to the town of Grand Isle a parcel of up to 23.4 acres of Grand Isle State Park, currently licensed to the town of Grand Isle. Any conveyance of this parcel to the town shall be contingent on the following: (1) the town of Grand Isle shall not further subdivide or convey the parcel to another party, or develop or use the parcel for any purposes other than public outdoor recreational purposes; (2) the State shall retain a reversionary interest in the parcel, and the parcel shall revert to state ownership should the parcel not be used for public outdoor recreational purposes; (3) the conveyance to the town of Grand Isle shall include any covenants or deed restrictions the Vermont Division for Historic Preservation deems necessary to protect potential historic or archeological resources on the transferred parcel; (4) the National Park Service shall approve this conveyance; (5) the transfer to the town of Grand Isle shall include all responsibilities for this parcel that are associated with the federal Land and Water Conservation Fund program; and (6) the town of Grand Isle shall be

responsible for all associated costs of the exchange, including surveying, permitting, and legal.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment; Rules Suspended and the Bill Ordered
Messaged to the Senate Forthwith**

S. 156

Senate bill, entitled

An act relating to home visiting standards

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment; Rules Suspended and the Bill Ordered
Messaged to the Senate Forthwith**

S. 157

Senate bill, entitled

An act relating to modifying the requirements for hemp production in the State of Vermont

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 520

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to reducing energy costs and greenhouse gas emissions

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

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

First: In Sec. 1 (findings), by striking out subdivision (1) in its entirety, and in subdivision (9), by striking out the second sentence and inserting in lieu thereof the following:

The State must encourage the efficient use of energy to heat buildings and water in order to reduce Vermont's carbon footprint and fuel costs and make heating more affordable for all Vermonters.

And by renumbering the subdivisions of Sec. 1 to be numerically correct

Second: In Sec. 2, 30 V.S.A. § 209, in subdivision (g)(2), in the second sentence, after the word "appropriate" by inserting to service providers and to entities having information on associated environmental issues such as the presence of asbestos in existing insulation and, in subdivision (g)(4), in the second sentence, after the word "performed" by inserting according to a standard methodology and

Third: In Sec. 3 (appointed entities; initial plan; statutory revision), in subsection (b), in the first sentence, by striking out the word "September" and inserting in lieu thereof November and by striking out the word "annual" and, in the third sentence, by striking out "December 15, 2013" and inserting in lieu thereof February 15, 2014 and by striking out the word "annual" and, in subsection (c), by striking out "December 15, 2013" and inserting in lieu thereof February 15, 2014

Fourth: By striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 as follows:

Sec. 6. 21 V.S.A. § 266 is amended to read:

§ 266. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH CODE

(a) Definitions. ~~For purposes of~~ In this subchapter, the following definitions apply:

* * *

(2) "Residential buildings" means one family dwellings, two family dwellings, and multi-family housing three stories or less in height.

(A) With respect to a structure that is three stories or less in height and is a mixed-use building that shares residential and commercial users, the term "residential building" shall include the living spaces in the structure and the nonliving spaces in the structure that serve only the residential users such as common hallways, laundry facilities, residential management offices, community rooms, storage rooms, and foyers.

(B) “Residential buildings” shall not include hunting camps.

* * *

(5) “Stretch code” means a building energy code for residential buildings that achieves greater energy savings than the RBES and is adopted in accordance with subsection (d) of this section.

* * *

(d) Stretch code. The Commissioner may adopt a stretch code by rule. This stretch code shall meet the requirements of subdivision (c)(1) of this section. The stretch code shall be available for adoption by municipalities under 24 V.S.A. chapter 117 and, on final adoption by the Commissioner, shall apply in proceedings under 10 V.S.A. chapter 151 (Act 250) in accordance with subsection (e) of this section.

(e) Role of RBES and Stretch Code in Act 250. Substantial and reliable evidence of compliance with the RBES and, when adopted, the stretch code established and updated ~~as required~~ under this section shall serve as a presumption of compliance with 10 V.S.A. § 6086(a)(9)(F), except no presumption shall be created insofar as compliance with subdivision (a)(9)(F) involves the role of electric resistance space heating. In attempting to rebut a presumption of compliance created under this subsection, a challenge may only focus on the question of whether or not there will be compliance with the RBES and stretch code established and updated ~~as required~~ under this subsection. A presumption under this subsection may not be overcome by evidence that the RBES and stretch code adopted and updated ~~as required~~ under this section fail to comply with 10 V.S.A. § 6086(a)(9)(F).

(e)(f) Certification.

(1) Issuance; recording. A certification may be issued by a builder, a licensed professional engineer, a licensed architect or an accredited home energy rating organization. If certification is not issued by a licensed professional engineer, a licensed architect or an accredited home energy rating organization, it shall be issued by the builder. Any certification shall certify that residential construction meets the RBES. ~~The department of public service~~ Department of Public Service will develop and make available to the public a certificate that lists key features of the RBES. Any person certifying shall use this certificate or one substantially like it to certify compliance with RBES. Certification shall be issued by completing and signing a certificate and permanently affixing it to the outside of the heating or cooling equipment, to the electrical service panel located inside the building, or in a visible location in the vicinity of one of these three areas. The certificate shall certify

that the residential building has been constructed in compliance with the requirements of the RBES. The person certifying under this subsection shall provide a copy of each certificate to the ~~department of public service~~ Department of Public Service and shall assure that a certificate is recorded and indexed in the town land records. A builder may contract with a licensed professional engineer, a licensed architect or an accredited home energy rating organization to issue certification and to indemnify the builder from any liability to the owner of the residential construction caused by noncompliance with the RBES.

(2) Condition precedent. Provision of a certificate as required by subdivision (1) of this subsection shall be a condition precedent to:

(A) issuance by the Commissioner of Public Safety or a municipal official acting under 20 V.S.A. § 2736 of any final occupancy permit required by the rules of the Commissioner of Public Safety for use or occupancy of residential construction commencing on or after July 1, 2013 that is also a public building as defined in 20 V.S.A. § 2730(a); and

(B) issuance by a municipality of a certificate of occupancy for residential construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117.

~~(f)~~(g) Action for damages.

(1) Except as otherwise provided in this subsection, a person aggrieved by noncompliance with this section may bring a civil action against a person who has the obligation of certifying compliance under subsection (e) of this section. This action may seek injunctive relief, damages, court costs, and attorney's fees. As used in this subdivision, "damages" means:

(A) costs incidental to increased energy consumption; and

(B) labor, materials, and other expenses associated with bringing the structure into compliance with RBES in effect on the date construction was commenced.

(2) A person's failure to affix the certification as required by this section shall not be an affirmative defense in such an action against the person.

(3) The rights and remedies created by this section shall not be construed to limit any rights and remedies otherwise provided by law.

~~(g)~~(h) Applicability and exemptions. The construction of a residential addition to a building shall not create a requirement that the entire building comply with this subchapter. The following residential construction shall not be subject to the requirements of this subchapter:

(1) Buildings or additions whose peak energy use design rate for all purposes is less than 3.4 BTUs per hour, per square foot, or less than one watt per square foot of floor area.

(2) Homes subject to Title VI of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401-5426).

(3) Buildings or additions that are neither heated nor cooled.

(4) Residential construction by an owner, if all of the following apply:

(A) The owner of the residential construction is the builder, as defined under this section.

(B) The residential construction is used as a dwelling by the owner.

(C) The owner in fact directs the details of construction with regard to the installation of materials not in compliance with RBES.

(D) The owner discloses in writing to a prospective buyer, before entering into a binding purchase and sales agreement, with respect to the nature and extent of any noncompliance with RBES. Any statement or certificate given to a prospective buyer shall itemize how the home does not comply with RBES, and shall itemize which measures do not meet the RBES standards in effect at the time construction commenced. Any certificate given under this subsection shall be recorded in the land records where the property is located, and sent to the department of public service, within 30 days following sale of the property by the owner.

~~(h)~~(i) Title validity not affected. A defect in marketable title shall not be created by a failure to issue certification or a certificate, as required under subsection (e) or subdivision (g)(4) of this section, or by a failure under that subsection to: affix a certificate; to provide a copy of a certificate to the department of public service; or to record and index a certificate in the town records.

Fifth: In Sec. 9, 24 V.S.A. § 4449, in subdivision (a)(1), in the third sentence, before the words “building energy standards” by inserting the word applicable and, after the fourth sentence, by inserting the following:

In addition, the administrative officer may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service in lieu of the full text of the residential building energy standards.

Sixth: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 as follows:

Sec. 10. 10 V.S.A. § 6086(a)(9)(F) is amended to read:

(F) Energy conservation. A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence that the subdivision or development complies with the applicable building energy standards under 21 V.S.A. § 266 or 268.

Seventh: In Sec. 12 (disclosure tool working group; reports), by striking out subsection (d) and inserting in lieu thereof a new subsection (d) as follows:

(d) The Department of Public Service (the Department) shall report to the General Assembly in writing:

(1) on or before December 15, 2013, on the findings of the Working Group with regard to the development of a residential building energy disclosure tool; and

(2) on or before December 15, 2014, on the findings of the Working Group with regard to the development of a commercial building energy disclosure tool.

Eighth: After the internal caption “Other Changes to Title 30” and before Sec. 13, by inserting Sec. 12a to read:

Sec. 12a. 30 V.S.A. § 2(e) is added to read:

(e) The Commissioner of Public Service (the Commissioner) will work with the Director of the Office of Economic Opportunity (the Director), the Commissioner of Housing and Community Development, the Vermont Housing and Conservation Board (VHCB), the Vermont Housing Finance Agency (VHFA), the Vermont Community Action Partnership, and the efficiency entity or entities appointed under subdivision 209(d)(2) of this title and such other affected persons or entities as the Commissioner considers relevant to improve the energy efficiency of both single- and multi-family affordable housing units, including multi-family housing units previously funded by VHCB and VHFA and subject to the Multifamily Energy Design Standards adopted by the VHCB and VHFA. In consultation with the other entities identified in this subsection, the Commissioner and the Director together shall report twice to the House and Senate Committees on Natural Resources and Energy, on or before January 31, 2015 and 2017, respectively.

on their joint efforts to improve energy savings of affordable housing units and increase the number of units assisted, including their efforts to:

(1) simplify access to funding and other resources for energy efficiency and renewable energy available for single- and multi-family affordable housing. For the purpose of this subsection, "renewable energy" shall have the same meaning as under section 8002 of this title;

(2) ensure the delivery of energy services in a manner that is timely, comprehensive, and cost-effective;

(3) implement the energy efficiency standards applicable to single- and multi-family affordable housing;

(4) measure the outcomes and performance of energy improvements;

(5) develop guidance for the owners and residents of affordable housing to maximize energy savings from improvements; and

(6) determine how to enhance energy efficiency resources for the affordable housing sector in a manner that avoids or reduces the need for assistance under 33 V.S.A. chapter 26 (home heating fuel assistance).

Ninth: In Sec. 21 (fuel purchasing; home heating fuel assistance), by striking out subsections (c) and (d) in their entirety

Tenth: By striking out Sec. 22 (workforce development working group; report) and the associated internal caption entitled "Workforce Development" in their entirety and inserting in lieu thereof [Deleted.]

Eleventh: By striking out Sec. 24 (study; renewables; heating and cooling) in its entirety and inserting in lieu thereof [Deleted.]

Twelfth: By striking out Sec. 25 (Public Service Board; review of cost-effectiveness screening tool) in its entirety and inserting in lieu thereof [Deleted.]

Thirteenth: By striking out Sec. 26 in its entirety and inserting in lieu thereof a new Sec. 26 as follows:

Sec. 26. PELLET STOVE EMISSIONS STANDARDS; REBATES

With respect to pellet stoves eligible for rebates and incentives funded by the State, the Secretary of Natural Resources shall determine whether the State should adopt emissions standards for these pellet stoves that are more stringent than the applicable standards under the Clean Air Act, 42 U.S.C. § 7401 et seq., and shall make this determination in writing on or before November 1, 2013.

Fourteenth: In Sec. 27, 2012 Acts and Resolves No. 170, Sec. 13, in subsection (b), by striking out subdivisions (2) and (3) in their entirety and inserting in lieu thereof new subdivisions (2) and (3) to read:

(2) The group's study and report shall consider currently available information on the economic impacts to the state economy of implementing the policies and funding mechanisms described in this subsection.

(3) The group's report shall include its recommended policy and funding mechanisms and the reasons for the recommendations identify those policies and funding mechanisms described in this subsection that do and do not warrant serious consideration and any areas requiring further analysis and shall include any proposals for legislative action. The report shall be submitted to the general assembly General Assembly by December 15, 2013.

Fifteenth: After Sec. 27, by inserting a Sec. 27a to read as follows:

Sec. 27a. COORDINATION; TOTAL ENERGY AND THERMAL EFFICIENCY FUNDING REPORTS

To the extent feasible, the Department of Public Service and the Public Service Board shall coordinate the total energy study and report to be prepared under 2012 Acts and Resolves No. 170, Sec. 13, as amended by Sec. 27 of this act, and the public process and report on thermal efficiency funding and savings to be prepared under Sec. 29 of this act.

Sixteenth: By striking out Sec. 28 (climate change education; report) in its entirety and inserting in lieu thereof [Deleted.]

Seventeenth: By striking out Sec. 29 (thermal efficiency funding and savings; Public Service Board report) in its entirety and inserting in lieu thereof a new Sec. 29 as follows:

Sec. 29. THERMAL EFFICIENCY FUNDING AND SAVINGS;
PUBLIC SERVICE BOARD REPORT

(a) On or before December 15, 2013, the Public Service Board shall conduct and complete a public process and submit a report to the House and Senate Committees on Natural Resources and Energy, the House Committee on Commerce and Economic Development, and the Senate Committee on Finance on the efficient use of unregulated fuels. In this section:

(1) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(2) "Unregulated fuels" means all fuels used for heating and process fuel customers other than electricity and natural gas delivered by a regulated utility.

(b) During the process and in the report required by this section, the Board shall evaluate whether there are barriers or inefficiencies in the markets for unregulated fuels that inhibit the efficient use of such fuels.

(c) The Board need not conduct the public process under this section as a contested case under 3 V.S.A. chapter 25 but shall provide notice and an opportunity for written and oral comments to the public and affected parties and state agencies.

Eighteenth: By striking out Sec. 29a (electric vehicles and charging stations, state fleet) in its entirety

Nineteenth: In Sec. 29b, 3 V.S.A. § 2291, in subdivision (c)(6), after the word “incorporate” by inserting conventional hybrid, and after the words “plug-in hybrid” by inserting a comma, and by renumbering the section to be Sec. 29a

Twentieth: By striking out Sec. 29c (promoting the use of electric vehicles) in its entirety

Twenty-first: By striking out Sec. 30 (effective dates) and inserting in lieu thereof a new Sec. 32 as follows:

Sec. 32. EFFECTIVE DATES

(a) The following shall take effect on passage: this section and Secs. 1 (findings); 2 (jurisdiction; general scope); 3 (appointed entities; initial plan; statutory revision); 12 (disclosure tool working group; reports); 18 (eligible beneficiaries; requirements); 19 (benefit amounts); 27 (total energy; report); and 29 (thermal efficiency funding and savings; report) of this act.

(b) The remaining sections of this act shall take effect on July 1, 2013.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Bills Messaged to Senate Forthwith

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

S. 20

Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

S. 129

Senate bill, entitled

An act relating to workers' compensation liens

Message from the Senate No. 67

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

Mr. Speaker:

I am directed to inform the House that:

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

S. 7. An act relating to social networking privacy protection.

S. 132. An act relating to sheriffs, deputy sheriffs, and the service of process.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 4. An act relating to concussions and school athletic activities.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Sears
Senator Benning
Senator McCormack

The Senate has considered House proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 61. An act relating to alcoholic beverages.

Senator Mullin
Senator Baruth
Senator Cummings

S. 82. An act relating to campaign finance law.

Senator White
Senator French
Senator Westman.

Recess

At four o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At six o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Committee of Conference Appointed**S. 4**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to concussions and school athletic activities

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Donovan of Burlington

Rep. Christie of Hartford

Rep. Rachelson of Burlington

Committee of Conference Appointed**S. 61**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to alcoholic beverages

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Head of South Burlington

Rep. Stevens of Waterbury

Rep. O'Sullivan of Burlington

Committee of Conference Appointed**S. 82**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to campaign finance law

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Evans of Essex
Rep. Martin of Wolcott
Rep. Consejo of Sheldon

**Rules Suspended; Senate Proposal of Amendment to House
Proposal of Amendmen Not Concurred in;
Committee of Conference Requested and Appointed**

S. 150

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

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

The Senate proposed to the House to concur in the House proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 15, 23 V.S.A. § 610, in subsection (a), in the first sentence, by striking out the following: “residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law” and inserting in lieu thereof the following: residential address, except that at the request of the licensee, the licensee’s mailing address may be listed, or an alternative address may be listed if otherwise authorized by law

Second: By striking out Secs. 28–29 and the internal caption preceding Sec. 28 in their entirety and inserting in lieu thereof the following:

* * * Motor Vehicle Moving Violation * * *

Sec. 28. 23 V.S.A. § 1002 is added to read:

§ 1002. MOTOR VEHICLE MOVING VIOLATION; NO POINTS

A person who commits a moving violation under another provision of this title for which no term of imprisonment is provided by law, and for which a penalty of not more than \$1,000.00 is provided, commits a traffic violation and may be issued a complaint for a violation of this section in lieu of a complaint for a violation of the predicate moving violation provision. A person convicted of a violation of this section shall not be assessed points against his or her driving record under chapter 25 of this title, but shall be subject to the penalties prescribed in the provision of this title that specifies the predicate moving violation.

* * * Waiver of Assessment of Points * * *

Sec. 29. 23 V.S.A. § 2501 is amended to read:

§ 2501. MOTOR VEHICLE POINT SYSTEM

For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating section 1002 of this title or a provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a superior judge or Judicial Bureau hearing officer has waived the assessment of points in the interest of justice. The conviction report from the court shall be prima facie evidence of the points assessed unless points are specifically waived in the conviction report. The ~~department is~~ Department also is authorized to suspend the license of a driver when the driver's driving record identifies the driver as an habitual offender under section 673a of this title.

Sec. 29a. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) ~~Any~~ Unless the assessment of points is waived by a superior judge or a Judicial Bureau hearing officer in the interests of justice, or unless a person is convicted of violating section 1002 of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

* * *

Third: In Sec. 32, in subsection (c), by striking out the following: "and 28,"

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Brennan of Colchester** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Brennan of Colchester

Rep. Potter of Clarendon

Rep. Koch of Barre Town

**Rules Suspended; Senate Proposal of Amendment Concurred in with a
Further Amendment Thereto**

H. 515

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to miscellaneous agricultural subjects

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Livestock and Poultry Products * * *

Sec. 1. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

* * *

(10) “Custom slaughterhouse” means a person who maintains a slaughtering establishment under this chapter for the purposes of slaughtering livestock or poultry for another person’s exclusive use by him or her and members of his or her household and his or her nonpaying guests and employees ~~and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, sheep, swine, goats, domestic rabbits, equines, or poultry, capable of use as human food.~~

* * *

(43) “Itinerant livestock slaughter” means slaughter, in accordance with the requirements of subsection 3311a(e) of this title, of livestock owned by a person for his or her exclusive use or for use by members of his or her household and his or her nonpaying guests and employees.

(44) “Itinerant poultry slaughter” means the slaughter of poultry:

(A) at a person’s home or farm in accordance with subsection 3312(b) of this title; or

(B) at a facility approved by the Secretary for the slaughtering of poultry.

(45) "Itinerant slaughterer" means a person, who for compensation or gain, engages in itinerant livestock slaughter or itinerant poultry slaughter.

Sec. 2. 6 V.S.A. § 3305 is amended to read:

§ 3305. ADDITIONAL POWERS OF THE SECRETARY

In order to accomplish the objectives stated in section 3303 of this title, the ~~secretary~~ Secretary may:

* * *

(18) sell or lease a mobile slaughtering unit, and may retain any proceeds therefrom in a ~~revolving~~ fund designated for the purpose of purchasing additional mobile slaughtering units ~~by the agency or providing matching grants for capital investments to increase poultry slaughter or poultry processing capacity.~~

Sec. 3. 6 V.S.A. § 3306 is amended to read:

§ 3306. LICENSING

(a) No person ~~may~~ shall engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting, or otherwise handling meat, meat food products, or poultry products, unless that person holds a valid license issued under this chapter. Categories of licensure shall include: commercial slaughterers, custom slaughterers, commercial processors, custom processors, wholesale distributors, retail vendors, meat and poultry product brokers, renderers, public ~~warehousemen~~ warehouse operators, animal food manufacturers, handlers of dead, dying, disabled, or diseased animals, and any other category which the ~~secretary~~ Secretary may by rule establish.

(b) The owner or operator of each plant or establishment of the kind specified in subsection (a) of this section shall apply in writing to the ~~secretary~~ Secretary on a form prescribed by him or her for a license to operate the plant or establishment. In case of change of ownership or change of location, a new application shall be made. Any person engaged in more than one licensed activity shall obtain separate licenses for each activity.

(c) The head of service shall investigate all circumstances in connection with the application for license to determine whether the applicable requirements of this chapter and rules made under it have been complied with. The ~~secretary~~ Secretary shall grant, condition, or refuse the license upon the basis of all information available to him or her including all facts disclosed by investigation. Each license shall bear an identifying number.

(d) The annual fee for a license for a retail vendor is \$15.00 for vendors without meat cutting operations, \$30.00 for vendors with meat cutting space of less than 300 square feet or meat display space of less than 20 linear feet, and \$60.00 for vendors with 300 or more square feet of meat cutting space and 20 or more linear feet of meat display space. Fees collected under this section shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5 of chapter 7 of Title 32, and shall be available to the agency Agency to offset the cost of administering chapter 204 of this title. For all other plants, establishments, and related businesses listed under subsection (a) of this section, except for a public warehouse licensed under chapter 67 of this title, the annual license fee shall be \$50.00.

* * *

~~(f) Itinerant custom slaughterers, who slaughter solely at a person's home or farm and who do not own, operate or work at a slaughtering plant shall be exempt from the licensing provisions of this section. An itinerant custom slaughterer may slaughter livestock owned by an individual who has entered into a contract with a person to raise the livestock on the farm where it is intended to be slaughtered. [Repealed.]~~

Sec. 4. 6 V.S.A. § 3311a is added to read:

§ 3311a. LIVESTOCK; INSPECTION; LICENSING; PERSONAL
SLAUGHTER; ITINERANT SLAUGHTER

(a) As used in this section:

(1) "Assist in the slaughter of livestock" means the act of slaughtering or butchering an animal and shall not mean the farmer's provision of a site on the farm for slaughter, provision of implements for slaughter, or the service of disposal of the carcass or offal from slaughter.

(2) "Sanitary conditions" means a site on a farm that is:

(A) clean and free of contaminants; and

(B) located or designed in a way to prevent:

(i) the occurrence of water pollution; and

(ii) the adulteration of the livestock or the slaughtered meat.

(b) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter by an individual of livestock that the individual raised for the individual's exclusive use or for the use of members of his or her household and his or her nonpaying guests and employees.

(c) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter of livestock that occurs in a manner that meets all of the following requirements:

(1) an individual purchases livestock from a farmer that raised the livestock;

(2) the individual who purchased the livestock performs the act of slaughtering the livestock;

(3) the act of slaughter occurs, after approval from the farmer who sold the livestock, on a site on the farm where the livestock was purchased;

(4) the slaughter is conducted under sanitary conditions;

(5) the farmer who sold the livestock to the individual does not assist in the slaughter of the livestock; and

(6) no more than the following number of livestock per year are slaughtered under this subsection:

(A) 10 swine;

(B) three cattle;

(C) 25 sheep or goats; or

(D) any combination of swine, cattle, sheep, or goats, provided that no more than 3,500 pounds of the live weight of livestock are slaughtered per year; and

(7) the farmer who sold the livestock to the individual maintains a record of each slaughter conducted under this subsection and reports to the Secretary on or before the 15th day of each month regarding all slaughter activity conducted under this subsection in the previous month.

(d) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to an itinerant slaughterer engaged in the act of itinerant livestock slaughter or itinerant poultry slaughter.

(e) An itinerant slaughterer may slaughter livestock owned by a person on the farm where the livestock was raised under the following conditions:

(1) the meat from the slaughter of the livestock is distributed only as whole or half carcasses to the person who owned the animal for their personal use or for use by members of their households or nonpaying guests; and

(2) the slaughter is conducted under sanitary conditions.

(f) A carcass or offal from slaughter conducted under this section shall be disposed of according to the requirements under the accepted agricultural practices for the management of agricultural waste.

* * * Public Warehouses that Store Farm Products * * *

Sec. 5. 6 V.S.A. § 891 is amended to read:

§ 891. LICENSE

Excepting frozen food locker plants, any person, as defined in 9A V.S.A. §§ 1-201 and 7-102, who stores milk, cream, butter, cheese, eggs, dressed meat, poultry and fruit for hire in quantities of 1,000 pounds or more of each ~~any~~ commodity shall first be licensed by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets. Each separate place of business shall be licensed.

* * * Commerce and Trade; Weights and Measures * * *

Sec. 6. 9 V.S.A. § 2697 is amended to read:

§ 2697. LIQUID FUELS

(a) Liquid fuels including motor fuels, furnace oils, stove oils, ~~liquified~~ liquefied petroleum gas, and other liquid fuels used for similar purposes shall be sold by liquid measure or by net weight in accordance with the provisions of section 2671 of this title. In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons in the case of sale by liquid measure or 99 pounds in the case of sale by weight, there shall be rendered to the purchaser, either:

(1) at the time of delivery; or

(2) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink, or other indelible substance, there shall be clearly and legibly stated:

(A) the name and address of the vendor;

(B) the name and address of the purchaser;

(C) the identity of the type of fuel comprising the delivery;

(D) the unit price (that is, the price per gallon or per pound, as the case may be) of the fuel delivered;

(E) in the case of sale by liquid measure, the liquid volume of the delivery shall be determined by a meter with a register printing the meter readings on a ticket, a copy of which shall be given to the purchaser, from

which such liquid volume shall be computed, expressed in terms of the gallon and its binary or decimal subdivisions (the ticket shall not be inserted into the register until immediately before delivery is begun, and in no case shall a ticket be in the register when the vehicle is in motion); or the liquid volume may be determined by a vehicle tank used as a measure when in full compliance with Handbook H-44 and calibrated by a weights and measures official. Sale by a liquid measuring device as defined in Handbook H-44, and sale by a vapor meter are excluded from this section. The volume of liquid fuels delivered on consignment shall be computed and charged for only from the totalizers on the devices dispensing the product;

(F) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which that net weight has been computed, expressed in terms of tons or pounds avoirdupois.

(b) The use of temperature compensation during delivery of all liquid fuels, with the exception of the delivery of liquefied petroleum gas, is prohibited. The Secretary shall enforce this prohibition in the same manner as other violations of this chapter.

* * * Dairy Operations * * *

Sec. 7. 6 V.S.A. § 2672 is amended to read:

§ 2672. DEFINITIONS

As used in this part, the following terms have the following meanings:

* * *

(7) “Milk₁,” unless preceded or succeeded by an explanatory term, means the pure lacteal secretion of ~~a type of~~ dairy cattle. Milk from other dairy livestock listed in this subdivision shall be preceded by the common name for the type of livestock that produced the milk. Such milk may be standardized by the addition of pure, fresh skim milk or cream as defined by regulation.

* * *

(10) “Fluid dairy products” are milk and fluid dairy products derived from milk, including cultured products, as defined by regulations ~~made under this part~~ adopted by federal entities and published in the Code of Federal Regulations.

* * *

Sec. 8. 6 V.S.A. § 2723a is added to read:

§ 2723a. DISTRIBUTOR'S LICENSES

(a) It shall be unlawful for any person to distribute fluid dairy products without a license issued by the Secretary. The Secretary shall license all distributors at least annually and for a term of up to three years and shall issue and renew such licenses on any calendar cycle. Application for the license and renewal shall be made in the manner and form prescribed by the Secretary and shall be accompanied by a license fee of \$20.00 per annum or any part thereof.

(b) No person shall be granted a license under this section unless the distributor first agrees to withhold the state tax on producers whose milk has been received by the distributor imposed under chapter 161 of this title.

(c) As used in this section, the term "distributor" has the same meaning as set forth in section 2672 of this chapter, which includes the retail distribution or sale of milk, except the sale of milk to be consumed on the premises.

(d) Any distributor who carries on a business without a license shall be subject to penalty under sections 2678 and 2679 of this title.

* * * Mosquito Abatement * * *

Sec. 9. 6 V.S.A. § 1085 is amended to read:

§ 1085. MOSQUITO CONTROL GRANT PROGRAM

(a) A mosquito control district formed pursuant to 24 V.S.A. chapter 121 ~~of Title 24~~ may apply, in a manner prescribed by the ~~secretary~~ Secretary, in writing to the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets, for a state assistance grant for mosquito control activities.

(b) After submission of an application under subsection (a) of this section, the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may award a grant of 75 percent or less of the project costs for the purchase and application of larvicide and the costs associated with required larval survey activities within a mosquito control district. The mosquito control district may provide 25 percent of the project costs through in-kind services, including adulticide application or the purchase of capital equipment used for mosquito control activities.

* * *

* * * Agricultural Water Quality;
Nutrient Management Planning * * *

Sec. 10. 6 V.S.A. § 4801 is amended to read:

§ 4801. PURPOSE; STATE POLICY

It is the purpose of this chapter to ensure that agricultural animal wastes do not enter the waters of this ~~state~~ State. Therefore, it is state policy that:

(1) All farms meet certain standards in the handling and disposal of animal wastes, as provided by this chapter and the cost of meeting these standards shall not be borne by farmers only, but rather by all members of society, who are in fact the beneficiaries. Accordingly, state and federal funds shall be made available to farms, regardless of size, to defray the major cost of complying with the ~~animal-waste~~ requirements of this chapter. State and federal conservation programs to assist farmers should be directed to those farms that need to improve their infrastructure to prohibit direct discharges or bring existing water pollution control structures into compliance with United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service standards. Additional resources should be directed to education and technical assistance for farmers to improve the management of agricultural wastes and protect water quality.

(2) Officials who administer the provisions of this chapter:

(A) shall educate farmers and other affected citizens on requirements of this chapter through an outreach collaboration with farm associations and other community groups; ~~and~~

(B) shall, in the process of rendering official decisions, afford farmers and other affected citizens an opportunity to be heard and give consideration to all interests expressed; and

(C) may provide grants from a program established under this chapter to eligible Vermont municipalities, local or regional governmental agencies, nonprofit organizations, and citizen groups in order to provide direct financial assistance to farms in implementing conservation practices.

Sec. 11. 6 V.S.A. § 4827 is amended to read:

§ 4827. NUTRIENT MANAGEMENT PLANNING; INCENTIVE GRANTS

(a) A farm developing or implementing a nutrient management plan under chapter 215 of this title or federal regulations may apply to the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets for financial assistance. The financial assistance shall be in the form of incentive

grants. Annually, after consultation with the Natural Resources Conservation Service of the U.S. Department of Agriculture, natural resources conservation districts, the University of Vermont extension service and others, the ~~secretary~~ Secretary shall determine the average cost of developing and implementing a nutrient management plan in Vermont. The dollar amount of an incentive grant awarded under this section shall be equal to the average cost of developing a nutrient management plan as determined by the ~~secretary~~ Secretary or the cost of complying with the nutrient management planning requirements of chapter 215 of this title or federal regulations, whichever is less.

(b) Application for a state assistance grant shall be made in a manner prescribed by the ~~secretary~~ Secretary and shall include, at a minimum:

- (1) an estimated cost of developing and implementing a nutrient management plan for the applicant;
- (2) the amount of incentive grant requested; and
- (3) a schedule for development and implementation of the nutrient management plan.

(c) The ~~secretary~~ Secretary annually shall prepare a list of farms ranked, regardless of size, in priority order that have applied for an incentive grant under this section. The priority list shall be established according to factors that the ~~secretary~~ Secretary determines are relevant to protect the quality of waters of the ~~state~~ State, including:

- (1) the proximity of a farm to a water listed as impaired for agricultural runoff, pathogens, phosphorus, or sediment by the ~~agency of natural resources~~ Agency of Natural Resources;
- (2) the proximity of a farm to an unimpaired water of the ~~state~~ State;
- (3) the proximity of a drinking water well to land where a farm applies manure; and
- (4) the risk of discharge to waters of the ~~state~~ State from the land application of manure by a farm.

(d) Assistance in accordance with this section shall be provided from state funds appropriated to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets for integrated crop management.

(e) If the ~~secretary~~ Secretary lacks adequate funds necessary for the financial assistance required by subsection (a) of this section, the requirement to develop and implement a nutrient management plan under state statute or

state regulation shall be suspended until adequate funding becomes available. Suspension of a state-required nutrient management plan does not relieve an owner or operator of a farm permitted under section 4858 of this title of the remaining requirements of a state permit, including discharge standards, groundwater protection, and land application of manure. This subsection does not apply to farms permitted under 10 V.S.A. § 1263 or farms permitted under section 4851 of this title.

(f) The ~~secretary~~ Secretary may contract with natural resources conservation districts, the University of Vermont extension service, and other persons and organizations to aid in the implementation of the incentive grants program under subsection (a) of this section and to assist farmers in the development and implementation of nutrient management plans.

(g) ~~Notwithstanding the requirements of subsection (c) of this section, the secretary may, as general funds are appropriated for this purpose, provide a one-time incentive payment under this section to encourage farmers to inject manure on grass or crop land over one growing season. [Repealed.]~~

Sec. 12. 6 V.S.A. § 4951 is amended to read:

§ 4951. FARM AGRONOMIC PRACTICES PROGRAM

(a) ~~The farm agronomic practices assistance program~~ Farm Agronomic Practices Assistance Program is created in the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets to provide the farms of Vermont with state financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices shall be eligible for assistance to farms under the grant program:

- (1) conservation crop rotation;
- (2) cover cropping;
- (3) strip cropping;
- (4) cross-slope tillage;
- (5) zone or no-tillage;
- (6) pre-sidedress nitrate tests;

(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a state or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be ~~\$1,000.00~~ \$2,000.00 per year;

(8) educational and instructional activities to inform the farmers and citizens of Vermont of:

(A) the impact on Vermont waters of agricultural waste discharges;

(B) the federal and state requirements for controlling agricultural waste discharges;

(9) implementing alternative manure application techniques; and

(10) additional soil erosion reduction practices.

(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.

* * * Sunset; Livestock Slaughter Exemptions * * *

Sec. 13. REPEAL; LIVESTOCK SLAUGHTER EXEMPTIONS

6 V.S.A. § 3311a (livestock slaughter inspection and license exemptions) shall be repealed on July 1, 2016.

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Partridge of Windham** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By adding Sec. 13a to read:

* * * H-2A Payments * * *

Sec. 13a. H-2A PAYMENTS

The Department of Taxes shall not enforce the provisions of 32 V.S.A. chapter 151, including any associated penalties or interest, for any person who received payments while working under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. The Department of Taxes also shall not enforce the provisions of 32 V.S.A. chapter 151, subchapter 4, including any associated penalties or interest, for any person who fails to withhold taxes for payments made to an employee under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. Any liability, interest, or penalty imposed for a return period specified in this section shall be refunded upon request, provided the person provides documentation of his or her claim to the satisfaction of the Commissioner of Taxes.

Which was agreed to.

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 65**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to limited immunity from liability for reporting a drug or alcohol overdose

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

First: In Sec. 2, 18 V.S.A. § 4254(b), after “faith” by adding and in a timely manner

Second: By adding a 2a to read as follows:

Sec. 2a. REPORT

The Executive Director of the Department of State’s Attorneys and Sheriffs and the Defender General shall each report to the Senate and House Committees on Judiciary on the implementation and effect of Sec. 2 of this act no later than November 2015.

Which proposal of amendment was considered and concurred in.

Message from the Senate No. 68

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

Mr. Speaker:

I am directed to inform the House that:

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

S. 11. An act relating to the Austine School.

S. 81. An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products .

S. 99. An act relating to the standard measure of recidivism.

And has concurred therein.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 25. Senate concurrent resolution designating May 7, 2013 as Senior Center Awareness Day.

S.C.R. 26. Senate concurrent resolution honoring Charles Browne for his extraordinary leadership of the Fairbanks Museum & Planetarium..

S.C.R. 27. Senate concurrent resolution honoring Hanford Biron for exemplary public service in the town of Norton.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 141. House concurrent resolution honoring Dr. Kevin Daniel Crowley.

H.C.R. 142. House concurrent resolution honoring Bennington College President Elizabeth Coleman for her visionary academic leadership and scholarship.

H.C.R. 143. House concurrent resolution congratulating the Brattleboro Museum & Art Center on its 40th anniversary.

H.C.R. 144. House concurrent resolution honoring the military valor of the Shores brothers in defending the Union during the Civil War.

H.C.R. 145. House concurrent resolution recognizing the importance for U.S. military personnel of the award-winning documentary film *The Invisible War*.

H.C.R. 146. House concurrent resolution honoring Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden.

H.C.R. 147. House concurrent resolution honoring Stafford Technical Center Director Lyle Jepson on being named the 2013 Technical Director of the Year.

H.C.R. 148. House concurrent resolution commemorating the opening of the new Adult Intensive Unit at the Brattleboro Retreat in partnership with the Department of Mental Health.

H.C.R. 149. House concurrent resolution in memory of retired Vermont State Police Sgt. Harold Ackerman.

H.C.R. 150. House concurrent resolution congratulating Mikaela Shiffrin on her international alpine ski racing achievements.

H.C.R. 151. House concurrent resolution congratulating the Bennington Rural Fire Department on its 60th anniversary.

H.C.R. 152. House concurrent resolution congratulating the Green Street School 2012 Vermont State Spelling Bee championship team.

H.C.R. 153. House concurrent resolution congratulating the Bennington Children's Chorus on its silver anniversary.

H.C.R. 154. House concurrent resolution congratulating the 2013 South Burlington High School Rebels Division I championship boys' ice hockey team .

H.C.R. 155. House concurrent resolution congratulating the Vermont Shamrocks on winning the New England and National 2013 USA Hockey Tier II-U16 championships.

H.C.R. 156. House concurrent resolution congratulating the Lake Champlain Committee on its 50th anniversary.

H.C.R. 157. House concurrent resolution commemorating the bicentennial anniversary of the birth of Stephen A. Douglas, Brandon's most famous native son.

H.C.R. 158. House concurrent resolution designating the week of May 5–11 as Vermont Organ Donor Awareness Week in honor of Jason Perry and Christian Stromberg.

H.C.R. 159. House concurrent resolution congratulating the Puffer United Methodist Church of Morrisville on its bicentennial anniversary.

H.C.R. 160. House concurrent resolution honoring John Hasen on his outstanding career as an attorney dedicated to serving the public.

H.C.R. 161. House concurrent resolution honoring the civic and community leadership of the Montagne family of St. Albans.

H.C.R. 162. House concurrent resolution designating May 13–19, 2013 as American Craft Beer Week in Vermont and celebrating Gregfest.

H.C.R. 163. House concurrent resolution honoring Patricia Rocheleau Harper for her outstanding work on the restoration of the House committee rooms.

H.C.R. 164. House concurrent resolution congratulating the Plainfield Fire Department on its centennial anniversary.

H.C.R. 165. House concurrent resolution honoring the retiring educators and support staff in the Southwest Vermont Supervisory Union.

H.C.R. 166. House concurrent resolution honoring the Civil War-era musical drama *Ransom* on its professional premiere as the opening production of Lost Nation Theater's 25th anniversary season.

H.C.R. 167. House concurrent resolution honoring Robert Stannard on his retirement as a legislative lobbyist.

H.C.R. 168. House concurrent resolution commemorating the placement of an historic marker at the Rutland fairgrounds honoring aviation pioneer George Schmitt.

H.C.R. 169. House concurrent resolution congratulating the Pittsford Fire Department on its 65th anniversary.

H.C.R. 170. House concurrent resolution honoring the Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center.

H.C.R. 171. House concurrent resolution congratulating Windsor High School boys' Basketball Coach Harry Ladue on his induction into the New England Basketball Hall of Fame.

H.C.R. 172. House concurrent resolution honoring the Joslin Memorial Library in Waitsfield on the occasion of its 100th anniversary.

**Senate Proposal of Amendment Concurred in
with a Further Amendment Thereto**

H. 522

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

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) This act is intended to provide a comprehensive approach to combating opioid addiction and methamphetamine abuse in Vermont through strategies that address prevention, treatment, and recovery, and increase community safety by reducing drug-related crime.

(b) It is the intent of the General Assembly that the initiatives described in this act should be integrated to the extent possible with the Blueprint for Health and Vermont's health care system and health care reform initiatives.

* * * Preventing Abuse of Prescription Drugs * * *

Sec. 2. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(26) "Prescription" means an order for a regulated drug made by a physician, physician assistant, advanced practice registered nurse, dentist, or veterinarian licensed under this chapter to prescribe such a drug which shall be in writing except as otherwise specified herein in this subdivision. Prescriptions for such drugs shall be made to the order of an individual patient, dated as of the day of issue and signed by the prescriber. The prescription shall bear the full name ~~and~~, address, ~~and date of birth~~ of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. Such prescription shall also bear the full name, address, and registry number of the prescriber and, unless electronically prescribed, shall be written with ink, indelible pencil, or typewriter; if typewritten, it shall be signed by the ~~physician~~ prescriber. A written or typewritten prescription for a controlled substance, as defined in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in numeric and word form.

* * *

Sec. 2a. 18 V.S.A. § 4202(d) is amended to read:

(d) The regulations adopted by the ~~board of health~~ Board of Health under section 4201 of this title for the purpose of determining those drugs defined under that section may be adopted only after prior written notice to the ~~board of pharmacy~~ Board of Pharmacy and the ~~board of medical practice~~ Board of Medical Practice and after the ~~board of pharmacy~~ Board of Pharmacy and the ~~board of medical practice~~ Board of Medical Practice have had an opportunity to advise the ~~board of health~~ Board of Health with respect to the form and substance of those regulations or amendments and to recommend revisions thereof, except with respect to emergency rules adopted pursuant to 3 V.S.A. § 844, which may be adopted without notice by the Commissioner of Health.

Sec. 3. 18 V.S.A. § 4215b is added to read:

§ 4215b. IDENTIFICATION

Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or a bona fide representative of the patient or animal owner, as defined by the Board of Pharmacy by rule after consultation with the Commissioner of Health, may pick up a prescription for a Schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a Schedule II, III, or IV controlled substance, a pharmacist shall require the

individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the bona fide representative of the patient or animal owner. If the individual does not have valid, current government-issued photographic identification, the pharmacist may request alternative evidence of the individual's identity, as appropriate.

Sec. 3a. BOARD OF PHARMACY; RULEMAKING

The Board of Pharmacy shall adopt rules pursuant to 3 V.S.A. chapter 25 to define which persons shall be considered bona fide representatives of a patient or animal owner for the purposes of picking up a prescription for a Schedule II, III, or IV controlled substance pursuant to 18 V.S.A. § 4215b.

Sec. 4. 18 V.S.A. § 4218 is amended to read:

§ 4218. ENFORCEMENT

* * *

(d) Nothing in this section shall authorize the ~~department of public safety~~ Department of Public Safety and other authorities described in subsection (a) of this section to have access to VPMS (~~Vermont prescription monitoring system~~) (Vermont Prescription Monitoring System) created pursuant to chapter 84A of this title, except as provided in that chapter.

(e) The Department of Public Safety, in consultation with representatives of licensed Vermont pharmacies, shall adopt standard operating guidelines for accessing pharmacy records through the authority granted in this section. Any person authorized to access pharmacy records pursuant to subsection (a) of this section shall follow the Department of Public Safety's guidelines. These guidelines shall be a public record.

Sec. 5. DEPARTMENT OF PUBLIC SAFETY; REPORTING STANDARD OPERATING GUIDELINES

On or before December 15, 2013, the Commissioner of Public Safety shall submit to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare the Department's written standard operating guidelines used to access pharmacy records at individual pharmacies pursuant to 18 V.S.A. § 4218. Subsequently, if the guidelines are substantively amended by the Department, it shall submit the amended guidelines to the same committees as soon as practicable.

Sec. 6. 18 V.S.A. § 4282 is amended to read:

§ 4282. DEFINITIONS

As used in this chapter:

* * *

(3) ~~“Trained law enforcement officer” shall include any officer designated by the department of public safety who has completed a training program established by rule by the department of health, which is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from VPMS.~~

(4) ~~“VPMS” shall mean the Vermont prescription monitoring system established under this chapter.~~

(4) “Delegate” means an individual employed by a health care provider or pharmacy or in the Office of the Chief Medical Examiner and authorized by a health care provider or dispenser or by the Chief Medical Examiner to request information from the VPMS relating to a bona fide current patient of the health care provider or dispenser or to a bona fide investigation or inquiry into an individual’s death.

(5) “Department” means the Department of Health.

(6) “Drug diversion investigator” means an employee of the Department of Public Safety whose primary duties include investigations involving violations of laws regarding prescription drugs or the diversion of prescribed controlled substances, and who has completed a training program established by the Department of Health by rule that is designed to ensure that officers have the training necessary to use responsibly and properly any information that they receive from the VPMS.

(7) “Evidence-based” means based on criteria and guidelines that reflect high-quality, cost-effective care. The methodology used to determine such guidelines shall meet recognized standards for systematic evaluation of all available research and shall be free from conflicts of interest. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board.

Sec. 7. 18 V.S.A. § 4283 is amended to read:

§ 4283. CREATION; IMPLEMENTATION

(a) ~~Contingent upon the receipt of funding, the department may establish~~
The Department shall maintain an electronic database and reporting system for

monitoring Schedules II, III, and IV controlled substances, as defined in 21 C.F.R. Part 1308, as amended and as may be amended, that are dispensed within the ~~state~~ State of Vermont by a health care provider or dispenser or dispensed to an address within the ~~state~~ State by a pharmacy licensed by the Vermont ~~board of pharmacy~~ Board of Pharmacy.

* * *

(e) It is not the intention of the ~~department~~ Department that a health care provider or a dispenser shall have to pay a fee or tax or purchase hardware or proprietary software required by the ~~department~~ Department specifically for the use, establishment, maintenance, or transmission of the data. The ~~department~~ Department shall seek grant funds and take any other action within its financial capability to minimize any cost impact to health care providers and dispensers.

* * *

Sec. 8. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

(a) The data collected pursuant to this chapter and all related information and records shall be confidential, except as provided in this chapter, and shall not be subject to ~~public records law~~ the Public Records Act. The ~~department~~ Department shall maintain procedures to protect patient privacy, ensure the confidentiality of patient information collected, recorded, transmitted, and maintained, and ensure that information is not disclosed to any person except as provided in this section.

~~(b)(1) The department shall be authorized to provide data to~~ Department shall provide only the following persons with access to query the VPMS:

~~(1) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.~~

~~(2)(A)~~ (A) A health care provider ~~or~~, dispenser, or delegate who ~~requests information is registered with the VPMS~~ and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient.

(B) Personnel or contractors, as necessary for establishing and maintaining the VPMS.

(C) The Medical Director of the Department of Vermont Health Access, for the purposes of Medicaid quality assurance, utilization, and federal

monitoring requirements with respect to Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted.

(D) A medical examiner or delegate from the Office of the Chief Medical Examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death.

(E) A health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.

(2) The Department shall provide reports of data available to the Department through the VPMS only to the following persons:

(A) A patient or that person's health care provider, or both, when VPMS reveals that a patient may be receiving more than a therapeutic amount of one or more regulated substances.

(B) A designated representative of a board responsible for the licensure, regulation, or discipline of health care providers or dispensers pursuant to a bona fide specific investigation.

(C) A patient for whom a prescription is written, insofar as the information relates to that patient.

(D) The relevant occupational licensing or certification authority if the ~~commissioner~~ Commissioner reasonably suspects fraudulent or illegal activity by a health care provider. The licensing or certification authority may report the data that are the evidence for the suspected fraudulent or illegal activity to a ~~trained law enforcement officer~~ drug diversion investigator.

(E)(i) The ~~commissioner of public safety~~ Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, if the ~~commissioner of health~~ Commissioner of Health, personally, or a Deputy Commissioner of Health, personally, makes the disclosure, and has consulted with at least one of the patient's health care providers, and believes that when the disclosure is necessary to avert a serious and imminent threat to a person or the public.

(ii) The Commissioner of Public Safety, personally, or the Deputy Commissioner of Public Safety, personally, when he or she requests data from the Commissioner of Health, and the Commissioner of Health believes, after consultation with at least one of the patient's health care providers, that disclosure is necessary to avert a serious and imminent threat to a person or the public.

(iii) The Commissioner or Deputy Commissioner of Public Safety may disclose such data received pursuant to this subdivision (E) as is necessary, in his or her discretion, to avert the serious and imminent threat.

~~(7) Personnel or contractors, as necessary for establishing and maintaining the VPMS.~~

(F) A prescription monitoring system or similar entity in another state pursuant to a reciprocal agreement to share prescription monitoring information with the Vermont Department of Health as described in section 4288 of this title.

(c) A person who receives data or a report from VPMS or from the ~~department~~ Department shall not share that data or report with any other person or entity not eligible to receive that data pursuant to subsection (b) of this section, except as necessary and consistent with the purpose of the disclosure and in the normal course of business. Nothing shall restrict the right of a patient to share his or her own data.

(d) The ~~commissioner~~ Commissioner shall offer health care providers and dispensers training in the proper use of information they may receive from VPMS. Training may be provided in collaboration with professional associations representing health care providers and dispensers.

(e) A ~~trained law enforcement officer~~ drug diversion investigator who may receive information pursuant to this section shall not have access to VPMS except for information provided to the officer by the licensing or certification authority.

(f) The ~~department~~ Department is authorized to use information from VPMS for research, trend analysis, and other public health promotion purposes provided that data are aggregated or otherwise de-identified. The Department shall post the results of trend analyses on its website for use by health care providers, dispensers, and the general public. When appropriate, the Department shall send alerts relating to identified trends to health care providers and dispensers by electronic mail.

(g) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the Department shall develop a policy that will enable it to use information from VPMS to determine if individual prescribers and dispensers are using VPMS appropriately.

(h) Following consultation with the Unified Pain Management System Advisory Council and an opportunity for input from stakeholders, the

Department shall develop a policy that will enable it to evaluate the prescription of regulated drugs by prescribers.

(i) Knowing disclosure of transmitted data to a person not authorized by subsection (b) of this section, or obtaining information under this section not relating to a bona fide specific investigation, shall be punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both, in addition to any penalties under federal law.

(j) All information and correspondence relating to the disclosure of information by the Commissioner to a patient's health care provider pursuant to subdivision (b)(2)(A) of this section shall be confidential and privileged, exempt from public inspection and copying under the Public Records Act, immune from subpoena or other disclosure, and not subject to discovery or introduction into evidence.

(k) Each request for disclosure of data pursuant to subdivision (b)(2)(B) of this section shall document a bona fide specific investigation and shall specify the case number of the investigation.

Sec. 9. 18 V.S.A. § 4287 is amended to read:

§ 4287. RULEMAKING

The ~~department~~ Department shall adopt rules for the implementation of VPMS as defined in this chapter consistent with 45 C.F.R. Part 164, as amended and as may be amended, that limit the disclosure to the minimum information necessary for purposes of this act ~~and shall keep the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on human services advised of the substance and progress of initial rulemaking pursuant to this section.~~

Sec. 10. 18 V.S.A. § 4288 is added to read:

§ 4288. RECIPROCAL AGREEMENTS

The Department of Health may enter into reciprocal agreements with other states that have prescription monitoring programs so long as access under such agreement is consistent with the privacy, security, and disclosure protections in this chapter.

Sec. 11. 18 V.S.A. § 4289 is added to read:

§ 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE PROVIDERS AND DISPENSERS

(a) Each professional licensing authority for health care providers shall develop evidence-based standards to guide health care providers in the

appropriate prescription of Schedules II, III, and IV controlled substances for treatment of chronic pain and for other medical conditions to be determined by the licensing authority. The standards developed by the licensing authorities shall be consistent with rules adopted by the Department of Health.

(b)(1) Each health care provider who prescribes any Schedule II, III, or IV controlled substances shall register with the VPMS by November 15, 2013.

(2) If the VPMS shows that a patient has filled a prescription for a controlled substance written by a health care provider who is not a registered user of VPMS, the Commissioner of Health shall notify the applicable licensing authority and the provider by mail of the provider's registration requirement pursuant to subdivision (1) of this subsection.

(3) The Commissioner of Health shall develop additional procedures to ensure that all health care providers who prescribe controlled substances are registered in compliance with subdivision (1) of this subsection.

(c) Each dispenser who dispenses any Schedule II, III, or IV controlled substances shall register with the VPMS.

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative, long-term pain therapy of 90 days or more; and

(3) prior to writing a replacement prescription for a Schedule II, III, or IV controlled substance pursuant to section 4290 of this title.

(e) The Commissioner of Health shall, after consultation with the Unified Pain Management System Advisory Council, adopt rules necessary to effect the purposes of this section. The Commissioner and the Council shall consider additional circumstances under which health care providers should be required to query the VPMS, including whether health care providers should be required to query the VPMS:

(1) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; and

(2) when a patient requests renewal of a prescription for an opioid Schedule II, III, or IV controlled substance written to treat acute pain.

(f) Each professional licensing authority for dispensers shall adopt standards, consistent with rules adopted by the Department of Health under

this section, regarding the frequency and circumstances under which its respective licensees shall:

(1) query the VPMS; and

(2) report to the VPMS, which shall be no less than once every seven days.

(g) Each professional licensing authority for health care providers and dispensers shall consider the statutory requirements, rules, and standards adopted pursuant to this section in disciplinary proceedings when determining whether a licensee has complied with the applicable standard of care.

Sec. 11a. REPORTING OF DISPENSER STANDARDS

No later than March 31, 2014, each professional licensing authority for dispensers shall submit the standards required by 18 V.S.A. § 4289(e) to the VPMS Advisory Committee established in 18 V.S.A. § 4286.

Sec. 12. 18 V.S.A. § 4290 is added to read:

§ 4290. REPLACEMENT PRESCRIPTIONS AND MEDICATIONS

(a) As used in this section, “replacement prescription” means an unscheduled prescription request in the event that the document on which a patient’s prescription was written or the patient’s prescribed medication is reported to the prescriber as having been lost or stolen.

(b) When a patient or a patient’s parent or guardian requests a replacement prescription for a Schedule II, III, or IV controlled substance, the patient’s health care provider shall query the VPMS prior to writing the replacement prescription to determine whether the patient may be receiving more than a therapeutic dosage of the controlled substance.

(c) When a health care provider writes a replacement prescription pursuant to this section, the provider shall clearly indicate as much by writing the word “REPLACEMENT” on the face of the prescription. The health care provider shall document the writing of the replacement prescription in the patient’s medical record.

Sec. 13. VPMS ADVISORY COMMITTEE

(a)(1) The Commissioner shall maintain an advisory committee to assist in the implementation and periodic evaluation of the Vermont Prescription Monitoring System (VPMS).

(2) The Committee shall make recommendations regarding ways to improve the utility of the VPMS and its data.

(3) The Committee shall have access to aggregated, deidentified data from the VPMS.

(b) The VPMS Advisory Committee shall be chaired by the Commissioner of Health or designee and shall include the following members:

(1) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(2) a representative from the Vermont Medical Society;

(3) a representative from the American College of Emergency Physicians - Vermont Chapter;

(4) a representative from the Vermont State Nurses Association;

(5) a representative from the Vermont Board of Medical Practice;

(6) a representative from the Vermont Board of Pharmacy;

(7) a representative from the Vermont Pharmacists Association;

(8) a representative from the Vermont State Dental Society;

(9) the Commissioner of Public Safety;

(10) a representative of the Vermont Attorney General;

(11) a representative of the Vermont Substance Abuse Treatment Providers Association;

(12) a mental health provider or a certified alcohol and drug abuse counselor;

(13) a consumer in recovery from prescription drug abuse;

(14) a consumer receiving medical treatment for chronic pain; and

(15) any other member invited by the Commissioner.

(c) The Committee shall meet at least once annually but may be convened at any time by the Commissioner or the Commissioner's designee.

(d) On or before January 15, 2014, the Committee shall provide recommendations to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding ways to maximize the effectiveness and appropriate use of the VPMS database, including adding new reporting capabilities, in order to improve patient outcomes and avoid prescription drug diversion. The Committee shall also report on the feasibility of obtaining real-time information from the VPMS and on its evaluation of whether increasing the frequency of dispenser reporting to

the VPMS from at least once every seven days to at least once every 24 hours, or more frequently, would yield substantial benefits.

(e) The Committee shall cease to exist on July 1, 2014.

Sec. 13a. REPORT ON INTEGRATION OF ELECTRONIC MEDICAL RECORDS AND THE VERMONT PRESCRIPTION MONITORING SYSTEM

On or before December 1, 2014, the Department of Health shall provide to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary a report evaluating the potential for the integration of electronic medical records with the VPMS. The report shall include an assessment of the feasibility of the integration, identification of potential barriers to the integration, and an estimate of the costs associated with the integration.

Sec. 13b. REPORT ON PREVENTION ACTIVITIES

(a) The Agency of Education and the Department of Health shall use the School Health Profile to survey public and approved independent middle and high schools in Vermont to determine the quality and effectiveness of substance abuse prevention education in Vermont's schools.

(b) On or before January 15, 2015, the Secretary of Education and the Commissioner of Health shall report their evaluation of the quality and effectiveness of substance abuse prevention education in Vermont based on the results of the survey required by this section, as well as their recommendations for evidence-based and data-driven practices to be incorporated into school quality standards in the health education domain, to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Education and on Judiciary.

* * * Improving Access to Treatment and Recovery * * *

Sec. 14. UNIFIED PAIN MANAGEMENT SYSTEM ADVISORY COUNCIL

(a) There is hereby created a Unified Pain Management System Advisory Council for the purpose of advising the Commissioner of Health on matters relating to the appropriate use of controlled substances in treating chronic pain and addiction and in preventing prescription drug abuse.

(b) The Unified Pain Management System Advisory Council shall consist of the following members:

(1) the Commissioner of Health or designee, who shall serve as chair;

(2) the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs or designee;

(3) the Commissioner of Mental Health or designee;

(4) the Director of the Blueprint for Health or designee;

(5) the Chair of the Board of Medical Practice or designee, who shall be a clinician;

(6) a representative of the Vermont State Dental Society, who shall be a dentist;

(7) a representative of the Vermont Board of Pharmacy, who shall be a pharmacist;

(8) a faculty member of the academic detailing program at the University of Vermont's College of Medicine;

(9) a faculty member of the University of Vermont's College of Medicine with expertise in the treatment of addiction or chronic pain management;

(10) a representative of the Vermont Medical Society, who shall be a primary care clinician;

(11) a representative of the American Academy of Family Physicians, Vermont chapter, who shall be a primary care clinician;

(12) a representative from the Vermont Board of Osteopathic Physicians, who shall be an osteopath;

(13) a representative of the Federally Qualified Health Centers, who shall be a primary care clinician selected by the Bi-State Primary Care Association;

(14) a representative of the Vermont Ethics Network;

(15) a representative of the Hospice and Palliative Care Council of Vermont;

(16) a representative of the Office of the Health Care Ombudsman;

(17) the Medical Director for the Department of Vermont Health Access;

(18) a clinician who works in the emergency department of a hospital, to be selected by the Vermont Association of Hospitals and Health Systems in consultation with any nonmember hospitals;

(19) a member of the Vermont Board of Nursing Subcommittee on APRN Practice, who shall be an advanced practice registered nurse;

(20) a representative from the Vermont Assembly of Home Health and Hospice Agencies;

(21) a psychologist licensed pursuant to 26 V.S.A. chapter 55 who has experience in treating chronic pain, to be selected by the Board of Psychological Examiners;

(22) a drug and alcohol abuse counselor licensed pursuant to 33 V.S.A. chapter 8, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(23) a retail pharmacist, to be selected by the Vermont Pharmacists Association;

(24) an advanced practice registered nurse full-time faculty member from the University of Vermont's Department of Nursing; and

(25) a consumer representative who is either a consumer in recovery from prescription drug abuse or a consumer receiving medical treatment for chronic noncancer-related pain.

(c) Advisory Council members who are not employed by the State or whose participation is not supported through their employment or association shall be entitled to a per diem and expenses as provided by 32 V.S.A. § 1010.

(d)(1) The Advisory Council shall provide advice to the Commissioner concerning rules for the appropriate use of controlled substances in treating chronic noncancer pain and addiction and in preventing prescription drug abuse.

(2) The Advisory Council shall evaluate the use of nonpharmacological approaches to treatment for chronic pain, including the appropriateness, efficacy, and cost-effectiveness of using complementary and alternative therapies such as chiropractic, acupuncture, and massage.

(e) The Commissioner of Health may adopt rules pursuant to 3 V.S.A. chapter 25 regarding the appropriate use of controlled substances after seeking the advice of the Council.

Sec. 14a. COMPLEMENTARY AND ALTERNATIVE TREATMENT REPORT

On or before January 15, 2014, the Commissioner of Health shall provide to the House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare the findings and recommendations of the

Unified Pain Management System Advisory Council's initial evaluation of the use of nonpharmacological approaches to treatment for chronic pain, including the use of complementary and alternative therapies. The Commissioner shall provide the Committees with additional recommendations as appropriate as the Advisory Council continues to consider nonpharmacological approaches to treating chronic pain.

Sec. 14b. DEPARTMENT OF HEALTH; ACCESS TO OPIOID
TREATMENT

(a) The prevalence of opioid addiction and the lack of sufficient access to opioid treatment in Vermont pose an imminent peril to the public health, welfare, and safety to our citizens.

(b) The Vermont Department of Health shall study how Vermont can increase access to opioid treatment, including methadone and suboxone, by establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people.

(c) The Commissioner of Health shall consult with the following people:

(1) The Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

(2) a representative from the Vermont Medical Society;

(3) a representative from the Vermont State Nurses Association;

(4) a representative from the Vermont Board of Medical Practice;

(5) a representative from the Vermont Board of Pharmacy;

(6) a representative from the Vermont Pharmacists Association;

(7) the Commissioner of Public Safety;

(8) a representative of the Vermont Attorney General;

(9) a representative of the Vermont Substance Abuse Treatment Providers Association;

(10) a mental health provider or a certified alcohol and drug abuse counselor;

(11) a consumer in recovery from prescription drug abuse;

(12) a representative from a clinical laboratory providing drug testing and clinical support services to addiction treatment programs;

(13) the Commissioner of Corrections;

(14) The Defender General; and

(15) any other member designated by the Commissioner of Health.

(d)(1) The Department of Health shall adopt rules establishing a program whereby state-licensed physicians who are affiliated with a licensed opioid maintenance treatment program may provide methadone or suboxone to opioid-dependent people. Such rules may be adopted as emergency rules in accordance with 3 V.S.A. chapter 25. The Department may adopt and enforce such reasonable rules and procedures as are deemed necessary to carry out the administration of the provisions of this section.

(2) The Commissioner of Health shall report its findings, including any recommendations or proposed legislation to the House Committees on Health Care and on Human Services and Senate Committees on Judiciary and on Health and Welfare on or before January 15, 2014.

Sec. 14c. 33 V.S.A. § 703 is amended to read:

§ 703. ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS;
PER DIEM

(a) ~~The alcohol and drug abuse council~~ Alcohol and Drug Abuse Council is established within the ~~agency of human services~~ Agency of Human Services to promote the reduction of problems arising from alcohol and drug abuse by advising the Secretary on policy areas that can inform agency programs.

(b) ~~The council~~ Council shall consist of ~~eleven~~ 11 members:

(1) ~~the secretary of the agency of human services, commissioner of public safety, commissioner of education, commissioner of liquor control, and commissioner of motor vehicles~~ Secretary of Human Services, Commissioner of Public Safety, Secretary of Education, Commissioner of Liquor Control, and Commissioner of Motor Vehicles or their designees;

(2) one member shall be a member of a mental health or substance abuse agency who shall be appointed by the ~~governor~~ Governor; and

(3) five members shall be appointed by the ~~governor~~ Governor of which every consideration shall be given, if possible, to equal geographic apportionment. ~~One of these~~ Consideration will be given for one of these members ~~shall to~~ be a certified practicing teacher and one of these members ~~shall to~~ be a school administrator.

(c) The term of office of members appointed pursuant to subdivisions (b)(2) and (b)(3) of this section shall be three years.

(d) ~~The secretary of the agency of human services~~ council membership shall annually elect a member to serve as chairperson.

(e) All members shall be voting members.

(f) At the expiration of the term of an appointed member, or in the event of a vacancy during an unexpired term, the new member shall be appointed in the same manner as his or her predecessor. Members of the ~~council~~ Council may be reappointed.

(g) Each member of the ~~council~~ Council not otherwise receiving compensation from the ~~state~~ State of Vermont or any political subdivision thereof shall be entitled to receive per diem compensation ~~of \$30.00 for each day as provided in 32 V.S.A. § 1010(b).~~ Each member shall be entitled to his or her actual and necessary expenses.

Sec. 15. OPIOID ADDICTION TREATMENT IN HOSPITALS

Pursuant to 18 V.S.A. § 4240(b)(5), the Department of Health, in collaboration with the Vermont Association of Hospitals and Health Systems, the Vermont Association for Mental Health and Addiction Recovery, and the Vermont Council of Developmental and Mental Health Services, shall, subject to available resources, develop evidence-based guidelines and training for hospitals regarding:

(1) screening for addiction;

(2) performing addiction interventions;

(3) making referrals to addiction treatment and recovery services for victims admitted to or treated in a hospital emergency department; and

(4) informing hospitals about the specific addiction treatment and recovery services available in the hospital's service area.

Sec. 15a. REPORT ON OPIOID ADDICTION TREATMENT PROGRAMS

(a) On or before December 15, 2013, the Commissioners of Health and of Vermont Health Access shall provide a written report to the House Committees on Health Care and on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding opioid addiction treatment and recovery services being provided in Vermont.

(b) The report shall include:

(1) each program's capacity, including the number of persons currently served and the program's maximum capacity;

(2) the number of persons on the waiting list for each program, if applicable, and the average length of time a person spends on the program's waiting list before services become available;

(3) specific information regarding the number of persons served by each program that uses buprenorphine, buprenorphine/naloxone, or methadone for the treatment of opioid addiction and the number of persons on the waiting list for that program, if any;

(4) specific information about the implementation of the Hub and Spoke Opioid Integrated Treatment Initiative, including a description of specialty addiction treatment programs and general medical practices currently providing medication-assisted treatment (MAT) and the number of persons currently being served in specialty addiction treatment programs and in Blueprint primary care practices toward a goal of reducing current waiting lists statewide by 90 percent by January 15, 2015;

(5) how opioid addiction treatment services are integrated with existing recovery and counseling programs in Vermont; and

(6) the Department of Health's plans for addressing the need for additional opioid addiction treatment programs, including a description of the resources that the Department would need to meet the statewide demand for specialty services, of continued barriers to treatment, and of particular workforce needs.

* * * Safe Disposal of Prescription Medication * * *

Sec. 16. UNUSED DRUG DISPOSAL PROGRAM PROPOSAL

(a) On or before January 15, 2014, the Commissioners of Health and of Public Safety shall provide recommendations to the House and Senate Committees on Judiciary, the House Committees on Human Services and on Health Care, and the Senate Committee on Health and Welfare regarding the design and implementation of a voluntary statewide drug disposal program for unused over-the-counter and prescription drugs at no charge to the consumer. In preparing their recommendations, the Commissioners shall consider successful unused drug disposal programs in Vermont, including the Bennington County Sheriff's Department's program, and programs in other states.

(b) On or before July 1, 2014, the Commissioners of Health and of Public Safety shall implement the voluntary unused drug disposal program developed pursuant to subsection (a) of this section and shall take steps to publicize the program and to make all Vermont residents aware of opportunities to avail themselves of it.

* * * Preventing Deaths from Opioid Overdose * * *

Sec. 17. 18 V.S.A. § 4240 is added to read:

§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED
OVERDOSES

(a) As used in this section:

(1) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician’s assistant certified to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, or an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28.

(2) “Opioid antagonist” means a drug that, when administered, negates or neutralizes in whole or part the pharmacological effects of an opioid in the body.

(3) “Victim” means the person who has overdosed on an opioid drug or who is believed to have overdosed on an opiate drug.

(b) For the purpose of addressing prescription and nonprescription opioid overdoses in Vermont, the Department shall develop and implement a prevention, intervention, and response strategy, depending on available resources, that shall:

(1) provide educational materials on opioid overdose prevention to the public free of charge, including to substance abuse treatment providers, health care providers, opioid users, and family members of opioid users;

(2) increase community-based prevention programs aimed at reducing risk factors that lead to opioid overdoses;

(3) increase timely access to treatment services for opioid users, including medication-assisted treatment;

(4)(A) educate substance abuse treatment providers on methods to prevent opioid overdoses;

(B) provide education and training on overdose prevention, intervention, and response to individuals living with addiction and participating in opioid treatment programs, syringe exchange programs, residential drug treatment programs, or correctional services;

(5) facilitate overdose prevention, drug treatment, and addiction recovery services by implementing and expanding hospital referral services for individuals treated for an opioid overdose; and

(6) develop a statewide opioid antagonist pilot program that emphasizes access to opioid antagonists to and for the benefit of individuals with a history of opioid use.

(c)(1) A health care professional acting in good faith may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A health care professional who prescribes, dispenses, or distributes an opioid antagonist in accordance with subdivision (1) of this subsection shall be immune from civil or criminal liability with regard to the subsequent use of the opioid antagonist, unless the health professional's actions with regard to prescribing, dispensing, or distributing the opioid antagonist constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(d)(1) A person may administer an opioid antagonist to a victim if he or she believes, in good faith, that the victim is experiencing an opioid-related overdose.

(2) After a person has administered an opioid antagonist pursuant to subdivision (1) of this subsection (d), he or she shall immediately call for emergency medical services if medical assistance has not yet been sought or is not yet present.

(3) A person shall be immune from civil or criminal liability for administering an opioid antagonist to a victim pursuant to subdivision (1) of this subsection unless the person's actions constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(e) A person acting on behalf of a community-based overdose prevention program shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring, distributing, or possessing an opioid antagonist unless the person's actions constituted recklessness, gross negligence, or intentional misconduct.

(f) Any health care professional who treats a victim and who has knowledge that the victim has been administered an opioid antagonist within the preceding 30 days shall refer the victim to professional substance abuse treatment services.

Sec. 18. STATEWIDE OPIOID ANTAGONIST PILOT PROGRAM

(a) The Department of Health shall develop and administer a statewide pilot program for the purpose of distributing opioid antagonists to:

(1) individuals at risk of an opioid overdose;

(2) the family and friends of an individual at risk of experiencing an opioid overdose; and

(3) others who may be in a position to assist individuals experiencing an opioid overdose.

(b) In developing and implementing the pilot program, the Department shall collaborate with community-based substance abuse organizations that have experience delivering opioid-related prevention and treatment services as determined by the Commissioner.

(c) The pilot program shall be in effect from July 1, 2013 through June 30, 2016. During the term of the pilot program, the Department shall purchase, provide for the distribution of, and monitor the use of opioid antagonists distributed in accordance with this section.

(d) On or before January 15, 2016, the Department of Health shall submit a report to the House Committees on Human Services, on Health Care, and on Judiciary and to the Senate Committees on Health and Welfare and on Judiciary evaluating the statewide opioid antagonist pilot program. The report shall include findings that pertain to the cost and effectiveness of the program and recommendations as to whether the program should be continued after June 30, 2016.

Sec. 18a. 18 V.S.A. § 5208 is amended to read:

§ 5208. HEALTH DEPARTMENT; REPORT ON STATISTICS

(a) ~~Beginning~~ Notwithstanding the provisions of 2 V.S.A. § 20(d), ~~beginning~~ October 1, 2011 and every two years thereafter, the Vermont ~~department of health~~ Department of Health shall report to the ~~house committee on human services and the senate committee on health and welfare~~ House Committees on Human Services and on Health Care and the Senate Committee on Health and Welfare regarding the number of persons who died during the preceding two calendar years in hospital emergency rooms, other hospital

settings, in their own homes, in a nursing home, in a hospice facility, and in any other setting for which information is available, as well as whether each decedent received hospice care within the last 30 days of his or her life. Beginning with the 2013 report, the ~~department~~ Department shall include information on the number of persons who died in hospital intensive care units, assisted living facilities, or residential care homes during the preceding two calendar years.

(b) In addition to the report required by subsection (a) of this section and notwithstanding the provisions of 2 V.S.A. § 20(d), beginning March 1, 2014 and annually thereafter, the Department shall report to the House Committees on Human Services and on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary regarding the number of persons who died during the preceding calendar year from an overdose of a Schedule II, III, or IV controlled substance. The report shall list separately the number of deaths specifically related to opioids, including for each death whether an opioid antagonist was administered and whether it was administered by persons other than emergency medical personnel, firefighters, or law enforcement officers. Beginning in 2015, the report shall include similar data from prior years to allow for comparison.

* * * Protecting Communities from
Methamphetamine Abuse * * *

Sec. 19. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(b) Sale.

(1) A drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.

(2)(A) A retail establishment shall not knowingly ~~sell~~ complete a sale to a person ~~within a calendar day any if the~~ drug product or combination of drug products ~~containing~~ purchased would surpass a total of more than 3.6 grams within a 24-hour period or nine grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers.

(B) This subdivision shall not apply to drug products dispensed pursuant to a valid prescription.

(3) A person or business which violates this subdivision shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second and subsequent violation be assessed a civil penalty of not more than \$500.00.

(c) Electronic registry system.

(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.

(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.

(D) The State shall use the National Precursor Log Exchange (NPLEx) online portal or its equivalent to host Vermont's electronic registry system.

(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government-issued identification document. The retail establishment shall record in the electronic registry system:

(i) the name and address of the purchaser;

(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;

(iii) the date and time of purchase;

(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and

(v) the name of the person selling or furnishing the drug product.

(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).

(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).

(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.

(3) A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:

(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and

(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).

(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00; and

(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00.

(d) This section shall not apply to a manufacturer ~~which~~ that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

~~(d)~~(e) As used in this section:

(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 19a. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(c) ~~Electronic registry system.~~

~~(1)(A) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to subsection (b) of this section. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to a co-worker if the transaction is not completed. The system shall create a record of each use of the override mechanism.~~

~~(B) The electronic registry system shall be available free of charge to the State of Vermont, retail establishments, and local law enforcement agencies.~~

~~(C) The electronic registry system shall operate in real time to enable communication among in-state users and users of similar systems in neighboring states.~~

~~(D) The State shall use the National Precursor Log Exchange (NPLeX) online portal or its equivalent to host Vermont’s electronic registry system.~~

~~(2)(A) Prior to completing a sale under subsection (b) of this section, a retail establishment shall require the person purchasing the drug product to present a current, valid government issued identification document. The retail establishment shall record in the electronic registry system:~~

~~(i) the name and address of the purchaser;~~

~~(ii) the name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine base sold in grams;~~

~~(iii) the date and time of purchase;~~

~~(iv) the form of identification presented, the issuing government entity, and the corresponding identification number; and~~

~~(v) the name of the person selling or furnishing the drug product.~~

~~(B)(i) If the retail establishment experiences an electronic or mechanical failure of the electronic registry system and is unable to comply with the electronic recording requirement, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until the retail establishment is able to comply fully with this subsection (c).~~

~~(ii) If the region of the State where the retail establishment is located does not have broadband Internet access, the retail establishment shall maintain a written log or an alternative electronic record-keeping mechanism until broadband Internet access becomes accessible to that region. At that time, the retail establishment shall come into compliance with this subsection (c).~~

~~(C) A retail establishment shall maintain all records of drug product purchases made pursuant to this subsection (c) for a minimum of two years.~~

~~(3) A retail establishment shall display a sign at the register provided by NPLeX or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine base that:~~

~~(A) the purchase of the drug product or products shall result in the purchaser's identity being listed on a national database; and~~

~~(B) the purchaser has the right to request the transaction number for any purchase that was denied pursuant to this subsection (c).~~

~~(4) Except as provided in subdivision (5) of this subsection (c), a person or retail establishment that violates this subsection shall:~~

~~(A) for a first violation be assessed a civil penalty of not more than \$100.00; and~~

~~(B) for a second or subsequent violation be assessed a civil penalty of not more than \$500.00. [Repealed]~~

~~(d) This section shall not apply to a manufacturer that has obtained an exemption from the Attorney General of the United States under Section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.~~

~~(e) As used in this section:~~

~~(1) "Distributor" means a person, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product to any person who is not the ultimate user or consumer of the product.~~

(2) “Knowingly” means having actual knowledge of the relevant facts.

(3) “Manufacturer” means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

(4) “Wholesaler” means a person, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product to any other person for the purpose of being resold.

Sec. 20. THE EFFECT OF METHAMPHETAMINE PRODUCTION ON HOUSING

(a) The Commissioner of Health shall recommend guidance for reoccupancy of a structure that was used in the production of methamphetamine.

(b) The Commissioner shall examine:

(1) Approaches for identifying housing that is or has been used for methamphetamine production and methods for making such housing safe, including:

(A) standards for reoccupancy;

(B) whether purchasers or tenants of housing that has been affected by methamphetamine production should be provided with notification of such, and if so, how; and

(C) methods taken by other states in identifying, quarantining, and cleaning such housing as well as methods used by other states to notify affected parties.

(2) The public health effects of long-term exposure to housing that is or has been contaminated by by-products resulting from production of methamphetamine.

(c) The Commissioner shall report his or her findings, including any recommendations or proposed legislation to the House Committees on General, Housing and Military Affairs, on Judiciary, on Health Care, and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs, on Judiciary, and on Health and Welfare on or before June 15, 2014.

* * * Community Safety * * *

Sec. 21. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:

(1)(A) ~~Actual~~ actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent; ~~or~~

(2)(B) ~~Signs~~ signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) Real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected.

(B) A railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters a building other than a residence, whose ~~normal~~ access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this ~~state~~ State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

(d) A person who enters a dwelling house, whether or not a person is actually present, knowing that he or she is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

Sec. 22. [DELETED]

Sec. 22a. 9 V.S.A. chapter 97 is amended to read:

CHAPTER 97. PAWNBROKERS

* * *

§ 3865. RECORDS OF A PAWNBROKER OR SECONDHAND DEALER

(a) In each year a pawnbroker or secondhand dealer resells over ~~\$500.00~~ \$2,500.00 of items pawned, pledged, or sold to the pawnbroker or secondhand dealer, he or she shall maintain the following records for each transaction in that year:

(1) a legible statement written at the time of the transaction stating the amount of money lent or paid for the items pawned, pledged, or sold, the time of the transaction, and the rate of interest to be paid on the loan, as applicable;

(2) a legible statement of the name, current address, telephone number, and vehicle license number of the person pawning, pledging, or selling the items;

(3) a legible written description and photograph, or alternatively a video, of the items pawned, pledged, or sold;

(4) a photocopy of a government-issued identification card issued to the person pawning, pledging, or selling the items, if available.

(b) At all reasonable times, the records required under subsection (a) of this section shall be open to the inspection of law enforcement. A law enforcement agency shall make a reasonable effort to notify a dealer before conducting an inspection pursuant to this section unless providing notice would interfere with a criminal investigation or any other legitimate law enforcement purpose.

(c) In this section:

(1) "Precious metal" means gold, silver, platinum, or palladium.

(2) "Secondhand dealer" means a person engaged in the business of purchasing used or estate precious metal, coins, ~~antiques, furniture,~~ jewelry, or similar items for the purpose of resale.

* * *

§ 3871. PENALTIES

(a) A licensee who violates a provision of sections ~~3863-3870~~ 3863-3864 or 3866-3870 of this title, shall be fined not more than \$100.00 nor less than \$10.00 for each offense.

(b) A pawnbroker or precious metal dealer who violates a provision of section 3865 or 3872 of this chapter:

(1) may be assessed a civil penalty not to exceed \$1,000.00 for a first violation; and

(2) shall be fined not more than \$25,000.00 for a second or subsequent violation.

* * *

Sec. 22b. PUBLIC OUTREACH TO VERMONT PRECIOUS METAL DEALERS

The Department of Public Safety shall design and implement a public outreach campaign to inform and educate pawnbrokers, precious metal dealers, and others affected by 9 V.S.A. chapter 97 of the current statutory provisions governing the purchase and sale of precious metals, including:

(1) the items that should be regulated as “precious metal” or other secondhand goods;

(2) the type of transactions governed by the chapter;

(3) the recordkeeping requirements of the chapter;

(4) the 10-day holding period requirement;

(5) methods for increasing communication with the Department of Public Safety regarding possible suspicious activity within their business transactions; and

(6) other information supporting the purpose of the campaign.

Sec. 22c. INTERIM STUDY COMMITTEE ON THE REGULATION OF PRECIOUS METAL DEALERS

(a) Creation of committee. There is created an Interim Study Committee on the Regulation of Precious Metal Dealers, the purpose of which shall be to examine the current practices in the trade of precious metals in Vermont, the nexus of that trade to drug-related and other illegal activity, and to provide recommendations to the General Assembly on the most effective means of regulating the trade to decrease the amount of related illegal activity and promote the recovery of stolen property.

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

(1) a Vermont-based representative from the New England Jewelers Association;

- (2) a representative from the Vermont Antique Dealers Association;
- (3) a Vermont-based coin dealer appointed by the Governor;
- (4) a representative of local law enforcement from the Vermont Police Association;
- (5) a Vermont-based auctioneer appointed by the Governor;
- (6) a private citizen who has been affected by the theft of precious metals appointed by the Governor;
- (7) a representative from a Vermont-based business that uses precious metal for manufacturing or industrial purposes appointed by the Governor;
- (8) a representative from the jewelry manufacturing industry appointed by the Governor;
- (9) a representative from the Vermont State's Attorneys and Sheriffs' Association;
- (10) the Commissioner of Public Safety or designee, who shall serve as Chair of the Committee, and
- (11) the Vermont Attorney General or designee.

(c) Powers and duties.

(1) The Committee shall study methods for increasing cooperation between law enforcement and precious metal dealers in an effort to prevent the theft of these items and retrieve stolen goods, including the following:

(A) the advisability, cost, and effectiveness of creating and maintaining a stolen property database and website for the purpose of posting pictures and information about stolen items;

(B) the creation of a licensing system for precious metal dealers, including what information would be required of applicants, who would be eligible for a license, and how the licensing program would be implemented;

(C) refinement of the recordkeeping requirements for precious metal dealers, including the possibility of requiring sales of a certain amount to be recorded electronically; and

(D) any other issues related to precious metal as the Committee deems appropriate.

(2) For purposes of its study of these issues, the Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Report. On or before January 1, 2014, the Committee shall report to the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary, and the House Committees on Commerce and Economic Development and on Judiciary its findings and any recommendations for legislative action.

(e) Meetings.

(1) Seven members of the Committee shall be physically present at the same location to constitute a quorum.

(2) Action shall be taken only if there is both a quorum and an affirmative vote of the members physically present and voting.

(3) The Committee may meet no more than five times, and shall cease to exist on January 2, 2014.

(4) Members of the Committee who are not state employees and who are not otherwise compensated for their participation by their employer or association shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010(b).

* * * Effective Dates * * *

Sec. 23. EFFECTIVE DATES; SUNSET

(a) This section and Secs. 2a (emergency rules), 3a (board of pharmacy; rulemaking), 11(e) (Health Department rules), 11(f) (licensing authority standards), 13 (VPMS Advisory Committee), 13b (prevention report), 20 (study committee on the effects of the production of methamphetamine and other illegal drugs on housing), 22a (9 V.S.A. chapter 97A; secondhand dealers), 22b (public outreach; precious metal dealers), and 22c (interim study; precious metal dealers) of this act shall take effect on passage.

(b) Secs. 10 (18 V.S.A. § 4288; reciprocal agreements), 12 (18 V.S.A. § 4290; replacement prescriptions), and 19 (18 V.S.A. § 4234b; ephedrine and pseudoephedrine), and Sec. 8(b)(2)(G) (18 V.S.A. § 4284(b)(2)(G); interstate data sharing) of this act shall take effect on October 1, 2013.

(c) Sec. 11(d) (VPMS query requirements) of this act shall take effect on November 15, 2013.

(d) Sec. 19a (18 V.S.A. § 4234b; ephedrine and pseudoephedrine) of this act shall take effect on September 30, 2016.

(e) The remaining sections of this act shall take effect on July 1, 2013.

Thereupon, **Rep. Pugh of South Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 11, 18 V.S.A. § 4289, by striking subsections (d) and (e) in their entirety and inserting in lieu thereof the following:

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative long-term pain therapy of 90 days or more;

(3) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; or

(4) when starting a patient on nonpalliative long-term pain therapy of 90 days or more.

(e) The Commissioner of Health shall, after consultation with the Unified Pain Management System Advisory Council, adopt rules necessary to effect the purposes of this section. The Commissioner and the Council shall consider additional circumstances under which health care providers should be required to query the VPMS, including whether health care providers should be required to query the VPMS when a patient requests renewal of a prescription for an opioid Schedule II, III, or IV controlled substance written to treat acute pain.

Second: In Sec. 14b, in subdivision (d)(2), after “Human Services” by inserting “and on Judiciary”

Third: By striking Sec. 22c in its entirety and inserting in lieu thereof a new Sec. 22c to read:

Sec. 22c. INTERIM STUDY COMMITTEE ON THE REGULATION OF
PRECIOUS METAL DEALERS

(a) Creation of committee. There is created an Interim Study Committee on the Regulation of Precious Metal Dealers, the purpose of which shall be to examine the current practices in the trade of precious metals in Vermont and the nexus of that trade to drug-related and other illegal activity, and to provide recommendations to the General Assembly on the most effective means of regulating the trade to decrease the amount of related illegal activity and promote the recovery of stolen property.

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

(1) three members of the House of Representatives, not all of the same party, appointed by the Speaker of the House, one each from the Committees on Judiciary, on Commerce and Economic Development, and on Government Operations; and

(2) three members of the Senate, not all of the same party, appointed by the Committee on Committees, one each from the Committees on Judiciary, on Economic Development, Housing and General Affairs, and on Government Operations.

(c) Powers and duties.

(1) The Committee shall study methods for increasing cooperation between law enforcement and dealers in precious metals and other secondhand items in an effort to prevent the theft of these items and retrieve stolen property, including the following:

(A) the types of items that should be included in a regulatory scheme;

(B) the advisability, cost, and effectiveness of creating and maintaining a stolen property database and website for the purpose of posting pictures and information about stolen items;

(C) the creation of a licensing system for precious metal dealers and others, including what information would be required of applicants, who would be eligible for a license, and how the licensing program would be implemented;

(D) the appropriate recordkeeping requirements for precious metal dealers and others, including the possibility of requiring sales of a certain volume to be recorded electronically; and

(E) any other related issues that the Committee deems appropriate.

(2) The Committee shall consult with the following people during its deliberations:

(A) a Vermont-based representative from the New England Jewelers Association;

(B) a representative from the Vermont Antique Dealers Association;

(C) Vermont-based coin dealers;

(D) Vermont-based auctioneers;

(E) a private citizen who has been affected by the theft of precious metals;

(F) a representative from a Vermont-based business that uses precious metals for manufacturing or industrial purposes;

(G) a representative from the jewelry manufacturing industry;

(H) a representative from the Vermont Department of State's Attorneys and Sheriffs;

(I) a representative of local law enforcement from the Vermont Police Association;

(J) the Commissioner of Public Safety; and

(K) the Vermont Attorney General.

(3) For purposes of its study of these issues, the Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(d) Report. On or before January 15, 2014, the Committee shall report its findings and any recommendations for legislative action to the Senate Committees on Economic Development, Housing and General Affairs, on Judiciary, and on Government Operations, and the House Committees on Commerce and Economic Development, on Judiciary, and on Government Operations.

(e) Meetings.

(1) Four members of the Committee shall be physically present at the same location to constitute a quorum.

(2) Action shall be taken only if there is both a quorum and an affirmative vote of the majority of members physically present and voting.

(3) The Committee may meet no more than five times and shall cease to exist on January 16, 2014.

Fourth: By adding Secs. 22d–22f to read as follows:

Sec. 22d. Sec. 1 of H.200 of 2013, as enacted, is amended in 18 V.S.A. § 4230(a), in subdivision (2), after “two ounces or more of marijuana” by adding “or 10 grams or more of hashish” and in subdivision (3), after “one pound or more of marijuana” by adding “or 2.8 ounces or more of hashish” and in subdivision (4), after “10 pounds or more of marijuana” by adding “or one pound or more of hashish”

Sec. 22e. Sec. 1 of H.200 of 2013, as enacted, is amended in 18 V.S.A. § 4230 by striking “* * *” and inserting in lieu thereof the following:

(b) Selling or dispensing.

(1) A person knowingly and unlawfully selling marijuana or hashish shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(2) A person knowingly and unlawfully selling or dispensing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of~~ one-half ounce or more containing any of marijuana or 2.5 grams or more of hashish shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(3) A person knowingly and unlawfully selling or dispensing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of~~ one pound or more containing any of marijuana or 2.8 ounces of hashish shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(c) Trafficking. A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of~~ 50 pounds or more containing any of marijuana or five pounds or more of hashish with the intent to sell or dispense the marijuana or hashish shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of~~ 50 pounds or more containing any of marijuana or five pounds or more of hashish intends to sell or dispense the marijuana or hashish.

Sec. 22f. Sec. 13 of H.200 of 2013, as enacted, is amended in subsection (a) (effective dates) by striking “Secs. 12 and 13” where it appears and inserting in lieu thereof “Sec. 11” and in subsection (b) by striking “Sec. 6” and inserting in lieu thereof “Sec. 5”

Fifth: In Sec. 23 in subsection (a) by striking “and 22c (interim study; precious metal dealers)” and inserting in lieu thereof “22c (interim study; precious metal dealers), and 22f (H.200 effective dates)” and by adding a subsection (d) to read as follows:

(d) Secs. 22d (possession of marijuana) and 22e (selling or dispensing marijuana) shall take effect on July 2, 2013.

Which was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended the following bills was ordered messaged to the Senate forthwith.

H. 515

House bill, entitled

An act relating to miscellaneous agricultural subjects

H. 522

House bill, entitled

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

S. 150

Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

Adjournment

At seven o'clock and twenty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, May 13, 2013, at ten o'clock in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 141

House concurrent resolution honoring Dr. Kevin Daniel Crowley;

H.C.R. 142

House concurrent resolution honoring Bennington College President Elizabeth Coleman for her visionary academic leadership and scholarship;

H.C.R. 143

House concurrent resolution congratulating the Brattleboro Museum & Art Center on its 40th anniversary;

H.C.R. 144

House concurrent resolution honoring the military valor of the Shores brothers in defending the Union during the Civil War;

H.C.R. 145

House concurrent resolution recognizing the importance for U.S. military personnel of the award-winning documentary film *The Invisible War*;

H.C.R. 146

House concurrent resolution honoring Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden;

H.C.R. 147

House concurrent resolution honoring Stafford Technical Center Director Lyle Jepson on being named the 2013 Technical Director of the Year;

H.C.R. 148

House concurrent resolution commemorating the opening of the new Adult Intensive Unit at the Brattleboro Retreat in partnership with the Department of Mental Health;

H.C.R. 149

House concurrent resolution in memory of retired Vermont State Police Sgt. Harold Ackerman;

H.C.R. 150

House concurrent resolution congratulating Mikaela Shiffrin on her international alpine ski racing achievements;

H.C.R. 151

House concurrent resolution congratulating the Bennington Rural Fire Department on its 60th anniversary;

H.C.R. 152

House concurrent resolution congratulating the Green Street School 2012 Vermont State Spelling Bee championship team;

H.C.R. 153

House concurrent resolution congratulating the Bennington Children's Chorus on its silver anniversary;

H.C.R. 154

House concurrent resolution congratulating the 2013 South Burlington High School Rebels Division I championship boys' ice hockey team;

H.C.R. 155

House concurrent resolution congratulating the Vermont Shamrocks on winning the New England and National 2013 USA Hockey Tier II-U16 championships;

H.C.R. 156

House concurrent resolution congratulating the Lake Champlain Committee on its 50th anniversary;

H.C.R. 157

House concurrent resolution commemorating the bicentennial anniversary of the birth of Stephen A. Douglas, Brandon's most famous native son;

H.C.R. 158

House concurrent resolution designating the week of May 5–11 as Vermont Organ Donor Awareness Week in honor of Jason Perry and Christian Stromberg;

H.C.R. 159

House concurrent resolution congratulating the Puffer United Methodist Church of Morrisville on its bicentennial anniversary;

H.C.R. 160

House concurrent resolution honoring John Hasen on his outstanding career as an attorney dedicated to serving the public;

H.C.R. 161

House concurrent resolution honoring the civic and community leadership of the Montagne family of St. Albans;

H.C.R. 162

House concurrent resolution designating May 13–19, 2013 as American Craft Beer Week in Vermont and celebrating Gregfest;

H.C.R. 163

House concurrent resolution honoring Patricia Rocheleau Harper for her outstanding work on the restoration of the House committee rooms;

H.C.R. 164

House concurrent resolution congratulating the Plainfield Fire Department on its centennial anniversary;

H.C.R. 165

House concurrent resolution honoring the retiring educators and support staff in the Southwest Vermont Supervisory Union;

H.C.R. 166

House concurrent resolution honoring the Civil War-era musical drama *Ransom* on its professional premiere as the opening production of Lost Nation Theater's 25th anniversary season;

H.C.R. 167

House concurrent resolution honoring Robert Stannard on his retirement as a legislative lobbyist;

H.C.R. 168

House concurrent resolution commemorating the placement of an historic marker at the Rutland fairgrounds honoring aviation pioneer George Schmitt;

H.C.R. 169

House concurrent resolution congratulating the Pittsford Fire Department on its 65th anniversary;

H.C.R. 170

House concurrent resolution honoring the Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center;

H.C.R. 171

House concurrent resolution congratulating Windsor High School boys' Basketball Coach Harry Ladue on his induction into the New England Basketball Hall of Fame;

H.C.R. 172

House concurrent resolution honoring the Joslin Memorial Library in Waitsfield on the occasion of its 100th anniversary;

S.C.R. 25

Senate concurrent resolution designating May 7, 2013 as Senior Center Awareness Day;

S.C.R. 26

Senate concurrent resolution honoring Charles Browne for his extraordinary leadership of the Fairbanks Museum & Planetarium;

S.C.R. 27

Senate concurrent resolution honoring Hanford Biron for exemplary public service in the town of Norton;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2013, seventy-second Adjourned session.]

Monday, May 13, 2013

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Rep. Canfield of Fair Haven.

Pledge of Allegiance

Page Elizabeth O'Hara of Ferrisburgh led the House in the Pledge of Allegiance.

Remarks Journalized

On motion of **Rep. Savage of Swanton**, the following remarks by **Rep. Canfield of Fair Haven** were ordered printed in the Journal:

"Mr. Speaker:

I intended to deliver this message on Saturday, the last day of the Organ Donor Awareness Week. So, I ask your indulgence.

I wear this small lapel pin. It is blue and green with black letters and says donate life. I received this pin from the New England Organ Donor Bank.

This past weekend I attended funeral services for a young man who was four months old. His parents donated his heart to the New England Organ Donor Bank. They felt that his big strong heart valves might prevent other families from suffering the pain they were going through.

Most of you have met my friend, Nancy Hay. When Nancy's husband, Whitney died suddenly she and her family donated his organs to the New England Organ Donor Bank.

Through unusual circumstances we all were allowed the opportunity to meet John and Patty. John is the recipient of one of Whitney's corneas. After much correspondence we did meet at an organ donor bank ceremony. John walked into the lobby carrying a gift. As he approached he said "Hello Nancy,

thank you for my eyesight, I love you". He then also mentioned that he thought she might be taller.

We had quite a visit. John's wife Patty told of how, before his cornea surgery, every morning John's nose would be black from newsprint from holding the daily paper so close so he could see it.

We all remain close, like family. Friday we received a postcard as they were visiting – seeing - the Vatican. You can see that John is making the most out of Whitney's gift.

The New England Organ Donor Bank, from giving hope to a young family, to the satisfaction of knowing that part of your deceased loved one will live on, the gratification is beyond expression.

Mr. Speaker, I can only say good things about the New England Organ Donor Bank. I sincerely hope that each of us consider donating to this awesome organization.”

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 37

Senate bill, entitled

An act relating to tax increment financing districts

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 41

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

An act relating to water and sewer service

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

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred Senate Bill No. 41 entitled “An act relating to water and sewer service” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 5143 is amended to read:

§ 5143. DISCONNECTION OF SERVICE

* * *

(c) A municipality shall accept payment from any person for any bill or delinquent charge.

Sec. 2. INTENT

It is the intent of the General Assembly that the Vermont League of Cities and Towns, Vermont Legal Aid, and the Vermont Apartment Owners Association work collaboratively on a proposal to present to the House and Senate Committees on Government Operations by January 15, 2014 which addresses the issue of the disconnection of municipal water and sewer service due to delinquent payments.

Sec. 3. REPEAL

Sec. 1 of this act shall be repealed on February 1, 2014.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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.

Senate Proposal of Amendment Concurred in

H. 200

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

An act relating to civil penalties for possession of marijuana

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

* * * Criminal Penalties and Civil Penalties for Marijuana Possession * * *

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) A No person shall knowingly and unlawfully ~~possessing~~ possess more than one ounce of marijuana or more than five grams of hashish or cultivate marijuana. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program

unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision shall be imprisoned not more than six months or fined not more than \$500.00, or both.

(B) A person convicted of a second or subsequent offense ~~under this subdivision~~ of knowingly and unlawfully possessing more than one ounce of marijuana or more than five grams of hashish or cultivating marijuana shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(C) Upon an adjudication of guilt for a first or second offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(2) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of two ounces or more containing any of~~ marijuana or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing any of~~ marijuana or knowingly and unlawfully cultivating more than 10 plants of marijuana shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

(4) A person knowingly and unlawfully possessing ~~marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of 10 pounds or more of~~ marijuana or knowingly and unlawfully cultivating more than 25 plants of marijuana shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

(5) Prior to accepting a plea of guilty or a plea of nolo contendere from a defendant charged with a violation of this subsection, the court shall address the defendant personally in open court, informing the defendant and determining that the defendant understands that admitting to facts sufficient to warrant a finding of guilt or pleading guilty or nolo contendere to the charge

may have collateral consequences such as loss of education financial aid, suspension or revocation of professional licenses, and restricted access to public benefits such as housing. If the court fails to provide the defendant with notice of collateral consequences in accordance with this subdivision and the defendant later at any time shows that the plea and conviction may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

* * *

(d) Only the portion of a marijuana-infused product that is attributable to marijuana shall count toward the possession limits of this section. The weight of marijuana that is attributable to marijuana-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).

Sec. 2. 18 V.S.A. § 4230a–d are added to read:

§ 4230a. MARIJUANA POSSESSION BY A PERSON OVER 21 YEARS
OF AGE; CIVIL VIOLATION

(a) A person 21 years of age or older who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be assessed a civil penalty as follows:

- (1) Not more than \$200.00 for a first offense.
- (2) Not more than \$300.00 for a second offense.
- (3) Not more than \$500.00 for a third or subsequent offense.

(b)(1) Except as otherwise provided in this section, a person 21 years of age or older who possesses one ounce or less of marijuana or five grams or less of hashish or who possesses paraphernalia for marijuana use shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under state law.

(2) A violation of this section shall not result in the creation of a criminal history record of any kind.

(c)(1) This section does not exempt any person from arrest or prosecution for being under the influence of marijuana while operating a vehicle of any kind and shall not be construed to repeal or modify existing laws or policies

concerning the operation of vehicles of any kind while under the influence of marijuana.

(2) This section is not intended to affect the search and seizure laws afforded to duly authorized law enforcement officers under the laws of this State. Marijuana is contraband pursuant to section 4242 of this title and subject to seizure and forfeiture unless possessed in compliance with chapter 86 of this title (therapeutic use of cannabis).

(3) This section shall not be construed to prohibit a municipality from regulating, prohibiting, or providing additional penalties for the use of marijuana in public places.

(d) If a person suspected of violating this section contests the presence of cannabinoids within 10 days of receiving a civil citation, the person may request that the State Crime Laboratory test the substance at the person's expense. If the substance tests negative for the presence of cannabinoids, the State shall reimburse the person at state expense.

(e)(1) Upon request by a law enforcement officer who reasonably suspects that a person has committed or is committing a violation of this section, the person shall give his or her name and address to the law enforcement officer and shall produce a motor vehicle operator's license, an identification card, a passport, or another suitable form of identification.

(2) A law enforcement officer is authorized to detain a person if:

(A) the officer has reasonable grounds to believe the person has violated this section; and

(B) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(3) The person may be detained only until the person identifies himself or herself satisfactorily to the officer. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a judge in the Criminal Division of the Superior Court for that purpose. A person who refuses to identify himself or herself to the Court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.

(f) Fifty percent of the civil penalties imposed by the Judicial Bureau for violations of this section shall be retained by the State for the funding of law enforcement officers on the Drug Task Force, except for a \$12.50 administrative charge for each violation which shall be retained by the State. The remaining 50 percent shall be paid to the Court Diversion Program for

funding of the Youth Substance Abuse Safety Program as required by section 4230b of this title.

§ 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

(a) Offense. Except as otherwise provided in section 4230c of this title, a person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(1) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(2) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person under 21 years of age who violates this section with a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(c) Summons and Complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to Report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling,

the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense which the Diversion Program has imposed, the Diversion Program shall:

(A) void the summons and complaint with no penalty due; and

(B) send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information which identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this section by the time ordered, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.

(h) Record of Adjudications. Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only

to a law enforcement officer determining whether the person has previously violated this section.

§ 4230c. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS OF AGE; THIRD OR SUBSEQUENT OFFENSE; CRIME

No person shall knowingly and unlawfully possess marijuana. A person under 21 years of age who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a crime if the person has been adjudicated at least twice previously in violation of section 4230b of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both.

§ 4230d. MARIJUANA POSSESSION BY A PERSON UNDER 16 YEARS OF AGE; DELINQUENCY

No person shall knowingly and unlawfully possess marijuana. A person under the age of 16 years who knowingly and unlawfully possesses one ounce or less of marijuana or five grams or less of hashish commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.

Sec. 3. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

(24) Violations of 18 V.S.A. §§ 4230a and 4230b, relating to possession of marijuana.

* * *

Sec. 4. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL OR MARIJUANA

(a) A person shall not consume alcoholic beverages or marijuana while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

* * *

(d) A person who violates subsection (a) of this section shall be ~~fin~~ed assessed a civil penalty of not more than \$500.00. A person who violates subsection (b) of this section shall be ~~fin~~ed assessed a civil penalty of not more than \$25.00. A person ~~convicted and fined~~ adjudicated and assessed a civil penalty for an offense under subsection (a) of this section shall not be subject to ~~prosecution~~ a civil violation for the same actions under subsection (b) of this section.

Sec. 5. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
POSSESSION OF ALCOHOL ~~OR MARIJUANA~~

(a) A person shall not consume alcoholic beverages ~~or marijuana~~ while operating a motor vehicle on a public highway. As used in this section, "alcoholic beverages" shall have the same meaning as "intoxicating liquor" as defined in section 1200 of this title.

* * *

* * * Enhanced Penalties for Tax Offenses Based on Income Derived
from Illegal Activity * * *

Sec. 6. 32 V.S.A. § 3202 is amended to read:

§ 3202. INTEREST AND PENALTIES

(a) Failure to pay; interest. When a taxpayer fails to pay a tax liability imposed by this title (except the motor vehicle purchase and use tax) on the date prescribed therefor, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay; a sum of interest computed at the rate per annum established by the ~~commissioner~~ Commissioner pursuant to section 3108 of this title on the unpaid amount of that tax liability for the period from the prescribed date to the date of full payment of the liability.

(b) Penalties.

(1) Failure to file. When a taxpayer fails to file a tax return required by this title (other than a return required by subchapter 5 of chapter 151 of this title for estimation of nonwithheld income tax), on the date prescribed therefor or the date as extended pursuant to section 5868 of this title, unless the taxpayer affirmatively shows that such failure is due to reasonable cause and not due to willful neglect, then in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay; a penalty which shall be equal to five percent of

the outstanding tax liability for each month, or portion thereof, that the tax return is not filed; provided, however, that in no event shall the amount of any penalty imposed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment. If the return is not filed within 60 days after the date prescribed therefor, there shall be assessed a minimum penalty of \$50.00 regardless of whether there is a tax liability.

(2) Failure to pay estimated tax. When a taxpayer fails to make payments as required by subchapter 5 of chapter 151 of this title (estimations of nonwithheld income tax), the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to one percent of the outstanding tax liability for each month, or portion thereof, that the tax liability is not paid in full; provided, however, that in no event shall the amount of any penalty assessed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment.

(3) Failure to pay. When a taxpayer fails to pay a tax liability imposed by this title (other than a return required by subchapter 5 of chapter 151 of this title for estimation of nonwithheld income tax); on the date prescribed therefor, then in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to for income tax under subchapters 2 and 3 of chapter 151 of this title, one percent, and for all other taxes five percent, of the outstanding tax liability for each month, or portion thereof, that the tax liability is not paid in full; provided, however, that in no event shall the amount of any penalty assessed under this subdivision exceed 25 percent of the tax liability unpaid on the prescribed date of payment.

(4) Negligent failure to pay. When a taxpayer fails to pay a tax liability imposed by this title and the failure is due to negligence or constitutes a substantial understatement of tax, in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and the taxpayer shall then pay a penalty which shall be equal to 25 percent of that portion of the underpayment. For purposes of this subdivision, “negligence” means any failure to make a reasonable attempt to comply with the provisions of the tax code and “substantial understatement” means an understatement of 20 percent or more of the tax.

(5) Fraudulent failure to pay. When a taxpayer fraudulently or with willful intent to defeat or evade a tax liability imposed by this title, either fails to pay a tax liability on the date prescribed therefor or requests and receives a refund of a tax liability, in addition to any interest payable pursuant to subsection (a) of this section, the ~~commissioner~~ Commissioner may assess and

the taxpayer shall then pay; a penalty equal to the amount of the tax liability unpaid on the prescribed date of payment or received as a refund subsequent to that date.

(6) Violation based on income from illegal activity. The penalties provided in subdivisions (1)–(5) of this subsection shall be doubled if the violation is based on income derived from illegal activity. The penalty provided in this subdivision (6) shall be in addition to any other civil or criminal penalties provided by law.

(7) A failure to pay shall not be subject to more than one of the penalties set forth in subdivisions (3), (4), and (5) of this subsection.

Sec. 7. 32 V.S.A. § 5894 is amended to read:

§ 5894. LIABILITY FOR FAILURE OR DELINQUENCY

(a) Failure to supply information. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership; who, with intent to evade any requirement of this chapter or any lawful requirement of the ~~commissioner~~ Commissioner hereunder, fails to supply any information required by or under this chapter shall be fined not more than \$1,000.00 or be imprisoned not more than one year, or both.

(b) Failure to file. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership who knowingly fails to file a tax return when due shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) Failure to pay. An individual, fiduciary, or officer or employee of any corporation or partner or employee of any partnership, who with intent to evade a tax liability fails to pay a tax when due shall, if the amount of tax evaded is \$500.00 or less in a single calendar year, be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(d) Failure to file or failure to pay; in excess of \$500.00. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership, who with intent to evade a tax liability fails to file a tax return when required to do so or fails to pay a tax when due shall, if the amount of tax evaded is in excess of \$500.00 in a single calendar year, be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(e) False or fraudulent return. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership who knowingly makes, signs, verifies or files with the ~~commissioner~~ Commissioner a false or fraudulent tax return shall be imprisoned not more than one year or

fined not more than \$1,000.00, or both. An individual, fiduciary, or officer or employee of a corporation or partner or employee of a partnership, who with intent to evade a tax liability makes, signs, verifies or files with the ~~commissioner~~ Commissioner a false or fraudulent tax return shall, if the amount of tax evaded is more than \$500.00, be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(f) An individual, fiduciary, officer, or employee of any corporation or a partner or employee of any partnership who violates subsections (a)–(e) of this section based on income derived from illegal activity shall be imprisoned not more than three years or fined not more than \$10,000.00, or both. The penalty provided in this subsection shall be in addition to any other civil or criminal penalties provided by law.

* * * Expungement of a Misdemeanor Possession of Marijuana
Criminal Record * * *

Sec. 8. 13 V.S.A. § 7601(3) is amended to read:

(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of marijuana.

* * * Alcoholic Beverage Offenses by a Person Under 21 Years of Age * * *

Sec. 9. 7 V.S.A. § 656 and 657 are amended to read:

§ 656. MINORS PERSON UNDER 21 YEARS OF AGE
MISREPRESENTING AGE, PROCURING, POSSESSING, OR
CONSUMING LIQUORS ALCOHOLIC BEVERAGES; FIRST OR
SECOND OFFENSE; CIVIL VIOLATION

(a)(1) Prohibited conduct. A ~~minor~~ 16 person under 21 years of age ~~or older~~ shall not:

~~(1)(A)~~ (A) falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages or spirituous liquor from any licensee, state liquor agency, or other person or persons;

~~(2)(B)~~ (B) possess malt or vinous beverages or spirituous liquor for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor; or

~~(3)(C)~~ consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors, or in a jurisdiction where the indicators of consumption are observed.

(2) Offense. Except as otherwise provided in section 657 of this title, a person under 21 years of age who knowingly and unlawfully violates subdivision (1) of this subsection commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Abuse Safety Program. A person who fails to complete the program successfully shall be subject to:

(A) a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and

(B) a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense.

~~(b)(1) A law enforcement officer shall issue a notice of violation, in a form approved by the court administrator, to a person who violates this section if the person has not previously been adjudicated in violation of this section or convicted of violating section 657 of this title. The notice of violation shall require the person to provide his or her name and address, and shall explain procedure under this section, including that:~~

~~(A) the person must contact the diversion board in the county where the offense occurred within 15 days;~~

~~(B) failure to contact the diversion board within 15 days will result in the case being referred to the judicial bureau, where the person, if found liable for the violation, will be subject to a penalty of \$300.00 and a 90-day suspension of the person's operator's license, and may face substantially increased insurance rates;~~

~~(C) no money should be submitted to pay any penalty until after adjudication; and~~

~~(D) the person shall notify the diversion board if the person's address changes.~~

~~(2) When a person is issued a notice of violation under subdivision (1) of this subsection, the law enforcement officer shall complete a summons and complaint for the offense and send it to the diversion board in the county~~

~~where the offense occurred. The summons and complaint shall not be filed with the judicial bureau at that time.~~

~~(3) Within 15 days after receiving a notice of violation issued under subdivision (1) of this subsection, the person shall contact the diversion board in the county where the offense occurred and register for the teen alcohol safety program. If the person fails to do so, the diversion board shall file the summons and complaint with the judicial bureau for adjudication under chapter 29 of Title 4. The diversion board shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation, and shall provide two copies to the person charged with the violation.~~

~~(c) A person who violates this section commits a civil violation and shall be subject to a civil penalty of \$300.00, and the person's operator's license and privilege to operate a motor vehicle shall be suspended for a period of 90 days. The state may obtain a violation under this section or a conviction under section 657 of this title, but not both.~~

~~(d) If a person fails to pay a penalty imposed under this section by the time ordered, the judicial bureau shall notify the commissioner of motor vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.~~

~~(e) Upon adjudicating a person in violation of this section, the judicial bureau shall notify the commissioner of motor vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the department for motor vehicle driving records. The identities of persons in the registry shall only be revealed to a law enforcement officer determining whether the person has previously violated this section.~~

~~(f)(1) Upon receipt from a law enforcement officer of a summons and complaint completed under subdivision (b)(2) of this section, the diversion board shall send the person a notice to report to the diversion board. The notice to report shall provide that:~~

~~(A) The person is required to complete all conditions related to the offense imposed by the diversion board, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.~~

~~(B) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other conditions related to the offense imposed by the diversion board, the case will be referred to the judicial bureau, where the~~

person, if found liable for the violation, shall be assessed a penalty of \$300.00, the person's driver's license will be suspended for 90 days, and the person's automobile insurance rates may increase substantially.

~~(C) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other conditions related to the offense imposed by the diversion board, no penalty shall be imposed and the person's operator's license will not be suspended.~~

~~(2)(A) Upon being contacted by a person who has been issued a notice of violation under subdivision (b)(1) of this section, the diversion board shall register the person in the teen alcohol safety program. Pursuant to the teen alcohol safety program, the diversion board shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense, and in every case shall include a condition requiring satisfactory completion of substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.~~

~~(B) Substance abuse screening required under this subsection shall be completed within 60 days after the diversion board receives a summons and complaint completed under subdivision (b)(2) of this section. The person shall complete all conditions at his or her own expense.~~

~~(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other conditions related to the offense which the diversion board has imposed, the diversion board shall:~~

~~(A) void the summons and complaint with no penalty due; and~~

~~(B) send copies of the voided summons and complaint to the judicial bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the judicial bureau under this subdivision, the diversion board shall redact all language containing the person's name, address, social security number or any other information which identifies the person.~~

~~(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other conditions related to the offense imposed by the diversion board, or if the person fails to pay the diversion board any required~~

~~program fees, the diversion board shall file the summons and complaint with the judicial bureau for adjudication under chapter 29 of Title 4. The diversion board shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation, and shall provide two copies to the person charged with the violation.~~

~~(5) A person aggrieved by a decision of the diversion board or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.~~

~~(g) The state's attorney may dismiss without prejudice a violation brought under this section.~~

(b) Issuance of Notice of Violation. A law enforcement officer shall issue a person under 21 years of age who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide his or her name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(c) Summons and Complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide

a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to Report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f)(1) Diversion Program Requirements. Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a state-certified or state-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at his or her own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense which the diversion program has imposed, the diversion program shall:

(A) void the summons and complaint with no penalty due; and

(B) send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information which identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(g) Failure to Pay Penalty. If a person fails to pay a penalty imposed under this section by the time ordered, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall suspend the person's operator's license and privilege to operate a motor vehicle until payment is made.

(h) Record of Adjudications. Upon adjudicating a person in violation of this section, the Judicial Bureau shall notify the Commissioner of Motor Vehicles, who shall maintain a record of all such adjudications which shall be separate from the registry maintained by the Department for motor vehicle driving records. The identity of a person in the registry shall be revealed only to a law enforcement officer determining whether the person has previously violated this section.

§ 657. ~~MINORS PERSON UNDER 21 YEARS OF AGE~~
~~MISREPRESENTING AGE, OR PROCURING OR, POSSESSING~~
~~LIQUORS ALCOHOL AND DRIVING EDUCATION;, OR~~
~~CONSUMING ALCOHOLIC BEVERAGES; THIRD OR~~

SUBSEQUENT OFFENSE; CRIME

~~(a) A minor shall not:~~

~~(1) falsely represent his or her age for the purpose of procuring or attempting to procure malt or vinous beverages or spirituous liquor from any licensee, state liquor agency, or other person or persons; or~~

~~(2) possess malt or vinous beverages or spirituous liquor for the purpose of consumption by himself or herself or other minors, except in the regular performance of duties as an employee of a licensee licensed to sell alcoholic liquor; or~~

~~(3) consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors, or in a jurisdiction where the indicators of consumption are observed.~~

~~(b) A law enforcement officer shall issue a citation for a violation of this section if a person has been previously adjudicated in violation of this section or section 656 of this title.~~

~~(c) After the issuing officer issues a summons and complaint to the judicial bureau for a first offense pursuant to section 656 of this title, the state's attorney may withdraw the complaint filed with the judicial bureau and file an information charging a violation of this section in the criminal division of the superior court. The state may obtain a conviction under either this section or section 656 of this title, but not both.~~

~~(d) A person who violates this section:~~

~~(1) shall be fined not more than \$600.00 or imprisoned not more than 30 days, or both; and~~

~~(2) if the person has previously been convicted of violating this section or adjudicated in violation of section 656 of this title, the person's operating license, nonresident operating privilege or the privilege of an unlicensed person to operate a motor vehicle shall be suspended for 120 days.~~

~~(e) The state's attorney shall require as a condition of diversion that:~~

~~(1) a person who is charged with a violation of this section who holds a license to operate a motor vehicle, and who has previously been convicted of violating this section or adjudicated in violation of section 656 of this title, relinquish the license for a period of 60 days; and~~

~~(2) attend an alcohol and driving program at the person's own expense.~~

~~(f) A person who is convicted of violating this section who holds a license to operate a motor vehicle shall, as a condition of probation, be required to complete an alcohol and driving program at the person's own expense.~~

~~(g) The alcohol and driving program shall be administered by the office of alcohol and drug abuse programs and shall take into consideration the needs of minors.~~

~~(h) The state's attorney may dismiss without prejudice an action brought under this section, and may file a civil violation in the judicial bureau. A person under 21 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a crime if the person has been adjudicated at least twice previously in violation of subdivision 656(a)(1) of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both.~~

Sec. 10. 7 V.S.A. § 657a is added to read:

§ 657a. PERSON UNDER 16 YEARS OF AGE MISREPRESENTING AGE
OR PROCURING OR POSSESSING ALCOHOLIC BEVERAGES;
DELINQUENCY

A person under 16 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a delinquent act and shall be subject to 33 V.S.A. chapter 52. The person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice.

* * * Task Force * * *

Sec. 11. TASK FORCE

(a) Creation of task force. There is created a Task Force for the purpose of developing recommendations to the General Assembly to address drugged driving in Vermont and to address appropriate penalties for possession of alcohol and possession of an ounce or less of marijuana by a person under 21 years of age as provided in this act.

(b) Membership. The Task Force shall be composed of seven members as follows:

(1) the Commissioner of Public Safety or designee;

(2) the Commissioner of Health or designee;

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

- (4) the Defender General or designee;
- (5) the Commissioner of Motor Vehicles or designee;
- (6) the Court Diversion Director or designee; and
- (7) a student assistance professional appointed by the Governor.

(c) Report. On or before November 1, 2013, the Task Force shall report to the House and Senate Committees on Judiciary its findings and any recommendations for legislative action.

* * * Application and Effective Dates * * *

Sec. 12. APPLICATION

An offense in which the prohibited conduct occurred prior to July 1, 2013 shall not be deemed a prior offense for the purpose of determining increased penalties for second and subsequent offenses as provided in this act.

Sec. 13. EFFECTIVE DATES

- (a) This section and Secs. 12 and 13 of this act shall take effect on passage.
- (b) Sec. 6 of this act shall take effect on July 1, 2014.
- (c) The remaining sections of this act shall take effect on July 1, 2013.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Proposal of Amendment Agreed to and Third Reading Ordered

S. 18

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to automated license plate recognition systems

Was taken up for immediate consideration.

Rep. McCarthy of St. Albans City, for the committee on Transportation, to which the bill had been referred, 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. 23 V.S.A. § 1607 is added to read:

§ 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

- (a) Definitions. As used in this section:

(1) “Active data” is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(2) “Automated license plate recognition system” or “ALPR system” means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

(3) “Historical data” means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(4) “Law enforcement officer” means a state police officer, municipal police officer, motor vehicle inspector, capitol police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Training Council as having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person under 20 V.S.A. § 2358.

(5) “Legitimate law enforcement purpose” applies to access to active or historical data and means investigation, detection, analysis, or enforcement of a crime, traffic violation, or parking violation or operation of AMBER alerts or missing or endangered person searches.

(6) “Vermont Information and Analysis Center Analyst” means any sworn or civilian employee who through his or her employment with the Vermont Information and Analysis Center (VTIAC) has access to secure databases that support law enforcement investigations.

(b) Operation. A Vermont law enforcement officer shall be certified in ALPR operation by the Vermont Criminal Justice Training Council in order to operate an ALPR system.

(c) ALPR use and data access; confidentiality.

(1)(A) Deployment of ALPR equipment is intended to provide access to law enforcement reports of wanted or stolen vehicles and wanted persons and to further other legitimate law enforcement purposes. Use of ALPR systems and access to active data are restricted to legitimate law enforcement purposes.

(B) Active ALPR data may be accessed by a law enforcement officer operating the ALPR system only if he or she has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(C)(i) Requests to review active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's Originating Agency Identifier (ORI) number. The request shall describe the legitimate law enforcement purpose. The written request and the outcome of the request shall be transmitted to VTiac and retained by VTiac for not less than three years.

(ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.

(2)(A) A VTiac analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer who has a legitimate law enforcement purpose for the data. A law enforcement officer to whom historical data are transmitted may use such data only for a legitimate law enforcement purpose. Entry of any data onto the statewide ALPR server other than data collected by an ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(B) Requests for historical data, whether from Vermont or out-of-state law enforcement officers, shall be made in writing to an analyst at VTiac. The request shall include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's ORI number. The request shall describe the legitimate law enforcement purpose. VTiac shall retain all requests and shall record in writing the outcome of the request and any information that was provided to the requester or, if applicable, why a request was denied or not fulfilled. VTiac shall retain the information described in this subdivision (c)(2)(B) for no fewer than three years.

(d) Retention.

(1) Any ALPR information gathered by a Vermont law enforcement agency shall be sent to the Department of Public Safety to be retained pursuant to the requirements of subdivision (2) of this subsection. The Department of Public Safety shall maintain the ALPR storage system for Vermont law enforcement agencies.

(2) Except as provided in section 1608 of this title, information gathered through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permitted 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or backups made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under Section 1608 of this title or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

(e) Oversight; rulemaking.

(1) The Department of Public Safety shall establish a review process to ensure that information obtained through use of ALPR systems is used only for the purposes permitted by this section. The Department shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:

(A) The total number of ALPR units being operated in the State and the number of units submitting data to the statewide ALPR database.

(B) The total number of ALPR readings each agency submitted to the statewide ALPR database.

(C) The 18-month cumulative number of ALPR readings being housed on the statewide ALPR database.

(D) The total number of requests made to VTAC for ALPR data.

(E) The total number of requests that resulted in release of information from the statewide ALPR database.

(F) The total number of out-of-state requests.

(G) The total number of out-of-state requests that resulted in release of information from the statewide ALPR database.

(2) The Department of Public Safety may adopt rules to implement this section.

Sec. 2. 23 V.S.A. § 1608 is added to read:

§ 1608. PRESERVATION OF DATA

(a) Preservation request.

(1) A law enforcement agency or the Department of Motor Vehicles may apply to the Criminal Division of the Superior Court for an extension of up to 90 days of the 18-month retention period established under subdivision 1607(d)(2) of this title if the agency or Department offers specific and articulable facts showing that there are reasonable grounds to believe that the

captured plate data are relevant and material to an ongoing criminal or missing persons investigation or to a pending court or Judicial Bureau proceeding. Requests for additional 90-day extensions or for longer periods may be made to the Superior Court subject to the same standards applicable to an initial extension request under this subdivision.

(2) A governmental entity making a preservation request under this section shall submit an affidavit stating:

(A) the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and

(B) the date or dates and time frames for which captured plate data must be preserved.

(b) Captured plate data shall be destroyed on the schedule specified in section 1607 of this title if the preservation request is denied or 14 days after the denial, whichever is later.

Sec. 3. EFFECTIVE DATE AND SUNSET

(a) This act shall take effect on July 1, 2013.

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, 2015.

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.

Pending the question, Shall the bill be read a third time? **Rep. Savage of Swanton** 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 bill be read a third time? was decided in the affirmative. Yeas, 132. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Campion of Bennington	Corcoran of Bennington
Bartholomew of Hartland	Canfield of Fair Haven	Cross of Winooski
Batchelor of Derby	Carr of Brandon	Cupoli of Rutland City
Beyor of Highgate	Cheney of Norwich	Dakin of Chester
Bissonnette of Winooski	Christie of Hartford	Davis of Washington
Botzow of Pownal	Clarkson of Woodstock	Devereux of Mount Holly
Bouchard of Colchester	Cole of Burlington	Dickinson of St. Albans
Branagan of Georgia	Condon of Colchester	Town
Brennan of Colchester	Conquest of Newbury	Donaghy of Poultney
Browning of Arlington	Consejo of Sheldon	Donahue of Northfield
Burditt of West Rutland *	Copeland-Hanzas of	Donovan of Burlington
Burke of Brattleboro	Bradford	Ellis of Waterbury

Emmons of Springfield	Lawrence of Lyndon	Russell of Rutland City
Evans of Essex	Lenes of Shelburne	Savage of Swanton
Fagan of Rutland City	Lippert of Hinesburg	Scheuermann of Stowe
Feltus of Lyndon	Macaig of Williston	Sharpe of Bristol
Fisher of Lincoln	Malcolm of Pawlet *	Shaw of Pittsford
Frank of Underhill	Manwaring of Wilmington	Shaw of Derby
French of Randolph	Marcotte of Coventry	Smith of New Haven
Gage of Rutland City	Marek of Newfane	South of St. Johnsbury
Gallivan of Chittenden	Martin of Springfield	Spengler of Colchester
Goodwin of Weston	Martin of Wolcott	Stevens of Waterbury
Grad of Moretown	Masland of Thetford	Strong of Albany
Greshin of Warren	McCarthy of St. Albans City	Sweaney of Windsor
Haas of Rochester	McCormack of Burlington	Taylor of Barre City
Head of South Burlington	McCullough of Williston	Terenzini of Rutland Town
Heath of Westford	Michelsen of Hardwick	Toleno of Brattleboro
Hebert of Vernon	Miller of Shaftsbury	Toll of Danville
Helm of Fair Haven	Mitchell of Fairfax	Townsend of Randolph
Higley of Lowell	Mook of Bennington	Townsend of South
Hooper of Montpelier	Moran of Wardsboro	Burlington
Huntley of Cavendish	Morrissey of Bennington	Turner of Milton
Jerman of Essex	Myers of Essex	Van Wyck of Ferrisburgh
Jewett of Ripton	Nuovo of Middlebury	Vowinkel of Hartford
Johnson of South Hero	O'Brien of Richmond	Waite-Simpson of Essex
Johnson of Canaan	O'Sullivan of Burlington	Weed of Enosburgh
Juskiewicz of Cambridge	Partridge of Windham	Wilson of Manchester
Keenan of St. Albans City	Pearce of Richford	Winters of Williamstown
Kitzmiller of Montpelier	Pearson of Burlington	Wizowaty of Burlington
Klein of East Montpelier	Peltz of Woodbury	Woodward of Johnson
Koch of Barre Town	Poirier of Barre City	Wright of Burlington
Komline of Dorset	Potter of Clarendon	Yantachka of Charlotte
Krebs of South Hero	Quimby of Concord	Young of Glover
Krowinski of Burlington	Rachelson of Burlington	Zagar of Barnard
Kupersmith of South	Ralston of Middlebury	
Burlington	Ram of Burlington	

Those who voted in the negative are: none

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

Buxton of Tunbridge	Lanpher of Vergennes	Stevens of Shoreham
Connor of Fairfield	Larocque of Barnet	Stuart of Brattleboro
Deen of Westminster	Lewis of Berlin	Till of Jericho
Fay of St. Johnsbury	McFaun of Barre Town	Trieber of Rockingham
Hubert of Milton	Mrowicki of Putney	Webb of Shelburne
Kilmartin of Newport City	Pugh of South Burlington	

Rep. Burditt of West Rutland explained his vote as follows:

“Mr. Speaker:

We regulate people, places, things and business. Even though I don't believe this bill goes far enough, regulating government to stop infringing on citizens can't go far enough."

Rep. Malcolm of Pawlet explained his vote as follows:

"Mr. Speaker:

I vote yes for this bill to create some level of regulation to this situation. However, the issue of surveillance of the public and its potential for abuse needs much more discussion by this legislature than this bill provides."

Rep. Lippert of Hinesburg explained his vote as follows:

"Mr. Speaker:

I vote yes for the additional regulations that this legislation imposes on law enforcement's use of ALPR - automated license plate recognition systems - and look forward to this body's more in depth consideration of privacy and civil liberties concerns before the 2015 sunset of this regulation."

Recess

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

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

Message from the Senate No. 69

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 534. An act relating to approval of amendments to the charter of the City of Winooski.

H. 535. An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford.

And has passed the same in concurrence.

Pursuant to the request of the House for a Committee of Conference to Senate bill, entitled

S. 150. An act relating to miscellaneous amendments to laws related to motor vehicles.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mazza
Senator Flory
Senator Campbell.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill entitled:

H. 377. An act relating to neighborhood planning and development for municipalities with designated centers.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mullin
Senator Campbell
Senator Collins.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
With Proposal of Amendment; Rules Suspended and Bill was Ordered
Messaged to the Senate Forthwith**

S. 41

Senate bill, entitled

An act relating to water and sewer service

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
With Proposal of Amendment; Rules Suspended and Bill was Ordered
Messaged to the Senate Forthwith**

S. 18

Senate bill, entitled

An act relating to automated license plate recognition systems

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Bill Messaged to Senate Forthwith

S. 37

House bill, entitled

An act relating to tax increment financing districts

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At two o'clock in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and three minutes in the afternoon, the Speaker called the House to order.

Committee of Conference Appointed

H. 377

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to neighborhood planning and development for municipalities with designated centers

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Botzow of Pownal

Rep. Dickinson of St. Albans Town

Rep. Sharpe of Bristol

Recess

At two o'clock and five minutes in the afternoon, the Speaker declared a recess until four o'clock in the afternoon.

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

Member Replaced on Committee of Conference**S. 61**

The Speaker announced that he has appointed **Rep. Moran of Wardsboro** to replace **Rep. Head of South Burlington** on the Committee of Conference on House bill, entitled

An act relating to alcoholic beverages

**Rules Suspended; Report of Committee of Conference Adopted;
Rules Suspended and the Bill was Ordered Messaged
to the Senate Forthwith**

S. 61

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to alcoholic beverages

Was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(19) "Second class license": a license granted by the ~~control commissioners~~ Control Commissioners permitting the licensee to export malt or vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted.

* * *

(28) "Fourth class license" or "farmers' market license": the license granted by the ~~liquor control board~~ Liquor Control Board permitting a

manufacturer or rectifier of malt or vinous beverages or spirits to sell by the unopened container and distribute, by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth class license location, a manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell its product to no more than five additional manufacturers or rectifiers. A fourth class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

* * *

(32) "Art gallery or bookstore permit": a permit granted by the liquor control board permitting an art gallery or bookstore to conduct an event at which malt or vinous beverages or both are served by the glass to the public, provided that the event is approved by the local licensing authority. A permit holder may purchase malt or vinous beverages directly from a licensed retailer. A permit holder shall be subject to the provisions of this title and the rules of the board regarding the service of alcoholic beverages. A request for a permit shall be submitted to the department in a form required by the ~~department~~ Department at least five days prior to the event and shall be accompanied by the permit fee required by subdivision 231(a)(22) of this title. As used in this section, "art gallery" means a fixed establishment whose primary purpose is to exhibit or offer for sale works of art; and "bookstore" means a fixed establishment whose primary purpose is to offer books for sale.

* * *

Sec. 2. 7 V.S.A. § 66 is amended to read:

§ 66. MALT AND VINOUS BEVERAGE SHIPPING LICENSE; IN STATE; OUT OF STATE; PROHIBITIONS; PENALTIES

(a) A manufacturer or rectifier of vinous beverages or malt beverages licensed in Vermont may be granted an in-state consumer shipping license by filing with the ~~department of liquor control~~ Department of Liquor Control an

application in a form required by the ~~department~~ Department accompanied by a copy of the applicant's current Vermont manufacturer's license and the fee as required by subdivision 231(7)(A) of this title. This consumer shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(7)(A) of this title accompanied by a copy of the licensee's current Vermont manufacturer's license.

(b) A manufacturer or rectifier of vinous beverages or malt beverages licensed in another state that operates a winery or brewery in the United States and holds valid state and federal permits and licenses may be granted an out-of-state consumer shipping license by filing with the ~~department of liquor control~~ Department an application in a form required by the ~~department~~ Department accompanied by copies of the applicant's current out-of-state manufacturer's license and the fee as required by subdivision 231(7)(B) of this title. This consumer shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(7)(B) of this title accompanied by the licensee's current out-of-state manufacturer's license. For the purposes of this subsection and subsection (c) of this section, "out-of-state" means any state other than Vermont, any territory or possession of the United States, and does not include a foreign country.

* * *

(d) Pursuant to a consumer shipping license granted under subsection (a) or (b) of this section, the licensee may ship vinous beverages or malt beverages produced by the licensee:

(1) Only to private residents for personal use and not for resale.

(2) No more than 12 cases containing no more than 29 gallons of vinous beverages or no more than 12 cases of malt beverages containing no more than 36 gallons of malt beverages to any one Vermont resident in any calendar year.

(3) Only by common carrier certified by the ~~department~~ Department. The common carrier shall comply with all the following:

(A) ~~Deliver~~ deliver vinous beverages pursuant to an invoice that includes the name of the licensee and the name and address of the purchaser;

(B) ~~On~~ on delivery, require a valid form of photographic identification from a recipient who appears to be under the age of 30;

(C) ~~Require~~ require the recipient to sign an electronic or paper form or other acknowledgement of receipt.

(e) A holder of any shipping license granted pursuant to this section shall:

(1) ~~Ensure~~ ensure that all containers of alcoholic beverages shipped under this section are clearly labeled: "contains alcohol; signature of individual age 21 or older required for ~~delivery.~~" delivery";

(2) ~~Not~~ not ship to any address in a municipality that the ~~department~~ Department identified as having voted to be "~~dry.~~" dry";

(3) ~~Retain~~ retain a copy of each record of sale for a minimum of five years from the date of shipping;

(4) ~~Report~~ report at least twice a year to the ~~department of liquor control~~ Department of Liquor Control if the holder of a direct consumer shipping license and once a year if the holder of a retail shipping license in a manner and form required by the ~~department~~ Department all the following information:

(A) ~~The~~ the total amount of vinous beverages or malt beverages shipped into or within the ~~state~~ State for the preceding six months if a holder of a direct consumer shipping license or every 12 months if a holder of a retail shipping license;

(B) ~~The~~ the names and addresses of the purchasers to whom the ~~vinous~~ beverages were shipped;

(C) ~~The~~ the date purchased, if appropriate, the name of the common carrier used to make each delivery, and the quantity and value of each shipment.

(5) ~~Pay~~ pay directly to the ~~commissioner of taxes~~ Commissioner of Taxes the amount of tax on the vinous beverages or malt beverages shipped under this section pursuant to subsection 421(a) of this title, and comply with the provisions of 32 V.S.A. chapter 233, 24 V.S.A. § 138, and any other legally authorized local sales taxes. Delivery in this ~~state~~ State shall be deemed to constitute a sale in this ~~state~~ State at the place of delivery and shall be subject to all appropriate taxes levied by the ~~state~~ State of Vermont;

(6) ~~Permit the state treasurer~~ permit the State Treasurer, the ~~department of liquor control~~ Department of Liquor Control, and the ~~department of taxes~~ Department of Taxes, separately or jointly, upon request, to perform an audit of its records;

(7) ~~If~~ if an out-of-state license holder, be deemed to have consented to the jurisdiction of the ~~department of liquor control~~ Department of Liquor Control or any other state agency and the Vermont state courts concerning enforcement of this or other applicable laws and regulations;

(8) ~~Not~~ not have any direct or indirect financial interest in a Vermont wholesale dealer or retail dealer, including a first, second, or third class license;

(9) ~~Comply~~ comply with all ~~liquor control board~~ Liquor Control Board laws and regulations; and

(10) comply with the beverage container deposit redemption system pursuant to 10 V.S.A. chapter 53.

(f) A common carrier shall not deliver vinous beverages or malt beverages until it has complied with the training provisions in subsections 239(a) and (b) of this title and been certified by the ~~department of liquor control~~ Department of Liquor Control. No employee of a certified common carrier may deliver vinous beverages or malt beverages until that employee completes the training provisions in subsection 239(c) of this title. A common carrier shall deliver only vinous beverages or malt beverages that have been shipped by the holder of a license issued under this section or a vinous beverage storage license issued under section 68 of this title.

(g) ~~The department of liquor control and the department of taxes~~ Departments of Liquor Control and of Taxes may adopt rules and forms necessary to implement this section.

(h) Direct shipments of vinous beverages or malt beverages are prohibited if the shipment is not specifically authorized and in compliance with this section. Any person who knowingly makes, participates in, imports, or receives a direct shipment of vinous beverages or malt beverages from a person who is not licensed or certified as required by this section may be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

(i) A licensee under this section or a common carrier that ships vinous beverages or malt beverages to an individual under 21 years of age shall be fined not less than \$1,000.00 or more than \$3,000.00 or imprisoned not more than two years, or both.

(j) For any violation of this section, the ~~liquor control board~~ Liquor Control Board may suspend or revoke a license issued under this section, among all other remedies available to the board.

Sec. 3. 7 V.S.A. § 222 is amended to read:

§ 222. FIRST AND SECOND CLASS LICENSES, GRANTING OF; SALE
TO MINORS; CONTRACTING FOR FOOD SERVICE

With the approval of the ~~liquor control board, the control commissioners~~ Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(2) Upon making application and paying the license fee provided in section 231 of this title, a second class license for the premises where such dealer shall carry on the business which shall authorize such dealer to export malt and vinous beverages and to sell malt and vinous beverages to the public from such premises for consumption off the premises and upon satisfying the ~~liquor control board~~ Board that such premises are leased, rented, or owned by such retail dealers and are safe, sanitary, and a proper place from which to sell malt and vinous beverages. A retail dealer carrying on business in more than one place shall be required to acquire a second class license for each place where he or she ~~hall~~ shall so sell malt and vinous beverages. No malt or vinous beverages shall be sold by a second class licensee to a minor.

* * *

Sec. 4. 7 V.S.A. § 230 is amended to read:

§ 230. RESTRICTIONS; FINANCIAL INTERESTS; DISPLAY OF LICENSE; EMPLOYEES

* * *

(b) An individual who is an employee of a wholesale dealer that does not hold a solicitor's permit may also be employed by a first or second class licensee on a paid or voluntary basis, provided that the employee does not exercise any control over, or participate in, the management of the first or second class licensee's business or business decisions, and that either employment relationship does not result in the exclusion of any competitor wholesale dealer or any brand of alcoholic beverages of a competitor wholesale dealer.

Sec. 5. 7 V.S.A. § 239 is amended to read:

§ 239. LICENSEE EDUCATION

(a) ~~No new first or second class license~~ A new first class, second class, third class, fourth class, or farmer's market license shall not be granted until the applicant has met with a liquor control investigator or training specialist for the purpose of being informed of the Vermont liquor laws, rules, and regulations pertaining to the purchase, storage, and sale of alcohol beverages. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection.

(b) Every ~~first and second class licensee~~ first class, second class, third class, fourth class, or farmer's market licensee and every holder of a manufacturer's license shall complete the ~~department of liquor control~~ Department of Liquor Control licensee ~~enforcement~~ training seminar at least once every ~~three~~ two years. A corporation, partnership, or association shall designate a director, partner, or manager who shall comply with the terms of this subsection. ~~No first or second class licensee~~ A first class, second class, third class, fourth class, or farmer's market licensee or manufacturer's license shall not be renewed unless the records of the ~~department of liquor control~~ Department of Liquor Control show that the licensee has complied with the terms of this subsection.

(c) Each licensee shall ensure that every employee who is involved in the sale or serving of alcohol beverages completes a training program approved by the ~~department of liquor control~~ Department of Liquor Control before the employee begins serving or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished or approved by the ~~department of liquor control~~ Department of Liquor Control. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title.

Sec. 6. 7 V.S.A. § 602 is amended to read:

§ 602. EXHIBITION OF CARD

An individual shall exhibit "a valid authorized form of identification," which means a valid photographic operator's license, enhanced driver's license, or valid photographic nondriver identification card issued by Vermont or another state or foreign jurisdiction, a United States military identification card, or a valid passport or passport card bearing the photograph and signature of the individual upon demand of a licensee, an employee of a licensee, or a law enforcement officer. On the failure of an individual to produce and exhibit a valid authorized form of identification upon demand of a licensee, the licensee shall be entitled to refuse to sell the individual any alcoholic beverage. Sale or furnishing of any alcoholic beverages by a licensee to an individual exhibiting a valid authorized form of identification shall be prima facie evidence of the licensee's compliance with the law prohibiting the sale or furnishing of alcoholic beverages to minors.

Sec. 7. REPEAL

The following sections of 2011 Acts and Resolves No. 17 (An act relating to powers and immunities of the liquor control investigators) are repealed:

(1) Sec. 3 (amending 7 V.S.A. § 561(a), effective July 1, 2013);

(2) Sec. 4 (amending 23 V.S.A. § 4(11), effective July 1, 2013); and

(3) Sec. 5(b) (effective date of Secs. 3 and 4).

Sec. 8. 7 V.S.A. § 561 is amended to read:

§ 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;
ARREST FOR UNLAWFULLY MANUFACTURING,
POSSESSING, OR TRANSPORTING ALCOHOLIC BEVERAGES;
SEIZURE OF PROPERTY

(a) ~~The director of the enforcement division of the department of liquor control~~ Director of the Enforcement Division of the Department of Liquor Control and investigators employed by the ~~liquor control board~~ Liquor Control Board or by the ~~department of liquor control~~ Department of Liquor Control shall be certified as full-time law enforcement officers by the Vermont Criminal Justice Training Council and shall have the same powers and immunities as those conferred on the ~~state police~~ State Police by 20 V.S.A. § 1914.

* * *

Sec. 9. EFFECTIVE DATE

This section and Secs. 7 and 8 of this act shall take effect on passage. All other sections shall take effect on July 1, 2013.

COMMITTEE ON THE PART OF
THE SENATE

SEN. KEVIN J. MULLIN
SEN. PHILLIP E. BARUTH
SEN. ANN E. CUMMINGS

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHN T. MORAN
REP. THOMAS S. STEVENS
REP. JEAN O'SULLIVAN

Which was considered and adopted on the part of the House.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At four o'clock and twenty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At six o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 70

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 295. An act relating to technical tax changes.

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

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the thirteenth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 54 An act relating to Public Records Act exemptions

H. 131 An act relating to harvesting guidelines and procurement standards

H. 136 An act relating to cost-sharing for preventive services

H. 182 An act relating to search and rescue

H. 205 An act relating professions and occupations regulated by the office of Professional Regulation

H. 474 An act relating to amending the membership and charge of the Government Accountability Committee

H. 512 An act relating to approval of amendments to the charter of the City of Barre

H. 513 An act relating to the department of Financial Regulation

Message from the Senate No. 71

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to the following Senate bills and has refused to concur therein and asks for Committees of Conference upon the disagreeing votes of the two Houses to which the President announced the appointment as members of such Committees on the part of the Senate:

S. 20. An act relating to increasing the statute of limitations for certain sex offenses against children.

Senator Nitka
Senator Benning
Senator Sears

S. 129. An act relating to workers' compensation liens.

Senator Ashe
Senator Campbell
Senator Zuckerman

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill entitled:

H. 240. An act relating to Executive Branch fees.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Ashe
Senator MacDonald
Senator Flory.

Message from the Senate No. 72

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 265. An act relating to the education property tax rates and base education amount for fiscal year 2014.

And has passed the same in concurrence.

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

H. 107. An act relating to health insurance, Medicaid, and the Vermont Health Benefit Exchange.

H. 226. An act relating to the regulation of underground storage tanks.

H. 262. An act relating to establishing a program for the collection and recycling of paint.

H. 523. An act relating to jury questionnaires, the filing of foreign child custody determinations, court fees, and judicial record keeping.

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 the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 169. An act relating to relieving employers' experience-rating records.

And has accepted and adopted the same on its part.

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

S. 130. An act relating to encouraging flexible pathways to secondary school completion.

S. 156. An act relating to home visiting standards.

S. 157. An act relating to modifying the requirements for hemp production in the State of Vermont.

And has concurred therein.

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

S. 37. An act relating to tax increment financing districts.

S. 152. An act relating to the Green Mountain Care Board's rate review authority.

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

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

H. 522. An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

and has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

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

H. 515. An act relating to miscellaneous agricultural subjects.

And has concurred therein.

Senate Proposal of Amendment Concurred in

S. 77

Senate bill, entitled

An act relating to patient choice and control at end of life;

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

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

Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. PATIENT CHOICE AT END OF LIFE

§ 5281. DEFINITIONS

(a) As used in this chapter:

(1) "Bona fide physician-patient relationship" means a treating or consulting relationship in the course of which a physician has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination.

(2) "Capable" means that a patient has the ability to make and communicate health care decisions to a physician, including communication through persons familiar with the patient's manner of communicating if those persons are available.

(3) "Health care facility" shall have the same meaning as in section 9432 of this title.

(4) "Health care provider" means a person, partnership, corporation, facility, or institution, licensed or certified or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

(5) "Impaired judgment" means that a person does not sufficiently understand or appreciate the relevant facts necessary to make an informed decision.

(6) "Interested person" means:

(A) the patient's physician;

(B) a person who knows that he or she is a relative of the patient by blood, civil marriage, civil union, or adoption;

(C) a person who knows that he or she would be entitled upon the patient's death to any portion of the estate or assets of the patient under any will or trust, by operation of law, or by contract; or

(D) an owner, operator, or employee of a health care facility, nursing home, or residential care facility where the patient is receiving medical treatment or is a resident.

(7) "Palliative care" shall have the same definition as in section 2 of this title.

(8) "Patient" means a person who is 18 years of age or older, a resident of Vermont, and under the care of a physician.

(9) "Physician" means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

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

§ 5282. RIGHT TO INFORMATION

The rights of a patient under section 1871 of this title to be informed of all available options related to terminal care and under 12 V.S.A. § 1909(d) to receive answers to any specific question about the foreseeable risks and benefits of medication without the physician's withholding any requested information exist regardless of the purpose of the inquiry or the nature of the information. A physician who engages in discussions with a patient related to such risks and benefits in the circumstances described in this chapter shall not

be construed to be assisting in or contributing to a patient's independent decision to self-administer a lethal dose of medication, and such discussions shall not be used to establish civil or criminal liability or professional disciplinary action.

§ 5283. REQUIREMENTS FOR PRESCRIPTION AND DOCUMENTATION; IMMUNITY

(a) A physician shall not be subject to any civil or criminal liability or professional disciplinary action if the physician prescribes to a patient with a terminal condition medication to be self-administered for the purpose of hastening the patient's death and the physician affirms by documenting in the patient's medical record that all of the following occurred:

(1) The patient made an oral request to the physician in the physician's physical presence for medication to be self-administered for the purpose of hastening the patient's death.

(2) No fewer than 15 days after the first oral request, the patient made a second oral request to the physician in the physician's physical presence for medication to be self-administered for the purpose of hastening the patient's death.

(3) At the time of the second oral request, the physician offered the patient an opportunity to rescind the request.

(4) The patient made a written request for medication to be self-administered for the purpose of hastening the patient's death that was signed by the patient in the presence of two or more witnesses who were not interested persons, who were at least 18 years of age, and who signed and affirmed that the patient appeared to understand the nature of the document and to be free from duress or undue influence at the time the request was signed.

(5) The physician determined that the patient:

(A) was suffering a terminal condition, based on the physician's physical examination of the patient and review of the patient's relevant medical records;

(B) was capable;

(C) was making an informed decision;

(D) had made a voluntary request for medication to hasten his or her death; and

(E) was a Vermont resident.

(6) The physician informed the patient in person, both verbally and in writing, of all the following:

(A) the patient's medical diagnosis;

(B) the patient's prognosis, including an acknowledgement that the physician's prediction of the patient's life expectancy was an estimate based on the physician's best medical judgment and was not a guarantee of the actual time remaining in the patient's life, and that the patient could live longer than the time predicted;

(C) the range of treatment options appropriate for the patient and the patient's diagnosis;

(D) if the patient was not enrolled in hospice care, all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;

(E) the range of possible results, including potential risks associated with taking the medication to be prescribed; and

(F) the probable result of taking the medication to be prescribed.

(7) The physician referred the patient to a second physician for medical confirmation of the diagnosis, prognosis, and a determination that the patient was capable, was acting voluntarily, and had made an informed decision.

(8) The physician either verified that the patient did not have impaired judgment or referred the patient for an evaluation by a psychiatrist, psychologist, or clinical social worker licensed in Vermont for confirmation that the patient was capable and did not have impaired judgment.

(9) If applicable, the physician consulted with the patient's primary care physician with the patient's consent.

(10) The physician informed the patient that the patient may rescind the request at any time and in any manner and offered the patient an opportunity to rescind after the patient's second oral request.

(11) The physician ensured that all required steps were carried out in accordance with this section and confirmed, immediately prior to writing the prescription for medication, that the patient was making an informed decision.

(12) The physician wrote the prescription no fewer than 48 hours after the last to occur of the following events:

(A) the patient's written request for medication to hasten his or her death;

(B) the patient's second oral request; or

(C) the physician's offering the patient an opportunity to rescind the request.

(13) The physician either:

(A) dispensed the medication directly, provided that at the time the physician dispensed the medication, he or she was licensed to dispense medication in Vermont, had a current Drug Enforcement Administration certificate, and complied with any applicable administrative rules; or

(B) with the patient's written consent:

(i) contacted a pharmacist and informed the pharmacist of the prescription; and

(ii) delivered the written prescription personally or by mail or facsimile to the pharmacist, who dispensed the medication to the patient, the physician, or an expressly identified agent of the patient.

(14) The physician recorded and filed the following in the patient's medical record:

(A) the date, time, and wording of all oral requests of the patient for medication to hasten his or her death;

(B) all written requests by the patient for medication to hasten his or her death;

(C) the physician's diagnosis, prognosis, and basis for the determination that the patient was capable, was acting voluntarily, and had made an informed decision;

(D) the second physician's diagnosis, prognosis, and verification that the patient was capable, was acting voluntarily, and had made an informed decision;

(E) the physician's attestation that the patient was enrolled in hospice care at the time of the patient's oral and written requests for medication to hasten his or her death or that the physician informed the patient of all feasible end-of-life services;

(F) the physician's verification that the patient either did not have impaired judgment or that the physician referred the patient for an evaluation and the person conducting the evaluation has determined that the patient did not have impaired judgment;

(G) a report of the outcome and determinations made during any evaluation which the patient may have received;

(H) the date, time, and wording of the physician's offer to the patient to rescind the request for medication at the time of the patient's second oral request; and

(I) a note by the physician indicating that all requirements under this section were satisfied and describing all of the steps taken to carry out the request, including a notation of the medication prescribed.

(15) After writing the prescription, the physician promptly filed a report with the Department of Health documenting completion of all of the requirements under this section.

(b) This section shall not be construed to limit civil or criminal liability for gross negligence, recklessness, or intentional misconduct.

§ 5284. NO DUTY TO AID

A patient with a terminal condition who self-administers a lethal dose of medication shall not be considered to be a person exposed to grave physical harm under 12 V.S.A. § 519, and no person shall be subject to civil or criminal liability solely for being present when a patient with a terminal condition self-administers a lethal dose of medication or for not acting to prevent the patient from self-administering a lethal dose of medication.

§ 5285. LIMITATIONS ON ACTIONS

(a) A physician, nurse, pharmacist, or other person shall not be under any duty, by law or contract, to participate in the provision of a lethal dose of medication to a patient.

(b) A health care facility or health care provider shall not subject a physician, nurse, pharmacist, or other person to discipline, suspension, loss of license, loss of privileges, or other penalty for actions taken in good faith reliance on the provisions of this chapter or refusals to act under this chapter.

(c) Except as otherwise provided in this section and sections 5283, 5289, and 5290 of this title, nothing in this chapter shall be construed to limit liability for civil damages resulting from negligent conduct or intentional misconduct by any person.

§ 5286. HEALTH CARE FACILITY EXCEPTION

A health care facility may prohibit a physician from writing a prescription for a dose of medication intended to be lethal for a patient who is a resident in its facility and intends to use the medication on the facility's premises,

provided the facility has notified the physician in writing of its policy with regard to the prescriptions. Notwithstanding subsection 5285(b) of this title, any physician who violates a policy established by a health care facility under this section may be subject to sanctions otherwise allowable under law or contract.

§ 5287. INSURANCE POLICIES; PROHIBITIONS

(a) A person and his or her beneficiaries shall not be denied benefits under a life insurance policy, as defined in 8 V.S.A. § 3301, for actions taken in accordance with this chapter.

(b) The sale, procurement, or issue of any medical malpractice insurance policy or the rate charged for the policy shall not be conditioned upon or affected by whether the physician is willing or unwilling to participate in the provisions of this chapter.

§ 5288. NO EFFECT ON PALLIATIVE SEDATION

This chapter shall not limit or otherwise affect the provision, administration, or receipt of palliative sedation consistent with accepted medical standards.

§ 5289. PROTECTION OF PATIENT CHOICE AT END OF LIFE

A physician with a bona fide physician–patient relationship with a patient with a terminal condition shall not be considered to have engaged in unprofessional conduct under 26 V.S.A. § 1354 if:

(1) the physician determines that the patient is capable and does not have impaired judgment;

(2) the physician informs the patient of all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;

(3) the physician prescribes a dose of medication that may be lethal to the patient;

(4) the physician advises the patient of all foreseeable risks related to the prescription; and

(5) the patient makes an independent decision to self-administer a lethal dose of the medication.

§ 5290. IMMUNITY FOR PHYSICIANS

A physician shall be immune from any civil or criminal liability or professional disciplinary action for actions performed in good faith compliance with the provisions of this chapter.

§ 5291. SAFE DISPOSAL OF UNUSED MEDICATIONS

The Department of Health shall adopt rules providing for the safe disposal of unused medications prescribed under this chapter.

§ 5292. STATUTORY CONSTRUCTION

Nothing in this chapter shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Action taken in accordance with this chapter shall not be construed for any purpose to constitute suicide, assisted suicide, mercy killing, or homicide under the law. This section shall not be construed to conflict with section 1553 of the Patient Protection and Affordable Health Care Act, Pub.L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub.L. No. 111-152.

Sec. 2. REPEAL

18 V.S.A. § 5283 (immunity for prescription and documentation) is repealed on July 1, 2016.

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 (18 V.S.A. chapter 113) of this act shall take effect on passage, except that 18 V.S.A. §§ 5289 (protection of patient choice at end of life) and 5290 (immunity for physicians) shall take effect on July 1, 2016.

(b) The remaining sections of this act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Poirier of Barre City** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment, with a further amendment thereto as follows:

First: In Sec. 1, in 18 V.S.A. § 5281, definitions, by striking out the subsection (a) designation and by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read:

(2) "Capacity" means that a patient:

(A) has the ability to communicate health care decisions to a physician, including communication through a qualified interpreter who is not an interested person;

(B) has the ability to understand the nature of the diagnosis and the possible risks and benefits of the treatment options;

(C) has the ability to appreciate the situation and the consequences of the potential treatment choices; and

(D) does not have impaired judgment.

Second: In Sec. 1, in 18 V.S.A. § 5281, definitions, by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read:

(5) “Impaired judgment” means that a person is unable to:

(A) engage in a rational process of assessing the relevant information; and

(B) articulate the reason or reasons for the person’s choice of treatment.

Third: In Sec. 1, in 18 V.S.A. § 5283(a)(4), following “written request”, by inserting “pursuant to section 5293 of this title”

Fourth: In Sec. 1, in 18 V.S.A. § 5289, by adding a new subdivision (3) to read:

(3) the patient makes a written request pursuant to section 5293 of this title for medication to hasten his or her death in accordance with this chapter;
and by renumbering the remaining subdivisions to be numerically correct

Fifth: In Sec. 1, by adding 18 V.S.A. § 5293 to read:

§ 5293. FORM OF THE WRITTEN REQUEST

A written request for medication as authorized by this chapter shall be substantially in the following form:

REQUEST FOR MEDICATION TO HASTEN MY DEATH

I, _____, am an adult of sound mind.

I am suffering from _____, which my physician has determined is a terminal disease and which has been confirmed by a second physician.

I have been fully informed of my diagnosis, prognosis, the nature of medication to be prescribed and potential associated risks, and the expected result. I have been informed of all feasible end-of-life services or am enrolled in hospice care.

I request that my physician prescribe medication that will hasten my death.

INITIAL ONE:

I have informed my family or others with whom I have a significant relationship of my decision and taken their opinions into consideration.

I have decided not to inform my family or others with whom I have a significant relationship of my decision.

I have no family or others with whom I have a significant relationship to inform of my decision.

I understand that I have the right to change my mind at any time.

I understand the full import of this request, and I expect to die when I take the medication to be prescribed. I further understand that although most deaths occur within three hours, my death may take longer, and my physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed: _____

Dated: _____

AFFIRMATION OF WITNESSES

We affirm that, to the best of our knowledge and belief:

(1) the person signing this request:

(A) is personally known to us or has provided proof of identity;

(B) signed this request in our presence;

(C) appears to understand the nature of the document and to be free from duress or undue influence at the time the request was signed; and

(2) that neither of us:

(A) is under 18 years of age;

(B) is a relative (by blood, civil marriage, civil union, or adoption) of the person signing this request;

(C) is the patient's physician;

(D) is entitled to any portion of the person's assets or estate upon death; or

(E) owns, operates, or is employed at a health care facility where the person is a patient or resident.

Witness 1/Date _____

Witness 2/Date _____

Pending the question, Shall the House concur with the Senate proposal of amendment to the House proposal of amendment with a further proposal of amendment as recommended by Rep. Poirier of Barre City? **Rep. Poirier of**

Barre City 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 concur with the Senate proposal of amendment to the House proposal of amendment with a further proposal of amendment as recommended by Rep. Poirier of Barre City? was decided in the negative. Yeas, 60. Nays, 79.

Those who voted in the affirmative are:

Batchelor of Derby	Fagan of Rutland City	Pearce of Richford
Beyor of Highgate	Feltus of Lyndon	Poirier of Barre City
Bissonnette of Winooski	Gage of Rutland City	Potter of Clarendon
Bouchard of Colchester	Greshin of Warren	Quimby of Concord
Branagan of Georgia	Hebert of Vernon	Ralston of Middlebury
Brennan of Colchester	Helm of Fair Haven	Russell of Rutland City
Browning of Arlington	Higley of Lowell	Savage of Swanton
Burditt of West Rutland	Jerman of Essex	Scheuermann of Stowe
Canfield of Fair Haven	Johnson of Canaan	Shaw of Pittsford
Carr of Brandon	Juskiewicz of Cambridge	Shaw of Derby
Christie of Hartford	Keenan of St. Albans City	Smith of New Haven
Connor of Fairfield	Kilmartin of Newport City	South of St. Johnsbury
Consejo of Sheldon	Koch of Barre Town	Strong of Albany
Corcoran of Bennington	Larocque of Barnet	Terenzini of Rutland Town
Cupoli of Rutland City	Lawrence of Lyndon	Turner of Milton
Dakin of Chester	Marcotte of Coventry	Van Wyck of Ferrisburgh
Devereux of Mount Holly	McCarthy of St. Albans City	Winters of Williamstown
Dickinson of St. Albans Town	McFaun of Barre Town	Wright of Burlington
Donaghy of Poultney	Moran of Wardsboro	Yantachka of Charlotte
Donahue of Northfield	Morrissey of Bennington	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Donovan of Burlington	Johnson of South Hero
Bartholomew of Hartland	Ellis of Waterbury	Kitzmiller of Montpelier
Botzow of Pownal	Emmons of Springfield	Klein of East Montpelier
Burke of Brattleboro	Evans of Essex	Krebs of South Hero
Buxton of Tunbridge	Fisher of Lincoln	Krowinski of Burlington
Campion of Bennington	Frank of Underhill	Kupersmith of South Burlington
Cheney of Norwich	French of Randolph	Lenes of Shelburne
Clarkson of Woodstock	Gallivan of Chittenden	Lippert of Hinesburg
Cole of Burlington	Goodwin of Weston	Macaig of Williston
Condon of Colchester	Grad of Moretown	Malcolm of Pawlet
Conquest of Newbury	Haas of Rochester	Manwaring of Wilmington
Copeland-Hanzas of Bradford	Head of South Burlington	Marek of Newfane
Cross of Winooski	Heath of Westford	Martin of Springfield
Davis of Washington	Hoooper of Montpelier	Masland of Thetford
Deen of Westminster	Huntley of Cavendish	McCormack of Burlington
	Jewett of Ripton	

McCullough of Williston	Rachelson of Burlington	Townsend of Randolph
Michelsen of Hardwick	Ram of Burlington	Townsend of South
Miller of Shaftsbury	Sharpe of Bristol	Burlington
Mook of Bennington	Spengler of Colchester	Vowinkel of Hartford
Mrowicki of Putney	Stevens of Waterbury	Waite-Simpson of Essex
Nuovo of Middlebury	Stevens of Shoreham	Webb of Shelburne
O'Brien of Richmond	Stuart of Brattleboro	Weed of Enosburgh
O'Sullivan of Burlington	Sweaney of Windsor	Wilson of Manchester
Partridge of Windham	Taylor of Barre City	Wizowaty of Burlington
Pearson of Burlington	Till of Jericho	Woodward of Johnson
Peltz of Woodbury	Toleno of Brattleboro	
Pugh of South Burlington	Toll of Danville	

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

Fay of St. Johnsbury	Lewis of Berlin	Young of Glover
Hubert of Milton	Martin of Wolcott	Zagar of Barnard
Komline of Dorset	Mitchell of Fairfax	
Lanpher of Vergennes	Trieber of Rockingham	

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Batchelor of Derby** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment, with a further amendment thereto as follows:

By redesignating Sec. 3, effective dates, to be Sec. 4 and by adding a new Sec. 3 to read as follows:

Sec. 3. 18 V.S.A. § 9721 is added to read:

§ 9721. SURROGATE DECISION MAKING FOR HOSPICE ADMISSION

(a) If an individual without capacity has neither an agent nor a guardian, the individual's spouse, parent, adult child, or adult sibling may provide informed consent for the individual's admission to hospice care or receipt of hospice care services.

(b) As used in this section, "hospice care" means a program of care and support provided by a Medicare-certified hospice provider to help an individual with a terminal condition to live comfortably by providing palliative care, including effective pain and symptom management. Hospice care may include services provided by an interdisciplinary team that are intended to address the physical, emotional, psychosocial, and spiritual needs of the individual and his or her family.

Thereupon, **Rep. Marek of Newfane** raised a Point of Order in that the amendment was not germane to the bill, which Point of Order the Speaker ruled well taken.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Donahue of Northfield** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment, with a further amendment thereto as follows:

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

Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. PATIENT CHOICE AT END OF LIFE

§ 5281. DEFINITIONS

As used in this chapter:

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

(2) “Capacity” means that a patient:

(A) has the ability to communicate health care decisions to a physician, including communication through a qualified interpreter who is not an interested person;

(B) has the ability to understand the nature of the diagnosis and the possible risks and benefits of the treatment options;

(C) has the ability to appreciate the situation and the consequences of the potential treatment choices; and

(D) does not have impaired judgment.

(3) “Health care facility” shall have the same meaning as in section 9432 of this title.

(4) “Health care provider” means a person, partnership, corporation, facility, or institution licensed or certified or authorized by law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

(5) “Impaired judgment” means that a person is unable to:

(A) engage in a rational process of assessing the relevant information; and

(B) articulate the reason or reasons for the person's choice of treatment.

(6) "Interested person" means:

(A) the patient's physician;

(B) a person who knows that he or she is a relative of the patient by blood, civil marriage, civil union, or adoption;

(C) a person who knows that he or she would be entitled upon the patient's death to any portion of the estate or assets of the patient under any will or trust, by operation of law, or by contract; or

(D) an owner, operator, or employee of a health care facility, nursing home, or residential care facility where the patient is receiving medical treatment or is a resident.

(7) "Palliative care" shall have the same definition as in section 2 of this title.

(8) "Patient" means a person who is 18 years of age or older, a resident of Vermont, and under the care of a physician.

(9) "Physician" means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

(10) "Terminal condition" means an incurable condition caused by injury, disease, or illness that according to reasonable medical judgment will produce death within six months, even with available life-sustaining treatment provided in accordance with the prevailing standard of medical care.

§ 5282. RIGHT TO INFORMATION

The rights of a patient under section 1871 of this title to be informed of all available options related to terminal care and under 12 V.S.A. § 1909(d) to receive answers to any specific question about the foreseeable risks and benefits of medication without the physician's withholding any requested information exist regardless of the purpose of the inquiry or the nature of the information. A physician who engages in discussions with a patient related to such risks and benefits in the circumstances described in this chapter shall not be construed to be assisting in or contributing to a patient's independent decision to self-administer a lethal dose of medication, and such discussions shall not be used to establish civil or criminal liability or professional disciplinary action.

§ 5283. PROTECTION OF PATIENT CHOICE AT END OF LIFE

A physician with a bona fide physician-patient relationship with a patient with a terminal condition shall not be considered to have engaged in unprofessional conduct under 26 V.S.A. § 1354 if:

(1) the physician determines that the patient has a terminal condition and has capacity;

(2) the physician informs the patient of all feasible end-of-life services, including palliative care, comfort care, hospice care, and pain control;

(3) the physician prescribes palliative medication requested by the patient that would hasten the patient's death if a lethal dose were taken;

(4) the physician advises the patient of the risks and consequences of taking a lethal dose of the medication prescribed; and

(5) the patient makes an independent decision to self-administer a lethal dose of the medication for the purpose of hastening his or her death.

§ 5284. NO DUTY TO AID

A patient with a terminal condition who self-administers a lethal dose of medication shall not be considered to be a person exposed to grave physical harm under 12 V.S.A. § 519, and no person shall be subject to civil or criminal liability solely for being present when a patient with a terminal condition self-administers a lethal dose of medication or for not acting to prevent the patient from self-administering a lethal dose of medication.

§ 5285. INSURANCE POLICIES; PROHIBITIONS

(a) A person and his or her beneficiaries shall not be denied benefits under a life insurance policy, as defined in 8 V.S.A. § 3301, for actions taken in accordance with this chapter.

(b) The sale, procurement, or issue of any medical malpractice insurance policy or the rate charged for the policy shall not be conditioned upon or affected by whether the physician undertakes actions in accordance with the provisions of this chapter.

§ 5286. NO EFFECT ON PALLIATIVE SEDATION

This chapter shall not limit or otherwise affect the provision, administration, or receipt of palliative sedation consistent with accepted medical standards.

§ 5287. IMMUNITY

(a) A physician shall be immune from any civil or criminal liability or professional disciplinary action for actions performed in good faith compliance with the provisions of this chapter.

(b) Except as otherwise provided in this section and in section 5283 of this title, nothing in this chapter shall be construed to limit liability for civil damages resulting from negligent conduct or intentional misconduct by any person.

§ 5288. STATUTORY CONSTRUCTION

Nothing in this chapter shall be construed to authorize a physician or any other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Action taken in accordance with this chapter shall not be construed for any purpose to constitute suicide, assisted suicide, mercy killing, or homicide under the law. This section shall not be construed to conflict with section 1553 of the Patient Protection and Affordable Health Care Act, Pub.L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub.L. No. 111-152.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Kilmartin of Newport City** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment, with a further amendment thereto as follows:

In Sec. 1, by striking out 18 V.S.A. § 5286 in its entirety and inserting in lieu thereof a new § 5286 to read as follows:

§ 5286. HEALTH CARE FACILITY PROTECTION

(a) A health care facility may prohibit any dose of medication prescribed under this chapter and intended to be lethal, for a current or future patient of the facility, from being possessed or used on the facility's premises by any person. This section shall not be construed to prohibit delivery of the lethal medication in a physician's office, provided the lethal medication is delivered to the patient or written designee and thereafter removed from the premises.

(b) Notice of a prohibition on use or possession of medication adopted pursuant to subsection (a) of this section shall be posted conspicuously in the health care facility and shall be provided to any patient who informs the facility that he or she has obtained a prescription for, or taken delivery of, a lethal medication authorized under this chapter. Posting of the prohibition shall be sufficient notice to any patient for purposes of enforcement of the prohibition, notwithstanding any other provision of this section.

(c)(1) A health care facility may inquire whether a lethal prescription has been given or delivery of a lethal medication has been made if:

(A) the health care facility has adopted a prohibition on use or possession of medication pursuant to subsection (a) of this section and the policy has been posted pursuant to subsection (b) of this section; and

(B) the health care facility has reason to believe a patient is suffering from a disease or condition covered by this chapter.

(2) If the patient responds to an inquiry made by a health care facility pursuant to subdivision (1) of this subsection that a lethal prescription has been given or delivery of a lethal medication has been made, the health care facility shall inform the patient of the health care facility's policy in writing and shall document the policy in the patient's record at that facility.

(d) If lethal medication is possessed or used on the premises of a health care facility in violation of a prohibition adopted pursuant to subsection (a) of this section and posted pursuant to subsection (b) of this section, the facility may confiscate the lethal dose and deliver it to the prescribing physician or pharmacy from which it was obtained.

(e)(1) A health care facility shall be immune from civil or criminal liability for actions taken in good faith compliance with this section.

(2) A health care facility, irrespective of whether it has adopted a prohibition on use or possession of medication pursuant to subsection (a) of this section, shall be immune from civil or criminal liability for any death or injury resulting from the ingestion of a lethal medication prescribed under this chapter.

(3) This subsection shall not apply to gross negligence, recklessness, or intentional misconduct.

Which was disagreed to on a Division vote. Yeas, 47. Nays, 69.

Pending the question, Shall the House concur with the Senate proposal of amendment to the House proposal of amendment? **Rep. Poirier of Barre City** 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 concur with the Senate proposal of amendment to the House proposal of amendment? was decided in the affirmative. Yeas, 75. Nays, 65.

Those who voted in the affirmative are:

Bartholomew of Hartland	Hooper of Montpelier	Pearson of Burlington
Botzow of Pownal	Huntley of Cavendish	Peltz of Woodbury
Burke of Brattleboro	Jerman of Essex	Pugh of South Burlington
Buxton of Tunbridge	Jewett of Ripton	Rachelson of Burlington
Campion of Bennington	Johnson of South Hero	Ram of Burlington
Carr of Brandon	Kitzmiller of Montpelier	Sharpe of Bristol
Cheney of Norwich	Klein of East Montpelier	Spengler of Colchester
Clarkson of Woodstock	Komline of Dorset	Stevens of Waterbury
Cole of Burlington	Krebs of South Hero	Stevens of Shoreham
Conquest of Newbury	Krowinski of Burlington	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lenes of Shelburne	Sweaney of Windsor
Davis of Washington	Lippert of Hinesburg	Taylor of Barre City
Deen of Westminster	Macaig of Williston	Till of Jericho
Ellis of Waterbury	Manwaring of Wilmington	Toleno of Brattleboro
Emmons of Springfield	Marek of Newfane	Toll of Danville
Fisher of Lincoln	Martin of Springfield	Townsend of South Burlington
Frank of Underhill	Masland of Thetford	Vowinkel of Hartford
French of Randolph	McCormack of Burlington	Waite-Simpson of Essex
Gallivan of Chittenden	McCullough of Williston	Webb of Shelburne
Goodwin of Weston	Michelsen of Hardwick	Weed of Enosburgh
Grad of Moretown	Miller of Shaftsbury	Wilson of Manchester
Greshin of Warren	Mook of Bennington	Wizowaty of Burlington
Haas of Rochester	Mrowicki of Putney	Woodward of Johnson
Head of South Burlington	Nuovo of Middlebury	Zagar of Barnard
Heath of Westford	O'Sullivan of Burlington	
	Partridge of Windham	

Those who voted in the negative are:

Ancel of Calais	Cross of Winooski	Higley of Lowell
Batchelor of Derby	Cupoli of Rutland City	Johnson of Canaan
Beyor of Highgate	Dakin of Chester	Juskiewicz of Cambridge
Bissonnette of Winooski	Devereux of Mount Holly	Keenan of St. Albans City
Bouchard of Colchester	Dickinson of St. Albans Town	Kilmartin of Newport City
Branagan of Georgia	Donaghy of Poultney	Koch of Barre Town
Brennan of Colchester	Donahue of Northfield	Kupersmith of South Burlington
Browning of Arlington	Donovan of Burlington	Larocque of Barnet
Burditt of West Rutland	Evans of Essex	Lawrence of Lyndon
Canfield of Fair Haven	Fagan of Rutland City	Malcolm of Pawlet
Christie of Hartford	Feltus of Lyndon	Marcotte of Coventry
Condon of Colchester	Gage of Rutland City	Martin of Wolcott
Connor of Fairfield	Hebert of Vernon	McCarthy of St. Albans City
Consejo of Sheldon	Helm of Fair Haven	McFaun of Barre Town
Corcoran of Bennington		

Moran of Wardsboro	Ralston of Middlebury	Strong of Albany
Morrissey of Bennington	Russell of Rutland City	Terenzini of Rutland Town
Myers of Essex	Savage of Swanton	Turner of Milton
O'Brien of Richmond	Scheuermann of Stowe	Van Wyck of Ferrisburgh
Pearce of Richford	Shaw of Pittsford	Winters of Williamstown
Poirier of Barre City	Shaw of Derby	Wright of Burlington
Potter of Clarendon	Smith of New Haven	
Quimby of Concord	South of St. Johnsbury	

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

Fay of St. Johnsbury	Lewis of Berlin	Trieber of Rockingham
Hubert of Milton	Mitchell of Fairfax	Yantachka of Charlotte
Lanpher of Vergennes	Townsend of Randolph	Young of Glover

Committee of Conference Appointed

S. 129

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to workers' compensation liens

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Marcotte of Coventry
Rep. Botzow of Pownal
Rep. Young of Glover

Committee of Conference Appointed

H. 240

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on House bill, entitled

An act relating to Executive Branch fees

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Branagan of Georgia
Rep. Clarkson of Woodstock
Rep. Sharpe of Bristol

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 522**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment with further proposal of amendment as follows:

In Sec. 11, 18 V.S.A. § 4289, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Health care providers shall query the VPMS with respect to an individual patient in the following circumstances:

(1) at least annually for patients who are receiving ongoing treatment with an opioid Schedule II, III, or IV controlled substance;

(2) when starting a patient on a Schedule II, III, or IV controlled substance for nonpalliative long-term pain therapy of 90 days or more;

(3) the first time the provider prescribes an opioid Schedule II, III, or IV controlled substance written to treat chronic pain; and

(4) prior to writing a replacement prescription for a Schedule II, III, or IV controlled substance pursuant to section 4290 of this title.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended
Bill Messaged to Senate Forthwith**

H. 295

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to technical tax changes

Was taken up for immediate consideration.

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

First: By adding Secs. 3a through 3d to read as follows:

Sec. 3a. 32 V.S.A. § 312(d) is added to read:

(d) Every tax expenditure in the tax expenditure report required by this section shall be accompanied in statute by a statutory purpose explaining the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. The statutory purpose shall appear as a separate subsection or subdivision in statute and shall bear the title "Statutory Purpose." Notwithstanding any other provision of law, a tax expenditure listed in the tax expenditure report that lacks a statutory purpose in statute shall not be implemented or enforced until a statutory purpose is provided.

Sec. 3b. TAX EXPENDITURE PURPOSES

The Joint Fiscal Committee shall draft a statutory purpose for each tax expenditure in the report required by 32 V.S.A. § 312 that explains the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. For the purpose of this report, the Committee shall have the assistance of the Department of Taxes, the Joint Fiscal Office, and the Office of Legislative Council. The Committee shall report its findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2014. The report of the Committee shall consist of a written catalogue for Vermont's tax expenditures and draft legislation, in bill form, providing a statutory purpose for each tax expenditure. Upon receipt of the report under this section, the Senate Committee on Finance shall introduce a bill to adopt statutory purposes during the 2014 legislative session.

Sec. 3c. 32 V.S.A. § 3102(l) is added to read:

(l) The Commissioner shall provide the Joint Fiscal Office with state returns and return information necessary for the Joint Fiscal Office or its agents to perform its duties, including conducting its own statistical studies, forecasts, and fiscal analysis; provided, however, that the provisions of subsection (a) and (h) of this section apply to disclosures under this subsection, and provided that the Commissioner shall redact any information that identifies a particular taxpayer, including the taxpayer's name, address, Social Security or employer identification number, prior to releasing any state return or return information.

Sec. 3d. TAX COMPLIANCE

The General Assembly finds that there is a gap between the amount of taxes paid in this State and the amount of taxes due. Therefore, the General Assembly directs the Department of Taxes to develop and pursue further strategies to close the tax gap during state fiscal year 2014. The Department of

Taxes shall redeploy resources to focus on these strategies with the goal of increasing current collections by \$1,500,000.00 in fiscal year 2014.

Second: By adding a Sec. 9a to read as follows:

Sec. 9a. REPEALS

The following are repealed:

(1) 2011 Acts and Resolves No. 45, Sec. 13a (wastewater permits).

(2) 2012 Acts and Resolves No. 143, Secs. 41 through 43 (wastewater permits).

Third: By striking out Sec. 12 in its entirety and inserting in lieu thereof:

Sec. 12. [Deleted.]

Fourth: In Sec. 13, 32 V.S.A. § 5811(18)(A)(i), in subdivision (III), by inserting the word federal before the words “net operating loss”;

Fifth: By adding a Sec. 13a to read:

Sec. 13a. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code reduced by the total amount of any qualified dividend income: either the first \$5,000.00 of such adjusted net capital gain income; or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

* * *

Sixth: By adding Sec. 18a to read as follows:

Sec. 18a. H-2A PAYMENTS

The Department of Taxes shall not enforce the provisions of 32 V.S.A. chapter 151, including any associated penalties or interest, for any person who received payments while working under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. The Department of Taxes shall also not enforce the provisions of 32 V.S.A. chapter 151, subchapter 4, including any associated penalties or interest, for any person who fails to withhold taxes for payments made to an employee under an H-2A temporary agricultural visa for any return period prior to December 31, 2011. Any

liability, interest, or penalty imposed for a return period specified in this section shall be refunded upon request, provided the person provides documentation of his or her claim to the satisfaction of the Commissioner of Taxes.

Seventh: By adding Sec. 18b to read as follows:

Sec. 18b. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed ~~July 1, 2013~~ January 1, 2014, and no credit under that section shall be available for any taxable year beginning on or after ~~July 1, 2013~~ December 31, 2013.

Eighth: By adding Secs. 20a through 20f to read as follows:

Sec. 20a. 32 V.S.A. § 3802a is added to read:

§ 3802a. REQUIREMENT TO PROVIDE INSURANCE INFORMATION

Before April 1 of each year, owners of property exempt from taxation under subdivisions 3802(4)–(6), (9), and (12)–(15) and under subdivisions 5401(10)(D), (F), (G), and (J) of this title shall provide their local assessing officials with information regarding the insurance replacement cost of the exempt property or with a written explanation of why the property is not insured.

Sec. 20b. 32 V.S.A. § 4152 is amended to read:

§ 4152. CONTENTS

(a) When completed, the grand list of a town shall be in such form as the director prescribes and shall contain such information as the director prescribes, including:

* * *

(6) For those parcels which are exempt, the insurance replacement value reported to the local assessing officials by the owner under section 3802a of this title, or what the full listed value of the property would be absent the exemption and the statutory authority for granting such exemption and, for

properties exempt pursuant to a vote, the year in which the exemption became effective and the year in which the exemption ends;

* * *

(c) When the grand list of a town describes exempt property, the grand list shall identify if the value provided is the insurance replacement cost provided under section 3802a of this title or the full listed value under subdivision (a)(6) of this section.

Sec. 20c. 32 V.S.A. § 3850 is added to read:

§ 3850. BLIGHTED PROPERTY IMPROVEMENT PROGRAM

(a) At an annual or special meeting, a municipality may vote to authorize the legislative body of the municipality to exempt from municipal taxes for a period not to exceed five years the value of improvements made to dwelling units certified as blighted. As used in this section, "dwelling unit" means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(b) If a municipality votes to approve the exemption described in subsection (a) of this section, the legislative body of the municipality shall appoint an independent review committee that is authorized to certify dwelling units in the municipality as blighted and exempt the value of improvements made to these dwelling units.

(c) As used in this section, a dwelling unit may be certified as blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

(d) If a dwelling unit is certified as blighted under subsection (b) of this section, the exemption shall take effect on the April 1 following the certification of the dwelling unit.

Sec. 20d. STUDY COMMITTEE ON CERTAIN PROPERTY TAX EXEMPTIONS

(a) Creation of committee. There is created a Property Tax Exemption Study Committee to study issues related to properties that fall within the public, pious, and charitable property tax exemption in 32 V.S.A. § 3802(4). The Committee shall study and make recommendations related to the definition, listing, valuation, and tax treatment of properties within this exemption.

(b) Membership. The Property Tax Exemption Study Committee shall be composed of seven members. Four members of the Committee shall be

members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party, and the Speaker of the House shall appoint two members of the House, not from the same political party. The Chair and Vice Chair of the Committee shall be legislative members selected by all members of the Committee. Three members of the Committee shall be as follows:

(1) the Director of the Division of Property Valuation and Review;

(2) one member from Vermont's League of Cities and Towns, chosen by its board of directors; and

(3) one member of the Vermont Assessors and Listers Association, chosen by its board of directors.

(c) Powers and duties.

(1) The Committee shall study the definition, listing practices, valuation, and tax treatment of properties within the public, pious, and charitable exemption, including the following:

(A) ways to clarify the definitions of properties that fall within this exemption, including recreational facilities, educational facilities, and publically owned land and facilities;

(B) guidelines to ensure a uniform listing practice of public, pious, and charitable properties in different municipalities;

(C) methods of providing a valuation for properties within this exemption; and

(D) whether the policy justification for these exemptions continues to be warranted and whether a different system of taxation or exemption of these properties may be more appropriate.

(2) For purposes of its study of these issues, the Committee shall have the assistance of the Joint Fiscal Office, the Office of Legislative Council, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

Sec. 20e. 2008 Acts and Resolves No. 190, Sec. 40, as amended by 2010 Acts and Resolves No. 160, Sec. 22, as amended by 2011 Acts and Resolves No. 45, Sec. 13f, is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR
~~SKATING RINKS~~ SKATING RINKS USED FOR PUBLIC
SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport officially recognized by the Vermont Principals' Association shall be exempt from 50 percent of the education property taxes for fiscal ~~year 2012~~ years 2013 and 2014 only.

Sec. 20f. 32 V.S.A. § 8701(d) is added to read:

(d) The existence of a renewable energy plant subject to tax under subsection (b) of this section shall not alter the exempt status of any underlying property under section 3802 or 5401(10)(F) of this title.

Ninth: By adding a Sec. 30a to read as follows:

Sec. 30a. 32 V.S.A. § 3802(18) is added to read:

(18) Any parcel of land that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

(A) owned by the Town of Hardwick and located in Greensboro, Vermont; or

(B) owned by the Town of Thetford and located in Fairlee, Vermont, and West Fairlee, Vermont.

Tenth: In Sec. 31, in subsection (b), after “Commissioner may reasonably require for the proper administration of this chapter.” by inserting

The return shall include notice that the property may be subject to regulations governing potable water supplies and wastewater systems under 10 V.S.A. chapter 64 and to building, zoning, and subdivision regulations; and that the parties have an obligation under law to investigate and disclose his or her knowledge regarding flood regulation, if any, affecting the property.

Eleventh: By inserting a Sec. 34a to read: [adds intent language, extends cloud moratorium to July 1, 2016, requires regulations with specific standards by January 1, 2016.]

Sec. 34a. 2012 Acts and Resolves No. 143, Sec. 52 is amended to read:

Sec. 52. TEMPORARY MORATORIUM ON ENFORCEMENT OF
SALES TAX ON PREWRITTEN SOFTWARE ACCESSED
REMOTELY

(a) The General Assembly finds that “cloud-based services” is the general term given to a variety of services that are accessed via the Internet or a proprietary network. Cloud-based services allow users to store data, access software, and access services and platforms from almost any device that can access the cloud via a broadband connection. The use of cloud services has greatly increased over the past decade. As a result, states have taken a wide range of positions regarding the way to characterize cloud-based services for the purpose of applying the sales and use tax. It is in this context that the General Assembly adopts this section.

(b) Notwithstanding the imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233, the ~~department of taxes~~ Department of Taxes shall not assess tax on charges for remotely accessed software made after December 31, 2006 and before July 1, 2013 2016, and taxes paid on such charges shall be refunded upon request if within the statute of limitations and documented to the satisfaction of the ~~commissioner~~ Commissioner. “Charges for remotely accessed software” means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer or a related company. Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

(c) Beginning on July 1, 2013, the moratorium in subsection (b) of this section shall not apply to charges by a vendor for the right to access and use prewritten software if any vendor offers for sale, in a storage medium or by an electronic download to the user’s computer or server, either directly or through wholesale or retail channels that same computer software or comparable computer software that performs the same functions. The software shall be considered the same or comparable if the seller provides the customer with the use of software that functions with little or no personal intervention by the seller or seller’s employees other than “help desk” assistance for customers having difficulty using the software.

(d) By January 1, 2016, the Department of Taxes shall adopt regulations specifying how the sales and use tax will be applied to remotely accessed software. The regulations shall conform to the following general standards:

(1) The sale of computer hardware, computer equipment, and prewritten software shall be taxed, regardless of the method of delivery. The term “sale”

shall include electronic delivery or load and leave, licenses or leases, transfer of rights to use software installed on a remote server, upgrades, and license upgrades.

(2) The lease of computer hardware on the premise of another shall be taxed if the lessor operates, directs, or controls the hardware.

(3) Charges for the installation of hardware shall not be taxed.

(4) If computer hardware cannot be purchased without mandatory services, such as training, maintenance, or testing, charges for these services shall be considered taxable. If, on the other hand, the services are optional, the charges shall not be taxed.

(5) The sale of the right to reproduce a program shall generally be considered taxable.

(6) The sale of custom software shall not be taxed, regardless of the method of delivery.

(7) If a sale involves both prewritten and custom software or if it involves the customization of prewritten software, the sale shall be taxable unless the price of both the prewritten component and the custom component are stated separately, in which case only the prewritten software component shall be taxed.

(8) The furnishing of reports of standard information to more than two customers shall generally be considered taxable.

(9) The provision of data processing services and access to database services shall generally be considered nontaxable.

(10) The regulations drafted by the Department of Taxes under this subsection shall conform with current Vermont law and maintain Vermont's compliance with the Streamlined Sales and Use Tax Agreement.

Twelfth: By inserting Secs. 35 and 36 to read:

Sec. 35. 8 V.S.A. § 15(c) is amended to read:

(c) ~~The commissioner~~ Commissioner may waive the requirements of 15 V.S.A. § 795(b) as the ~~commissioner~~ Commissioner deems necessary to permit the ~~department~~ Department to participate in any national licensing or registration systems with respect to any person or entity subject to the jurisdiction of the ~~commissioner~~ Commissioner under this title, Title 9, or 18 V.S.A. chapter 221 of Title 18. ~~The commissioner may waive the requirements of 32 V.S.A. § 3113(b) as the commissioner deems necessary to permit the department to participate in any national licensing or registration~~

~~systems with respect to any person or entity not residing in this state and subject to the jurisdiction of the commissioner under this title, Title 9, or chapter 221 of Title 18.~~

Sec. 36. 32 V.S.A. § 3113(b) is amended to read:

(b) No agency of the ~~state~~ State shall grant, issue, or renew any license or other authority to conduct a trade or business (including a license to practice a profession) to, or enter into, extend, or renew any contract for the provision of goods, services, or real estate space with, any person unless such person shall first sign a written declaration under the pains and penalties of perjury, that the person is in good standing with respect to or in full compliance with a plan to pay, any and all taxes due as of the date such declaration is made, except that the Commissioner may waive this requirement as the Commissioner deems appropriate to facilitate the Department of Financial Regulation's participation in any national licensing or registration systems for persons required to be licensed or registered by the Commissioner of Financial Regulation under Title 8, Title 9, or 18 V.S.A. chapter 221.

Thirteenth: By inserting Secs. 37–43 to read:

* * * Health Insurance Claims Tax * * *

Sec. 37. 32 V.S.A. chapter 243 is added to read:

CHAPTER 243. HEALTH CARE CLAIMS TAX

§ 10401. DEFINITIONS

As used in this section:

(1) “Health insurance” means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, any dental service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid or any other state health care assistance program in which claims are financed in whole or in part through a federal program unless authorized by federal law and approved by the General Assembly. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

(2) "Health insurer" means any person who offers, issues, renews, or administers a health insurance policy, contract, or other health benefit plan in this State and includes third party administrators or pharmacy benefit managers who provide administrative services only for a health benefit plan offering coverage in this State. The term does not include a third party administrator or pharmacy benefit manager to the extent that a health insurer has paid the fee which would otherwise be imposed in connection with health care claims administered by the third party administrator or pharmacy benefit manager.

§ 10402. HEALTH CARE CLAIMS TAX

(a) There is imposed on every health insurer an annual tax in an amount equal to 0.999 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid to the Commissioner of Taxes in one installment due by January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows:

(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and

(2) 0.8 of one percent of all health insurance claims into the State Health Care Resources Fund established in 33 V.S.A. § 1901d.

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A. § 9410, for use by the Department of Taxes shall be paid from the Vermont Health IT-Fund and the State Health Care Resources Fund in the same proportion as revenues are deposited into those Funds.

(d) It is the intent of the General Assembly that all health insurers shall contribute equitably through the tax imposed in subsection (a) of this section. In the event that the tax is found not to be enforceable as applied to third party administrators or other entities, the tax owed by all other health insurers shall remain at the existing level and the General Assembly shall consider alternative funding mechanisms that would be enforceable as to all health insurers.

§ 10403. ADMINISTRATION OF TAX

(a) The Commissioner of Taxes shall administer and enforce this chapter and the tax. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to carry out such administration and enforcement.

(b) All of the administrative provisions of chapter 151 of this title, including those relating to the collection and enforcement by the Commissioner of the withholding tax and the income tax, shall apply to the tax imposed by this chapter. In addition, the provisions of chapter 103 of this title, including those relating to the imposition of interest and penalty for failure to pay the tax as provided in section 10402 of this title, shall apply to the tax imposed by this chapter.

§ 10404. DETERMINATION OF DEFICIENCY, REFUND, PENALTY, OR INTEREST

(a) Within 60 days after the mailing of a notice of deficiency, denial or reduction of a refund claim, or assessment of penalty or interest, a health insurer may petition the Commissioner in writing for a determination of that deficiency, refund, or assessment. The Commissioner shall thereafter grant a hearing upon the matter and notify the health insurer in writing of his or her determination concerning the deficiency, penalty, or interest. This is the exclusive remedy of a health insurer with respect to these matters.

(b) Any hearing granted by the Commissioner under this section shall be subject to and governed by 3 V.S.A. chapter 25.

(c) Any aggrieved health insurer may, within 30 days after a determination by the Commissioner concerning a notice of deficiency, an assessment of penalty or interest, or a claim to refund, appeal that determination to the Washington Superior Court or to the Superior Court for the county in which the health insurer has a place of business.

Sec. 38. 32 V.S.A. § 3102(e) is amended to read:

(e) The ~~commissioner~~ Commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(14) to the ~~office of the state treasurer~~ Office of the State Treasurer, only in the form of mailing labels, with only the last address known to the ~~department of taxes~~ Department of Taxes of any person identified to the ~~department~~ Department by the ~~treasurer~~ Treasurer by name and Social Security number, for the ~~treasurer's~~ Treasurer's use in notifying owners of unclaimed property; and

(15) to the ~~department of liquor control~~ Department of Liquor Control, provided that the information is limited to information concerning the sales and

use tax and meals and rooms tax filing history with respect to the most recent five years of a person seeking a liquor license or a renewal of a liquor license; and

(16) to the Commissioner of Financial Regulation and the Commissioner of Vermont Health Access, if such return or return information relates to obligations of health insurers under chapter 243 of this title.

Sec. 39. 32 V.S.A. § 10301 is amended to read:

§ 10301. HEALTH IT-FUND

* * *

(c) Into the fund shall be deposited:

(1) revenue from the ~~reinvestment fee~~ health care claims tax imposed on health insurers pursuant to ~~8 V.S.A. § 4089k~~ subdivision 10402(b)(1) of this title.

* * *

Sec. 40. 2008 Acts and Resolves No. 192, Sec. 9.001(g) is amended to read:

(g) Sec. 7.005 of this act shall sunset July 1, ~~2015~~ 2013.

Sec. 41. 32 V.S.A. § 10301 is amended to read:

§ 10301. HEALTH IT-FUND

* * *

(c) Into the fund shall be deposited:

(1) ~~revenue from the health care claims tax imposed on health insurers pursuant to subdivision 10402(b)(1) of this title.~~ [Deleted.]

* * *

Sec. 42. 32 V.S.A. § 10402 is amended to read:

§ 10402. HEALTH CARE CLAIMS TAX

(a) There is imposed on every health insurer an annual tax in an amount equal to ~~0.999~~ 0.8 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid to the Commissioner of Taxes in one installment due by January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows:

~~(1) 0.199 of one percent of all health insurance claims into the Health IT Fund established in section 10301 of this title; and~~

~~(2) 0.8 of one percent of all health insurance claims into the State Health Care Resources Fund established in 33 V.S.A. § 1901d.~~

* * *

Sec. 43. REPEAL

8 V.S.A. § 4089l (health care claims assessment) is repealed on July 1, 2013.

Fourteenth: By inserting Secs. 44 and 45 to read:

Sec. 44. 23 V.S.A. § 3106(a)(2) is amended to read:

(2) For the purposes of subdivision (1)(B) of this subsection, the tax-adjusted retail price applicable for a quarter shall be the average of the ~~monthly retail prices~~ price for regular gasoline determined and published by the Department of Public Service for each of the three months of the preceding quarter. ~~The tax-adjusted retail price applicable for a quarter shall be the retail price exclusive of all~~ after all federal and state taxes and assessments, and the petroleum distributor licensing fee established by 10 V.S.A. § 1942, ~~at the rates applicable in the preceding quarter~~ each month has been subtracted from that month's retail price.

Sec 45. 2013 Acts and Resolves No. 12, Sec. 24 is amended to read:

Sec. 24. ~~MOTOR FUEL ASSESSMENTS~~ TAX ASSESSMENT:
MAY 1, 2013–SEPTEMBER 30, 2013

Notwithstanding the provisions of 23 V.S.A. § ~~3106(a)(1)(B)~~ 3106(a)(1)(B)(ii) and 3106(a)(2), from May 1, 2013 through September 30, 2013, the ~~motor fuel transportation infrastructure assessment required under 23 V.S.A. § 3106(a)(1)(B)(i) shall be \$0.0656 per gallon, and the fuel tax assessment required under 23 V.S.A. § 3106(a)(1)(B)(ii) shall be \$0.067 per gallon.~~

Fifteenth: By adding a new section to be numbered Sec. 45a to read as follows:

Sec. 45a. 32 V.S.A. § 5884(a) is amended to read:

(a) At any time within three years after the date a return is required to be filed under this chapter; or six months after a refund was received from the United States with respect to an income tax liability, or an amount of taxable income, under the laws of the United States, reported in a return filed under the laws of the United States for the taxable year, with respect to which that return

was filed under this chapter; or three years after the date when real or personal property was seized by the Department as remedy for outstanding tax liability; whichever is ~~later~~ latest, a taxpayer may petition the ~~commissioner~~ Commissioner for the refund of all or any part of the amount of tax paid with respect to the return. Unless the period is extended by agreement of the ~~commissioner~~ Commissioner and the taxpayer, the ~~commissioner~~ Commissioner shall thereafter, upon notice to the taxpayer, hold a hearing on the claim and shall notify the taxpayer of his or her determination of the claim within 30 days of the hearing. The failure of the ~~commissioner~~ Commissioner to refund the amount claimed by a taxpayer within six months of the date of the petition for the refund, under this subsection, shall be considered to be a notification to the taxpayer of the ~~commissioner's~~ Commissioner's determination concerning the claim. The notification shall be considered to have been given on the date of the expiration of the six-month period.

Sixteenth: By adding a Sec. 45b and Sec. 45c to read as follows:

Sec. 45b. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITUOUS LIQUOR

A tax is assessed on the gross revenue on the retail sale of spirituous liquor in the ~~state~~ State of Vermont, including fortified wine, sold by the ~~liquor control board~~ Liquor Control Board or sold by a manufacturer or rectifier of spirituous liquor in accordance with the provisions of this title. The tax shall be at the following rates based on the gross revenue of the retail sales by the seller in the ~~previous~~ current year:

(1) if the gross revenue of the seller is ~~\$100,000.00~~ \$150,000.00 or lower, the rate of tax is five percent;

(2) if the gross revenue of the seller is between ~~\$100,000.00~~ \$150,000.00 and ~~\$200,000.00~~ \$250,000.00, the rate of tax is ~~\$15,000.00~~ \$7,500.00 plus 15 percent of gross revenues over ~~\$100,000.00~~ \$150,000.00;

(3) if the gross revenue of the seller is over ~~\$200,000.00~~ \$250,000.00, the rate of tax is 25 percent.

Sec. 45c. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL GROSS RECEIPTS TAX

(a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of the following types of fuel ~~by sellers receiving more than \$10,000.00 annually for the sale of such fuels:~~

(1) heating oil, kerosene, and other dyed diesel fuel delivered to a residence or business;

(2) propane;

(3) natural gas;

(4) electricity;

(5) coal.

* * *

Seventeenth: By adding a new section to be Sec. 45d to read:

Sec. 45d. 33 V.S.A. § 1955a(a) is amended to read:

(a) Beginning October 1, 2011, each home health agency's assessment shall be 19.30 percent of its net operating revenues from core home health care services, excluding revenues for services provided under Title XVIII of the federal Social Security Act; provided, however, that each home health agency's annual assessment shall be limited to no more than six percent of its annual net patient revenue. The amount of the tax shall be determined by the ~~commissioner~~ Commissioner based on the home health agency's most recent audited financial statements at the time of submission, a copy of which shall be provided on or before ~~December 1~~ May 1 of each year to the ~~department~~ Department. For providers who begin operations as a home health agency after January 1, 2005, the tax shall be assessed as follows:

* * *

And by renumbering the remaining section to be numerically correct

Eighteenth: In the renumbered Sec. 46 (effective dates), by adding subsections (8) (9) (10) and (11) to read:

(8) Sec. 3a (tax expenditures) and Sec. 45d (home health agencies) shall take effect on July 1, 2014.

(9) Secs. 20a (insurance values) and 20b (grand list) shall take effect on July 1, 2014.

(10) Sec. 30a (water access) of this act shall take effect on January 1, 2014.

(11) Secs. 37–40 (health claims tax) of this act shall take effect on July 1, 2013 and Secs. 41 and 42 (health claims sunset) shall take effect on July 1, 2017.

And in subdivision (4), after the words “(state appraiser name change)” by inserting , Sec. 45b (spirituous liquor), and Sec. 45c (fuel gross receipts tax)

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Ram of Burlington

Rep. Wilson of Manchester

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At nine o'clock and twenty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock and thirty minutes in the forenoon.

Tuesday, May 14, 2013

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Joint Resolution Adopted

J.R.H. 13

Joint resolution relating to federal affordable housing policy

Offered by: Representative Head of South Burlington

Whereas, in 2011, the private Bipartisan Policy Center established a Commission on Housing, which was charged with “examining what the appropriate role of government should be in helping to shape the future housing landscape in an increasingly diverse society,” and

Whereas, the Commission’s four co-chairs were former U.S. Senate Majority Leader George J. Mitchell, former U.S. Senator Christopher S. Bond, former U.S. Senator and Secretary of Housing and Urban Development (HUD) Mel Martinez, and former U.S. HUD Secretary Henry Cisneros, and

Whereas, on February 25, 2013, the Commission issued its report entitled *Housing America's Future: New Directions for National Policy* (report), and

Whereas, on May 1, 2013, Commission member Nan Roman testified before the Vermont House Committee on General, Housing and Military Affairs and presented highlights of the report, and

Whereas, the Commission has developed a series of findings that would increase resources for effective programs in Vermont, including the low-income housing tax credit and rural development programs, and

Whereas, in her testimony, Nan Roman noted a number of Vermont initiatives as programs with promise, including the development of the SASH model (support and services at home) for citizens aging in place, and the role of land trusts, and

Whereas, the report proposed (1) focusing rental assistance on the lowest income citizens and making the assistance universally available in an effort to combat and alleviate homelessness; and (2) a significant HUD investment in public housing which according to HUD's own accounting system has been underfunded for many years, and

Whereas, Vermont has established housing policies which focus on placing development in town and village centers, the rehabilitation of our historic buildings, and serving our lowest income citizens, and

Whereas, according to 10 V.S.A § 302, the creation of affordable housing is a policy goal of the Vermont Housing and Conservation Board, and this policy goal through the Board's Trust Fund has promoted the preservation of housing stock and made home purchasing available to Vermonters, and

Whereas, the current federal budget crisis requires bipartisan housing policy solutions, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the National Conference of State Legislatures seek a federal consensus on housing policy as recommended in the report of the Bipartisan Policy Center's Commission on Housing, and be it further

Resolved: That the General Assembly encourages the Vermont Congressional Delegation to participate in the building of a bipartisan consensus on a federal housing policy, including reallocating funds to pay for increased federal financial support for affordable housing, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the National Conference of State Legislatures, the Vermont Congressional Delegation, the Vermont Housing and Conservation Board, and Housing Vermont.

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

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 226

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the regulation of underground storage tanks

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

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

First: Prior to Sec. 1, by inserting the following reader assistance line:

* * * Underground Storage Tanks; Petroleum Cleanup Fund * * *

Second: By striking out Sec. 10 (effective dates) in its entirety and inserting in lieu thereof five new sections to read:

* * * Brownfields; Redevelopment * * *

Sec. 10. LEGISLATIVE INTENT

For the purposes of Secs. 10 through 13 of this act, it is the intent of the General Assembly that:

(1) It is appropriate to confer a limited defense to liability for hazardous material cleanup when a municipality, regional development corporation, or regional planning commission conforms to the requirements of 10 V.S.A. § 6615(d)(3), in the case of municipalities, and 10 V.S.A § 6615(d)(4).

(2) It is of vital importance for purchasers of commercial properties to conduct environmental site assessments that conform to statutorily recognized standards.

(3) In construing the defense to liability established pursuant to 10 V.S.A. § 6615(f), the courts of this State shall be guided by the construction of similar terms contained in 42 U.S.C. § 9601(35)(A)(i) and (B), as amended, and the courts of the United States.

(4) It is appropriate to confer limited defense to liability for secured lenders and fiduciaries under state law that is equivalent to liability under federal law.

(5) In construing the defense to liability established pursuant to 10 V.S.A. § 6615(g), the courts of this State will be guided by the construction of similar terms contained in 42 U.S.C. §§ 9601(20)(F) and 9607(n), as amended, and the courts of the United States.

Sec. 11. 10 V.S.A § 6602 is amended to read:

§ 6602. DEFINITIONS

For the purposes of this chapter:

(1) “Secretary” means the ~~secretary of the agency of natural resources~~ Secretary of Natural Resources, or his or her duly authorized representative.

* * *

(4) “Hazardous waste” means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including ~~but not limited to~~ those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat, or other means, which in the judgment of the ~~secretary~~ Secretary may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the ~~state~~ State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.

* * *

(6) “Person” means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the ~~state~~ State of Vermont or any agency, department or subdivision of the ~~state~~ State, federal agency, or any other legal or commercial entity.

* * *

(10) “Facility” means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or

disposing of waste. A facility may consist of several treatment, storage, or disposal operational units.

* * *

(13) "Waste" means a material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

* * *

(16)(A) "Hazardous material" means all petroleum and toxic, corrosive, or other chemicals and related sludge included in any of the following:

(i) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;

(ii) petroleum, including crude oil or any fraction thereof; or

(iii) hazardous wastes, as determined under subdivision (4) of this section;

(B) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state, and local laws and regulations and according to manufacturer's instructions. Nothing in this subdivision shall affect the authority granted and the limitations imposed by section 6608a of this title.

(17) "Release" means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the ~~state~~ State, or into waters outside the jurisdiction of the ~~state~~ State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the ~~state~~ State.

* * *

(23) "Secured lender" means a person who holds indicia of ownership in a facility, furnished by the owner or person in lawful possession, primarily to assure the repayment of a financial obligation. Such indicia include interests in real or personal property which are held as security or collateral for repayment of a financial obligation such as a mortgage, lien, security interest, assignment, pledge, surety bond, or guarantee and include participation rights, held by a financial institution solely for legitimate commercial purposes, in making or

servicing loans. The term “secured lender” includes a person who acquires indicia of ownership by assignment from another secured lender.

* * *

(34) “Participation in management” means, for the purpose of subsection 6615(g) of this title, a secured lender’s or fiduciary’s actual participation in the management or operational affairs of a facility. It does not mean a secured lender’s or fiduciary’s mere capacity to influence, or unexercised right to control, facility operations. A secured lender or fiduciary shall be considered to have participated in management if the secured lender or fiduciary:

(A) exercises decision-making control over environmental compliance related to the facility, such that the secured lender or fiduciary has undertaken responsibility for hazardous materials handling or disposal practices related to the facility; or

(B) exercises control at a level comparable to that of a manager of the facility, such that the secured lender or fiduciary has assumed or manifested responsibility:

(i) for the overall management of the facility encompassing day-to-day decision making with respect to environmental compliance; or

(ii) over all or substantially all of the operational functions, as distinguished from financial or administrative functions, of the facility other than the function of environmental compliance.

(35) “Regional development corporation” means a nonprofit corporation organized in this State whose principal purpose is to promote, organize, or accomplish economic development, including providing planning and resource development services to local communities, supporting existing industry, assisting the growth and development of new and existing small businesses, and attracting industry or commerce to a particular economic region of the State.

(36) “Regional planning commission” means a planning commission created for a region established under 24 V.S.A. chapter 117, subchapter 3.

Sec. 12. 10 V.S.A. § 6615 is amended to read:

§ 6615. LIABILITY

(a) Subject only to the defenses set forth in subsections (d) and (e) of this section:

(1) the owner or operator of a facility, or both;

(2) any person who at the time of release or threatened release of any hazardous material owned or operated any facility at which such hazardous materials were disposed of;

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous materials owned or possessed by such person, by any other person or entity, at any facility owned or operated by another person or entity and containing such hazardous materials; and

(4) any person who accepts or accepted any hazardous materials for transport to disposal or treatment facilities selected by such persons, from which there is a release, or a threatened release of hazardous materials shall be liable for:

(A) abating such release or threatened release; and

(B) costs of investigation, removal, and remedial actions incurred by the ~~state~~ State which are necessary to protect the public health or the environment.

* * *

(d)(1) There shall be no liability under this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous material and the damages resulting therefrom were caused solely by any of the following:

(A) an act of God;

(B) an act of war;

(C) an act or omission of a third party other than an employee or agent of the defendant, or other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant. If the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, for purposes of this section, there shall be considered to be no contractual relationship at all. This subdivision (d)(1)(C) shall only serve as a defense if the defendant establishes by a preponderance of the evidence:

(i) that the defendant exercised due care with respect to the hazardous material concerned, taking into consideration the characteristics of that hazardous material, in light of all relevant facts and circumstances; and

(ii) that the defendant took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from those acts or omissions; or

(D) any combination of the above.

* * *

(3) A municipality shall not be liable under subdivision (a)(1) of this section as an owner provided that the municipality can show all the following:

(A) The property was acquired by virtue of its function as sovereign through bankruptcy, tax delinquency, abandonment, or other similar circumstances.

(B) The municipality did not cause ~~or~~ contribute to ~~the contamination of, or worsen a release or threatened release of a hazardous material at the property.~~

(C)(i) ~~The municipality has entered into an agreement with the secretary regarding sale of the property acquired or has undertaken abatement, investigation, remediation, or removal activities as required by subchapter 3 of this chapter~~ Secretary, prior to the acquisition of the property, requiring the municipality to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the municipality's marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.

(iii) The municipality may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement with the Secretary to market the property.

(iv) In developing an agreement regarding site investigation, the Secretary shall consider: the degree and extent of the known releases of hazardous materials at the property; the financial ability of the municipality; and the availability of state and federal funding when determining what is required by the agreement for the investigation of the site.

(4) A regional development corporation or regional planning commission shall not be liable under subdivision (a)(1) of this section as an owner provided that the regional development corporation or regional planning commission can show all the following:

(A) The regional development corporation or regional planning commission did not cause, contribute to, or worsen a release or threat of release at the property.

(B) The regional development corporation received, in the 12 months preceding the acquisition of the property, a performance contract for economic development pursuant to 24 V.S.A. chapter 76. The requirement of this subdivision (d)(4)(B) shall not apply to regional planning commissions.

(C)(i) The regional development corporation or regional planning commission has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the regional development corporation or regional planning commission to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the regional development corporation's or regional planning commission's marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.

(iii) The regional development corporation or regional planning commission may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement to market the property.

(iv) In developing an agreement regarding site investigation, the Secretary shall consider: the degree and extent of the known releases of hazardous materials at the property; the financial ability of the regional development corporation or the regional planning commission; and the availability of state and federal funding when determining what is required by the agreement for the investigation of the site.

(e) Any person who is the owner or operator of a facility where a release or threatened release existed at the time that person became owner or operator shall be liable unless he or she can establish by a preponderance of the evidence ~~that after making~~ based upon a diligent and appropriate investigation of the facility, in conformance with the requirements of section 6615a of this title, that he or she had no knowledge or reason to know that ~~said~~ the release or threatened release was located on the facility.

* * *

(g)(1) A secured lender or a fiduciary, as ~~that the~~ the term fiduciary is defined in 14 V.S.A. ~~§ 204(b)~~ § 204(2), shall not, absent other circumstances resulting in liability under this section, be liable as either an owner or operator under this

section merely because of any one or any combination of more than one of the following:

* * *

(J) in an emergency, requiring or undertaking activities to prevent exposure of persons to hazardous materials or to contain a release; or

(K) requiring or conducting abatement, investigation, remediation, or removal activities in response to a release or threatened release, provided that:

(i) prior notice of intent to do any such activity is given to the ~~secretary~~ Secretary in writing, and, unless previously waived in writing by the ~~secretary~~ Secretary, no such activity is undertaken for 30 days after receipt of such notice by the ~~secretary~~ Secretary;

(ii) a workplan is prepared by a qualified consultant prior to the commencement of any such activity;

(iii) if the ~~secretary~~ Secretary, within 30 days of receiving notice as provided in subdivision (i) of this subdivision (K), elects to undertake a workplan review and gives written notice to the secured lender or fiduciary of such election, no such activity is undertaken without prior workplan approval by the ~~secretary~~ Secretary;

(iv) appropriate investigation is undertaken prior to any abatement, remediation, or removal activity;

(v) regular progress reports and a final report are produced during the course of any such activity;

(vi) all plans, reports, observations, data, and other information related to the activity are preserved for a period of 10 years and, except for privileged materials, produced to the ~~secretary~~ Secretary upon request;

(vii) persons likely to be at or near the facility are not exposed to unacceptable health risk; and

(viii) such activity complies with all rules, procedures, and orders of the ~~secretary~~; or

(L) foreclosing on the facility and after foreclosure: selling; winding up operations; undertaking an investigation or corrective action under the direction of the state or federal government with respect to the facility; or taking any other measure to preserve, protect, or prepare the facility prior to sale or disposition, provided that:

(i) a secured lender shall be liable as an operator if the secured lender participated in the management of the facility; and

(ii) a secured lender shall be liable as an owner if during the course of any transaction of the property, the secured lender fails to disclose any known release or threat of release.

(2) There shall be no protection from liability for a secured lender or a fiduciary under ~~subsections (g) and (h) of this section~~ this subsection if the secured lender or fiduciary causes, worsens, or contributes to a release or threat of release of hazardous material. A secured lender or fiduciary who relies on subdivision (g)(1)(K) of this section, ~~or an agreement with the secretary entered into under subsection (h) of this section~~ shall bear the burden of proving compliance with this subdivision.

~~(h)(1) Subject to the provisions of this subsection, the secretary may enter into an agreement with a secured lender or a fiduciary regarding a facility from which there is a release or threat of release of hazardous materials. Upon entering into an agreement with the secretary, a secured lender or fiduciary, to the extent allowed by the agreement and in compliance with the terms and conditions of the agreement, may:~~

~~(A) in the case of a secured lender, take possession, foreclose or otherwise take full title to the facility; and~~

~~(B) undertake other activities at the facility in addition to those of subdivisions (g)(1)(A) - (K) of this section, including use of the facility and new development.~~

~~(2) Such an agreement may be entered into only when the secretary has determined, in the secretary's sole discretion, that there exists a release or threat of release, that there will be a substantial benefit to the public health or the environment that would not otherwise be realized and that the proposed activity will not cause, worsen or contribute to a release or threat of release of hazardous materials at the facility or expose persons likely to be at or near the facility to unacceptable health risk. Prior to entering into an agreement which provides for any abatement, investigation, remediation, or removal activities to be taken by a secured lender or fiduciary in response to a release or threatened release, the secretary shall cause notice to be published in a local newspaper generally circulated in the area where the facility is located. The notice shall set forth the abatement, investigation, remediation, and removal activities proposed, shall state that the secretary is considering entering into an agreement providing for such activities, and shall request public comment on the proposed activities within 15 days after publication. The decision of the~~

secretary as to whether an agreement should be entered into and the terms and conditions of any agreement shall be final.

~~(3) Such an agreement, if previously approved by the attorney general, may provide for the payment, in whole or in part, of past or future costs described in subdivision (a)(4)(B) of this section and may limit, in whole or in part, the secured lender's or the fiduciary's liability under this section.~~

~~(4) A proposal by a secured lender or fiduciary to enter into such an agreement shall be accompanied by a fee of \$1,000.00. If the secretary's costs related to the proposal exceed the fee paid, then any agreement shall provide for the secured lender or fiduciary to reimburse the secretary for the additional costs incurred. The fee and any excess costs paid to the secretary under this subsection shall be deposited into the contingency fund established under subsection 1283(a) of this title.~~

~~(5) If the secured lender or fiduciary enters into an agreement with the secretary, complies with the agreement and does not cause, worsen or contribute to a release or threat of release of a hazardous material, the maximum liability of such person under this section to the state for costs or injunctive relief shall be as provided in the agreement or, in the absence of such a provision, the fair market value of the property at the time of the agreement, estimated as if there were no release or threatened release of any hazardous materials, less any costs reasonably incurred by the person for any abatement, investigation, remediation or removal activity undertaken in compliance with subdivision (g)(1)(K) of this section or incurred in compliance with the agreement.~~

* * *

Sec. 13. 10 V.S.A. § 6615a is added to read:

§ 6615a. DILIGENT AND APPROPRIATE INVESTIGATION FOR
HAZARDOUS MATERIALS

(a) Except as provided for in subsection (b) of this section, a diligent and appropriate investigation, as that term is used in subsection 6615(e) of this title, means, for all properties, an investigation where an owner or operator of a property conforms to the standard developed by the Secretary by rule for a diligent and appropriate investigation. If no standard exists, the owner or operator of a property shall conform to one of the following:

(1) the all appropriate inquiry standard set forth in 40 C.F.R. Part 312, as amended; or

(2) the current standard for phase I environmental site assessments established by the American Society for Testing and Materials.

(b) In the case of residential property used for residential purposes, diligent and appropriate investigation shall mean a facility inspection and title search that:

(1) reveal no basis for further investigation; and

(2) do not reveal that the property was used for or was part of a larger parcel that was used for commercial or industrial purposes.

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1 through 9 (underground storage tanks; Petroleum Cleanup Fund) of this act shall take effect on passage, except Sec. 5 (petroleum tank assessment) of this act shall take effect on July 1, 2014.

(b) Secs. 10 through 13 (brownfields) of this act shall take effect on July 1, 2013.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 262

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to establishing a program for the collection and recycling of paint Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 159, subchapter 4 is added to read:

Subchapter 4. Paint Stewardship Program

§ 6671. PURPOSE

The purpose of this subchapter is to establish an environmentally sound, cost-effective paint stewardship program in the State that will undertake responsibility for the development and implementation of strategies to reduce the generation of postconsumer paint; promote the reuse of postconsumer paint; and collect, transport, and process postconsumer paint, including reuse,

recycling, energy recovery, and disposal. The paint stewardship program will follow the waste management hierarchy for managing and reducing postconsumer paint in the order as follows: reduce consumer generation of postconsumer paint, reuse, recycle, provide for energy recovery, and dispose. The paint stewardship program will provide more opportunities for consumers to manage properly their postconsumer paint; provide fiscal relief for local government in managing postconsumer paint; keep paint out of the waste stream; and conserve natural resources.

§ 6672. DEFINITIONS

As used in this subchapter:

(1) “Architectural paint” means interior and exterior architectural coatings, including interior or exterior water- and oil-based coatings, primers, sealers, or wood coatings, that are sold in containers of five gallons or less. “Architectural paint” does not mean industrial coatings, original equipment coatings, or specialty coatings.

(2) “Distributor” means a company that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in Vermont.

(3) “Energy recovery” means recovery in which all or a part of the solid waste materials are processed in order to use the heat content or other forms of energy of or from the material.

(4) “Environmentally sound management practices” means policies to be implemented by a producer or a stewardship organization to ensure compliance with all applicable laws and also addressing such issues as adequate record keeping, tracking and documenting the fate of materials within the State and beyond, and adequate environmental liability coverage for professional services and for the operations of the contractors working on behalf of the producer organization.

(5) “Municipality” means a city, town, or a village.

(6) “Paint stewardship assessment” means a one-time charge that is:

(A) added to the purchase price of architectural paint sold in Vermont;

(B) passed from the producer to the wholesale purchaser to the retailer and then to a retail consumer; and

(C) necessary to cover the cost of collecting, transporting, and processing the postconsumer paint managed through the statewide program.

(7) “Postconsumer paint” means architectural paint and its containers not used and no longer wanted by a purchaser.

(8) “Producer” means a manufacturer of architectural paint who sells, offers for sale, or distributes that paint in Vermont under the producer’s own name or brand.

(9) “Recycling” means any process by which discarded products, components, and by-products are transformed into new usable or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and by-products with or without other waste products.

(10) “Retailer” means any person that offers architectural paint for sale at retail in Vermont.

(11) “Reuse” means the return of a product into the economic stream for use in the same kind of application as originally intended, without a change in the product’s identity.

(12) “Secretary” means the Secretary of Natural Resources.

(13) “Sell” or “sale” means any transfer of title for consideration, including remote sales conducted through sales outlets, catalogues, or the Internet or any other similar electronic means.

(14) “Stewardship organization” means a nonprofit corporation or nonprofit organization created by a producer or group of producers to implement the paint stewardship program required under this subchapter.

§ 6673. PAINT STEWARDSHIP PROGRAM

(a) A producer or a stewardship organization representing producers shall submit a plan for the establishment of a paint stewardship program to the Secretary for approval by December 1, 2013. The plan shall address the following:

(1) Provide a list of participating producers and brands covered by the program.

(2) Provide specific information on the architectural paint products covered under the program, such as interior or exterior water- and oil-based coatings, primers, sealers, or wood coatings.

(3) Describe how the program proposed under the plan will collect, transport, recycle, and process postconsumer paint for end-of-life management,

including recycling, energy recovery, and disposal, using environmentally sound management practices.

(4) Describe the program and how it will provide for convenient and available statewide collection of postconsumer architectural paint in urban and rural areas of the State. The producer or stewardship organization shall use the existing household hazardous waste collection infrastructure when selecting collection points for postconsumer architectural paint. A paint retailer shall be authorized as a paint collection point of postconsumer architectural paint for a paint stewardship program if the paint retailer volunteers to act as a paint collection point and complies with all applicable laws and regulations.

(5) Provide geographic information modeling to determine the number and distribution of sites for collection of postconsumer architectural paint based on the following criteria:

(A) at least 90 percent of Vermont residents shall have a permanent collection site within a 15-mile radius; and

(B) one additional permanent site will be established for every 10,000 residents of a municipality and additional sites shall be distributed to provide convenient and reasonably equitable access for residents within each municipality, unless otherwise approved by the Secretary.

(6) Establish goals to reduce the generation of postconsumer paint, to promote the reuse of postconsumer paint, and for the proper management of postconsumer paint as practical based on current household hazardous waste program information. The goals may be revised by the producer or stewardship organization based on the information collected for the annual report.

(7) Describe how postconsumer paint will be managed in the most environmentally and economically sound manner, including following the waste-management hierarchy. The management of paint under the program shall use management activities that promote source reduction, reuse, recycling, energy recovery, and disposal.

(8) Describe education and outreach efforts to inform consumers of collection opportunities for postconsumer paint and to promote the source reduction and recycling of architectural paint for each of the following: consumers, contractors, and retailers.

(b) The producer or stewardship organization shall submit a budget for the program proposed under subsection (a) of this section, and for any amendment to the plan that would affect the program's costs. The budget shall include a

funding mechanism under which each architectural paint producer remits to a stewardship organization payment of a paint stewardship assessment for each container of architectural paint it sells in this State. Prior to submitting the proposed budget and assessment to the Secretary, the producer or stewardship organization shall provide the budget and assessment to a third-party auditor agreed upon by the Secretary. The third-party auditor shall provide a recommendation as to whether the proposed budget and assessment is cost-effective, reasonable, and limited to covering the cost of the program. The paint stewardship assessment shall be added to the cost of all architectural paint sold in Vermont. To ensure that the funding mechanism is equitable and sustainable, a uniform paint stewardship assessment shall be established for all architectural paint sold. The paint stewardship assessment shall be approved by the Secretary and shall be sufficient to recover, but not exceed, the costs of the paint stewardship program.

(c) Beginning no later than July 1, 2014, or three months after approval of the plan for a paint stewardship program required under subsection (a) of this section, whichever occurs later, a producer of architectural paint sold at retail or a stewardship organization of which a producer is a member shall implement the approved plan for a paint stewardship program.

(d) A producer or a stewardship organization of which a producer is a member shall promote a paint stewardship program and provide consumers with educational and informational materials describing collection opportunities for postconsumer paint statewide and promotion of waste prevention, reuse, and recycling. The educational and informational program shall make consumers aware that the funding for the operation of the paint stewardship program has been added to the purchase price of all architectural paint sold in the State.

(e) A plan approved under this section shall provide for collection of postconsumer architectural paint at no cost to the person from whom the architectural paint is collected.

(f) When a plan or amendment to an approved plan is submitted under this section, the Secretary shall make the proposed plan or amendment available for public review and comment for at least 30 days.

(g) A producer or paint stewardship organization shall submit to the Secretary for review, in the same manner as required under subsection 6675(a) of this title, an amendment to an approved plan when there is:

- (1) a change to a paint stewardship assessment under the plan;

(2) an addition to or removal of a category of products covered under the program; or

(3) a revision of the product stewardship organization's goals.

(h) A plan approved by the Secretary under section 6675 of this title shall have a term not to exceed five years, provided that the producer remains in compliance with the requirements of this chapter and the terms of the approved plan.

(i) In addition to the requirements specified in subsection (a) of this section, a stewardship organization shall notify the Secretary in writing within 30 days of any change to:

(1) the number of collection sites for post-consumer architectural paint identified under this section as part of the plan;

(2) the producers identified under this section as part of the plan;

(3) the brands of architectural paint identified under this section as part of the plan; and

(4) the processors that manage post-consumer architectural paint identified under this section as part of the plan.

(j) Upon submission of a plan to the Secretary under this section, a producer or a stewardship organization shall pay the fee required by 3 V.S.A. § 2822(j)(31). Thereafter, the producer or stewardship organization shall pay the fee required by 3 V.S.A. § 2822(j)(31) annually by July 1 of each year.

§ 6674. RETAILER RESPONSIBILITY

(a) A producer or retailer may not sell or offer for sale architectural paint to any person in Vermont unless the producer of that architectural paint brand or a stewardship program of which the producer of that architectural paint brand is a member is implementing an approved plan for a paint stewardship program as required by section 6673 of this title. A retailer complies with the requirements of this section if, on the date the architectural paint was ordered from the producer or its agent, the producer or paint brand is listed on the Agency of Natural Resources' website as a producer or brand participating in an approved plan for a paint stewardship program.

(b) At the time of sale to a consumer, a producer, a stewardship organization, or a retailer selling or offering architectural paint for sale shall provide the consumer with information regarding available management options for postconsumer paint collected through the paint stewardship program or a brand of paint being sold under the program.

§ 6675. AGENCY RESPONSIBILITY

(a)(1) Within 90 days of receipt of a plan submitted under section 6673 of this title, the Secretary shall review the plan and make a determination whether or not to approve the plan. The Secretary shall issue a letter of approval for a submitted plan if:

(A) the submitted plan provides for the establishment of a paint stewardship program that meets the requirements of subsections 6673(a); and

(B) the Secretary determines that the plan:

(i) achieves convenient collection for consumers;

(ii) educates the public on proper paint management;

(iii) manages waste paint in a manner that is environmentally safe and promotes reuse and recycling; and

(iv) is cost-effective.

(2) If the Secretary does not approve a submitted plan, the Secretary shall issue to the paint stewardship organization a letter listing the reasons for the disapproval of the plan. If the Secretary disapproves a plan, a paint stewardship organization intending to sell or continue to sell architectural paint in the State shall submit a new plan within 60 days of receipt of the letter of disapproval.

(b)(1) The Secretary shall review and approve the stewardship assessment proposed by a producer pursuant to subsection 6673(b) of this title. The Secretary shall only approve the program budget and any assessment if the applicant has demonstrated that the costs of the program and any proposed assessment are reasonable and the assessment does not exceed the costs of implementing an approved plan.

(2) If an amended plan is submitted under subsection 6673(g) of this title that proposes to change the cost of the program or proposes to change the paint stewardship assessment under the plan, the disapproval of any proposed new assessment or the failure of an approved new assessment to cover the total costs of the program shall not relieve a producer or stewardship organization of its obligation to continue to implement the approved plan under the originally approved assessment.

(c) Facilities solely collecting paint for the paint stewardship program that would not otherwise be subject to solid waste certification requirements shall not be required to obtain a solid waste certification. Persons solely transporting paint for the paint stewardship program that would not otherwise

be subject to solid waste hauler permitting requirements shall not be required to obtain a solid waste hauler's permit.

§ 6676. ANTICOMPETITIVE CONDUCT

(a) A producer or an organization of producers that manages postconsumer paint, including collection, transport, recycling, and processing of postconsumer paint, as required by this subchapter may engage in anticompetitive conduct to the extent necessary to implement the plan approved by the Secretary and is immune from liability for the conduct relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) The activity authorized and the immunity afforded under subsection (a) of this section shall not apply to any agreement among producers or paint stewardship organizations:

(1) establishing or affecting the price of paint, except for the paint stewardship assessment approved under subsection 6675(b) of this title;

(2) setting or limiting the output or production of paint;

(3) setting or limiting the volume of paint sold in a geographic area;

(4) restricting the geographic area where paint will be sold; or

(5) restricting the customers to whom paint will be sold or the volume of paint that will be sold.

§ 6677. PRODUCER REPORTING REQUIREMENTS

No later than October 15, 2015, and annually thereafter, a producer or a stewardship program of which the producer is a member shall submit to the Secretary a report describing the paint stewardship program that the producer or stewardship program is implementing as required by section 6673 of this title. At a minimum, the report shall include:

(1) a description of the methods the producer or stewardship program used to reduce, reuse, collect, transport, recycle, and process postconsumer paint statewide in Vermont;

(2) the volume and type of postconsumer paint collected by the producer or stewardship program at each collection center in all regions of Vermont;

(3) the volume of postconsumer paint collected by the producer or stewardship program in Vermont by method of disposition, including reuse, recycling, energy recovery, and disposal;

(4) an independent financial audit of the paint stewardship program implemented by the producer or the stewardship program;

(5) the prior year's actual direct and indirect costs for each program element and the administrative and overhead costs of administering the approved program; and

(6) samples of the educational materials that the producer or stewardship program provided to consumers of architectural paint.

§ 6678. CONFIDENTIAL BUSINESS INFORMATION

Data reported to the Secretary by a producer or stewardship organization under this subchapter shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Secretary may use and disclose such information in summary or aggregated form that does not directly or indirectly identify individual producers, distributors, or retailers. The Secretary may require, as a part of the report submitted under section 6677 of this title, that the manufacturer or stewardship organization provide a report that does not contain trade secret information and is available for public inspection and review.

§ 6679. RULEMAKING; PROCEDURE

The Secretary may adopt rules or procedures to implement the requirements of this subchapter.

§ 6680. UNIVERSAL WASTE DESIGNATION FOR POSTCONSUMER PAINT

(a) The requirements of Subchapter 9 of the Vermont Hazardous Waste Management Rules, which allow certain categories of hazardous waste to be managed as universal waste, shall apply to postconsumer paint until the postconsumer paint is discarded, provided that:

(1) the postconsumer paint is collected as a part of a stewardship plan approved under this subchapter; and

(2) the collected postconsumer paint is or includes paint that is a hazardous waste as defined and regulated by the Vermont Hazardous Waste Management Rules.

(b) When postconsumer paint is regulated as a universal waste under subsection (a) of this section, small and large quantity handlers of the postconsumer paint shall manage the postconsumer paint in a manner that prevents releases of any universal waste or component of the universal waste

to the environment. Postconsumer paint regulated as universal waste shall, at a minimum, be contained in one or more of the following:

(1) A container that remains closed, structurally sound, and compatible with the postconsumer paint and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

(2) A container that does not meet the requirements of subdivision (1) of this subsection, provided that the unacceptable container is overpacked in a container that meets the requirements of subdivision (1).

(c) Containers holding postconsumer paint that is regulated as universal waste shall be clearly labeled "Universal Waste Paint," "Used Paint," or "Waste Paint."

(d) Unless otherwise provided by statute, the definitions of the Vermont Hazardous Waste Management Rules shall apply to this section.

Sec. 2. 3 V.S.A. § 2822(j) is added to read:

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the agency of natural resources.

* * *

(31) For continuing review of plans required by 10 V.S.A. § 6673: \$15,000.00.

Sec. 3. AGENCY OF NATURAL RESOURCES REPORT ON PAINT STEWARDSHIP ASSESSMENT

On or before January 15, 2014, the Secretary of Natural Resources shall report to the House and Senate Committees on Natural Resources and Energy, the House Committee on Ways and Means, and the Senate Committee on Finance regarding the paint stewardship assessment proposed by architectural paint producers or stewardship organizations under 10 V.S.A. § 6673. The report shall include:

(1) a summary of the number of paint producers or stewardship organizations submitting plans;

(2) the paint stewardship assessment proposed in any submitted plan;

(3) a recommendation from the Secretary as to whether a proposed paint stewardship assessment is adequate or should be modified; and

(4) a recommendation from the Secretary whether and at what amount to establish a statutory maximum cap on the amount of a paint stewardship assessment.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 521

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making miscellaneous amendments to education law

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

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

First: By striking out Sec. 2 in its entirety.

Second: After Sec. 7, by inserting three new sections to be Secs. 7a through 7c to read:

Sec. 7a. 33 V.S.A. § 6911(a)(1) is amended to read:

(1) The investigative report shall be disclosed only to: the ~~commissioner~~ Commissioner or person designated to receive such records; persons assigned by the ~~commissioner~~ Commissioner to investigate reports; the person reported to have abused, neglected, or exploited a vulnerable adult; the vulnerable adult or his or her representative; the ~~office of professional regulation~~ Office of Professional Regulation when deemed appropriate by the ~~commissioner~~ Commissioner; the Secretary of Education when deemed appropriate by the Commititioner; a law enforcement agency, the ~~state's attorney, or the office of the attorney general~~ State's Attorney, or the Office of the Attorney General, when the ~~department~~ Department believes there may be grounds for criminal prosecution or civil enforcement action, or in the course of a criminal or a civil investigation. When disclosing information pursuant to this subdivision, reasonable efforts shall be made to limit the information to the minimum necessary to accomplish the intended purpose of the disclosure, and no other information, including the identity of the reporter, shall be released absent a court order.

Sec. 7b. 33 V.S.A. § 6911(c) is amended to read:

(c) The ~~commissioner~~ Commissioner or the ~~commissioner's~~ Commissioner's designee may disclose registry information only to:

* * *

(7) upon request or when relevant to other states' adult protective services offices; ~~and~~

(8) the ~~board of medical practice~~ Board of Medical Practice for the purpose of evaluating an applicant, licensee, or holder of certification pursuant to 26 V.S.A. § 1353; ~~and~~

(9) the Secretary of Education or the Secretary's designee, for purposes related to the licensing of professional educators pursuant to 16 V.S.A. chapter 5, subchapter 4 and chapter 51.

Sec. 7c. 16 V.S.A. § 253 is amended to read:

§ 253. CONFIDENTIALITY OF RECORDS

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

(b) The Secretary, a superintendent, or a headmaster may disclose criminal records and criminal record information received under this subchapter to a qualified entity upon request, provided that the qualified entity has signed a user agreement and received authorization from the subject of the record request. As used in this section, "qualified entity" means an individual, organization, or governmental body doing business in Vermont that has one or more individuals performing services for it within the State and that provides care or services to children, persons who are elders, or persons with disabilities as defined in 42 U.S.C. § 5119c.

Third: By striking out Sec. 11 in its entirety

Fourth: [Deleted]

Fifth: In Sec. 16, in subsection (a), by striking out subdivisions (1) through (12) in their entirety and inserting in lieu thereof seven new subdivisions to be subdivisions (1) through (7) to read:

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

(2) one trustee of an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

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

(4) the Executive Director of the Vermont Principals' Association or designee;

(5) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(6) the Secretary of Education or designee; and

(7) the chair of the State Board of Education or designee, who shall serve as the committee's chair and convene the first meeting of the committee on or before July 1, 2013.

Sixth: In Sec. 16 subsection (b) by adding a new subdivision (2) to read as follows:

consider whether the decision to close a public school and reopen it as an approved independent school raises issues addressed by the Vermont Constitution or by the U.S. Constitution or other federal law; and

And by renumbering the remaining subdivision to be numerically correct.

Seventh: By striking out Sec. 20 in its entirety and inserting in lieu thereof 10 new sections to be Secs. 20 through 29 and internal captions to read:

* * * Compact for Military Children * * *

Sec. 20. 16 V.S.A. § 806m.E is amended to read:

E. The Interstate Commission may not assess, levy, or collect from Vermont in its annual assessment more than ~~\$100~~ \$2,000.00 per year. Other funding sources may be accepted and used to offset expenses related to the ~~state's~~ State's participation in the compact.

Sec. 21. AGENCY OF EDUCATION BUDGET

There shall be no separate or additional General Fund appropriation to the Agency of Education in fiscal year 2014 for purposes of funding the increased assessment to be paid pursuant to Sec. 21 of this act.

* * * Adult Basic Education * * *

Sec. 22. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The ~~state board~~ State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the ~~governor~~ Governor and ~~secretary~~ Secretary; engage local school board members and the broader education community; and establish and advance education policy for the ~~state~~ State of Vermont. In addition to other specified duties, the ~~board~~ Board shall:

* * *

(13) ~~Constitute~~ Be the state board State Board for the program of adult education and literacy and perform all the duties and powers prescribed by law pertaining to adult education and literacy and to act as the state approval agency for educational institutions conducting programs of adult education and literacy.

* * *

* * * Special Education Employees; Transition to Employment
by Supervisory Unions * * *

Sec. 23. 2010 Acts and Resolves No. 153, Sec. 18, as amended by 2011 Acts and Resolves No. 58, Sec. 18, is further amended to read:

Sec. 18. TRANSITION

(a) Each supervisory union shall provide for any transition of employment of special education and transportation ~~staff~~ employees by member districts to employment by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(a)(6), and (8)(E) by:

(1) providing that the supervisory union assumes all obligations of each existing collective bargaining agreement in effect between the member districts and their special education employees and their transportation employees until the agreement's expiration, subject to employee compliance with performance standards and any lawful reduction in force, layoff, nonrenewal, or dismissal;

(2) providing, in the absence of an existing recognized representative of its employees, for the immediate and voluntary recognition by the supervisory union of the recognized representatives of the employees of the member districts as the recognized representatives of the employees of the supervisory union;

(3) ensuring that an employee of a member district who is not a probationary employee shall not be considered a probationary employee upon transition to the supervisory union; and

(4) ~~containing an agreement negotiating a collective bargaining agreement, addressing special education employees, with the recognized representatives of the employees of the member districts that is effective on the day the supervisory union assumes obligations of existing agreements regarding how the supervisory union, prior to reaching its first collective bargaining agreement with its special education employees and with its transportation employees, will address issues of seniority, reduction in force, layoff, and recall , which, for the purposes of this section, shall be: the exclusive representative of special education teachers; the exclusive representative of the special education administrators; and the exclusive bargaining agent for special education paraeducators if the supervisory union has elected to employ special education paraeducators pursuant to subdivision (b)(3) of this section. The supervisory union shall become the employer of these employees on the date specified in the ratified agreement.~~

(b) For purposes of this section and Sec. 9 of this act, "special education employee" shall include a special education teacher, a special education administrator, and a special education paraeducator, which means a teacher, administrator, or paraeducator whose job assignment consists of providing special education services directly related to students' individualized education programs or to the administration of those services. Provided, however, that "special education employee" shall include a "special education paraeducator" only if the supervisory union board elects to employ some or all special education paraeducators because it determines that doing so will lead to more effective and efficient delivery of special education services to students. If the supervisory union board does not elect to employ all special education paraeducators, it must use objective, nondiscriminatory criteria and identify specific duties to be performed when determining which categories of special education paraeducators to employ.

(c) Education-related parties to negotiations under either Title 16 or 21 shall incorporate in their current or next negotiations matters addressing the terms and conditions of special education employees.

(d) If a supervisory union has not entered into a collective bargaining agreement with the representative of its prospective special education employees by August 15, 2015, it shall provide the Secretary of Education with a report identifying the reasons for not meeting the deadline and an estimated date by which it expects to ratify the agreement.

Sec. 24. 16 V.S.A. § 1981(8) is amended to read:

(8) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union,

the body comprising representatives designated by each school board within the supervisory union and by the supervisory union board to engage in professional negotiations with a teachers' or administrators' organization.

Sec. 25. 21 V.S.A. § 1722(18) is amended to read:

(18) "School board negotiations council" means, for a supervisory district, its school board, and, for school districts within a supervisory union, the body comprising representatives designated by each school board within the supervisory union and by the supervisory union board to engage in collective bargaining with their school employees' negotiations council.

Sec. 26. APPLICABILITY

Only school districts and supervisory unions that have not completed the transition of special education employees to employment by the supervisory union or have not negotiated transition provisions into current master agreements as of the effective dates of Secs. 24 through 27 of this act are subject to the employment transition provisions of those sections.

Sec. 27. REPORT

On or before January 1, 2017, the Secretary of Education shall report to the House and Senate Committees on Education regarding the decisions of supervisory unions to exercise or not to exercise the flexibility regarding employment of special education paraeducators provided in Sec. 24 of this act and may propose amendments to Sec. 24 or to related statutes as he or she deems appropriate.

* * * Out-of-State Career Technical Education * * *

Sec. 28. 16 V.S.A. § 1531(c) is amended to read:

(c) For a school district ~~which that~~ is geographically isolated from a Vermont technical center, the ~~state board~~ State Board may approve a technical center in another state as the technical center ~~which that~~ district students may attend. In this case, the school district shall receive transportation assistance pursuant to section 1563 of this title and tuition assistance pursuant to section 1561(c) of this title. Any student who is a resident in the Windham Southwest ~~supervisory union~~ Supervisory Union and who is enrolled at public expense in the Charles H. McCann Technical School ~~at public expense or the Franklin County Technical School~~ shall be considered to be attending an approved technical center in another state pursuant to this subsection, and, if the student is from a school district eligible for a small schools support grant pursuant to section 4015 of this title, the student's full-time equivalency shall be computed according to time attending the school.

Sec. 29. EFFECTIVE DATES

(a) Sec. 28 of this act (out-of-state career technical education) shall take effect on July 1, 2013 and shall apply to enrollments in academic year 2013–2014 and after.

(b) This section and all other sections of this act shall take effect on passage; provided, however, that Sec. 14 of this act (salary) shall apply retroactively beginning on January 2, 2013.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep Donovan of Burlington** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking out the Fifth Proposal of Amendment (Sec. 16(a); change in study committee membership) in its entirety and inserting in lieu thereof:

“Fifth: [Deleted]”

Which was agreed to.

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Savage of Swanton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 226

House bill, entitled

An act relating to the regulation of underground storage tanks

H. 262

House bill, entitled

An act relating to establishing a program for the collection and recycling of paint

Rules Suspended; Report of Committee of Conference Adopted

S. 4

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to concussions and school athletic activities

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

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) According to the Centers for Disease Control and Prevention:

(A) Each year, emergency departments (EDs) in the United States treat an estimated 173,285 persons 19 years of age and younger for sports and recreation-related traumatic brain injuries (TBI), including concussions, 70 percent of which were suffered by young people 10–19 years of age.

(B) From 2001 to 2009, the number of annual sports- and recreation-related ED visits for TBI among persons 19 years of age and younger increased 62 percent, from 153,375 per year to 248,418 per year.

(C) For males 10–19 years of age, TBIs most commonly occur while playing football. For females 10–19 years of age, TBIs most commonly occur while playing soccer or bicycling.

(2) According to a study in the American Journal of Sports Medicine, many high school athletes do not report when they suffer concussions despite the increased awareness of and focus on the seriousness of such injuries and the potential for catastrophic outcomes, particularly from multiple concussions.

(3) Without a clear action plan describing the steps a youth athlete must take in order to return to play after suffering a concussion, the youth is more likely to hide the concussion and continue to play without receiving the necessary treatment.

Sec. 2. 16 V.S.A. § 1431 is amended to read:

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. ~~For purposes of~~ As used in this subchapter:

(1) ~~“School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.~~

(2) ~~“Coach” means a person who instructs or trains students on a school athletic team.~~

(2) “Collision sport” means football, hockey, lacrosse, or wrestling.

(3) “Contact sport” means a sport, other than football, hockey, lacrosse, or wrestling, defined as a contact sport by the American Academy of Pediatrics.

(4) “Health care provider” means an athletic trainer, or other health care provider, licensed pursuant to Title 26, who has within the preceding five years been specifically trained in the evaluation and management of concussions and other head injuries. Training pursuant to this subdivision shall include training materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention, if available.

(5) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(6) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(b) Guidelines and other information. ~~The commissioner of education~~ Secretary of Education or designee, assisted by members of the Vermont Principals’ Association selected by that association, members of the Vermont School Boards Insurance Trust, and others as the Secretary deems appropriate, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; ~~and~~

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;

(4) effective methods to reduce the risk of concussions occurring during athletic activities; and

(5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the ~~state~~ State, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete’s parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury, how to reduce the risk of concussions during athletic activities, and how to teach athletes the proper techniques for avoiding concussions; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school; and

(4) each referee of a contest involving a high school athletic team participating in a collision sport receive training not less than every two years on how to recognize concussions when they occur during athletic activities.

(d) Participation in athletic activity.

(1) ~~A~~ Neither a coach nor a health care provider shall ~~not~~ permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach ~~has reason to believe or~~ health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) ~~A~~ Neither a coach nor health care provider shall ~~not~~ permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider ~~licensed pursuant to Title 26 and trained in the evaluation and management of concussions and other head injuries.~~

(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State or a designee shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion. The action plan shall include policies on:

(A) who makes the initial decision to remove a student athlete from play when it is suspected that the athlete has suffered a concussion;

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

(C) who makes the final decision that a student athlete may return to athletic activity; and

(D) who has the responsibility to inform a parent or guardian when a student on that school's athletic team suffers a concussion.

(2) The action plan required by subdivision (1) of this subsection shall be provided annually to each youth athlete and the athlete's parents or guardians.

(3) Each youth athlete and a parent or guardian of the athlete shall annually sign a form acknowledging receipt of the information provided pursuant to subdivision (2) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team.

(f) Health care providers; presence at athletic events.

(1) The home team shall ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a collision sport. If an athlete on the visiting team suffers a concussion during the athletic event, the health care provider shall notify the visiting team's athletic director within 48 hours after the injury occurs.

(2) Home teams are strongly encouraged to ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a contact sport.

(3) A school shall notify a parent or guardian within 24 hours of when a student participating on that school's athletic team suffers a concussion.

Sec. 3. REPORT

To the extent permitted by applicable state and federal law, the Vermont Traumatic Brain Injury Advisory Board (the Board) shall obtain information necessary to create an annual report on the incidences of concussions sustained by student athletes in Vermont in the previous school year. To the extent such information is available, the report shall include the number of concussions sustained by student athletes in Vermont, the sport the student athlete was playing when he or she sustained the concussion, the number of Vermont student athletes treated in emergency rooms for concussions received while participating in school athletics, and who made the decision that a student athlete was able to return to play. For purposes of the report, the Board shall

consult with the Vermont Principals' Association and the Vermont Association of Athletic Trainers. If the Board obtains information sufficient to create the report, it shall report on or before December 15 of each year starting in 2014 to the Senate and House Committees on Judiciary and on Education.

Sec. 4. 16 V.S.A. § 1388 is added to read:

§ 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF
EPINEPHRINE AUTO-INJECTORS

(a) As used in this section:

(1) "Designated personnel" means a school employee, agent, or volunteer who has been authorized by the school administrator to provide and administer epinephrine auto-injectors under this section and who has completed the training required by State Board policy.

(2) "Epinephrine auto-injector" means a single-use device that delivers a premeasured dose of epinephrine.

(3) "Health care professional" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 31.

(4) "School" means a public or approved independent school and extends to school grounds, school-sponsored activities, school-provided transportation, and school-related programs.

(5) "School administrator" means a school's principal or headmaster.

(b)(1) A health care professional may prescribe an epinephrine auto-injector in a school's name, which may be maintained by the school for use as described in subsection (d) of this section. The health care professional shall issue to the school a standing order for the use of an epinephrine auto-injector prescribed under this section, including protocols for:

(A) assessing whether an individual is experiencing a potentially life-threatening allergic reaction;

(B) administering an epinephrine auto-injector to an individual experiencing a potentially life-threatening allergic reaction;

(C) caring for an individual after administering an epinephrine auto-injector to him or her, including contacting emergency services personnel and documenting the incident; and

(D) disposing of used or expired epinephrine auto-injectors.

(2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health care professional may dispense epinephrine auto-injectors prescribed to a school.

(c) A school may maintain a stock supply of epinephrine auto-injectors. A school may enter into arrangements with epinephrine auto-injector manufacturers or suppliers to acquire epinephrine auto-injectors for free or at reduced or fair market prices.

(d) The school administrator may authorize a school nurse or designated personnel, or both, to:

(1) provide an epinephrine auto-injector to a student for self-administration according to a plan of action for managing the student's life-threatening allergy maintained in the student's school health records pursuant to section 1387 of this title;

(2) administer a prescribed epinephrine auto-injector to a student according to a plan of action maintained in the student's school health records; and

(3) administer an epinephrine auto-injector, in accordance with the protocol issued under subsection (b) of this section, to a student or other individual at a school if the nurse or designated personnel believe in good faith that the student or individual is experiencing anaphylaxis, regardless of whether the student or individual has a prescription for an epinephrine auto-injector.

(e) Designated personnel, a school, and a health care professional prescribing an epinephrine auto-injector to a school shall be immune from any civil or criminal liability arising from the administration or self-administration of an epinephrine auto-injector under this section unless the person's conduct constituted intentional misconduct. Providing or administering an epinephrine auto-injector under this section does not constitute the practice of medicine.

(f) On or before January 1, 2014, the State Board, in consultation with the Department of Health, shall adopt policies for managing students with life-threatening allergies and other individuals with life-threatening allergies who may be present at a school. The policies shall:

(1) establish protocols to prevent exposure to allergens in schools;

(2) establish procedures for responding to life-threatening allergic reactions in schools, including postemergency procedures;

(3) implement a process for schools and the parents or guardians of students with a life-threatening allergy to jointly develop a written individualized allergy management plan of action that:

(A) incorporates instructions from a student's physician regarding the student's life-threatening allergy and prescribed treatment;

(B) includes the requirements of section 1387 of this title, if a student is authorized to possess and self-administer emergency medication at school;

(C) becomes part of the student's health records maintained by the school; and

(D) is updated each school year;

(4) require education and training for school nurses and designated personnel, including training related to storing and administering an epinephrine auto-injector and recognizing and responding to a life-threatening allergic reaction; and

(5) require each school to make publicly available protocols and procedures developed in accordance with the policies adopted by the State Board under this section.

Sec. 5. SCHOOL-BASED MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

(a) It is estimated that 10 percent of children need mental health or substance abuse services nationally, but that only 20 percent of this 10 percent receive treatment.

(b) Children who need mental health or substance abuse services are at a higher risk of dropping out of school than those who do not have mental health or substance abuse needs.

(c) Untreated mental health and substance abuse conditions have been linked to higher rates of juvenile incarceration, drug abuse, and unemployment.

(d) Early intervention decreases subsequent expenditures for special education and increases the likelihood of academic success.

(e) School-based mental health and substance abuse services increase access to and use of mental health and substance abuse services and improve coordination of services.

(f) School-based mental health services increase student and parental awareness of available services.

Sec. 6. SCHOOL-BASED MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; STUDY

(a) The Secretaries of Education and of Human Services, in consultation with the Green Mountain Care Board, the Department of State's Attorneys, the Juvenile Division of the Office of the Defender General, and other interested parties, shall:

(1) catalogue the type and scope of mental health and substance abuse services provided in or through collaboration with Vermont public schools;

(2) determine the number of students who are currently receiving mental health or substance abuse services through Vermont public schools and identify the sources of payment for these services;

(3) estimate the number of students enrolled in Vermont public schools who are not receiving the mental health or substance abuse services they need and, in particular, the number of students who were referred for services but are not receiving them, identifying whenever possible the barriers to the receipt of services;

(4) identify successful programs and practices related to providing mental health and substance abuse services through Vermont public schools and nationally, and determine which, if any, could be replicated in other areas of the State;

(5) determine how the provision of health insurance in Vermont may affect the availability of mental health or substance abuse services to Vermont students;

(6) detail the costs and sources of funding for mental health and substance abuse services provided by or through Vermont public schools during the two most recent fiscal years for which data is available; and

(7) develop a proposal based on the information collected pursuant to this subsection to ensure that clinically appropriate and sufficient school based mental health and substance abuse services are available to students through Vermont public schools.

(b) On or before January 15, 2014, the Secretaries shall present their research, findings, and proposals to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare.

Sec. 7. CONCUSSION TASK FORCE

(a) Creation. There is created a Concussion Task Force to study concussions resulting from school athletic activities and to provide recommendations for further action.

(b) Membership. The Concussion Task Force shall be composed of the following members:

- (1) the Secretary of Education or designee;
- (2) the Commissioner of Health or designee;
- (3) a representative of the Vermont Principals' Association;
- (4) a representative of the Vermont Athletic Trainers' Association;
- (5) a representative of the Vermont Traumatic Brain Injury Advisory Board;
- (6) a representative of the School Nurses Division of the Department of Health;
- (7) a student athlete appointed by the Vermont Athletic Trainers' Association;
- (8) a representative of the Vermont School Boards Insurance Trust; and
- (9) a coach of a high school athletic team appointed by the Vermont Principals' Association.

(c) Powers and duties. The Concussion Task Force shall study issues related to concussions resulting from school athletic activities and make recommendations, including:

- (1) what sports necessitate on-site trained medical personnel at athletic events based on data from public high schools and independent schools participating in interscholastic sports;
- (2) the availability of trained medical personnel and whether school athletic events could be adequately covered; and
- (3) the financial impact on schools of requiring medical personnel to be present at some athletic activities.

(d) Assistance. The Concussion Task Force shall have the administrative and technical assistance of the Agency of Education.

(e) Report. On or before December 15, the Concussion Task Force shall report to the House and Senate Committees on Education, the House Committee on Health Care, the Senate Committee on Health and Welfare, and

the House and Senate Committees on Judiciary its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Concussion Task Force to occur on or before July 15, 2013.

(2) The Secretary of Education or designee shall be the chair.

(3) A majority of the members of the Concussion Task Force shall be physically present at the same location to constitute a quorum.

(4) Action shall be taken only if there is both a quorum and a majority vote of all members of the Concussion Task Force.

(5) The Concussion task Force shall cease to exist on December 31, 2013.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2013, except that in Sec. 2, subsection 16 V.S.A. § 1431(f) (presence of health care provider at school sports activities) shall take effect on July 1, 2015.V.S.A.

and that after passage the title of the bill be amended to read: "An act relating to health and schools"

COMMITTEE ON THE PART OF
THE SENATE

SEN. RICHARD W. SEARS
SEN. JOSEPH C. BENNING
SEN. RICHARD J. MCCORMACK

COMMITTEE ON THE PART OF
THE HOUSE

REP. JOHANNAH L. DONOVAN
REP. KEVIN B. CHRISTIE
REP. BARBARA RACHELSON

Which was considered and adopted on the part of the House.

Message from the Senate No. 73

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 537. An act relating to approval of amendments to the charter of the Town of Brattleboro.

H. 541. An act relating to approval of amendments to the charter of the Village of Essex Junction.

And has passed the same in concurrence.

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

S. 18. An act relating to automated license plate recognition systems.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 61. An act relating to alcoholic beverages.

And has accepted and adopted the same on its part.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 295. An act relating to technical tax changes.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Ashe
Senator MacDonald
Senator Mullin.

Rules Suspended; Report of Committee of Conference Adopted

H. 169

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to relieving employers' experience-rating records

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

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the House amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID
\$1,000.00 OR LESS DURING BASE PERIOD~~

(a)(1) The ~~commissioner~~ Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

~~(1)~~(A) The individual's employment with that employer was terminated under disqualifying circumstances.

~~(2)~~(B) The individual's employment or right to reemployment with that employer was terminated by retirement of the individual pursuant to a retirement or lump-sum retirement pay plan under which the age of mandatory retirement was agreed upon by the employer and its employees or by the bargaining agent representing those employees.

~~(3)~~(C) As of the date on which the individual filed an initial claim for benefits, the individual's employment with that employer had not been terminated or reduced in hours.

~~(4)~~(D) The individual was employed by that employer as a result of another employee taking leave under subchapter 4A of chapter 5 of this title, and the individual's employment was terminated as a result of the reinstatement of the other employee under subchapter 4A of chapter 5 of this title.

~~(5)~~(E) [Repealed.]

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

Sec. 2. UNEMPLOYMENT COMPENSATION; EMPLOYERS AFFECTED
BY NATURAL DISASTERS OCCURRING IN 2011

(a) The Department of Labor shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in 2011.

(b) Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond eight weeks shall remain chargeable to the employer.

(c) The relief described in subsection (b) of this section shall not be available to employers electing to make payments in lieu of contributions pursuant to 21 V.S.A. § 1321.

(d) Benefit charge relief provided under subsections (a) and (b) of this section shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers.

(e) The Department shall notify employers in the counties covered by the federal disaster relief declaration of the provisions of this section. An employer seeking relief shall apply to the Department within 20 days of notification by the Department. The application shall be made in a manner prescribed and approved by the Commissioner and shall be accompanied by a certified statement of the employer that the employees were separated from employment as a direct result of the disaster and would have not been otherwise. False statements made in connection with the certification shall subject the employer to the provisions of 21 V.S.A. § 1369. The employer shall provide the Department with the name, address, last known phone number, and social security number of each employee alleged to have been separated from employment as a result of the disaster.

(f) If an employer's application for relief is denied, the employer may appeal the decision pursuant to 21 V.S.A. §§ 1348 and 1349.

Sec. 3. APPROPRIATION

Of the appropriations made to the Department of Labor in Sec. B.400 of House Bill 530 (An act relating to making appropriations for the support of government), the amount of \$60,000.00 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program described in Sec. 2 of this act.

Sec. 4. DEPARTMENT OF LABOR; ENFORCEMENT OF
UNEMPLOYMENT INSURANCE COVERAGE RULE

The Department of Labor shall not implement proposed rule 12P044, unemployment insurance coverage for direct sellers and newspaper carriers, and shall not propose or adopt any rule, issue any bulletin, or take any other action regarding unemployment compensation and newspaper carriers prior to July 1, 2014.

Sec. 5. STUDY COMMITTEE; UNEMPLOYMENT COMPENSATION

(a) The Office of Legislative Council shall study the issue of unemployment compensation, its application to newspaper carriers, and the relationship between state and federal exemptions to the unemployment compensation statutes.

(b) The Office of Legislative Council shall examine:

(1) the history of how newspaper carriers have been treated for purposes of unemployment compensation in Vermont and the newspaper industry practice of utilizing independent contractors to distribute newspapers or shopping news and the history and rationale behind the 2006 Department of Labor bulletin treating newspaper carriers as direct sellers;

(2) the potential economic impacts the proposed rule would have on newspaper publishers, newspaper carriers, and the unemployment compensation trust fund;

(3) the approaches taken by other states regarding unemployment compensation for newspaper carriers;

(4) an analysis of both state and federal exemptions to the unemployment compensation statutes; and

(5) how the unemployment compensation statutes should apply to individuals who do not earn enough wages to qualify for unemployment benefits.

(c) The Office of Legislative Council shall report its findings to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before January 15, 2014.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

KEVIN J. MULLIN

CHRISTOPHER A. BRAY

PETER W. GALBRAITH

Committee on the part of the Senate

WILLIAM G. F. BOTZOW

MICHAEL J. MARCOTTE

WARREN F. KITZMILLER

Committee on the part of the House

Which was considered and adopted on the part of the House.

Rules Suspended; Report of Committee of Conference Adopted

S. 148

On motion of **Rep. Turner of Milton**, the rules were suspended and Senatebill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act.

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

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(5)(A) records dealing with the detection and investigation of crime, ~~including those maintained on any individual or compiled in the course of a criminal or disciplinary investigation by any police or professional licensing agency; provided, however, that~~ but only to the extent that the production of such records:

(i) could reasonably be expected to interfere with enforcement proceedings;

(ii) would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law;

(vi) could reasonably be expected to endanger the life or physical safety of any individual;

(B) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302; and records reflecting the charge of a person shall be public;

(C) It is the intent of the General Assembly that in construing subdivision (A) of this subdivision (5), the courts of this State will be guided by the construction of similar terms contained in 5 U.S.C. § 552(b)(7) (Freedom of Information Act) by the courts of the United States;

(D) It is the intent of the General Assembly that, consistent with the manner in which courts have interpreted subdivision (A) of this subdivision (5), a public agency shall not reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing. A record shall not be withheld in its entirety because it contains identities or information that have been redacted pursuant to this subdivision;

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

JEANETTE K. WHITE

JOSEPH C. BENNING

RICHARD W. SEARS

Committee on the part of the Senate

WILLIAM J. LIPPERT

MAXINE JO GRAD

THOMAS F. KOCH

Committee on the part of the House

Which was considered and adopted on the part of the House.

Rules Suspended; Report of Committee of Conference Adopted

S. 155

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

. An act relating to creating a strategic workforce development needs assessment and strategic plan.

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

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the House recede from its proposals of amendment and that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. WORKFORCE DEVELOPMENT WORK GROUP

(a) There is created a Workforce Development Work Group composed of the following members:

(1) two members of the Senate appointed by the President Pro Tempore of the Senate;

(2) two members of the House of Representatives appointed by the Speaker of the House;

(3) the Secretary of Commerce and Community Development or designee; and

(4) the Commissioner of Labor or designee.

(b) The Work Group shall:

(1) coordinate with, and complement the work of, the Workforce Development Council, the Department of Labor, and other entities that are gathering the data and information specified in this section;

(2) research, compile, and inventory all workforce education and training programs and activities taking place in Vermont;

(3) identify the number of individuals served by each of the programs and activities, and estimate the number of individuals in the State who could benefit from these programs and activities;

(4) identify the amount and source of financial support for these programs and activities, including financial support that goes directly to the individuals, and, to the extent practicable, the allocation of resources to the direct benefits, management, and overhead costs of each program and activity;

(5) identify the mechanics by which these programs and activities are evaluated for effectiveness and outcomes;

(6) provide a summary for each program or activity of its delivery model, including how the program or activity aligns with employment opportunities located in Vermont;

(7) identify current statutory provisions concerning coordination, integration, and improvement of workforce education and training programs, including identification of the entities responsible for performing those duties;

(8) identify overlaps in existing workforce development programs and activities;

(9)(A) research and inventory all programs and activities taking place in the State, both public and private, that identify and evaluate employers' needs for employees, including the skills, education, and experience required for available and projected jobs;

(B) indicate who is responsible for these activities and how they are funded;

(C) specify the data collection activities that are taking place;

(D) identify overlaps in programs, activities, and data collection that identify and evaluate employers' needs for employees; and

(10) undertake any other research and gather other data and information as the Work Group deems necessary and appropriate to complete its work consistent with this act.

(c) The Work Group shall convene its first meeting no later than June 15, 2013 and shall meet not more than eight times. The Work Group shall have the administrative, legal, and fiscal support of the Office of Legislative Council and the Joint Fiscal Office.

(d) In order to perform its duties pursuant to this act, the Work Group shall have the authority to request and gather data and information as it determines is necessary from entities that conduct workforce education and training programs and activities, including agencies, departments, and programs within the Executive Branch and from nongovernmental entities that receive state-controlled funding. Unless otherwise exempt from public disclosure pursuant to state or federal law, a workforce education and training provider shall provide the data and information requested by the Work Group within a reasonable time period.

(e) On or before January 15, 2014, the Work Group shall submit its findings and work product to the House Committees on Commerce and Economic Development and on Education, and to the Senate Committees on Economic Development, Housing and General Affairs and on Education.

(f) Members of the Work Group shall be eligible for per diem compensation, mileage reimbursement, and other necessary expenses as provided in 2 V.S.A. § 406.

Sec. 2. 2007 Acts and Resolves No 46, Sec. 6, as amended by 2009 Acts and Resolves No. 54, Sec. 8, is amended to read:

Sec. 6. WORKFORCE DEVELOPMENT LEADER

(a) ~~The commissioner of labor~~ Commissioner of Labor shall be the leader of workforce development strategy and accountability. ~~The commissioner of labor~~ Commissioner of Labor shall consult with the ~~workforce development council—executive committee~~ Workforce Development Council Executive Committee in developing the strategy, goals, and accountability measures. ~~The workforce development council~~ Workforce Development Council shall provide administrative support. ~~The executive committee~~ Executive Committee shall assist the leader. The duties of the leader include all the following:

(1) ~~developing a limited number of~~ developing overarching goals and ~~challenging~~ measurable criteria for the workforce development system that supports the creation of good jobs to build and retain a strong, appropriate, and sustainable economic environment in Vermont;

(2) reviewing reports submitted by each entity that receives funding from the Next Generation ~~fund~~ Fund. The reports shall be submitted on a

schedule determined by the ~~executive committee~~ Executive Committee and shall include all the following information:

(A) a description of the mission and programs relating to preparing individuals for employment and meeting the needs of employers for skilled workers;

(B) the measurable accomplishments that have contributed to achieving the overarching goals;

(C) identification of any innovations made to improve delivery of services;

(D) future plans that will contribute to the achievement of the goals;

(E) the successes of programs to establish working partnerships and collaborations with other organizations that reduce duplication or enhance the delivery of services, or both; and

(F) any other information that the ~~committee~~ Committee may deem necessary and relevant.

(3) reviewing information pursuant to subdivision (2) of this section that is voluntarily provided by education and training organizations that are not required to report this information but want recognition for their contributions;

(4) issuing an annual report to the ~~governor~~ Governor and the ~~general assembly~~ General Assembly on or before December 1, which shall include a systematic evaluation of the accomplishments of the system and the participating agencies and institutions and all the following:

(A) a compilation of the systemwide accomplishments made toward achieving the overarching goals, specific notable accomplishments, innovations, collaborations, grants received, or new funding sources developed by participating agencies, institutions, and other education and training organizations;

(B) identification of each provider's contributions toward achieving the overarching goals;

(C) identification of areas needing improvement, including time frames, expected annual participation, and contributions, and the overarching goals; and

(D) recommendations for the allocating of ~~next-generation~~ Next Generation funds and other public resources.

(5) developing an integrated workforce strategy that incorporates economic development, workforce development, and education to provide all Vermonters with the best education and training available in order to create a strong, appropriate, and sustainable economic environment that supports a healthy state economy; ~~and~~

(6) developing strategies for both the following:

(A) coordination of public and private workforce programs to assure that information is easily accessible to students, employees, and employers, and that all information and necessary counseling is available through one contact; and

(B) more effective communications between the business community and educational institutions, both public and private; and

(7) preparing a strategic plan for workforce development in Vermont:

(A) in preparing the strategic plan pursuant to this subdivision, the Commissioner shall consider the Farm to Plate Initiative, as set forth in 10 V.S.A. § 330, as a model for the design and implementation of a planning process that is:

(i) strategic, comprehensive, and systems-based;

(ii) forward-looking, with a ten-year planning horizon;

(iii) informed and driven by performance metrics;

(iv) built on a foundation of broad stakeholder engagement that is:

(I) primarily constituent-driven, whereby those who use the services administered by the various workforce development education and training programs shall be consulted in order to define and understand their workforce and training needs;

(II) secondarily administrator-driven, whereby those who administer the various workforce development education and training programs are responsible for identifying, developing, and implementing the forward-looking, long-term initiatives required to meet Vermont's workforce development needs;

(B) the strategic plan adopted by the Commissioner shall:

(i) identify the components of Vermont's labor market and workforce trends based upon existing data, studies, and analysis;

(ii) identify current and future workforce skill requirements; and

(iii) identify and determine the effectiveness of existing state workforce development and training resources;

(iv) identify gaps between the public, nonprofit, and private workforce development programs and Vermont's workforce development needs and propose measures to bridge these gaps;

(C) the Commissioner shall:

(i) use the information gathered from the strategic plan on an ongoing basis to identify methods and funding necessary to strengthen the link among the Vermont workforce and public, nonprofit, and private workforce development programs; and

(ii) coordinate with the State Auditor of Accounts to develop measurable benchmarks to assess the performance of the State's workforce development programs.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

COMMITTEE ON THE PART OF
THE SENATE

SEN. CHRISTOPHER A. BRAY
SEN. WILLIAM T. DOYLE
SEN. DONALD COLLINS

COMMITTEE ON THE PART OF
THE HOUSE

REP. MICHELE KUPERSMITH
REP. MICHAEL J. MARCOTTE
REP. SAMUEL R. YOUNG

Which was considered and adopted on the part of the House.

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bill Delivered to the Governor Forthwith**

H. 169

House bill, entitled

An act relating to relieving employers' experience-rating records;

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bill was ordered messaged to the Senate forthwith and the bill delivered to the Governor forthwith.

Rules Suspended; Bills Messaged to Senate Forthwith

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

S. 4

Senate bill, entitled

An act relating to concussions and school athletic activities

S. 148

Senate bill, entitled

An act relating to criminal investigation records and the Vermont Public Records Act

S. 155

Senate bill, entitled

An act relating to creating a strategic workforce development needs assessment and strategic plan

H. 521

House bill, entitled

An act relating to making miscellaneous amendments to education law

Committee of Conference Appointed**S. 20**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Grad of Moretown

Rep. Wizowaty of Burlington

Rep. Waite-Simpson of Essex

Recess

At eleven o'clock and thirty minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

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

Rules Suspended; Senate Proposal of Amendment Concurred in**H. 107**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board

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

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Health Insurance * * *

Sec. 1. 8 V.S.A. § 4079 is amended to read:

§ 4079. GROUP INSURANCE POLICIES; DEFINITIONS

Group health insurance is hereby declared to be that form of health insurance covering one or more persons, with or without their dependents, and issued upon the following basis:

(1)(A) Under a policy issued to an employer, who shall be deemed the policyholder, insuring at least one employee of such employer, for the benefit of persons other than the employer. The term “employees,” as used herein, shall be deemed to include the officers, managers, and employees of the employer, the partners, if the employer is a partnership, the officers, managers, and employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract, or otherwise. The term “employer,” as used herein, may be deemed to include any municipal or governmental corporation, unit, agency, or department thereof and the proper officers as such, of any unincorporated municipality or department thereof, as well as private individuals, partnerships, and corporations.

(B) In accordance with section 3368 of this title, an employer domiciled in another jurisdiction that has more than 25 certificate-holder employees whose principal worksite and domicile is in Vermont and that is defined as a large group in its own jurisdiction and under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1304, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, may purchase insurance in the large group health insurance market for its Vermont-domiciled certificate-holder employees.

* * *

Sec. 2. 8 V.S.A. § 4089a is amended to read:

§ 4089a. MENTAL HEALTH CARE SERVICES REVIEW

* * *

(b) Definitions. As used in this section:

* * *

(4) "Review agent" means a person or entity performing service review activities within one year of the date of a fully compliant application for licensure who is either affiliated with, under contract with, or acting on behalf of a business entity in this state; ~~or a third-party State and~~ who provides or administers mental health care benefits to ~~citizens of Vermont~~ members of health benefit plans subject to the Department's jurisdiction, including a health insurer, nonprofit health service plan, health insurance service organization, health maintenance organization or preferred provider organization, including organizations that rely upon primary care physicians to coordinate delivery of services, ~~authorized to offer health insurance policies or contracts in Vermont.~~

* * *

(g) ~~Members of the independent panel of mental health care providers shall be compensated as provided in 32 V.S.A. § 1010(b) and (c).~~ [Deleted.]

* * *

Sec. 3. 8 V.S.A. § 4089i is amended to read:

* * *

(d) For prescription drug benefits offered in conjunction with a high-deductible health plan (HDHP), the plan may not provide prescription drug benefits until the expenditures applicable to the deductible under the HDHP have met the amount of the minimum annual deductibles in effect for self-only and family coverage under Section 223(c)(2)(A)(i) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively, except that a plan may offer first-dollar prescription drug benefits to the extent permitted under federal law. Once the foregoing expenditure amount has been met under the HDHP, coverage for prescription drug benefits shall begin, and the limit on out-of-pocket expenditures for prescription drug benefits shall be as specified in subsection (c) of this section.

(e)(1) A health insurance or other health benefit plan offered by a health insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs and uses step-therapy protocols shall not require failure on the same medication on more than one occasion for continuously enrolled members or subscribers.

(2) Nothing in this subsection shall be construed to prohibit the use of tiered co-payments for members or subscribers not subject to a step-therapy protocol.

(f)(1) A health insurance or other health benefit plan offered by a health insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs shall not require, as a condition of coverage, use of drugs not indicated by the federal Food and Drug Administration for the condition diagnosed and being treated under supervision of a health care professional.

(2) Nothing in this subsection shall be construed to prevent a health care professional from prescribing a medication for off-label use.

(g) As used in this section:

(1) “Health care professional” means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(2) “Health insurer” shall have the same meaning as in 18 V.S.A. § 9402.

~~(2)(3)~~ “Out-of-pocket expenditure” means a co-payment, coinsurance, deductible, or other cost-sharing mechanism.

~~(3)(4)~~ “Pharmacy benefit manager” shall have the same meaning as in section 4089j of this title.

(5) “Step therapy” means protocols that establish the specific sequence in which prescription drugs for a specific medical condition are to be prescribed.

~~(f)(h)~~ The ~~department of financial regulation~~ Department of Financial Regulation shall enforce this section and may adopt rules as necessary to carry out the purposes of this section.

Sec. 4. 8 V.S.A. § 4092(b) is amended to read:

(b) Coverage for a newly born child shall be provided without notice or additional premium for no less than ~~31~~ 60 days after the date of birth. If payment of a specific premium or subscription fee is required in order to have the coverage continue beyond such ~~31-day~~ 60-day period, the policy may require that notification of birth of newly born child and payment of the required premium or fees be furnished to the insurer or nonprofit service or

indemnity corporation within a period of not less than ~~34~~ 60 days after the date of birth.

Sec. 5. 18 V.S.A. § 9418 is amended to read:

§ 9418. PAYMENT FOR HEALTH CARE SERVICES

(a) Except as otherwise specified, as used in this subchapter:

* * *

(17) “Product” means, to the extent permitted by state and federal law, one of the following types of categories of coverage for which a participating provider may be obligated to provide health care services pursuant to a health care contract:

- (A) ~~Health~~ health maintenance organization;
- (B) ~~Preferred~~ preferred provider organization;
- (C) ~~Fee-for-service~~ fee-for-service or indemnity plan;
- (D) Medicare Advantage HMO plan;
- (E) Medicare Advantage private fee-for-service plan;
- (F) Medicare Advantage special needs plan;
- (G) Medicare Advantage PPO;
- (H) Medicare supplement plan;
- (I) ~~Workers~~ workers compensation plan; or
- (J) ~~Catamount Health~~; or
- (~~K~~) ~~Any~~ any other commercial health coverage plan or product.

(b) No later than 30 days following receipt of a claim, a health plan, contracting entity, or payer shall do one of the following:

(1) Pay or reimburse the claim.

(2) Notify the claimant in writing that the claim is contested or denied. The notice shall include specific reasons supporting the contest or denial and a description of any additional information required for the health plan, contracting entity, or payer to determine liability for the claim.

(3) Pend a claim for services rendered to an enrollee during the second and third months of the consecutive three-month grace period required for recipients of advance payments of premium tax credits pursuant to 26 U.S.C. § 36B. In the event the enrollee pays all outstanding premiums prior to the

exhaustion of the grace period, the health plan, contracting entity, or payer shall have 30 days following receipt of the outstanding premiums to proceed as provided in subdivision (1) or (2) of this subsection, as applicable.

* * *

Sec. 5a. 18 V.S.A. § 9418b(g)(4) is amended to read:

(4) A health plan shall respond to a completed prior authorization request from a prescribing health care provider within 48 hours for urgent requests and within ~~120 hours~~ two business days of receipt for non-urgent requests. The health plan shall notify a health care provider of or make available to a health care provider a receipt of the request for prior authorization and any needed missing information within 24 hours of receipt. If a health plan does not, within the time limits set forth in this section, respond to a completed prior authorization request, acknowledge receipt of the request for prior authorization, or request missing information, the prior authorization request shall be deemed to have been granted.

* * * Standardized Claims and Edits * * *

Sec. 5b. STANDARDIZED HEALTH INSURANCE CLAIMS AND EDITS

(a)(1) As part of moving away from fee-for-service and toward other models of payment for health care services in Vermont, the Green Mountain Care Board, in consultation with the Department of Vermont Health Access, health care providers, health insurers, and other interested stakeholders, shall develop a complete set of standardized edits and payment rules based on Medicare or on another set of standardized edits and payment rules appropriate for use in Vermont. The Board and the Department shall adopt by rule the standards and payment rules that health care providers, health insurers, and other payers shall use beginning on January 1, 2015 and that Medicaid shall use beginning on January 1, 2017.

(2) The Green Mountain Care Board and the Department of Vermont Health Access shall report to the General Assembly on or before February 15, 2014 on the progress toward a complete set of standardized edits and payment rules.

(b) The Department of Vermont Health Access's request for proposals for the Medicaid Management Information System (MMIS) claims payment system shall ensure that the MMIS will:

(1) have the capability to include uniform edit standards and payment rules developed pursuant to this section; and

(2) include full transparency of edit standards, payment rules, prior authorization guidelines, and other utilization review provisions, including the source or basis in evidence for the standards and guidelines.

(c)(1) The Department of Vermont Health Access shall ensure that contracts for benefit management and claims management systems in effect on January 1, 2017 include full transparency of edit standards, payment rules, prior authorization guidelines, and other utilization review provisions, including the source or basis in evidence for the standards and guidelines.

(2) The Department of Financial Regulation shall ensure that beginning on January 1, 2015, health insurers and their subcontractors for benefit management and claim management systems include full transparency of edit standards, payment rules, prior authorization guidelines, and other utilization review provisions, including the source or basis in evidence for the standards and guidelines. In addition to any other remedy available to the Commissioner under Title 8 or Title 18, a health insurer, subcontractor, or other person who violates the requirements of this section may be assessed an administrative penalty of not more than \$2,000.00 for each day of noncompliance.

(d) As used in this section:

(1) "Health care provider" means a person, partnership, corporation, facility, or institution licensed or certified or authorized by law to administer health care in this State.

(2) "Health insurer" means a health insurance company, a nonprofit hospital or medical service corporation, a managed care organization, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by a public or private entity.

* * * Health Insurance Rate Review * * *

Sec. 5c. 8 V.S.A. § 4062 is amended to read:

§ 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

(a)(1) No policy of health insurance or certificate under a policy filed by an insurer offering health insurance as defined in subdivision 3301(a)(2) of this title, a nonprofit hospital or medical service corporation, health maintenance organization, or a managed care organization and not exempted by subdivision 3368(a)(4) of this title shall be delivered or issued for delivery in this ~~state~~ State, nor shall any endorsement, rider, or application which becomes a part of any such policy be used, until:

~~(A) a copy of the form; and of the rules for the classification of risks has been filed with the Department of Financial Regulation and a copy of the premium rates; and rules for the classification of risks pertaining thereto have~~ has been filed with the commissioner of financial regulation Green Mountain Care Board; and

~~(B) a decision by the Green Mountain Care board Board has been applied by the commissioner as provided in subdivision (2) of this subsection issued a decision approving, modifying, or disapproving the proposed rate.~~

~~(2)(A) Prior to approving a rate pursuant to this subsection, the commissioner shall seek approval for such rate from the Green Mountain Care board established in 18 V.S.A. chapter 220. The commissioner shall make a recommendation to the Green Mountain Care board about whether to approve, modify, or disapprove the rate within 30 days of receipt of a completed application from an insurer. In the event that the commissioner does not make a recommendation to the board within the 30-day period, the commissioner shall be deemed to have recommended approval of the rate, and the Green Mountain Care board shall review the rate request pursuant to subdivision (B) of this subdivision (2).~~

~~(B) The Green Mountain Care board Board shall review rate requests forwarded by the commissioner pursuant to subdivision (A) of this subdivision (2) and shall approve, modify, or disapprove a rate request within 30 90 calendar days of receipt of the commissioner's recommendation or, in the absence of a recommendation from the commissioner, the expiration of the 30-day period following the department's receipt of the completed application. In the event that the board does not approve or disapprove a rate within 30 days, the board shall be deemed to have approved the rate request after receipt of an initial rate filing from an insurer. If an insurer fails to provide necessary materials or other information to the Board in a timely manner, the Board may extend its review for a reasonable additional period of time, not to exceed 30 calendar days.~~

~~(C) The commissioner shall apply the decision of the Green Mountain Care board as to rates referred to the board within five business days of the board's decision.~~

~~(B) Prior to the Board's decision on a rate request, the Department of Financial Regulation shall provide the Board with an analysis and opinion on the impact of the proposed rate on the insurer's solvency and reserves.~~

~~(3) The commissioner Board shall review policies and rates to determine whether a policy or rate is affordable, promotes quality care, promotes access~~

to health care, protects insurer solvency, and is not unjust, unfair, inequitable, misleading, or contrary to the laws of this state State. ~~The commissioner shall notify in writing the insurer which has filed any such form, premium rate, or rule if it contains any provision which does not meet the standards expressed in this section. In such notice, the commissioner shall state that a hearing will be granted within 20 days upon written request of the insurer. In making this determination, the Board shall consider the analysis and opinion provided by the Department of Financial Regulation pursuant to subdivision (2)(B) of this subsection.~~

(b) ~~The commissioner may, after a hearing of which at least 20 days' written notice has been given to the insurer using such form, premium rate, or rule, withdraw approval on any of the grounds stated in this section. For premium rates, such withdrawal may occur at any time after applying the decision of the Green Mountain Care board pursuant to subdivision (a)(2)(C) of this section. Disapproval pursuant to this subsection shall be effected by written order of the commissioner which shall state the ground for disapproval and the date, not less than 30 days after such hearing when the withdrawal of approval shall become effective.~~

(e) In conjunction with a rate filing required by subsection (a) of this section, an insurer shall file a plain language summary of ~~any requested rate increase of five percent or greater. If, during the plan year, the insurer files for rate increases that are cumulatively five percent or greater, the insurer shall file a summary applicable to the cumulative rate increase~~ the proposed rate. All summaries shall include a brief justification of any rate increase requested, the information that the Secretary of the U.S. Department of Health and Human Services (HHS) requires for rate increases over 10 percent, and any other information required by the ~~commissioner~~ Board. The plain language summary shall be in the format required by the Secretary of HHS pursuant to the Patient Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and shall include notification of the public comment period established in subsection ~~(d)(c)~~ of this section. In addition, the insurer shall post the summaries on its website.

~~(d)(c)(1)~~ (d)(c)(1) The ~~commissioner~~ Board shall provide information to the public on the ~~department's~~ Board's website about the public availability of the filings and summaries required under this section.

(2)(A) Beginning no later than January 1, ~~2012~~ 2014, the ~~commissioner~~ Board shall post the rate filings pursuant to subsection (a) of this section and summaries pursuant to subsection ~~(e)(b)~~ of this section on the ~~department's~~

Board's website within five calendar days of filing. The Board shall also establish a mechanism by which members of the public may request to be notified automatically each time a proposed rate is filed with the Board.

(B) The ~~department~~ Board shall provide an electronic mechanism for the public to comment on ~~proposed rate increases over five percent all rate filings~~. The public shall have 21 days from the posting of the summaries and filings to provide Board shall accept public comment on each rate filing from the date on which the Board posts the rate filing on its website pursuant to subdivision (A) of this subdivision (2) until 15 calendar days after the Board posts on its website the analyses and opinions of the Department of Financial Regulation and of the Board's consulting actuary, if any, as required by subsection (d) of this section. The ~~department~~ Board shall review and consider the public comments prior to submitting the policy or rate for the Green Mountain Care board's approval pursuant to subsection (a) of this section. The ~~department~~ shall provide the Green Mountain Care board with the public comments for its consideration in approving any rates issuing its decision.

(3)(A) In addition to the public comment provisions set forth in this subsection, the Office of the Health Care Advocate established in 18 V.S.A. chapter 229, acting on behalf of health insurance consumers in this State, may, within 30 calendar days after the Board receives an insurer's rate request pursuant to this section, submit to the Board, in writing, suggested questions regarding the filing for the Board to provide to its contracting actuary, if any.

(B) The Office of the Health Care Advocate may also submit to the Board written comments on an insurer's rate request. The Board shall post the comments on its website and shall consider the comments prior to issuing its decision.

(e)(d)(1) No later than 60 calendar days after receiving an insurer's rate request pursuant to this section, the Green Mountain Care Board shall make available to the public the insurer's rate filing, the Department's analysis and opinion of the effect of the proposed rate on the insurer's solvency, and the analysis and opinion of the rate filing by the Board's contracting actuary, if any.

(2) The Board shall post on its website, after redacting any confidential or proprietary information relating to the insurer or to the insurer's rate filing:

(A) all questions the Board poses to its contracting actuary, if any, and the actuary's responses to the Board's questions; and

(B) all questions the Board, the Board's contracting actuary, if any, or the Department poses to the insurer and the insurer's responses to those questions.

(e) Within 30 calendar days after making the rate filing and analysis available to the public pursuant to subsection (d) of this section, the Board shall:

(1) conduct a public hearing, at which the Board shall:

(A) call as witnesses the Commissioner of Financial Regulation or designee and the Board's contracting actuary, if any, unless all parties agree to waive such testimony; and

(B) provide an opportunity for testimony from the insurer; the Office of the Health Care Advocate; and members of the public;

(2) at a public hearing, announce the Board's decision of whether to approve, modify, or disapprove the proposed rate; and

(3) issue its decision in writing.

(f)(1) The insurer shall notify its policyholders of the Board's decision in a timely manner, as defined by the Board by rule.

(2) Rates shall take effect on the date specified in the insurer's rate filing.

(3) If the Board has not issued its decision by the effective date specified in the insurer's rate filing, the insurer shall notify its policyholders of its pending rate request and of the effective date proposed by the insurer in its rate filing.

(g) An insurer, the Office of the Health Care Advocate, and any member of the public with party status, as defined by the Board by rule, may appeal a decision of the Board approving, modifying, or disapproving the insurer's proposed rate to the Vermont Supreme Court.

(h)(1) ~~The following provisions of this~~ This section shall apply only to policies for major medical insurance coverage and shall not apply to policies for specific disease, accident, injury, hospital indemnity, dental care, vision care, disability income, long-term care, or other limited benefit coverage; to Medicare supplemental insurance; or

(A) ~~the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests;~~

~~(B) the review standards in subdivision (a)(3) of this section as to whether a policy or rate is affordable, promotes quality care, and promotes access to health care; and~~

~~(C) subsections (c) and (d) of this section.~~

~~(2) The exemptions from the provisions described in subdivisions (1)(A) through (C) of this subsection shall also apply to benefit plans that are paid directly to an individual insured or to his or her assigns and for which the amount of the benefit is not based on potential medical costs or actual costs incurred.~~

~~(3) Medicare supplemental insurance policies shall be exempt only from the requirement in subdivisions (a)(1) and (2) of this section for the Green Mountain Care board's approval on rate requests and shall be subject to the remaining provisions of this section.~~

(i) Notwithstanding the procedures and timelines set forth in subsections (a) through (e) of this section, the Board may establish, by rule, a streamlined rate review process for certain rate decisions, including proposed rates affecting fewer than a minimum number of covered lives and proposed rates for which a de minimis increase, as defined by the Board by rule, is sought.

Sec. 5d. 8 V.S.A. § 4062a is amended to read:

§ 4062a. FILING FEES

Each filing of a policy, contract, or document form or premium rates or rules, submitted pursuant to section 4062 of this title, shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Green Mountain Care Board, as appropriate, of a nonrefundable fee of ~~\$50.00~~ \$150.00.

Sec. 5e. 8 V.S.A. § 4089b(d)(1)(A) is amended to read:

~~(d)(1)(A)~~ A health insurance plan that does not otherwise provide for management of care under the plan, or that does not provide for the same degree of management of care for all health conditions, may provide coverage for treatment of mental health conditions through a managed care organization provided that the managed care organization is in compliance with the rules adopted by the ~~commissioner~~ Commissioner that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. In reviewing rates and forms pursuant to section 4062 of this title, the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, shall consider the compliance of the policy with the provisions of this section.

Sec. 5f. 8 V.S.A. § 4512(b) is amended to read:

(b) Subject to the approval of the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, a hospital service corporation may establish, maintain, and operate a medical service plan as defined in section 4583 of this title. The ~~commissioner~~ Commissioner or the Board may refuse approval if the ~~commissioner~~ Commissioner or the Board finds that the rates submitted are excessive, inadequate, or unfairly discriminatory, fail to protect the hospital service corporation's solvency, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. The contracts of a hospital service corporation which operates a medical service plan under this subsection shall be governed by chapter 125 of this title to the extent that they provide for medical service benefits, and by this chapter to the extent that the contracts provide for hospital service benefits.

Sec. 5g. 8 V.S.A. § 4513(c) is amended to read:

(c) In connection with a rate decision, the ~~commissioner~~ Green Mountain Care Board may also make reasonable supplemental orders to the corporation and may attach reasonable conditions and limitations to such orders as ~~he~~ the Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at minimum cost under efficient and economical management of the corporation. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or reimbursement made by the corporation to any physician, hospital, or other health care provider.

Sec. 5h. 8 V.S.A. § 4515a is amended to read:

§ 4515a. FORM AND RATE FILING; FILING FEES

Every contract or certificate form, or amendment thereof, including the rates charged therefor by the corporation shall be filed with the ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, for ~~his or her~~ the Commissioner's or the Board's approval prior to issuance or use. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. In addition, each such filing shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Board, as appropriate, of a nonrefundable fee of ~~\$50.00~~ \$150.00 and the plain language summary of rate increases pursuant to section 4062 of this title.

Sec. 5i. 8 V.S.A. § 4584(c) is amended to read:

(c) In connection with a rate decision, the ~~commissioner~~ Green Mountain Care Board may also make reasonable supplemental orders to the corporation and may attach reasonable conditions and limitations to such orders as ~~he or she~~ the Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at minimum cost under efficient and economical management of the corporation. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or reimbursement made by the corporation to any physician, hospital, or other health care provider.

Sec. 5j. 8 V.S.A. § 4587 is amended to read:

§ 4587. FILING AND APPROVAL OF CONTRACTS

A medical service corporation which has received a permit from the ~~commissioner of financial regulation~~ Commissioner of Financial Regulation under section 4584 of this title shall not thereafter issue a contract to a subscriber or charge a rate therefor which is different from copies of contracts and rates originally filed with such ~~commissioner~~ Commissioner and approved by him or her at the time of the issuance to such medical service corporation of its permit, until it has filed copies of such contracts which it proposes to issue and the rates it proposes to charge therefor and the same have been approved by ~~such commissioner~~ the Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. Each such filing of a contract or the rate therefor shall be accompanied by payment to the ~~commissioner~~ Commissioner or the Board, as appropriate, of a nonrefundable fee of ~~\$50.00~~ \$150.00. A medical service corporation shall file a plain language summary of rate increases pursuant to section 4062 of this title.

Sec. 5k. 8 V.S.A. § 5104 is amended to read:

§ 5104. FILING AND APPROVAL OF RATES AND FORMS;
SUPPLEMENTAL ORDERS

(a)(1) A health maintenance organization which has received a certificate of authority under section 5102 of this title shall file and obtain approval of all policy forms and rates as provided in sections 4062 and 4062a of this title. This requirement shall include the filing of administrative retentions for any business in which the organization acts as a third party administrator or in any other administrative processing capacity. The ~~commissioner~~ Commissioner or the Green Mountain Care Board, as appropriate, may request and shall receive

any information that the ~~commissioner~~ Commissioner or the Board deems necessary to evaluate the filing. In addition to any other information requested, the ~~commissioner~~ Commissioner or the Board shall require the filing of information on costs for providing services to the organization's Vermont members affected by the policy form or rate, including Vermont claims experience, and administrative and overhead costs allocated to the service of Vermont members. Prior to approval, there shall be a public comment period pursuant to section 4062 of this title. A health maintenance organization shall file a summary of rate filings pursuant to section 4062 of this title.

(2) The ~~commissioner~~ Commissioner or the Board shall refuse to approve, ~~or to seek the Green Mountain Care board's approval of,~~ the form of evidence of coverage, filing, or rate if it contains any provision which is unjust, unfair, inequitable, misleading, or contrary to the law of the ~~state~~ State or plan of operation, or if the rates are excessive, inadequate or unfairly discriminatory, fail to protect the organization's solvency, or fail to meet the standards of affordability, promotion of quality care, and promotion of access pursuant to section 4062 of this title. No evidence of coverage shall be offered to any potential member unless the person making the offer has first been licensed as an insurance agent in accordance with chapter 131 of this title.

(b) In connection with a rate decision, the ~~commissioner~~ Board may also, ~~with the prior approval of the Green Mountain Care board established in 18 V.S.A. chapter 220,~~ make reasonable supplemental orders and may attach reasonable conditions and limitations to such orders as the ~~commissioner~~ Board finds, on the basis of competent and substantial evidence, necessary to ~~insure~~ ensure that benefits and services are provided at reasonable cost under efficient and economical management of the organization. The ~~commissioner~~ Commissioner and, except as otherwise provided by 18 V.S.A. §§ 9375 and 9376, the Green Mountain Care Board, shall not set the rate of payment or reimbursement made by the organization to any physician, hospital, or health care provider.

Sec. 5l. 18 V.S.A. § 9375(b) is amended to read:

(b) The ~~board~~ Board shall have the following duties:

* * *

(6) Approve, modify, or disapprove requests for health insurance rates pursuant to 8 V.S.A. § 4062 ~~within 30 days of receipt of a request for approval from the commissioner of financial regulation,~~ taking into consideration the requirements in the underlying statutes, changes in health care delivery,

changes in payment methods and amounts, protecting insurer solvency, and other issues at the discretion of the ~~board~~ Board;

* * *

Sec. 5m. 18 V.S.A. § 9381 is amended to read:

§ 9381. APPEALS

(a)(1) The Green Mountain Care ~~board~~ Board shall adopt procedures for administrative appeals of its actions, orders, or other determinations. Such procedures shall provide for the issuance of a final order and the creation of a record sufficient to serve as the basis for judicial review pursuant to subsection (b) of this section.

~~(2) Only decisions by the board shall be appealable under this subsection. Recommendations to the board by the commissioner of financial regulation pursuant to 8 V.S.A. § 4062(a) shall not be subject to appeal.~~

(b) Any person aggrieved by a final action, order, or other determination of the Green Mountain Care ~~board~~ Board may, upon exhaustion of all administrative appeals available pursuant to subsection (a) of this section, appeal to the ~~supreme court~~ Supreme Court pursuant to the Vermont Rules of Appellate Procedure.

(c) If an appeal or other petition for judicial review of a final order is not filed in connection with an order of the Green Mountain Care ~~board~~ Board pursuant to subsection (b) of this section, the ~~chair~~ Chair may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(d) A decision of the Board approving, modifying, or disapproving a health insurer's proposed rate pursuant to 8 V.S.A. § 4062 shall be considered a final action of the Board and may be appealed to the Supreme Court pursuant to subsection (b) of this section.

Sec. 5n. 33 V.S.A. § 1811(j) is amended to read:

(j) The ~~commissioner~~ Commissioner or the Green Mountain Care Board established in 18 V.S.A. chapter 220, as appropriate, shall disapprove any rates filed by any registered carrier, whether initial or revised, for insurance policies unless the anticipated medical loss ratios for the entire period for which rates are computed are at least 80 percent, as required by the ~~Patient Protection and Affordable Care Act (Public Law 111-148)~~.

* * * Catamount Health and VHAP * * *

Sec. 6. 8 V.S.A. § 4080d is amended to read:

§ 4080d. COORDINATION OF INSURANCE COVERAGE WITH
MEDICAID

Any insurer as defined in section 4100b of this title is prohibited from considering the availability or eligibility for medical assistance in this or any other state under 42 U.S.C. § 1396a (Section 1902 of the Social Security Act), herein referred to as Medicaid, when considering eligibility for coverage or making payments under its plan for eligible enrollees, subscribers, policyholders, or certificate holders. ~~This section shall not apply to Catamount Health, as established by section 4080f of this title.~~

Sec. 7. 8 V.S.A. § 4080g(b) is amended to read:

(b) Small group plans.

* * *

(11)(A) A registered small group carrier may require that 75 percent or less of the employees or members of a small group with more than 10 employees participate in the carrier's plan. A registered small group carrier may require that 50 percent or less of the employees or members of a small group with 10 or fewer employees or members participate in the carrier's plan. A small group carrier's rules established pursuant to this subdivision shall be applied to all small groups participating in the carrier's plans in a consistent and nondiscriminatory manner.

(B) For purposes of the requirements set forth in subdivision (A) of this subdivision (11), a registered small group carrier shall not include in its calculation an employee or member who is already covered by another group health benefit plan as a spouse or dependent or who is enrolled in ~~Catamount Health, Medicaid, the Vermont health access plan,~~ or Medicare. Employees or members of a small group who are enrolled in the employer's plan and receiving premium assistance under ~~33 V.S.A. chapter 19~~ the Health Insurance Premium Payment program established pursuant to Section 1906 of the Social Security Act, 42 U.S.C. § 1396e, shall be considered to be participating in the plan for purposes of this subsection. If the small group is an association, trust, or other substantially similar group, the participation requirements shall be calculated on an employer-by-employer basis.

* * *

Sec. 8. 8 V.S.A. § 4088i is amended to read:

§ 4088i. COVERAGE FOR DIAGNOSIS AND TREATMENT OF EARLY CHILDHOOD DEVELOPMENTAL DISORDERS

(a)(1) A health insurance plan shall provide coverage for the evidence-based diagnosis and treatment of early childhood developmental disorders, including applied behavior analysis supervised by a nationally board-certified behavior analyst, for children, beginning at birth and continuing until the child reaches age 21.

(2) Coverage provided pursuant to this section by Medicaid,~~the Vermont health access plan,~~ or any other public health care assistance program shall comply with all federal requirements imposed by the Centers for Medicare and Medicaid Services.

* * *

(f) As used in this section:

* * *

(7) “Health insurance plan” means Medicaid,~~the Vermont health access plan,~~ and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this ~~state~~ State by a health insurer, as defined in 18 V.S.A. § 9402. The term does not include benefit plans providing coverage for specific diseases or other limited benefit coverage.

* * *

Sec. 9. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

* * *

(c) This section shall apply to Medicaid,~~the Vermont health access plan, the VScript pharmaceutical assistance program,~~ and any other public health care assistance program.

Sec. 10. 8 V.S.A. § 4089w is amended to read:

§ 4089w. OFFICE OF HEALTH CARE OMBUDSMAN

* * *

(h) As used in this section, “health insurance plan” means a policy, service contract or other health benefit plan offered or issued by a health insurer, as defined by 18 V.S.A. § 9402, and includes ~~the Vermont health access plan and~~ beneficiaries covered by the Medicaid program unless such beneficiaries are otherwise provided ombudsman services.

Sec. 11. 8 V.S.A. § 4099d is amended to read:

§ 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

* * *

(d) As used in this section, “health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, ~~the Vermont health access plan,~~ and any other public health care assistance program offered or administered by the ~~state~~ State or by any subdivision or instrumentality of the ~~state~~ State. The term shall not include policies or plans providing coverage for specific disease or other limited benefit coverage.

Sec. 12. 8 V.S.A. § 4100b is amended to read:

§ 4100b. COVERAGE OF CHILDREN

(a) As used in this subchapter:

(1) “Health plan” shall include, ~~but not be limited to,~~ a group health plan as defined under Section 607(1) of the Employee Retirement Income Security Act of 1974, and a nongroup plan as defined in section 4080b of this title, ~~and a Catamount Health plan as defined in section 4080f of this title.~~

* * *

Sec. 13. 8 V.S.A. § 4100e is amended to read:

§ 4100e. REQUIRED COVERAGE FOR OFF-LABEL USE

* * *

(b) As used in this section, the following terms have the following meanings:

(1) “Health insurance plan” means a health benefit plan offered, administered, or issued by a health insurer doing business in Vermont.

(2) “Health insurer” is defined by ~~section 18 V.S.A. § 9402 of Title 18.~~ As used in this subchapter, the term includes the ~~state~~ State of Vermont and any agent or instrumentality of the ~~state~~ State that offers, administers, or provides financial support to state government, including Medicaid, ~~the~~

~~Vermont health access plan, the VScript pharmaceutical assistance program, or~~
any other public health care assistance program.

* * *

Sec. 14. 8 V.S.A. § 4100j is amended to read:

§ 4100j. COVERAGE FOR TOBACCO CESSATION PROGRAMS

* * *

(b) As used in this subchapter:

(1) “Health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, ~~the Vermont health access plan,~~ and any other public health care assistance program offered or administered by the ~~state~~ State or by any subdivision or instrumentality of the ~~state~~ State. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

* * *

Sec. 15. 8 V.S.A. § 4100k is amended to read:

§ 4100k. COVERAGE FOR TELEMEDICINE SERVICES

* * *

(g) As used in this subchapter:

(1) “Health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, ~~the Vermont health access plan,~~ and any other public health care assistance program offered or administered by the ~~state~~ State or by any subdivision or instrumentality of the ~~state~~ State. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

* * *

Sec. 16. 13 V.S.A. § 5574(b) is amended to read:

(b) A claimant awarded judgment in an action under this subchapter shall be entitled to damages in an amount to be determined by the trier of fact for each year the claimant was incarcerated, provided that the amount of damages shall not be less than \$30,000.00 nor greater than \$60,000.00 for each year the claimant was incarcerated, adjusted proportionally for partial years served. The damage award may also include:

(1) Economic damages, including lost wages and costs incurred by the claimant for his or her criminal defense and for efforts to prove his or her innocence.

(2) ~~Notwithstanding the income eligibility requirements of the Vermont Health Access Plan in section 1973 of Title 33, and notwithstanding the requirement that the individual be uninsured, up~~ Up to 10 years of eligibility for the Vermont Health Access Plan using state-only funds state-funded health coverage equivalent to Medicaid services.

* * *

Sec. 17. 18 V.S.A. § 1130 is amended to read:

§ 1130. IMMUNIZATION PILOT PROGRAM

(a) As used in this section:

* * *

(5) “State health care programs” shall include Medicaid, ~~the Vermont health access plan,~~ Dr. Dynasaur, and any other health care program providing immunizations with funds through the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

* * *

Sec. 18. 18 V.S.A. § 3801 is amended to read:

§ 3801. DEFINITIONS

As used in this subchapter:

(1)(A) “Health insurer” shall have the same meaning as in section 9402 of this title and shall include:

(i) a health insurance company, a nonprofit hospital and medical service corporation, and health maintenance organizations;

(ii) an employer, a labor union, or another group of persons organized in Vermont that provides a health plan to beneficiaries who are employed or reside in Vermont; and

(iii) except as otherwise provided in section 3805 of this title, the ~~state~~ State of Vermont and any agent or instrumentality of the ~~state~~ State that offers, administers, or provides financial support to state government.

(B) The term “health insurer” shall not include Medicaid,~~the Vermont health access plan, Vermont Rx,~~ or any other Vermont public health care assistance program.

* * *

Sec. 19. 18 V.S.A. § 4474c(b) is amended to read:

(b) This chapter shall not be construed to require that coverage or reimbursement for the use of marijuana for symptom relief be provided by:

(1) a health insurer as defined by section 9402 of this title, or any insurance company regulated under Title 8;

(2) Medicaid,~~Vermont health access plan, and~~ or any other public health care assistance program;

(3) an employer; or

(4) for purposes of workers’ compensation, an employer as defined in 21 V.S.A. § 601(3).

Sec. 20. 18 V.S.A. § 9373 is amended to read:

§ 9373. DEFINITIONS

As used in this chapter:

* * *

(8) “Health insurer” means any health insurance company, nonprofit hospital and medical service corporation, managed care organization, and, to the extent permitted under federal law, any administrator of a health benefit plan offered by a public or a private entity. The term does not include Medicaid,~~the Vermont health access plan,~~ or any other state health care assistance program financed in whole or in part through a federal program.

* * *

Sec. 21. 18 V.S.A. § 9471 is amended to read:

§ 9471. DEFINITIONS

As used in this subchapter:

* * *

(2) “Health insurer” is defined by section 9402 of this title and shall include:

(A) a health insurance company, a nonprofit hospital and medical service corporation, and health maintenance organizations;

(B) an employer, labor union, or other group of persons organized in Vermont that provides a health plan to beneficiaries who are employed or reside in Vermont;

(C) the ~~state~~ State of Vermont and any agent or instrumentality of the ~~state~~ State that offers, administers, or provides financial support to state government; and

(D) Medicaid, ~~the Vermont health access plan, Vermont Rx,~~ and any other public health care assistance program.

* * *

Sec. 22. 33 V.S.A. § 1807(b) is amended to read:

(b) Navigators shall have the following duties:

* * *

(3) ~~Facilitate~~ facilitate enrollment in qualified health benefit plans, Medicaid, Dr. Dynasaur, VPharm, ~~VermontRx,~~ and other public health benefit programs;

* * *

(5) ~~Provide~~ provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Vermont health benefit exchange; ~~and~~

(6) ~~Distribute~~ distribute information to health care professionals, community organizations, and others to facilitate the enrollment of individuals who are eligible for Medicaid, Dr. Dynasaur, VPharm, ~~VermontRx,~~ other public health benefit programs, or the Vermont health benefit exchange in order to ensure that all eligible individuals are enrolled; and

(7) ~~Provide~~ provide information about and facilitate employers' establishment of cafeteria or premium-only plans under Section 125 of the Internal Revenue Code that allow employees to pay for health insurance premiums with pretax dollars.

Sec. 23. 33 V.S.A. § 1901(b) is amended to read:

(b) ~~The secretary may charge a monthly premium, in amounts set by the general assembly, to each individual 18 years or older who is eligible for enrollment in the health access program, as authorized by section 1973 of this title and as implemented by rules. All premiums collected by the agency of human services or designee for enrollment in the health access program shall be deposited in the state health care resources fund established in section~~

~~1901d of this title. Any co-payments, coinsurance, or other cost sharing to be charged shall also be authorized and set by the general assembly. [Deleted.]~~

Sec. 24. 33 V.S.A. § 1903a is amended to read:

§ 1903a. CARE MANAGEMENT PROGRAM

(a) The ~~commissioner~~ Commissioner of Vermont ~~health access~~ Health Access shall coordinate with the ~~director~~ Director of the Blueprint for Health to provide chronic care management through the Blueprint and, as appropriate, create an additional level of care coordination for individuals with one or more chronic conditions who are enrolled in Medicaid, ~~the Vermont health access plan (VHAP), or Dr. Dynasaur.~~ The program shall not include individuals who are in an institute for mental disease as defined in 42 C.F.R. § 435.1009.

* * *

Sec. 25. 33 V.S.A. § 1997 is amended to read:

§ 1997. DEFINITIONS

As used in this subchapter:

* * *

(7) “State public assistance program”; includes, ~~but is not limited to,~~ the Medicaid program, ~~the Vermont health access plan,~~ VPharm, ~~VermontRx,~~ the ~~state children’s health insurance program~~ State Children’s Health Insurance Program, the ~~state~~ State of Vermont AIDS ~~medication assistance program~~ Medication Assistance Program, the General Assistance program, the ~~pharmacy discount plan program~~ Pharmacy Discount Plan Program, and the out-of-state counterparts to such programs.

Sec. 26. 33 V.S.A. § 1998(c)(1) is amended to read:

(c)(1) The ~~commissioner~~ Commissioner may implement the ~~pharmacy best practices and cost control program~~ Pharmacy Best Practices and Cost Control Program for any other health benefit plan within or outside this ~~state~~ State that agrees to participate in the program. For entities in Vermont, the ~~commissioner~~ Commissioner shall directly or by contract implement the program through a joint pharmaceuticals purchasing consortium. The joint pharmaceuticals purchasing consortium shall be offered on a voluntary basis no later than January 1, 2008, with mandatory participation by state or publicly funded, administered, or subsidized purchasers to the extent practicable and consistent with the purposes of this chapter, by January 1, 2010. If necessary, the ~~department of Vermont health access~~ Department of Vermont Health Access shall seek authorization from the Centers for Medicare and Medicaid to

include purchases funded by Medicaid. "State or publicly funded purchasers" shall include the ~~department of corrections~~ Department of Corrections, the ~~department of mental health~~ Department of Mental Health, Medicaid, the ~~Vermont Health Access Program (VHAP)~~, Dr. Dynasaur, ~~VermontRx~~, VPharm, Healthy Vermonters, workers' compensation, and any other state or publicly funded purchaser of prescription drugs.

Sec. 27. 33 V.S.A. § 2004(a) is amended to read:

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the ~~department of Vermont health access~~ Department of Vermont Health Access for individuals participating in Medicaid, the ~~Vermont Health Access Program~~, Dr. Dynasaur, or VPharm, ~~or VermontRx~~ shall pay a fee to the ~~agency of human services~~ Agency of Human Services. The fee shall be 0.5 percent of the previous calendar year's prescription drug spending by the ~~department~~ Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

* * * Vermont Health Benefit Exchange * * *

Sec. 28. 33 V.S.A. § 1804 is amended to read:

§ 1804. QUALIFIED EMPLOYERS

(a)(1) Until January 1, 2016, a qualified employer shall be an ~~employer entity which, on at least 50 percent of its employed an average of not more than 50 employees on~~ employer entity which, on at least 50 percent of its employed an average of not more than 50 employees on working days during the preceding calendar year, ~~employed at least one and no more than 50 employees~~, and the term "qualified employer" includes self-employed persons to the extent permitted under the Affordable Care Act. Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week or a seasonal worker as defined in 26 U.S.C. § 4980H(c)(2)(B).

* * *

(b)(1) From January 1, 2016 until January 1, 2017, a qualified employer shall be an ~~employer entity which, on at least 50 percent of its employed an average of not more than 100 employees on~~ employer entity which, on at least 50 percent of its employed an average of not more than 100 employees on working days during the preceding calendar year, ~~employed at least one and no more than 100 employees~~, and the term "qualified employer" includes self-employed persons to the extent permitted under the Affordable Care Act. ~~Calculation of the number of employees of a qualified employer shall not include a part-time employee who works fewer than 30 hours per week~~ The number of employees shall be calculated using the method set forth in 26 U.S.C. § 4980H(c)(2).

* * *

Sec. 29. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES

The Vermont ~~health benefit exchange~~ Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

(2) Determining eligibility for and enrolling individuals in Medicaid, Dr. Dynasaur, and VPharm, ~~and VermontRx~~ pursuant to chapter 19 of this title, as well as any other public health benefit program.

* * *

(12) ~~Consistent with federal law, crediting the amount of any free choice voucher provided pursuant to Section 10108 of the Affordable Care Act to the monthly premium of the plan in which a qualified employee is enrolled and collecting the amount credited from the offering employer. [Deleted.]~~

* * *

Sec. 30. 33 V.S.A. § 1811(a) is amended to read:

(a) As used in this section:

* * *

(3)(A) Until January 1, 2016, “small employer” means an ~~employer entity~~ entity which, ~~on at least 50 percent of its~~ employed an average of not more than 50 employees on working days during the preceding calendar year, ~~employs at least one and no more than 50 employees.~~ The term includes self-employed persons to the extent permitted under the Affordable Care Act. Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week or a seasonal worker as defined in 26 U.S.C. § 4980H(c)(2)(B). An employer may continue to participate in the ~~exchange~~ Exchange even if the employer’s size grows beyond 50 employees as long as the employer continuously makes qualified health benefit plans in the Vermont ~~health benefit exchange~~ Health Benefit Exchange available to its employees.

(B) Beginning on January 1, 2016, “small employer” means an ~~employer entity~~ entity which, ~~on at least 50 percent of its~~ employed an average of not more than 100 employees on working days during the preceding calendar year, ~~employs at least one and no more than 100 employees.~~ The term includes

self-employed persons to the extent permitted under the Affordable Care Act. ~~Calculation of the number of employees of a small employer shall not include a part-time employee who works fewer than 30 hours per week~~ The number of employees shall be calculated using the method set forth in 26 U.S.C. § 4980H(c)(2). An employer may continue to participate in the ~~exchange~~ Exchange even if the employer's size grows beyond 100 employees as long as the employer continuously makes qualified health benefit plans in the Vermont ~~health-benefit exchange~~ Health Benefit Exchange available to its employees.

* * * Medicaid and CHIP * * *

Sec. 31. 33 V.S.A. § 2003(c) is amended to read:

(c) As used in this section:

(1) "Beneficiary" means any individual enrolled in the Healthy Vermonters program.

(2) "Healthy Vermonters beneficiary" means any individual Vermont resident without adequate coverage:

(A) who is at least 65 years of age, or is disabled and is eligible for Medicare or Social Security disability benefits, with household income equal to or less than 400 percent of the federal poverty level, as calculated ~~under the rules of the Vermont health access plan, as amended~~ using modified adjusted gross income as defined in 26 U.S.C. § 36B(d)(2)(B); or

(B) whose household income is equal to or less than 350 percent of the federal poverty level, as calculated ~~under the rules of the Vermont Health access plan, as amended~~ using modified adjusted gross income as defined in 26 U.S.C. § 36B(d)(2)(B).

* * *

Sec. 32. 33 V.S.A. § 2072(a) is amended to read:

(a) An individual shall be eligible for assistance under this subchapter if the individual:

(1) is a resident of Vermont at the time of application for benefits;

(2) is at least 65 years of age or is an individual with disabilities as defined in subdivision 2071(1) of this title; and

(3) has a household income, when calculated ~~in accordance with the rules adopted for the Vermont health access plan under No. 14 of the Acts of 1995, as amended~~ using modified adjusted gross income as defined in

26 U.S.C. § 36B(d)(2)(B), no greater than 225 percent of the federal poverty level.

Sec. 32a. MODIFIED ADJUSTED GROSS INCOME; LEGISLATIVE INTENT

It is the intent of the General Assembly that individuals receiving benefits under the Healthy Vermonters and VPharm programs on the date that the method of income calculation changes from VHAP rules to modified adjusted gross income as described in Secs. 31 and 32 of this act should not lose eligibility for the applicable program solely as a result of the change in the income calculation method.

* * * Health Information Exchange * * *

Sec. 33. 18 V.S.A. § 707(a) is amended to read:

(a) No later than July 1, 2011, hospitals shall participate in the Blueprint for Health by creating or maintaining connectivity to the ~~state's~~ State's health information exchange network as provided ~~for~~ in this section and in section 9456 of this title. ~~The director of health care reform or designee and the director of the Blueprint shall establish criteria by rule for this requirement consistent with the state health information technology plan required under section 9351 of this title. The criteria shall not require a hospital to create a level of connectivity that the state's exchange is not able to support.~~

Sec. 34. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) ~~The board~~ Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter, and in accordance with a schedule established by the ~~board~~ Board. ~~The board shall require the submission of documentation certifying that the hospital is participating in the Blueprint for Health if required by section 708 of this title.~~

(b) In conjunction with budget reviews, the ~~board~~ Board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the ~~board~~ Board, including specific information on the amounts spent on marketing and advertising costs; and

(11) require each hospital to create or maintain connectivity to the State's health information exchange network in accordance with the criteria established by the Vermont Information Technology Leaders, Inc., pursuant to subsection 9352(i) of this title, provided that the Board shall not require a

hospital to create a level of connectivity that the State's exchange is unable to support.

* * *

Sec. 34a. 18 V.S.A. § 9352(i) is amended to read:

(i) Certification of meaningful use and connectivity.

(1) To the extent necessary to support Vermont's health care reform goals or as required by federal law, VITL shall be authorized to certify the meaningful use of health information technology and electronic health records by health care providers licensed in Vermont.

(2) VITL, in consultation with health care providers and health care facilities, shall establish criteria for creating or maintaining connectivity to the State's health information exchange network. VITL shall provide the criteria annually by March 1 to the Green Mountain Care Board established pursuant to chapter 220 of this title.

* * * Special Funds * * *

* * * Hospital Energy Efficiency * * *

Sec. 35. HOSPITALS; ENERGY EFFICIENCY

(a) In this section, "hospital" shall have the same meaning as in 18 V.S.A. § 1902.

(b) On or before July 1, 2014, each hospital shall present an energy efficiency action plan to the Green Mountain Care Board. The action plan shall include specific measures to be undertaken which may include energy audits, periodic benchmarking to track performance over time, and energy savings goals. The action plan shall be consistent with the hospital's strategic goals, capital plans, and previous energy efficiency initiatives, if any.

(c) When conducting an energy assessment or audit, the hospital shall use assessment and audit methodologies approved by the energy efficiency entity or entities appointed under 30 V.S.A. § 209(d)(2) to serve the area in which the building or structure is located. These methodologies shall meet standards that are consistent with those contained in 30 V.S.A. § 218c.

(d) The energy efficiency entities appointed under 30 V.S.A. § 209(d)(2) to serve the area in which the building or structure is located shall provide assistance to hospitals in the development of their action plans and presentation to the Green Mountain Care Board. This assistance shall be provided pursuant to the entities' obligations under 30 V.S.A. § 209(d) and (e) and implementing Public Service Board orders.

* * * Office of the Health Care Advocate * * *

Sec. 35a. 18 V.S.A. chapter 229 is added to read:

CHAPTER 229. OFFICE OF THE HEALTH CARE ADVOCATE

§ 9601. DEFINITIONS

As used in this chapter:

(1) “Green Mountain Care Board” or “Board” means the Board established in chapter 220 of this title.

(2) “Health insurance plan” means a policy, service contract, or other health benefit plan offered or issued by a health insurer and includes beneficiaries covered by the Medicaid program unless they are otherwise provided with similar services.

(3) “Health insurer” shall have the same meaning as in section 9402 of this title.

§ 9602. OFFICE OF THE HEALTH CARE ADVOCATE; COMPOSITION

(a) The Agency of Administration shall establish the Office of the Health Care Advocate by contract with any nonprofit organization.

(b) The Office shall be administered by the Chief Health Care Advocate, who shall be an individual with expertise and experience in the fields of health care and advocacy. The Advocate may employ legal counsel, administrative staff, and other employees and contractors as needed to carry out the duties of the Office.

§ 9603. DUTIES AND AUTHORITY

(a) The Office of the Health Care Advocate shall:

(1) Assist health insurance consumers with health insurance plan selection by providing information, referrals, and assistance to individuals about means of obtaining health insurance coverage and services. The Office shall accept referrals from the Vermont Health Benefit Exchange and Exchange navigators created pursuant to 33 V.S.A. chapter 18, subchapter 1, to assist consumers experiencing problems related to the Exchange.

(2) Assist health insurance consumers to understand their rights and responsibilities under health insurance plans.

(3) Provide information to the public, agencies, members of the General Assembly, and others regarding problems and concerns of health insurance

consumers as well as recommendations for resolving those problems and concerns.

(4) Identify, investigate, and resolve complaints on behalf of individual health insurance consumers, and assist those consumers with filing and pursuit of complaints and appeals.

(5) Provide information to individuals regarding their obligations and responsibilities under the Patient Protection and Affordable Care Act (Public Law 111-148).

(6) Analyze and monitor the development and implementation of federal, state, and local laws, rules, and policies relating to patients and health insurance consumers.

(7) Facilitate public comment on laws, rules, and policies, including policies and actions of health insurers.

(8) Suggest policies, procedures, or rules to the Green Mountain Care Board in order to protect patients' and consumers' interests.

(9) Promote the development of citizen and consumer organizations.

(10) Ensure that patients and health insurance consumers have timely access to the services provided by the Office.

(11) Submit to the General Assembly and the Governor on or before January 1 of each year a report on the activities, performance, and fiscal accounts of the Office during the preceding calendar year.

(b) The Office of the Health Care Advocate may:

(1) Review the health insurance records of a consumer who has provided written consent. Based on the written consent of the consumer or his or her guardian or legal representative, a health insurer shall provide the Office with access to records relating to that consumer.

(2) Pursue administrative, judicial, and other remedies on behalf of any individual health insurance consumer or group of consumers.

(3) Represent the interests of the people of the State in cases requiring a hearing before the Green Mountain Care Board established in chapter 220 of this title.

(4) Adopt policies and procedures necessary to carry out the provisions of this chapter.

(5) Take any other action necessary to fulfill the purposes of this chapter.

(c) The Office of the Health Care Advocate shall be able to speak on behalf of the interests of health care and health insurance consumers and to carry out all duties prescribed in this chapter without being subject to any retaliatory action; provided, however, that nothing in this subsection shall limit the authority of the Agency of Administration to enforce the terms of the contract.

§ 9604. DUTIES OF STATE AGENCIES

All state agencies shall comply with reasonable requests from the Office of the Health Care Advocate for information and assistance. The Agency of Administration may adopt rules necessary to ensure the cooperation of state agencies under this section.

§ 9605. CONFIDENTIALITY

In the absence of written consent by a complainant or an individual using the services of the Office or by his or her guardian or legal representative or the absence of a court order, the Office of the Health Care Advocate, its employees, and its contractors shall not disclose the identity of the complainant or individual.

§ 9606. CONFLICTS OF INTEREST

The Office of the Health Care Advocate, its employees, and its contractors shall not have any conflict of interest relating to the performance of their responsibilities under this chapter. For the purposes of this chapter, a conflict of interest exists whenever the Office of the Health Care Advocate, its employees, or its contractors or a person affiliated with the Office, its employees, or its contractors:

(1) have a direct involvement in the licensing, certification, or accreditation of a health care facility, health insurer, or health care provider;

(2) have a direct ownership interest or investment interest in a health care facility, health insurer, or health care provider;

(3) are employed by or participating in the management of a health care facility, health insurer, or health care provider; or

(4) receive or have the right to receive, directly or indirectly, remuneration under a compensation arrangement with a health care facility, health insurer, or health care provider.

§ 9607. FUNDING; INTENT

(a) The Office of the Health Care Advocate shall specify in its annual report filed pursuant to this chapter the sums expended by the Office in

carrying out its duties, including identifying the specific amount expended for actuarial services.

(b) It is the intent of the General Assembly that the Office of the Health Care Advocate shall maximize the amount of federal and grant funds available to support the activities of the Office.

Sec. 35b. 18 V.S.A. § 9374(f) is amended to read:

(f) In carrying out its duties pursuant to this chapter, the ~~board~~ Board shall seek the advice of the ~~state health care ombudsman established in 8 V.S.A. § 4089w~~ from the Office of the Health Care Advocate. The ~~state health care ombudsman~~ Office shall advise the ~~board~~ Board regarding the policies, procedures, and rules established pursuant to this chapter. The ~~ombudsman~~ Office shall represent the interests of Vermont patients and Vermont consumers of health insurance and may suggest policies, procedures, or rules to the ~~board~~ Board in order to protect patients' and consumers' interests.

Sec. 35c. 18 V.S.A. § 9377(e) is amended to read:

(e) The ~~board~~ Board or designee shall convene a broad-based group of stakeholders, including health care professionals who provide health services, health insurers, professional organizations, community and nonprofit groups, consumers, businesses, school districts, the ~~state health care ombudsman~~ Office of the Health Care Advocate, and state and local governments, to advise the ~~board~~ Board in developing and implementing the pilot projects and to advise the Green Mountain Care ~~board~~ Board in setting overall policy goals.

Sec. 35d. 18 V.S.A. § 9410(a)(2) is amended to read:

(2)(A) The program authorized by this section shall include a consumer health care price and quality information system designed to make available to consumers transparent health care price information, quality information, and such other information as the ~~commissioner~~ Commissioner determines is necessary to empower individuals, including uninsured individuals, to make economically sound and medically appropriate decisions.

(B) The ~~commissioner~~ Commissioner shall convene a working group composed of the ~~commissioner of mental health, the commissioner of Vermont health access~~ Commissioner of Mental Health, the Commissioner of Vermont Health Access, health care consumers, the ~~office of the health care ombudsman~~ Office of the Health Care Advocate, employers and other payers, health care providers and facilities, the Vermont ~~program for quality in health care~~ Program for Quality in Health Care, health insurers, and any other individual or group appointed by the ~~commissioner~~ Commissioner to advise the

~~commissioner~~ Commissioner on the development and implementation of the consumer health care price and quality information system.

* * *

Sec. 35e. 18 V.S.A. § 9440(c) is amended to read:

(c) The application process shall be as follows:

* * *

(9) The ~~health care ombudsman's office~~ Office of the Health Care Advocate established under ~~8 V.S.A. chapter 107, subchapter 1A~~ chapter 229 of this title or, in the case of nursing homes, the ~~long-term care ombudsman's office~~ Long-Term Care Ombudsman's Office established under 33 V.S.A. § 7502; is authorized but not required to participate in any administrative or judicial review of an application under this subchapter and shall be considered an interested party in such proceedings upon filing a notice of intervention with the ~~board~~ Board.

Sec. 35f. 18 V.S.A. § 9445(b) is amended to read:

(b) In addition to all other sanctions, if any person offers or develops any new health care project without first having been issued a certificate of need or certificate of exemption ~~therefore~~ for the project, or violates any other provision of this subchapter or any lawful rule ~~or regulation promulgated thereunder~~ adopted pursuant to this subchapter, the ~~board~~ Board, the ~~commissioner~~ Commissioner, the ~~state health care ombudsman~~ Office of the Health Care Advocate, the ~~state long-term care ombudsman~~ State Long-Term Care Ombudsman, and health care providers and consumers located in the ~~state~~ State shall have standing to maintain a civil action in the ~~superior court~~ Superior Court of the county ~~wherein in which~~ in which such alleged violation has occurred, or ~~wherein in which~~ in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the ~~board~~ Board, it shall be the duty of the ~~attorney general of the state~~ Vermont Attorney General to furnish appropriate legal services and to prosecute an action for injunctive relief to an appropriate conclusion, which shall not be reimbursed under subdivision (a)(2) of this ~~subsection~~ section.

Sec. 35g. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES

The Vermont ~~health benefit exchange~~ Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

* * *

(16) Referring consumers to the ~~office of health care ombudsman~~ Office of the Health Care Advocate for assistance with grievances, appeals, and other issues involving the Vermont ~~health benefit exchange~~ Health Benefit Exchange.

* * *

Sec. 35h. 33 V.S.A. § 1807(b) is amended to read:

(b) Navigators shall have the following duties:

* * *

(4) Provide referrals to the ~~office of health care ombudsman~~ Office of the Health Care Advocate and any other appropriate agency for any enrollee with a grievance, complaint, or question regarding his or her health benefit plan, coverage, or a determination under that plan or coverage;

* * *

Sec. 36. 18 V.S.A. § 9404 is amended to read:

§ 9404. ~~ADMINISTRATION OF THE DIVISION~~

(a) The ~~commissioner~~ Commissioner shall supervise and direct the execution of all laws vested in the ~~division~~ Department by ~~virtue of~~ this chapter, and shall formulate and carry out all policies relating to this chapter.

(b) ~~The commissioner may delegate the powers and assign the duties required by this chapter as the commissioner may deem appropriate and necessary for the proper execution of the provisions of this chapter, including the review and analysis of certificate of need applications and hospital budgets; however, the commissioner shall not delegate the commissioner's quasi-judicial and rulemaking powers or authority, unless the commissioner has a personal or financial interest in the subject matter of the proceeding.~~

(c) ~~The commissioner may employ professional and support staff necessary to carry out the functions of the commissioner, and may employ consultants and contract with individuals and entities for the provision of services.~~

(d) The ~~commissioner~~ Commissioner may:

(1) ~~Apply~~ apply for and accept gifts, grants, or contributions from any person for purposes consistent with this chapter;

(2) ~~Adopt~~ adopt rules necessary to implement the provisions of this chapter; and

(3) ~~Enter~~ enter into contracts and perform such acts as are necessary to accomplish the purposes of this chapter.

(e)~~(c)~~ There is hereby created a fund to be known as the ~~division of health care administration regulatory and supervision fund~~ Health Care Administration Regulatory and Supervision Fund for the purpose of providing the financial means for the ~~commissioner of financial regulation~~ Commissioner of Financial Regulation to administer this chapter and 33 V.S.A. § 6706. All fees and assessments received by the ~~department~~ Department pursuant to such administration shall be credited to this ~~fund~~ Fund. All fines and administrative penalties, however, shall be deposited directly into the ~~general fund~~ General Fund.

(1) All payments from the ~~division of health care administration regulatory and supervision fund~~ Health Care Administration Regulatory and Supervision Fund for the maintenance of staff and associated expenses, including contractual services as necessary, shall be disbursed from the ~~state treasury~~ State Treasury only upon warrants issued by the ~~commissioner of finance and management~~ Commissioner of Finance and Management, after receipt of proper documentation regarding services rendered and expenses incurred.

(2) The ~~commissioner of finance and management~~ Commissioner of Finance and Management may anticipate receipts to the ~~division of health care administration regulatory and supervision fund~~ Health Care Administration Regulatory and Supervision Fund and issue warrants based thereon.

* * * Health Resource Allocation Plan * * *

Sec. 37. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH PLAN; HEALTH RESOURCE ALLOCATION PLAN

(a) No later than January 1, 2005, the ~~secretary of human services~~ Secretary of Human Services or designee, in consultation with the ~~commissioner~~ Chair of the Green Mountain Care Board and health care professionals and after receipt of public comment, shall adopt a ~~state health plan~~ State Health Plan that sets forth the health goals and values for the ~~state~~ State. The ~~secretary~~ Secretary may amend the ~~plan~~ Plan as the ~~secretary~~ Secretary deems necessary and appropriate. The ~~plan~~ Plan shall include health promotion, health protection, nutrition, and disease prevention priorities for the ~~state~~ State, identify available human resources as well as human resources needed for achieving the ~~state's~~ State's health goals and the planning required to meet those needs, and identify geographic parts of the ~~state~~ State needing

investments of additional resources in order to improve the health of the population. The ~~plan~~ Plan shall contain sufficient detail to guide development of the ~~state health resource allocation plan~~ State Health Resource Allocation Plan. Copies of the ~~plan~~ Plan shall be submitted to members of the ~~senate and house committees on health and welfare~~ Senate and House Committees on Health and Welfare no later than January 15, 2005.

(b) On or before July 1, 2005, the ~~commissioner~~ Green Mountain Care Board, in consultation with the ~~secretary of human services~~ Secretary of Human Services, shall submit to the ~~governor~~ Governor a four-year ~~health resource allocation plan~~ Health Resource Allocation Plan. The ~~plan~~ Plan shall identify Vermont needs in health care services, programs, and facilities; the resources available to meet those needs; and the priorities for addressing those needs on a statewide basis.

(1) The ~~plan~~ Plan shall include:

(A) A statement of principles reflecting the policies enumerated in sections 9401 and 9431 of this chapter to be used in allocating resources and in establishing priorities for health services.

(B) Identification of the current supply and distribution of hospital, nursing home, and other inpatient services; home health and mental health services; treatment and prevention services for alcohol and other drug abuse; emergency care; ambulatory care services, including primary care resources, federally qualified health centers, and free clinics; major medical equipment; and health screening and early intervention services.

(C) Consistent with the principles set forth in subdivision (A) of this subdivision (1), recommendations for the appropriate supply and distribution of resources, programs, and services identified in subdivision (B) of this subdivision (1), options for implementing such recommendations and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such recommendations, the ~~commissioner~~ Green Mountain Care Board shall consider at least the following factors:

(i) the values and goals reflected in the ~~state health plan~~ State Health Plan;

(ii) the needs of the population on a statewide basis;

(iii) the needs of particular geographic areas of the ~~state~~ State, as identified in the ~~state health plan~~ State Health Plan;

(iv) the needs of uninsured and underinsured populations;

- (v) the use of Vermont facilities by out-of-state residents;
- (vi) the use of out-of-state facilities by Vermont residents;
- (vii) the needs of populations with special health care needs;
- (viii) the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of midlevel practitioners;
- (ix) the cost impact of these resource requirements on health care expenditures; ~~the services appropriate for the four categories of hospitals described in subdivision 9402(12) of this title;~~
- (x) the overall quality and use of health care services as reported by the Vermont ~~program for quality in health care~~ Program for Quality in Health Care and the Vermont ~~ethics network~~ Ethics Network;
- (xi) the overall quality and cost of services as reported in the annual hospital community reports;
- (xii) individual hospital four-year capital budget projections; and
- (xiii) the four-year projection of health care expenditures prepared by the ~~division~~ Board.

(2) In the preparation of the ~~plan~~ Plan, the ~~commissioner~~ shall assemble an advisory committee of no fewer than nine nor more than 13 members who shall reflect a broad distribution of diverse perspectives on the health care system, including health care professionals, payers, third party payers, and consumer representatives Green Mountain Care Board shall convene the Green Mountain Care Board General Advisory Committee established pursuant to subdivision 9374(e)(1) of this title. The ~~advisory committee~~ Green Mountain Care Board General Advisory Committee shall review drafts and provide recommendations to the ~~commissioner~~ Board during the development of the ~~plan~~ Plan. ~~Upon adoption of the plan, the advisory committee shall be dissolved.~~

(3) The ~~commissioner~~ Board, with the ~~advisory committee~~ Green Mountain Care Board General Advisory Committee, shall conduct at least five public hearings, in different regions of the state, on the ~~plan~~ Plan as proposed and shall give interested persons an opportunity to submit their views orally and in writing. To the extent possible, the ~~commissioner~~ Board shall arrange for hearings to be broadcast on interactive television. Not less than 30 days prior to any such hearing, the ~~commissioner~~ Board shall publish in the manner prescribed in 1 V.S.A. § 174 the time and place of the hearing and the place

and period during which to direct written comments to the ~~commissioner~~ Board. In addition, the ~~commissioner~~ Board may create and maintain a website to allow members of the public to submit comments electronically and review comments submitted by others.

(4) The ~~commissioner~~ Board shall develop a mechanism for receiving ongoing public comment regarding the ~~plan~~ Plan and for revising it every four years or as needed.

(5) The ~~commissioner~~ Board in consultation with appropriate health care organizations and state entities shall inventory and assess existing state health care data and expertise, and shall seek grants to assist with the preparation of any revisions to the ~~health resource allocation plan~~ Health Resource Allocation Plan.

(6) The ~~plan~~ Plan or any revised ~~plan~~ Plan proposed by the ~~commissioner~~ Board shall be the ~~health resource allocation plan~~ Health Resource Allocation Plan for the ~~state~~ State after it is approved by the ~~governor~~ Governor or upon passage of three months from the date the ~~governor~~ Governor receives the ~~plan~~ proposed Plan, whichever occurs first, unless the ~~governor~~ Governor disapproves the ~~plan~~ proposed Plan, in whole or in part. If the ~~governor~~ Governor disapproves, he or she shall specify the sections of the ~~plan~~ proposed Plan which are objectionable and the changes necessary to meet the objections. The sections of the ~~plan~~ proposed Plan not disapproved shall become part of the ~~health resource allocation plan~~ Health Resource Allocation Plan.

* * * Allocation of Expenses * * *

Sec. 37a. 18 V.S.A. § 9374(h) is amended to read:

(h)(1) ~~Expenses~~ Except as otherwise provided in subdivision (2) of this subsection, expenses incurred to obtain information, analyze expenditures, review hospital budgets, and for any other contracts authorized by the ~~board~~ Board shall be borne as follows:

- (A) 40 percent by the ~~state~~ State from state monies;
- (B) 15 percent by the hospitals;
- (C) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;
- (D) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101; and

(E) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(2) The Board may determine the scope of the incurred expenses to be allocated pursuant to the formula set forth in subdivision (1) of this subsection if, in the Board's discretion, the expenses to be allocated are in the best interests of the regulated entities and of the State.

(3) Expenses under subdivision (1) of this subsection shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section shall include major medical, comprehensive medical, hospital or surgical coverage, and comprehensive health care services plans, but shall not include long-term care or limited benefits, disability, credit or stop loss, or excess loss insurance coverage.

Sec. 37b. 18 V.S.A. § 9415 is amended to read:

§ 9415. ALLOCATION OF EXPENSES

(a) ~~Expenses~~ Except as otherwise provided in subsection (b) of this section, expenses incurred to obtain information and to analyze expenditures, review hospital budgets, and for any other related contracts authorized by the ~~commissioner~~ Commissioner shall be borne as follows:

(1) 40 percent by the ~~state~~ State from state monies;_;

(2) 15 percent by the hospitals;_;

(3) 15 percent by nonprofit hospital and medical service corporations licensed under 8 V.S.A. chapter 123 or 125;_;

(4) 15 percent by health insurance companies licensed under 8 V.S.A. chapter 101;_; and

(5) 15 percent by health maintenance organizations licensed under 8 V.S.A. chapter 139.

(b) The Commissioner may determine the scope of the incurred expenses to be allocated pursuant to the formula set forth in subsection (a) of this section if, in the Commissioner's discretion, the expenses to be allocated are in the best interests of the regulated entities and of the State.

(c) Expenses under subsection (a) of this section shall be billed to persons licensed under Title 8 based on premiums paid for health care coverage, which for the purposes of this section include major medical, comprehensive medical, hospital or surgical coverage, and any comprehensive health care services plan, but ~~does~~ shall not include long-term care, limited benefits, disability, credit or stop loss or excess loss insurance coverage

Sec. 37c. BILL-BACK REPORT

(a) Annually on or before September 15, the Green Mountain Care Board and the Department of Financial Regulation shall report to the House Committee on Health Care, the Senate Committees on Health and Welfare and on Finance, and the House and Senate Committees on Appropriations the total amount of all expenses eligible for allocation pursuant to 18 V.S.A. §§ 9374(h) and 9415 during the preceding state fiscal year and the total amount actually billed back to the regulated entities during the same period.

(b) The Board and the Department shall also present the information required by subsection (a) of this section to the Joint Fiscal Committee annually at its September meeting.

Sec. 37d. HEALTH CARE ADVOCATE; BILL BACK

(a) Through June 30, 2016, financial support for the Office of the Health Care Advocate established pursuant to 18 V.S.A. chapter 229 for services related to the Green Mountain Care Board's and Department of Financial Regulation's regulatory and supervisory duties shall be considered expenses incurred by the Board or the Department under 18 V.S.A. §§ 9374(h) and 9415 and shall be an acceptable use of the funds realized pursuant to those sections.

(b) For fiscal year 2014, the Green Mountain Care Board and the Department of Financial Regulation may allocate up to \$300,000.00 of expenses pursuant to the authority granted by subsection (a) of this section.

(c) On or before February 1, 2014, the Director of Health Care Reform in the Agency of Administration shall present to the House Committees on Health Care, on Ways and Means, and on Appropriations and the Senate Committees on Health and Welfare, on Finance, and on Appropriations sustainable funding options for the Office of the Health Care Advocate, including sustainable options based on sources other than the allocation of expenses described in subsection (a) of this section.

* * * Hospital Community Reports * * *

Sec. 38. 18 V.S.A. § 9405b is amended to read:

§ 9405b. HOSPITAL COMMUNITY REPORTS

(a) The ~~commissioner~~ Commissioner of Health, in consultation with representatives from hospitals, other groups of health care professionals, and members of the public representing patient interests, shall adopt rules establishing a standard format for community reports, as well as the contents, which shall include:

* * *

(b) On or before January 1, 2005, and annually thereafter beginning on June 1, 2006, the board of directors or other governing body of each hospital licensed under chapter 43 of this title shall publish on its website, making paper copies available upon request, its community report in a uniform format approved by the ~~commissioner~~, Commissioner of Health and in accordance with the standards and procedures adopted by rule under this section, ~~and shall hold one or more public hearings to permit community members to comment on the report. Notice of meetings shall be by publication, consistent with 1 V.S.A. § 174.~~ Hospitals located outside this ~~state~~ State which serve a significant number of Vermont residents, as determined by the ~~commissioner~~ Commissioner of Health, shall be invited to participate in the community report process established by this subsection.

(c) The community reports shall be provided to the ~~commissioner~~ Commissioner of Health. The ~~commissioner~~ Commissioner of Health shall publish the reports on a public website and shall develop and include a format for comparisons of hospitals within the same categories of quality and financial indicators.

Sec. 39. EXTENSION FOR PUBLICATION OF 2013 HOSPITAL COMMUNITY REPORTS

Notwithstanding the June 1 publication date specified in 18 V.S.A. § 9405b(b), hospitals shall publish their 2013 hospital community reports on or before October 1, 2013. Following publication of the hospital reports, the Department of Financial Regulation shall publish hospital comparison information as required under 18 V.S.A. § 9405b(c).

* * * VHCURES * * *

Sec. 40. 18 V.S.A. § 9410 is amended to read:

§ 9410. HEALTH CARE DATABASE

(a)(1) The ~~commissioner~~ Board shall establish and maintain a unified health care database to enable the ~~commissioner and the Green Mountain Care board~~ Commissioner and the Board to carry out their duties under this chapter, chapter 220 of this title, and Title 8, including:

(A) ~~Determining~~ determining the capacity and distribution of existing resources;

(B) ~~Identifying~~ identifying health care needs and informing health care policy;

(C) ~~Evaluating~~ evaluating the effectiveness of intervention programs on improving patient outcomes;:

(D) ~~Comparing~~ comparing costs between various treatment settings and approaches;:

(E) ~~Providing~~ providing information to consumers and purchasers of health care;: and

(F) ~~Improving~~ improving the quality and affordability of patient health care and health care coverage.

(2)(A) The program authorized by this section shall include a consumer health care price and quality information system designed to make available to consumers transparent health care price information, quality information, and such other information as the ~~commissioner~~ Board determines is necessary to empower individuals, including uninsured individuals, to make economically sound and medically appropriate decisions.

~~(B) The commissioner shall convene a working group composed of the commissioner of mental health, the commissioner of Vermont health access, health care consumers, the office of the health care ombudsman, employers and other payers, health care providers and facilities, the Vermont program for quality in health care, health insurers, and any other individual or group appointed by the commissioner to advise the commissioner on the development and implementation of the consumer health care price and quality information system.~~

~~(C)~~ The ~~commissioner~~ Commissioner may require a health insurer covering at least five percent of the lives covered in the insured market in this state to file with the ~~commissioner~~ Commissioner a consumer health care price and quality information plan in accordance with rules adopted by the ~~commissioner~~ Commissioner.

~~(D)~~(C) The ~~commissioner~~ Board shall adopt such rules as are necessary to carry out the purposes of this subdivision. The ~~commissioner's~~ Board's rules may permit the gradual implementation of the consumer health care price and quality information system over time, beginning with health care price and quality information that the ~~commissioner~~ Board determines is most needed by consumers or that can be most practically provided to the consumer in an understandable manner. The rules shall permit health insurers to use security measures designed to allow subscribers access to price and other information without disclosing trade secrets to individuals and entities who are not subscribers. The ~~regulations~~ rules shall avoid unnecessary duplication of efforts relating to price and quality reporting by health insurers,

health care providers, health care facilities, and others, including activities undertaken by hospitals pursuant to their community report obligations under section 9405b of this title.

(b) The database shall contain unique patient and provider identifiers and a uniform coding system, and shall reflect all health care utilization, costs, and resources in this ~~state~~ State, and health care utilization and costs for services provided to Vermont residents in another ~~state~~ State.

(c) Health insurers, health care providers, health care facilities, and governmental agencies shall file reports, data, schedules, statistics, or other information determined by the ~~commissioner~~ Board to be necessary to carry out the purposes of this section. Such information may include:

(1) health insurance claims and enrollment information used by health insurers;

(2) information relating to hospitals filed under subchapter 7 of this chapter (hospital budget reviews); and

(3) any other information relating to health care costs, prices, quality, utilization, or resources required by the Board to be filed ~~by the commissioner~~.

(d) The ~~commissioner~~ Board may by rule establish the types of information to be filed under this section, and the time and place and the manner in which such information shall be filed.

(e) Records or information protected by the provisions of the physician-patient privilege under 12 V.S.A. § 1612(a), or otherwise required by law to be held confidential, shall be filed in a manner that does not disclose the identity of the protected person.

(f) The ~~commissioner~~ Board shall adopt a confidentiality code to ensure that information obtained under this section is handled in an ethical manner.

(g) Any person who knowingly fails to comply with the requirements of this section or rules adopted pursuant to this section shall be subject to an administrative penalty of not more than \$1,000.00 per violation. The ~~commissioner~~ Board may impose an administrative penalty of not more than \$10,000.00 each for those violations the ~~commissioner~~ Board finds were willful. In addition, any person who knowingly fails to comply with the confidentiality requirements of this section or confidentiality rules adopted pursuant to this section and uses, sells, or transfers the data or information for commercial advantage, pecuniary gain, personal gain, or malicious harm shall be subject to an administrative penalty of not more than \$50,000.00 per violation. The powers vested in the ~~commissioner~~ Board by this subsection

shall be in addition to any other powers to enforce any penalties, fines, or forfeitures authorized by law.

(h)(1) All health insurers shall electronically provide to the ~~commissioner~~ Board in accordance with standards and procedures adopted by the ~~commissioner~~ Board by rule:

(A) their health insurance claims data, provided that the ~~commissioner~~ Board may exempt from all or a portion of the filing requirements of this subsection data reflecting utilization and costs for services provided in this ~~state~~ State to residents of other states;

(B) cross-matched claims data on requested members, subscribers, or policyholders; and

(C) member, subscriber, or policyholder information necessary to determine third party liability for benefits provided.

(2) The collection, storage, and release of health care data and statistical information that is subject to the federal requirements of the Health Insurance Portability and Accountability Act ("HIPAA") shall be governed exclusively by the ~~rules~~ regulations adopted thereunder in 45 ~~CFR~~ C.F.R. Parts 160 and 164.

(A) All health insurers that collect the Health Employer Data and Information Set (HEDIS) shall annually submit the HEDIS information to the ~~commissioner~~ Board in a form and in a manner prescribed by the ~~commissioner~~ Board.

(B) All health insurers shall accept electronic claims submitted in Centers for Medicare and Medicaid Services format for UB-92 or HCFA-1500 records, or as amended by the Centers for Medicare and Medicaid Services.

(3)(A) The ~~commissioner~~ Board shall collaborate with the ~~agency of human services~~ Agency of Human Services and participants in ~~agency of human services~~ the Agency's initiatives in the development of a comprehensive health care information system. The collaboration is intended to address the formulation of a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of ~~limited-use~~ limited-use data sets, the criteria and procedures to ensure that HIPAA compliant ~~limited-use~~ limited-use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system.

(B) To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state

agencies to continuously review health care utilization, expenditures, and performance in Vermont. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size.

(C) Consistent with the dictates of HIPAA, and subject to such terms and conditions as the ~~commissioner~~ Board may prescribe by ~~regulation~~ rule, the Vermont ~~program for quality in health care~~ Program for Quality in Health Care shall have access to the unified health care database for use in improving the quality of health care services in Vermont. In using the database, the Vermont ~~program for quality in health care~~ Program for Quality in Health Care shall agree to abide by the rules and procedures established by the ~~commissioner~~ Board for access to the data. The ~~commissioner's~~ Board's rules may limit access to the database to limited-use sets of data as necessary to carry out the purposes of this section.

(D) Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not publicly disclose any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and Social Security number.

(i) On or before January 15, 2008 and every three years thereafter, the ~~commissioner~~ Commissioner shall submit a recommendation to the ~~general assembly~~ General Assembly for conducting a survey of the health insurance status of Vermont residents.

(j)(1) As used in this section, and without limiting the meaning of subdivision 9402(8) of this title, the term "health insurer" includes:

(A) any entity defined in subdivision 9402(8) of this title;

(B) any third party administrator, any pharmacy benefit manager, any entity conducting administrative services for business, and any other similar entity with claims data, eligibility data, provider files, and other information relating to health care provided to a Vermont resident, and health care provided by Vermont health care providers and facilities required to be filed by a health insurer under this section;

(C) any health benefit plan offered or administered by or on behalf of the ~~state~~ State of Vermont or an agency or instrumentality of the ~~state~~ State; and

(D) any health benefit plan offered or administered by or on behalf of the federal government with the agreement of the federal government.

(2) The ~~commissioner~~ Board may adopt rules to carry out the provisions of this subsection, including ~~standards and procedures requiring the registration of persons or entities not otherwise licensed or registered by the commissioner and~~ criteria for the required filing of such claims data, eligibility data, provider files, and other information as the ~~commissioner~~ Board determines to be necessary to carry out the purposes of this section and this chapter.

* * * Prior Authorizations * * *

Sec. 40a. 18 V.S.A. § 9377a is added to read:

§ 9377a. PRIOR AUTHORIZATION PILOT PROGRAM

(a) The Green Mountain Care Board shall develop and implement a pilot program or programs for the purpose of measuring the change in system costs within primary care associated with eliminating prior authorization requirements for imaging, medical procedures, prescription drugs, and home care. The program shall be designed to measure the effects of eliminating prior authorizations on provider satisfaction and on the number of requests for and expenditures on imaging, medical procedures, prescription drugs, and home care. In developing the pilot program proposal, the Board shall collaborate with health care professionals and health insurers throughout the State or regionally.

(b) The Board shall submit an update regarding implementation of prior authorization pilot programs as part of its annual report under subsection 9375(d) of this title.

Sec. 40b. 18 V.S.A. § 9414a(a)(5) is amended to read:

(5) data regarding the number of denials of service by the health insurer at the preauthorization level, including:

(A) the total number of denials of service by the health insurer at the preauthorization level, including;

(A)(B) the total number of denials of service at the preauthorization level appealed to the health insurer at the first-level grievance and, of those, the total number overturned; and

(B)(C) the total number of denials of service at the preauthorization level appealed to the health insurer at any second-level grievance and, of those, the total number overturned;

~~(C)~~(D) the total number of denials of service at the preauthorization level for which external review was sought and, of those, the total number overturned;

Sec. 40c. DENIED CLAIMS; DEPARTMENT OF VERMONT HEALTH ACCESS

On or before February 1, 2014, the Department of Vermont Health Access shall present data to the House Committee on Health Care and the Senate Committee on Health and Welfare on claims denied by the Department. To the extent practicable, the Department shall base its presentation on the data required by the standardized form created by the Department of Financial Regulation for use by health insurers under 18 V.S.A. § 9414a(c).

* * * Cost-Shift Reporting * * *

Sec. 41. 18 V.S.A. § 9375(d) is amended to read:

(d) Annually on or before January 15, the ~~board~~ Board shall submit a report of its activities for the preceding ~~state-fiscal~~ calendar year to the ~~house committee on health care and the senate committee on health and welfare~~ House Committee on Health Care and the Senate Committee on Health and Welfare.

(1) The report shall include:

(A) any changes to the payment rates for health care professionals pursuant to section 9376 of this title;

(B) any new developments with respect to health information technology;

(C) the evaluation criteria adopted pursuant to subdivision (b)(8) of this section and any related modifications;

(D) the results of the systemwide performance and quality evaluations required by subdivision (b)(8) of this section and any resulting recommendations;

(E) the process and outcome measures used in the evaluation;

(F) any recommendations on mechanisms to ensure that appropriations intended to address the Medicaid cost shift will have the intended result of reducing the premiums imposed on commercial insurance premium payers below the amount they otherwise would have been charged;

(G) any recommendations for modifications to Vermont statutes; and

(H) any actual or anticipated impacts on the work of the ~~board~~ Board as a result of modifications to federal laws, regulations, or programs.

(2) The report shall identify how the work of the ~~board~~ Board comports with the principles expressed in section 9371 of this title.

Sec. 42. 2000 Acts and Resolves No. 152, Sec. 117b is amended to read:

Sec. 117b. MEDICAID COST SHIFT REPORTING

(a) It is the intent of this section to measure the elimination of the Medicaid cost shift. For hospitals, this measurement shall be based on a comparison of the difference between Medicaid and Medicare reimbursement rates. For other health care providers, an appropriate measurement shall be developed that includes an examination of the Medicare rates for providers. In order to achieve the intent of this section, it is necessary to establish a reporting and tracking mechanism to obtain the facts and information necessary to quantify the Medicaid cost shift, to evaluate solutions for reducing the effect of the Medicaid cost shift in the commercial insurance market, to ensure that any reduction in the cost shift is passed on to the commercial insurance market, to assess the impact of such reductions on the financial health of the health care delivery system, and to do so within a sustainable utilization growth rate in the Medicaid program.

(b) ~~By Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, 2000, and annually thereafter, the commissioner of banking, insurance, securities, and health care administration, the secretary of human services the chair of the Green Mountain Care Board, the Commissioner of Vermont Health Access, and each acute care hospital shall file with the joint fiscal committee~~ Joint Fiscal Committee, the House Committee on Health Care, and the Senate Committee on Health and Welfare, in the manner required by the committee Joint Fiscal Committee, such information as is necessary to carry out the purposes of this section. Such information shall pertain to the provider delivery system to the extent it is available.

(c) ~~By December 15, 2000, and annually thereafter, the~~ The report of hospitals to the ~~joint fiscal committee~~ Joint Fiscal Committee and the standing committees under subsection (b) of this section shall include information on how they will manage utilization in order to assist the ~~agency of human services~~ Department of Vermont Health Access in developing sustainable utilization growth in the Medicaid program.

(d) ~~By December 15, 2000, the commissioner of banking, insurance, securities, and health care administration shall report to the joint fiscal committee with recommendations on mechanisms to assure that appropriations~~

~~intended to address the Medicaid cost shift will result in benefits to commercial insurance premium payers in the form of lower premiums than they otherwise would be charged.~~

~~(e) The first \$250,000.00 resulting from declines in caseload and utilization related to hospital costs, as determined by the commissioner of social welfare, from the funds allocated within the Medicaid program appropriation for hospital costs in fiscal year 2001 shall be reserved for cost shift reduction for hospitals.~~

Sec. 42a. EXCHANGE IMPACT REPORT

On or before March 15, 2015 and every three years thereafter, the Agency of Administration shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding the impact of the Vermont Health Benefit Exchange and the federal individual responsibility requirement on:

- (1) the number of uninsured and underinsured Vermonters;
- (2) the amount of uncompensated care and bad debt in Vermont; and
- (3) the cost shift.

* * * Workforce Planning Data * * *

Sec. 43. 26 V.S.A. § 1353 is amended to read:

§ 1353. POWERS AND DUTIES OF THE BOARD

The ~~board~~ Board shall have the following powers and duties to:

* * *

(10) As part of the license application or renewal process, collect data necessary to allow for workforce strategic planning required under 18 V.S.A. chapter 222.

Sec. 44. WORKFORCE PLANNING; DATA COLLECTION

(a) The Board of Medical Practice shall collaborate with the Director of Health Care Reform in the Agency of Administration, the Vermont Medical Society, and other interested stakeholders to develop data elements for the Board to collect pursuant to 26 V.S.A. § 1353(10) to allow for the workforce strategic planning required under 18 V.S.A. chapter 222. The data elements shall be consistent with any nationally developed or required data in order to simplify collection and minimize the burden on applicants.

(b) The Office of Professional Regulation, the Board of Nursing, and other relevant professional boards shall collaborate with the Director of Health Care Reform in the Agency of Administration in the collection of data necessary to allow for workforce strategic planning required under 18 V.S.A. chapter 222. The boards shall develop the data elements in consultation with the Director and with interested stakeholders. The data elements shall be consistent with any nationally developed or required data elements in order to simplify collection and minimize the burden on applicants. Data shall be collected as part of the licensure process to minimize administrative burden on applicants and the State.

* * * Administration * * *

Sec. 45. 8 V.S.A. § 11(a) is amended to read:

(a) General. ~~The department of financial regulation~~ Department of Financial Regulation created by 3 V.S.A. ~~section 212, § 212~~ shall have jurisdiction over and shall supervise:

(1) Financial institutions, credit unions, licensed lenders, mortgage brokers, insurance companies, insurance agents, broker-dealers, investment advisors, and other similar persons subject to the provisions of this title and 9 V.S.A. chapters 59, 61, and 150.

(2) ~~The administration of health care, including oversight of the quality and cost containment of health care provided in this state, by conducting and supervising the process of health facility certificates of need, hospital budget reviews, health care data system development and maintenance, and funding and cost containment of health care as provided in 18 V.S.A. chapter 221.~~

* * * Miscellaneous Provisions * * *

Sec. 46. 33 V.S.A. § 1901(h) is added to read:

(h) To the extent required to avoid federal antitrust violations, the Department of Vermont Health Access shall facilitate and supervise the participation of health care professionals and health care facilities in the planning and implementation of payment reform in the Medicaid and SCHIP programs. The Department shall ensure that the process and implementation include sufficient state supervision over these entities to comply with federal antitrust provisions and shall refer to the Attorney General for appropriate action the activities of any individual or entity that the Department determines, after notice and an opportunity to be heard, violate state or federal antitrust laws without a countervailing benefit of improving patient care, improving

access to health care, increasing efficiency, or reducing costs by modifying payment methods.

Sec. 46a. STUDY OF FEES FOR COPIES OF ELECTRONIC MEDICAL RECORDS

The Green Mountain Care Board shall study the costs and fees associated with providing copies, pursuant to 18 V.S.A. § 9419, of medical records maintained and provided to patients in a paperless format. The Department shall consult with interested stakeholders, including the Vermont Association of Hospitals and Health Systems and the Vermont Association for Justice, and shall review related laws and policies in other states. On or before January 15, 2014 the Board shall report the results of its study to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare.

Sec. 47. 33 V.S.A. § 1901b is amended to read:

§ 1901b. PHARMACY PROGRAM ENROLLMENT

(a) ~~The department of Vermont health access~~ Department of Vermont Health Access and ~~the department for children and families~~ Department for Children and Families shall monitor actual caseloads, revenue, and expenditures; ~~anticipated caseloads, revenue, and expenditures;~~ and actual and anticipated savings from implementation of the preferred drug list, supplemental rebates, and other cost containment activities in each state pharmaceutical assistance program, including VPharm and VermontRx. ~~The departments~~ When applicable, the Departments shall allocate supplemental rebate savings to each program proportionate to expenditures in each program. ~~During the second week of each month, the department of Vermont health access shall report such actual and anticipated caseload, revenue, expenditure, and savings information to the joint fiscal committee and to the health care oversight committee.~~

~~(b)(1) If at any time expenditures for VPharm and VermontRx are anticipated to exceed the aggregate amount of state funds expressly appropriated for such state pharmaceutical assistance programs during any fiscal year, the department of Vermont health access shall recommend to the joint fiscal committee and notify the health care oversight committee of a plan to cease new enrollments in VermontRx for individuals with incomes over 225 percent of the federal poverty level.~~

~~(2) If at any time expenditures for VPharm and VermontRx are anticipated to exceed the aggregate amount of state funds expressly appropriated for such state pharmaceutical assistance programs during any~~

fiscal year, even with the cessation of new enrollments as provided for in subdivision (1) of this subsection, the department of Vermont health access shall recommend to the joint fiscal committee and notify the health care oversight committee of a plan to cease new enrollments in the VermontRx for individuals with incomes more than 175 percent and less than 225 percent of the federal poverty level.

(3) The determinations of the department of Vermont health access under subdivisions (1) and (2) of this subsection shall be based on the information and projections reported monthly under subsection (a) of this section, and on the official revenue estimates under 32 V.S.A. § 305a. An enrollment cessation plan shall be deemed approved unless the joint fiscal committee disapproves the plan after 21 days notice of the recommendation and financial analysis of the department of Vermont health access.

(4) Upon the approval of or failure to disapprove an enrollment cessation plan by the joint fiscal committee, the department of Vermont health access shall cease new enrollment in VermontRx for the individuals with incomes at the appropriate level in accordance with the plan.

(c)(1) If at any time after enrollment ceases under subsection (b) of this section expenditures for VermontRx, including expenditures attributable to renewed enrollment, are anticipated, by reason of increased federal financial participation or any other reason, to be equal to or less than the aggregate amount of state funds expressly appropriated for such state pharmaceutical assistance programs during any fiscal year, the department of Vermont health access shall recommend to the joint fiscal committee and notify the health care oversight committee of a plan to renew enrollment in VermontRx, with priority given to individuals with incomes more than 175 percent and less than 225 percent, if adequate funds are anticipated to be available for each program for the remainder of the fiscal year.

(2) The determination of the department of Vermont health access under subdivision (1) of this subsection shall be based on the information and projections reported monthly under subsection (a) of this section, and on the official revenue estimates under 32 V.S.A. § 305a. An enrollment renewal plan shall be deemed approved unless the joint fiscal committee disapproves the plan after 21 days notice of the recommendation and financial analysis of the department of Vermont health access.

(3) Upon the approval of, or failure to disapprove an enrollment renewal plan by the joint fiscal committee, the department of Vermont health access shall renew enrollment in VermontRx in accordance with the plan.

(d) As used in this section:

(1) ~~“State~~ “state pharmaceutical assistance program” means any health assistance programs administered by the ~~agency of human services~~ Agency of Human Services providing prescription drug coverage, including the Medicaid program, ~~the Vermont health access plan,~~ VPharm, VermontRx, ~~the state children’s health insurance program~~ State Children’s Health Insurance Program, the state State of Vermont AIDS medication assistance program Medication Assistance Program, the General Assistance program, the ~~pharmacy discount plan program~~ Pharmacy Discount Plan Program, and any other health assistance programs administered by the ~~agency~~ Agency providing prescription drug coverage.

(2) ~~“VHAP” or “Vermont health access plan” means the programs of health care assistance authorized by federal waivers under Section 1115 of the Social Security Act, by No. 14 of the Acts of 1995, and by further acts of the General Assembly.~~

(3) ~~“VHAP Pharmacy” or “VHAP Rx” means the VHAP program of state pharmaceutical assistance for elderly and disabled Vermonters with income up to and including 150 percent of the federal poverty level (hereinafter “FPL”).~~

(4) ~~“VScript” means the Section 1115 waiver program of state pharmaceutical assistance for elderly and disabled Vermonters with income over 150 and less than or equal to 175 percent of FPL, and administered under subchapter 4 of chapter 19 of this title.~~

(5) ~~“VScript Expanded” means the state funded program of pharmaceutical assistance for elderly and disabled Vermonters with income over 175 and less than or equal to 225 percent of FPL, and administered under subchapter 4 of chapter 19 of this title.~~

Sec. 48. 2012 Acts and Resolves No. 171, Sec. 2c, is amended to read:

Sec. 2c. EXCHANGE OPTIONS

In approving benefit packages for the Vermont health benefit exchange pursuant to 18 V.S.A. ~~§ 9375(b)(7)~~ § 9375(b)(9), the Green Mountain Care ~~board~~ Board shall approve a full range of cost-sharing structures for each level of actuarial value. To the extent permitted under federal law, the ~~board~~ Board shall also allow health insurers to establish rewards, premium discounts, split benefit designs, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by an

insured to programs of health promotion and disease prevention pursuant to 33 V.S.A. § 1811(f)(2)(B).

Sec. 49. 2012 Acts and Resolves No. 171, Sec. 41(e), is amended to read:

(e) ~~33~~ 18 V.S.A. chapter 13, subchapter 2 (payment reform pilots) is repealed on passage.

Sec. 49a. 16 V.S.A. § 3851 is amended to read:

§ 3851. DEFINITIONS

* * *

(c) “Eligible institution” means any:

* * *

(5) any:

* * *

(D) nonprofit assisted living facility, nonprofit continuing care retirement facility, nonprofit residential care facility or similar nonprofit facility for the continuing care of the elderly or the infirm, provided that such facility is owned by or under common ownership with an otherwise eligible institution, and in the case of facilities to be financed for an eligible institution provided by this subdivision (5) of this subsection, for which the ~~department of financial regulation~~ Green Mountain Care Board, if required, has issued a certificate of need.

* * *

Sec. 49b. 18 V.S.A. § 9351(d) is amended to read:

(d) The health information technology plan shall serve as the framework within which the ~~commissioner of financial regulation~~ Green Mountain Care Board reviews certificate of need applications for information technology under section 9440b of this title. In addition, the ~~commissioner of information and innovation~~ Commissioner of Information and Innovation shall use the health information technology plan as the basis for independent review of state information technology procurements.

Sec. 49c. 33 V.S.A. § 6304(c) is amended to read:

(c) Designations for new home health agencies shall be established pursuant to certificates of need approved by the ~~commissioner of financial regulation~~ Green Mountain Care Board. Thereafter, designations shall be subject to the provisions of this subchapter.

* * * Transfer of Positions * * *

Sec. 50. TRANSFER OF POSITIONS

(a) On or before July 1, 2013, the Department of Financial Regulation shall transfer positions numbered 290071, 290106, and 290074 and associated funding to the Green Mountain Care Board for the administration of the health care database.

(b) On or before July 1, 2013, the Department of Financial Regulation shall transfer position number 297013 and associated funding to the Agency of Administration.

(c) On or after July 1, 2013, the Department of Financial Regulation shall transfer one position and associated funding to the Department of Health for the purpose of administering the hospital community reports in 18 V.S.A. § 9405b. The Department of Financial Regulation shall continue to collect funds for the publication of the reports pursuant to 18 V.S.A. § 9415 and shall transfer the necessary funds annually to the Department of Health.

* * * Emergency Rulemaking * * *

Sec. 51. EMERGENCY RULEMAKING

The Agency of Human Services shall adopt rules pursuant to 3 V.S.A. chapter 25 prior to April 1, 2014 to conform Vermont's rules regarding operation of the Vermont Health Benefit Exchange to federal guidance and regulations implementing the provisions of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152. The Agency shall also adopt rules in order to implement the provisions of 2011 Acts and Resolves No. 48 and 2012 Acts and Resolves No. 171 regarding changes to eligibility, enrollment, renewals, grievances and appeals, public availability of program information, and coordination across health benefit programs, as well as to revise and coordinate existing agency health benefit program rules into a single integrated and updated code. The rules shall be adopted to achieve timely compliance with state and federal laws and guidance and to coordinate and consolidate the Agency's current health benefit program eligibility rules for the effective launch and operation of the Vermont Health Benefit Exchange and shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

* * * Repeals * * *

Sec. 52. REPEALS

(a) 8 V.S.A. § 4080f (Catamount Health) is repealed on January 1, 2014, except that current enrollees may continue to receive transitional coverage from the Department of Vermont Health Access as authorized by the Centers on Medicare and Medicaid Services.

(b) 18 V.S.A. § 708 (health information technology certification process) is repealed on passage.

(c) 33 V.S.A. § chapter 19, subchapter 3a (Catamount Health Assistance) is repealed January 1, 2014, except that current enrollees may continue to receive transitional coverage from the Department of Vermont Health Access as authorized by the Centers for Medicare and Medicaid Services.

(d) 33 V.S.A. § 2074 (VermontRx) is repealed on January 1, 2014.

(e) 18 V.S.A. § 9403 (Division of Health Care Administration) is repealed on July 1, 2013.

(f) 8 V.S.A. § 4089w (Health Care Ombudsman) is repealed on January 1, 2014.

* * * Effective Dates * * *

Sec. 53. EFFECTIVE DATES

(a) Secs. 2 (mental health care services review), 3(d) (8 V.S.A. § 4089i(d)(prescription drug deductibles), 5a (prior authorization), 5b (standardized claims and edits), 33–34a (health information exchange), 35 (hospital energy efficiency), 39 (publication extension for 2013 hospital reports), 40 (VHCURES), 43 and 44 (workforce planning), 46 (DVHA antitrust provision), 48 (Exchange options), 49 (correction to payment reform pilot repeal), 50 (transfer of positions), 51 (emergency rules), and 52 (repeals) of this act and this section shall take effect on passage.

(b) Sec. 1 (interstate employers) and Secs. 28–30 (employer definitions) shall take effect on October 1, 2013 for the purchase of insurance plans effective for coverage beginning January 1, 2014.

(c) Secs. 4 (newborn coverage), 5 (grace period for premium payment), 6–27 (Catamount and VHAP), 35a–35h (Office of the Health Care Advocate), and 47 (pharmacy program enrollment) shall take effect on January 1, 2014.

(d) Secs. 31 (Healthy Vermonters) and 32 (VPharm) shall take effect on January 1, 2014, except that the Department of Vermont Health Access may continue to calculate household income under the rules of the Vermont Health Access Plan after that date if the system for calculating modified adjusted gross income for the Healthy Vermonters and VPharm programs is not operational by that date, but no later than December 31, 2014.

(e) Secs. 5c–5n (rate review) of this act shall take effect on January 1, 2014 and shall apply to all insurers filing rates and forms for major medical insurance plans on and after January 1, 2014, except that the Green Mountain Care Board and the Department of Financial Regulation may amend their rules and take such other actions before that date as are necessary to ensure that the revised rate review process will be operational on January 1, 2014.

(f) Sec. 42a (Exchange impact report) shall take effect on July 1, 2014.

(g) Sec. 3(e)–(g) (8 V.S.A. § 4089i(e)–(g); step therapy) shall take effect on September 1, 2013 and shall apply to all health insurers on and after September 1, 2013 on such date as a health insurer offers, issues, or renews a health insurance policy, but in no event later than September 1, 2014.

(h) All remaining sections of this act shall take effect on July 1, 2013.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Senate Proposal of Amendment to House Proposal of
Amendment Concurred in with a Further Amendment Thereto;
Rules Suspended and Bill Messaged to Senate Forthwith**

S. 152

On motion of **Rep. Turner of Milton**, the rules were suspended and Senatebill, entitled

An act relating to the Green Mountain Care Board's rate review authority

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

The Senate concured with the House proposal of amendment with a further amendment thereto as follows:

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

Sec. 1. 21 V.S.A. § 2002 is amended to read:

§ 2002. DEFINITIONS

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

* * *

(5) “Uncovered employee” means:

(A) an employee of an employer who does not offer to pay any part of the cost of health care coverage for its employees;

(B) an employee who is not eligible for health care coverage offered by an employer to any other employees; or

(C) an employee who is offered and is eligible for coverage by the employer but elects not to accept the coverage and either:

(i) has no other health care coverage under either a private or public plan; or

(ii) has purchased health insurance coverage as an individual through the Vermont Health Benefit Exchange.

* * *

Sec. 2. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

* * *

(b) For any quarter in fiscal years 2007 and 2008, the amount of the ~~health care fund~~ Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the ~~health care fund~~ Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for ~~Catamount Health~~ for that fiscal year; ~~provided, however, that to the extent that Catamount Health premiums decrease due to changes in benefit design or deductible amounts, the health care fund contribution shall not be decreased by the percentage change attributable to such benefit design or deductible changes~~ the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

* * *

(d) Revenues from the ~~health care fund~~ Health Care Fund contributions collected shall be deposited into the state ~~health care resources fund~~ Health Care Resources Fund established under 33 V.S.A. § 1901d.

Sec. 3. 33 V.S.A. § 1811(l) is added to read:

(l)(1) A registered carrier shall include in its rates filed pursuant to 8 V.S.A. § 4062 an administrative charge of one percent of projected premium costs on plans sold in the Exchange to fund the operation of the Exchange. The Green Mountain Care Board shall finalize the amount of the administrative charge and include the amount in the approved rate.

(2)(A) The Department of Vermont Health Access shall retain the amount of the administrative charge from premiums collected through the Exchange and shall deposit the funds collected pursuant to this section in the State Health Care Resources Fund established by section 1901d of this title. Funds collected pursuant to this section shall be used only for purposes related to the operation of the Exchange.

(B) The Department shall, in collaboration with registered carriers, develop a mechanism for collecting any premiums paid by individuals directly to a registered carrier.

(3) The Exchange website shall clearly indicate the amount of the administrative charge included in the premium for each health benefit plan offered through the Exchange.

Sec. 4. EXCHANGE ADMINISTRATIVE CHARGE REPORTING

(a) The Governor's budget submitted to the General Assembly in accordance with 32 V.S.A. § 306 for fiscal year 2016 shall include the estimated budget for the Exchange for that fiscal year and the estimated amount of the administrative charge to be imposed pursuant to 33 V.S.A. § 1811(l) beginning on January 1, 2016, based on premium rates approved by the Green Mountain Care Board.

(b) On or before February 1, 2017, the Department of Vermont Health Access shall report to the House Committees on Health Care and on Ways and Means, the Senate Committees on Health and Welfare and on Finance, and the House and Senate Committees on Appropriations regarding the revenues collected pursuant to 33 V.S.A. § 1811(l), including recommendations for any needed modifications to the amount of the administrative charge.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 (employer assessment definition), 2 (employer assessment fund), and 4 (exchange surcharge reporting) of this act and this section shall take effect on January 1, 2014.

(b) Sec. 3 (exchange surcharge) of this act shall take effect on January 1, 2015 to incorporate into rate review for insurance plans with coverage beginning January 1, 2016.

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

An act relating to health care financing.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of Amendment? **Rep, Ancel of Calais**

moved to concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 3–5 in their entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2014.

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 74

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 521. An act relating to making miscellaneous amendments to education law.

And has concurred therein.

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

S. 4. An act relating to concussions and school athletic activities.

S. 148. An act relating to criminal investigation records and the Vermont Public Records Act.

S. 155. An act relating to creating a strategic workforce development needs assessment and strategic plan.

And has accepted and adopted the same on its part.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 377. An act relating to neighborhood planning and development for municipalities with designated centers.

And has accepted and adopted the same on its part.

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

J.R.H. 12. Joint resolution expressing concern regarding the public policy implications of the proposed Trans-Pacific Partnership Agreement.

And has adopted the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 41. An act relating to water and sewer service.

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

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Ayer
Senator French
Senator Benning.

Rules Suspended; Report of Committee of Conference Adopted

H. 377

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to neighborhood planning and development for municipalities with designated centers

Was taken up for immediate consideration.

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the Senate accede to the House's first proposal of amendment to the Senate's proposal of amendment, that the bill be further amended in Sec. 8, 24 V.S.A. § 2793e, in subsection (h), in the third sentence, after the word "prior", by inserting written and that the House recede from its second proposal of amendment to the Senate's proposal of amendment

COMMITTEE ON THE PART OF
THE SENATE

SEN. KEVIN J. MULLIN
SEN. ANN E. CUMMINGS
SEN. DONALD COLLINS

COMMITTEE ON THE PART OF THE
THE HOUSE

REP. WILLAM G.F. BOTZOW
REP. EILEEN DICKINSON
REP. DAVID D. SHARPE

Which was considered and adopted on the part of the House.

Rules Suspended; Report of Committee of Conference Adopted

S. 150

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

Was taken up for immediate consideration.

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the House accede to the Senate's first and third further proposals of amendment, that the Senate recede from its second further proposal of amendment, and that the House proposal of amendment be further amended as follows:

First: In Sec. 28, 23 V.S.A. § 1110, by striking subdivisions (a)(2)(H) and (a)(2)(I) in their entirety and inserting in lieu thereof the following:

(H) a motor vehicle idles as necessary for maintenance, service, repair, or diagnostic purposes or as part of a state or federal inspection;

(I) a school bus idles on school grounds in compliance with rules adopted pursuant to the provisions of subsection 1282(f) of this title;

(J) the idling of vehicles at the place of business of a registered motor vehicle dealer is necessary to maintain the premises of the place of business; or

(K) a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less idles on a driveway or parking area on private property.

Second: By inserting internal captions and four new sections after Sec. 31 to read:

* * * Waiver of Points * * *

Sec. 31a. 23 V.S.A. § 2501 is amended to read:

§ 2501. MOTOR VEHICLE POINT SYSTEM

(a) For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating a provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a superior judge or Judicial Bureau hearing officer has waived the assessment of points in the interest of justice and in accordance with subsection (b) of this section. The conviction report from the court shall be prima facie evidence of the points assessed unless points are specifically waived in the conviction report. ~~The department is~~ Department also ~~is~~ authorized to suspend the license of a driver when the driver's driving record identifies the driver as an habitual offender under section 673a of this title.

(b) A superior judge or Judicial Bureau hearing officer may waive the assessment of points against a person's driving record for a moving violation if the waiver of points is in the interests of justice, and if all of the following conditions are satisfied:

(1) the person has not had points assessed against his or her driving record within five years of the date of the moving violation;

(2) the person has had no more than three points assessed against his or her driving record within 10 years of the date of the moving violation;

(3) the moving violation is an offense for which no more than three points is specified under section 2502 of this title;

(4) the person was not operating a commercial motor vehicle as defined at section 4103 of this title at the time of the moving violation; and

(5) the moving violation did not result in bodily injury to another person or damage to property of another person.

Sec. 31b. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) ~~Any~~ Unless the assessment of points is waived by a superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the

following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

* * *

* * * Transportation Infrastructure Bond Assessment * * *

Sec. 31c. 23 V.S.A. § 3106(a)(2) is amended to read:

(2) For the purposes of subdivision (1)(B) of this subsection, the tax-adjusted retail price applicable for a quarter shall be the average of the ~~monthly~~ retail ~~prices~~ price for regular gasoline determined and published by the Department of Public Service for each of the three months of the preceding quarter. ~~The tax-adjusted retail price applicable for a quarter shall be the retail price exclusive of all~~ after all federal and state taxes and assessments, and the petroleum distributor licensing fee established by 10 V.S.A. § 1942, ~~at the rates applicable in the preceding quarter~~ each month have been subtracted from that month's retail price.

Sec. 31d. 2013 Acts and Resolves No. 12, Sec. 24 is amended to read:

Sec. 24. ~~MOTOR FUEL ASSESSMENTS~~ TAX ASSESSMENT:
MAY 1, 2013–SEPTEMBER 30, 2013

Notwithstanding the provisions of 23 V.S.A. § ~~3106(a)(1)(B)~~ 3106(a)(1)(B)(ii) and 3106(a)(2), from May 1, 2013 through September 30, 2013, the ~~motor fuel transportation infrastructure assessment required under 23 V.S.A. § 3106(a)(1)(B)(i)~~ shall be \$0.0656 per gallon, and the fuel tax assessment required under 23 V.S.A. § 3106(a)(1)(B)(ii) shall be \$0.067 per gallon.

Third: In Sec. 32, by striking subsection (a) in its entirety and inserting in lieu thereof:

(a) This section and Secs. 22, 31c, and 31d of this act shall take effect on passage.

Fourth: In Sec. 32, by striking subsection (d) in its entirety and inserting in lieu thereof:

(d) Sec. 28 of this act shall take effect on May 1, 2014.

(e) All other sections of this act shall take effect on July 1, 2013.

COMMITTEE ON THE PART OF
THE SENATE

SEN. RICHARD T. MAZZA
SEN. MARGARET K. FLORY
SEN. JOHN F. CAMPBELL

COMMITTEE ON THE PART OF
THE HOUSE

REP. PATRICK M. BRENNAN
REP. DAVID E. POTTER
REP. THOMAS F. KOCH

Which was considered and adopted on the part of the House.

Committee of Conference Appointed

S. 41

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to water and sewer service

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Hubert of Milton

Rep. Martin of Wolcott

Rep. Mook of Bennington

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bill was ordered messaged to the Senate forthwith:

S. 150

Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 107

House bill, entitled

An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board

H. 377

House bill, entitled

An act relating to neighborhood planning and development for municipalities with designated centers

House Resolution Adopted**H.R. 12**

House resolution, entitled

House resolution requesting Congress to restore fiscal year 2013 Head Start funding and to not reduce funding further in fiscal year 2014

Offered by: Representatives Sharpe of Bristol, Campion of Bennington, Christie of Hartford, Donovan of Burlington, Miller of Shaftsbury, Peltz of Woodbury, and Stuart of Brattleboro

Whereas, Head Start is a federal program established in 1965 as part of President Lyndon B. Johnson's War on Poverty, and this program promotes the school readiness of children from birth to five years of age from low-income families by enhancing their cognitive, social, and emotional development, and

Whereas, Head Start provides comprehensive services to enrolled children and their families, including health, nutrition, and social services, and

Whereas, since 1965, nationally, nearly 30 million children and their families have been the recipients of comprehensive Head Start services, and

Whereas, in Vermont, Northeast Kingdom Community Action, Inc.; Champlain Valley Office of Economic Opportunity; Central Vermont Community Action Agency; United Children's Services of Bennington County, Inc.; Southeastern Vermont Community Action, Inc.; Brattleboro Town School District; and Rutland Community Programs, Inc. receive grants to administer Head Start programs, and

Whereas, the implementation as of March 1, 2013 of the federal budgetary reductions, in accordance with Section 302 of Pub.L. No. 112-25, known as the federal sequestration process, has affected nearly all federal programs, including Head Start, and

Whereas, prior to the implementation of federal sequestration, Vermont's Head Start recipient organizations were scheduled to receive a total of \$15,084,203.00 in federal fiscal year 2013, and the sequestration resulted in a reduction of \$794,937.00, and

Whereas, the Agency of Human Services is anticipating a potential additional sequestration-required reduction of 7.3 percent in Vermont's Head Start funding in federal fiscal year 2014, and

Whereas, these sequestration reductions are limiting the funds available for an extremely important program that has long-term benefits for the children enrolled in Head Start, their families, and society at large, now therefore be it

Resolved by the House of Representatives:

That this legislative body requests that Congress restore the federal funding for Head Start to its original federal fiscal year 2013 level, and that no further reductions be made to the Head Start budget for federal fiscal year 2014, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Barack Obama, House Speaker John Boehner, House Majority Leader Eric Cantor, House Minority Leader Nancy Pelosi, Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, and the Vermont Congressional Delegation.

Which was read and adopted.

Recess

At five o'clock and thirty minutes in the afternoon, the Speaker declared a recess until six o'clock and fifteen minutes in the evening.

At six o'clock and forty-five minutes in the evening, the Speaker called the House to order.

Message from the Senate No. 75

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 524. An act relating to making technical amendments to education laws.

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 House proposal of amendment to Senate proposal of amendment to House proposal of amendment on Senate bill of the following title:

S. 152. An act relating to the Green Mountain Care Board's rate review authority.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

S. 150. An act relating to miscellaneous amendments to laws related to motor vehicles.

And has accepted and adopted the same on its part.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 240. An act relating to Executive Branch fees.

And has accepted and adopted the same on its part.

**Rules Suspended; Senate Proposal of Amendment Concurred in with a
Further Amendment Thereto; Rules Suspended
and Bill Messaged to Senate Forthwith**

H. 523

On motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to jury questionnaires, the filing of foreign child custody determinations, court fees, and judicial record keeping

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

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 955 is amended to read:

§ 955. QUESTIONNAIRE

The clerk shall send a jury questionnaire prepared by the ~~court administrator~~ Court Administrator to each person selected. When returned, it shall be retained in the ~~superior court clerk's office~~ Office of the Superior Court Clerk. ~~The questionnaire shall at all times during business hours be open to inspection by the court and attorneys of record of the state of Vermont.~~ Pursuant to section 952 of this title, the Court Administrator shall promulgate rules governing the inspection and availability of the juror questionnaires and the information contained in them.

Sec. 2. 15 V.S.A. § 1085 is amended to read:

§ 1085. REGISTRATION OF CHILD CUSTODY DETERMINATION

* * *

(b) On receipt of the documents required by subsection (a) of this section, the ~~court administrator~~ Family Division shall:

(1) ~~cause the determination to be filed~~ send the certified copy of the determination to the Court Administrator who shall file it as a foreign judgment, ~~together with one copy of any accompanying documents and information, regardless of their form; and~~

* * *

Sec. 3. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(2) Prior to the entry of any divorce or annulment proceeding in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order ~~acceptable to the court~~, the fee shall be \$75.00 if one or both of the parties are residents, and \$150.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 ~~of Title 15~~ in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if,~~ if, If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the ~~court~~ Court, the fee shall be \$25.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce ~~an~~ a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the

~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify ~~an~~ a final order for parental rights and responsibilities, parent-child contact, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, the fee shall be \$25.00. ~~All motions or petitions filed by one party at one time shall be assessed one fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.~~

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$35.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if.~~ If the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, there shall be no fee ~~except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.~~ A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the Clerk of the Court for the benefit of the State a fee of \$75.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be \$30.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the supreme court or the superior court, there shall be paid to the clerk of the court for the benefit of the state a fee of \$100.00 for every appeal, cross-claim, or third-party claim and a fee of \$75.00 for every counterclaim in the superior court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the superior court shall be \$100.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be \$75.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the ~~superior court~~ Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the criminal division pursuant to 13 V.S.A. § 7602, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 except for small claims actions.

* * *

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the ~~court~~ Court finds that the applicant is unable to pay it. The ~~clerk of the court~~ Clerk of the Court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the ~~supreme court~~ Supreme Court. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

Sec. 4. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

* * *

(b) ~~For economic cause, the probate judge may waive this fee.~~ Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it. The Court shall use procedures established in subsection 1431(h) of this title to determine the fee.

No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

* * *

Sec. 5. 4 V.S.A. § 657 is amended to read:

§ 657. TRANSCRIBING DAMAGED RECORDS

When records in the ~~court clerk's office~~ Office of the Superior Court Clerk become faded, defaced, torn, or otherwise injured, so as to endanger the permanent legibility or proper preservation of the same, ~~by an order in writing recorded in the court clerk's office, the court administrator shall~~ the Court Administrator may direct the court clerk Court Clerk to provide suitable books and transcribe such records therein. At the end of a transcript of record so made, the ~~clerk~~ Clerk shall certify under official signature and the seal of the ~~court~~ Court that the same is a true transcript of the original record. Such transcript or a duly certified copy thereof shall be entitled to the same faith and credit and have the same force as the original record. The expense of making such transcript shall be paid by the ~~state~~ State.

Sec. 6. 4 V.S.A. § 659 is amended to read:

§ 659. PRESERVATION OF COURT RECORDS

(a) The ~~supreme court~~ Supreme Court by administrative order may provide for permanent preservation of all court records by any photographic or electronic or comparable process ~~which will provide compact records in reduced size, in accordance with standards established by the secretary of state which~~ that shall be no less protective of the records than the standards established by the state archives and records administration programs that take into account the quality and security of the records, and ready access to the record of any cause so recorded.

(b) After preservation in accordance with subsection (a) of this section, the ~~supreme court~~ Supreme Court by administrative order may provide for the disposition of original court records by destruction or in cases where the original court record may have historical or intrinsic value by transfer to the archives of the ~~secretary of state, the Vermont historical society, or the University of Vermont~~ Secretary of State.

Sec. 7. 4 V.S.A. § 732 is amended to read:

§ 732. ~~LOST WRIT OR COMPLAINT FILING OF NEW PAPERS~~
DOCUMENT OR RECORD

~~When the writ or complaint~~ a court document, record, or file in an action pending in court is lost, mislaid, or destroyed, the court, ~~on written motion for that purpose,~~ may order a ~~writ or a complaint for the same cause of action~~ duplicate document, record, or file to be filed under such regulations conditions as the court prescribes, ~~and the same proceedings shall be had thereon as though it were the original writ or complaint. If the plaintiff refuses to file such writ or complaint, the court shall direct a nonsuit in the action, and tax costs for the defendant.~~ A duplicate document or record shall have the same validity and may be used in evidence in the same manner as the original document, record, or file.

Sec. 8. 4 V.S.A. § 740 is amended to read:

§ 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

~~The supreme court~~ Supreme Court by administrative order or directive shall provide for the preparation, maintenance, recording, indexing, docketing, preservation, and storage of all court records and the provision, subject to confidentiality requirements of law or court rules, of certified copies of those records to persons requesting them.

Sec. 9. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The court shall not permit public access via the Internet to criminal or family case records. The court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

(b) This section shall not be construed to prohibit the court from providing electronic access to:

(1) court schedules of the superior court, or opinions of the criminal division of the superior court; ~~or~~

(2) state agencies in accordance with data dissemination contracts entered into under Rule 6 of the Vermont Rules of Electronic Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 10. 4 V.S.A. § 908 is amended to read:

§ 908. ATTORNEYS' ADMISSION, LICENSING, AND PROFESSIONAL RESPONSIBILITY SPECIAL FUND

There is established the attorneys' admission, licensing, and professional responsibility special fund which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected for licensing of attorneys, administration of the bar examination, admitting attorneys to practice in Vermont, and administration of mandatory continuing legal education shall be deposited and credited to this fund. This fund shall be available to the ~~judicial branch~~ Judicial Branch to offset the cost of operating the ~~professional responsibility board~~ Professional Responsibility Board, the ~~board of bar examiners~~ Board of Bar Examiners, the ~~judicial conduct board~~ Judicial Conduct Board, the ~~committee on character and fitness~~ Committee on Character and Fitness, the mandatory continuing legal education program for attorneys and, at the discretion of the ~~supreme court~~ Supreme Court, to make grants for access to justice programs or to the Vermont bar foundation ~~Bar Foundation~~ to be used to support legal services for the disadvantaged.

Sec. 11. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a)(1) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime, the history and character of the defendant, the need for treatment, and the risk to self, others, and the community at large presented by the defendant:

(1)(A) ~~A~~ A deferred sentence pursuant to section 7041 of this title;

(2)(B) ~~Referral~~ referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board;

(3)(C) ~~Probation~~ probation pursuant to 28 V.S.A. § 205;

(4)(D) ~~Supervised~~ supervised community sentence pursuant to 28 V.S.A. § 352; or

~~(5)(E) Sentence sentence~~ of imprisonment.

(2)(A) In determining a sentence upon conviction for a nonviolent misdemeanor or a nonviolent felony, in addition to the factors identified in subdivision (1) of this subsection, the court shall consider the approximate financial cost of available sentences.

(B) The Department of Corrections shall develop and maintain a database on the approximate costs of sentences, including incarceration, probation, deferred sentence, supervised community sentence, participation in the Restorative Justice Program, and any other possible sentence. The database information shall be made available to the courts for the purposes of this subdivision (2).

(b) When ordering a sentence of probation, the court may require participation in the ~~restorative justice program~~ Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.

Sec. 12. 13 V.S.A. § 15 is added to read:

§ 15. NONVIOLENT MISDEMEANOR AND NONVIOLENT FELONY
DEFINED

As used in this title:

(1) "Nonviolent felony" means a felony offense which is not a listed crime as defined in section 5301 of this title or an offense listed in chapter 64 of this title (sexual exploitation of children).

(2) "Nonviolent misdemeanor" means a misdemeanor offense which is not a listed crime as defined in section 5301 of this title or an offense listed in chapter 64 of this title (sexual exploitation of children) or section 1030 of this title (violation of a protection order).

Sec. 13. 13 V.S.A. § 353 is amended to read:

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

* * *

(4)(A) Except as provided in subdivision (B) of this subdivision (4), a person found in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(B) ~~A In lieu of a criminal citation or arrest, a law enforcement officer shall~~ may issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the state's attorney may withdraw the complaint filed with the ~~judicial bureau~~ Judicial Bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the ~~criminal division of the superior court~~ Criminal Division of the Superior Court.

(C) Nothing in this subdivision shall be construed to require that a civil citation be issued prior to a criminal charge of violating subdivision 352(3), (4), or (9) of this title.

* * *

Sec. 14. 13 V.S.A. § 354 is amended to read:

§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
SEARCHES AND SEIZURES; FORFEITURE

* * *

(a) ~~The secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock and poultry.

(b) Any humane officer as defined in section 351 of this title may enforce this chapter. As part of an enforcement action, a humane officer may seize an animal being cruelly treated in violation of this chapter.

(1) Voluntary surrender. A humane officer may accept animals voluntarily surrendered by the owner anytime during the cruelty investigation. The humane officer shall have a surrendered animal examined and assessed within 72 hours by a veterinarian licensed to practice in the ~~state~~ State of Vermont.

(2) Search and seizure using a search warrant. A humane officer having probable cause to believe an animal is being subjected to cruel treatment in violation of this subchapter may apply for a search warrant pursuant to the Rules of Criminal Procedure to authorize the officer to enter the premises where the animal is kept and seize the animal. The application and affidavit for the search warrant shall be reviewed and authorized by an attorney for the ~~state~~ State when sought by an officer other than an enforcement officer defined

in 23 V.S.A. § 4(11). A veterinarian licensed to practice in Vermont must accompany the humane officer during the execution of the search warrant.

(3) Seizure without a search warrant. If the humane officer witnesses a situation in which the humane officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The humane officer shall immediately take an animal seized under this subdivision to a licensed veterinarian for medical attention to stabilize the animal's condition and to assess the health of the animal.

(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.

(d) If an animal is seized under this section, the ~~state may~~ State shall institute a civil proceeding for forfeiture of the animal in the territorial unit of the ~~criminal division of the superior court~~ Criminal Division of the Superior Court where the offense is alleged to have occurred. The proceeding shall be instituted by a motion for forfeiture, which shall be filed with the ~~court~~ Court and served upon the animal's owner.

(e) ~~The court shall set a hearing to be held within 21 days after institution of a forfeiture proceeding under this section~~ A preliminary hearing shall be held within 21 days of institution of the civil forfeiture proceeding. If the defendant requests a hearing on the merits, the Court shall schedule a final hearing on the merits to be held within 21 days of the date of the preliminary hearing. In no event shall a final hearing occur more than 42 days after the date of the commencement of the civil forfeiture proceeding. Time limits under this subsection shall not be construed as jurisdictional.

(f)(1) At the hearing on the motion for forfeiture, the ~~state~~ State shall have the burden of establishing by ~~clear and convincing evidence~~ a preponderance

of the evidence that the animal was subjected to cruelty, neglect, or abandonment in violation of section 352 or 352a of this title. ~~The court~~ Court shall make findings of fact and conclusions of law and shall issue a final order. ~~If the state meets its burden of proof, the motion shall be granted and the court shall order the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title~~ If the Court finds for the petitioner by a preponderance of the evidence, the Court shall order immediate forfeiture of the animal to the petitioner.

(2) No testimony or other information presented by the defendant in connection with a forfeiture proceeding under this section or any information directly or indirectly derived from such testimony or other information may be used for any purpose, including impeachment and cross-examination, against the defendant in any criminal case, except a prosecution for perjury or giving a false statement.

(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses.

(2)(A) If the defendant is acquitted of criminal charges under this chapter and a civil forfeiture proceeding under this section is not pending, an animal that has been taken into custodial care shall be returned to the defendant unless the ~~state~~ State institutes a civil forfeiture proceeding under this section within seven days of the acquittal.

(B) If the ~~court~~ Court rules in favor of the owner in a civil forfeiture proceeding under this section and criminal charges against the owner under this chapter are not pending, an animal that has been taken into custodial care shall be returned to the owner unless the ~~state~~ State files criminal charges under this section within seven days after the entry of final judgment.

(C) If an animal is returned to a defendant or owner under this subdivision, the defendant or owner shall not be responsible for the costs of caring for the animal.

(h) An order of the ~~criminal division of the superior court~~ Criminal Division of the Superior Court under this section may be appealed as a matter of right to the ~~supreme court~~ Supreme Court. The order shall not be stayed pending appeal.

(i) The provisions of this section are in addition to and not in lieu of the provisions of section 353 of this title.

(j) It is unlawful for a person to interfere with a humane officer or the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets engaged in official duties under this chapter. A person who violates this subsection shall be prosecuted under section 3001 of this title.

Sec. 15. INCIDENT REPORTS OF ANIMAL CRUELTY

(a) The Commissioner of Public Safety, in consultation with the Vermont Center for Justice Research, shall collect data on:

(1) the number and nature of complaints or incident reports to law enforcement based on a suspected violation of 13 V.S.A. chapter 8 (humane and proper treatment of animals); and

(2) how such complaints or incidents are generally addressed, such as referral to others, investigation, civil penalties, or criminal charges.

(b) Based upon examination of the data requested in subsection (a) of this section, the Commissioner shall make recommendations to the Senate and House Committees on Judiciary on or before November 15, 2013 for improving the statewide response to complaints of animal cruelty.

Sec. 16. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

(a) Unless otherwise specified by law, when in session, a ~~superior court~~ Superior Court shall consist of:

(1) For cases in the ~~civil~~ Civil or ~~family division~~ Family Division, one presiding superior judge and two assistant judges, if available.

(2)(A) For cases in the ~~family division~~ Family Division, except as provided in subdivision (B) of this subdivision (2), one presiding ~~superior judge~~ judicial officer and two assistant judges, if available.

(B) The ~~family court~~ Family Division shall consist of one presiding ~~superior judge~~ judicial officer sitting alone in the following proceedings:

(i) All juvenile proceedings filed pursuant to 33 V.S.A. chapters 51, 52, and 53 ~~of Title 33~~, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281, whether the matter originated in the criminal or family division of the superior court.

(ii) All guardianship services proceedings filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18~~.

(iii) All mental health proceedings filed pursuant to 18 V.S.A. chapters 179, 181, and 185 ~~of Title 18~~.

(iv) All involuntary sterilization proceedings filed pursuant to 18 V.S.A. chapter 204 of Title 18.

(v) All care for persons with developmental disabilities proceedings filed pursuant to 18 V.S.A. chapter 206 of Title 18.

(vi) All proceedings specifically within the jurisdiction of the office of magistrate except child support contempt proceedings pursuant to subdivision 461(a)(1) of this title.

(C) Use of the term “judicial officer” in subdivisions (A) and (B) of this subsection shall not be construed to expand a judicial officer’s subject matter jurisdiction or conflict with the authority of the Chief Justice or Administrative Judge to make special assignments pursuant to section 22 of this title.

* * *

Sec. 17. 23 V.S.A. § 1607 is added to read:

§ 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

(a) Definitions. As used in this section:

(1) “Active data” is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system shall be considered collected for a legitimate law enforcement purpose.

(2) “Automated license plate recognition system” (ALPR) means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

(3) “Historical data” means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system shall be considered collected for a legitimate law enforcement purpose. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(4) “Law enforcement officer” means a state police officer, municipal police officer, motor vehicle inspector, capitol police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Training Council as

having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person under 20 V.S.A. § 2358.

(5) "Legitimate law enforcement purpose" applies to access to active or historical data and means crime investigation, detection, and analysis or operation of AMBER alerts or missing or endangered person searches.

(6) "Vermont Information and Analysis Center Analyst" means any sworn or civilian employee who through his or her employment with the Vermont Information and Analysis Center (VTIAC) has access to secure databases that support law enforcement investigations.

(b) Operation. A Vermont law enforcement officer shall be certified in ALPR operation by the Vermont Criminal Justice Training Council in order to operate an ALPR system.

(c) Confidentiality and access to ALPR data.

(1)(A) Active ALPR data may only be accessed by a law enforcement officer operating the ALPR system who has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(B) Deployment of ALPR equipment is intended to provide access to stolen and wanted files and to further legitimate law enforcement purposes. Use of ALPR systems and access to active data are restricted to these purposes.

(C)(i) Requests to review active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's Originating Agency Identifier (ORI) number. The request shall describe the legitimate law enforcement purpose. The written request and the outcome of the request shall be transmitted to VTIAC and retained for not less than three years.

(ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.

(2) Requests for historical data, whether from Vermont or out-of-state law enforcement officers, shall be made in writing to an analyst at VTIAC. The request shall include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's ORI

number. The request shall describe the legitimate law enforcement purpose. VTiac shall retain all requests as well as the outcome of the request and shall record in writing any information that was provided to the requester or why the request was denied or not fulfilled. ALPR requests shall be retained by VTiac for not less than three years.

(d) Retention.

(1) Any ALPR information gathered by a Vermont law enforcement agency shall be sent to the Department of Public Safety to be retained pursuant to the requirements of subdivision (2) of this subsection. The Department of Public Safety shall maintain the ALPR storage system for Vermont law enforcement agencies.

(2) Except as provided in section 1608 of this title, information gathered through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permitted 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or back-ups made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under section 1608 of this title, or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

(e) Oversight; rulemaking.

(1) The Department of Public Safety shall establish a review process to ensure that information obtained through the use of ALPR systems is used only for the purposes permitted by this section. The Department shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:

(A) the total number of ALPR units being operated in the State and the number of units submitting data to the statewide ALPR database;

(B) the total number of ALPR reads each agency submitted to the statewide ALPR database;

(C) the 18-month accumulative number of ALPR reads being housed on the statewide ALPR database;

(D) the total number of requests made to VTiac for ALPR data;

(E) the total number of requests that resulted in the release of information from the statewide ALPR database;

(F) the total number of out-of-state requests; and

(G) the total number of out-of-state requests that resulted in the release of information from the statewide ALPR database.

(2) The Department of Public Safety may adopt rules to implement this section.

Sec. 18. 23 V.S.A. § 1608 is added to read:

§ 1608. PRESERVATION OF DATA

(a) Preservation request.

(1) A law enforcement agency or the Department of Motor Vehicles may apply to the Criminal Division of the Superior Court for an extension of up to 90 days of the 18-month retention period established under subdivision 1607(d)(2) of this title if the agency or Department offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data are relevant and material to an ongoing criminal or missing persons investigation, or to a pending proceeding in the Judicial Bureau. Requests for additional 90-day extensions or for longer periods may be made to the Superior Court subject to the same standards applicable to an initial extension request under this subdivision.

(2) A governmental entity making a preservation request under this section shall submit an affidavit stating:

(A) the particular camera or cameras for which captured plate data must be preserved, or the particular license plate for which captured plate data must be preserved; and

(B) the date or dates and time frames for which captured plate data must be preserved.

(b) Captured plate data shall be destroyed on the schedule specified in section 1607 of this title if the preservation request is denied, or 14 days after the denial of the application for disclosure, whichever is later.

Sec. 19. 12 V.S.A. § 5784 is added to read:

§ 5784. VOLUNTEER ATHLETIC OFFICIALS

(a) A person providing services or assistance without compensation, except for reimbursement of expenses, in connection with the person's duties as an athletic coach, manager, or official for a sports team that is organized as a

nonprofit corporation, or which is a member team in a league organized by or affiliated with a county or municipal recreation department, shall not be held personally liable for damages to a player, participant, or spectator incurred as a result of the services or assistance provided. This section shall apply to acts and omissions made during sports competitions, practices, and instruction.

(b) This section shall not protect a person from liability for damages resulting from reckless or intentional conduct, or the negligent operation of a motor vehicle.

(c) Nothing in this section shall be construed to affect the liability of any nonprofit or governmental entity with respect to harm caused to any person.

(d) Any sports team organized as described in subsection (a) of this section shall be liable for the acts and omissions of its volunteer athletic coaches, managers, and officials to the same extent as an employer is liable for the acts and omissions of its employees.

Sec. 20. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the ~~state~~ State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one accident. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

(b) A person who violates this section shall be assessed a civil penalty of ~~not less than \$250.00 and~~ not more than \$500.00, and such violation shall be a traffic violation within the meaning of chapter 24 of this title.

* * * Motor Vehicle Moving Violation * * *

Sec. 20a. 23 V.S.A. § 1002 is added to read:

§ 1002. MOTOR VEHICLE MOVING VIOLATION; NO POINTS

A person who commits a moving violation under another provision of this title for which no term of imprisonment is provided by law, and for which a penalty of not more than \$1,000.00 is provided, commits a traffic violation and may be issued a complaint for a violation of this section in lieu of a complaint for a violation of the predicate moving violation provision. A person convicted of a violation of this section shall not be assessed points against his or her driving record under chapter 25 of this title, but shall be subject to the penalties prescribed in the provision of this title that specifies the predicate moving violation.

Sec. 20b. 23 V.S.A. § 2501 is amended to read:

§ 2501. MOTOR VEHICLE POINT SYSTEM

For the purpose of identifying habitually reckless or negligent drivers and frequent violators of traffic regulations governing the movement of vehicles, a uniform system is established assigning demerit points for convictions of violations of this title or of ordinances adopted by local authorities regulating the operation of motor vehicles. Notice of each assessment of points may be given. No points shall be assessed for violating section 1002 of this title or a provision of a statute or municipal ordinance regulating standing, parking, equipment, size, or weight, or if a superior judge or Judicial Bureau hearing officer has waived the assessment of points in the interest of justice. The conviction report from the court shall be prima facie evidence of the points assessed unless points are specifically waived in the conviction report. The ~~department is~~ Department also is authorized to suspend the license of a driver when the driver's driving record identifies the driver as an habitual offender under section 673a of this title.

Sec. 20c. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) ~~Any~~ Unless the assessment of points is waived by a superior judge or a Judicial Bureau hearing officer in the interests of justice, or unless a person is convicted of violating section 1002 of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

* * *

Sec. 21. [Deleted]

Sec. 22. REPEAL

4 V.S.A. §§ 652 (records of judgments and other proceedings; dockets; certified copies), 655 (court accounts), 656 (index of records), 658 (Supreme Court records), 695 (accounts of court officer and reporter), 734 (copy of lost petition), 735 (record of proceedings), 736 (lost records or judgment files; recording of copy), 737 (appeal or exception), and 738 (costs for recording); 2009 Acts and Resolves No. 4, Sec. 121 (transitional provisions for merger of Bennington and Manchester probate courts); and 2009 Acts and Resolves No. 4, Sec. 125 (transitional provisions of the consolidated probate court system) are repealed.

Sec. 23. EFFECTIVE DATES

(a) This section and Secs. 2 (registration of child custody determination) and 16 (limitations of prosecutions for certain crimes) of this act shall take effect on passage.

(b) Secs. 11 (sentencing alternatives) and 12 (definition of nonviolent misdemeanor and nonviolent felony) of this act shall take effect on March 1, 2014.

(c) The rest of this act shall take effect on July 1, 2013.

And that after passage the title of the bill be amended to read: “An act relating to court administration and procedure”

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Lippert of Hinesburg** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

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

Sec. 1. 4 V.S.A. § 955 is amended to read:

§ 955. QUESTIONNAIRE

The clerk shall send a jury questionnaire prepared by the court administrator Court Administrator to each person selected. When returned, it shall be retained in the superior court clerk's office Office of the Superior Court Clerk. The questionnaire shall at all times during business hours be open to inspection by the court and attorneys of record of the state of Vermont. Pursuant to section 952 of this title, the Court Administrator shall promulgate rules governing the inspection and availability of the juror questionnaires and the information contained in them.

Sec. 2. 15 V.S.A. § 1085 is amended to read:

§ 1085. REGISTRATION OF CHILD CUSTODY DETERMINATION

* * *

(b) On receipt of the documents required by subsection (a) of this section, the ~~court administrator~~ Family Division shall:

(1) ~~cause the determination to be filed~~ send the certified copy of the determination to the Court Administrator who shall file it as a foreign judgment, ~~together with one copy of any accompanying documents and information, regardless of their form; and~~

* * *

Sec. 3. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(2) Prior to the entry of any divorce or annulment proceeding in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order ~~acceptable to the court~~, the fee shall be \$75.00 if one or both of the parties are residents, and \$150.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 of Title 15 in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if,~~ if the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the ~~court~~ Court, the fee shall be \$25.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce ~~an~~ a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the

~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify ~~an~~ a final order for parental rights and responsibilities, parent-child contact, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, the fee shall be \$25.00. ~~All motions or petitions filed by one party at one time shall be assessed one fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.~~

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$35.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if.~~ If the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, there shall be no fee ~~except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.~~ A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the Clerk of the Court for the benefit of the State a fee of \$75.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be \$30.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the ~~supreme court~~ Supreme Court or the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 for every appeal, cross-claim, or third-party claim and a fee of \$75.00 for every counterclaim in the ~~superior court~~ Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the ~~superior court~~ Superior Court shall be \$100.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be \$75.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the ~~superior court~~ Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the criminal division pursuant to 13 V.S.A. § 7602, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 except for small claims actions.

* * *

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the ~~court~~ Court finds that the applicant is unable to pay it. The ~~clerk of the court~~ Clerk of the Court or the ~~clerk's~~ Clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the ~~supreme court~~ Supreme Court. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

Sec. 4. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

* * *

(b) ~~For economic cause, the probate judge may waive this fee.~~ Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it. The Court shall use

procedures established in subsection 1431(h) of this title to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

* * *

Sec. 5. 4 V.S.A. § 657 is amended to read:

§ 657. TRANSCRIBING DAMAGED RECORDS

When records in the ~~court clerk's office~~ Office of the Superior Court Clerk become faded, defaced, torn, or otherwise injured, so as to endanger the permanent legibility or proper preservation of the same, ~~by an order in writing recorded in the court clerk's office, the court administrator shall~~ the Court Administrator may direct the ~~court clerk~~ Court Clerk to provide suitable books and transcribe such records therein. At the end of a transcript of record so made, the ~~clerk~~ Clerk shall certify under official signature and the seal of the ~~court~~ Court that the same is a true transcript of the original record. Such transcript or a duly certified copy thereof shall be entitled to the same faith and credit and have the same force as the original record. The expense of making such transcript shall be paid by the ~~state~~ State.

Sec. 6. 4 V.S.A. § 659 is amended to read:

§ 659. PRESERVATION OF COURT RECORDS

(a) The ~~supreme court~~ Supreme Court by administrative order may provide for permanent preservation of all court records by any photographic or electronic or comparable process ~~which will provide compact records in reduced size,~~ in accordance with standards ~~established by the secretary of state which that shall be no less protective of the records than the standards established by the state archives and records administration programs that take into account the quality and security of the records, and ready access to the record of any cause so recorded.~~

(b) After preservation in accordance with subsection (a) of this section, the ~~supreme court~~ Supreme Court by administrative order may provide for the disposition of original court records by destruction or in cases where the original court record may have historical or intrinsic value by transfer to the archives of the ~~secretary of state, the Vermont historical society, or the University of Vermont~~ Secretary of State.

Sec. 7. 4 V.S.A. § 732 is amended to read:

§ 732. ~~LOST WRIT OR COMPLAINT FILING OF NEW PAPERS~~
DOCUMENT OR RECORD

~~When the writ or complaint~~ a court document, record, or file in an action pending in court is lost, mislaid, or destroyed, the court, ~~on written motion for that purpose,~~ may order a ~~writ or a complaint for the same cause of action~~ duplicate document, record, or file to be filed under such regulations conditions as the court prescribes, ~~and the same proceedings shall be had thereon as though it were the original writ or complaint.~~ If the plaintiff refuses ~~to file such writ or complaint, the court shall direct a nonsuit in the action, and tax costs for the defendant.~~ A duplicate document or record shall have the same validity and may be used in evidence in the same manner as the original document, record, or file.

Sec. 8. 4 V.S.A. § 740 is amended to read:

§ 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

~~The supreme court~~ Supreme Court by administrative order or directive shall provide for the preparation, maintenance, recording, indexing, docketing, preservation, and storage of all court records and the provision, subject to confidentiality requirements of law or court rules, of certified copies of those records to persons requesting them.

Sec. 9. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The court shall not permit public access via the Internet to criminal or family case records. The court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

(b) This section shall not be construed to prohibit the court from providing electronic access to:

(1) court schedules of the ~~superior court~~ Superior Court, or opinions of the ~~criminal division of the superior court~~ Criminal Division of the Superior Court; ~~or~~

(2) state agencies in accordance with data dissemination contracts entered into under Rule 6 of the Vermont Rules of Electronic Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 10. 4 V.S.A. § 908 is amended to read:

§ 908. ATTORNEYS' ADMISSION, LICENSING, AND PROFESSIONAL RESPONSIBILITY SPECIAL FUND

There is established the attorneys' admission, licensing, and professional responsibility special fund which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected for licensing of attorneys, administration of the bar examination, admitting attorneys to practice in Vermont, and administration of mandatory continuing legal education shall be deposited and credited to this fund. This fund shall be available to the ~~judicial branch~~ Judicial Branch to offset the cost of operating the ~~professional responsibility board~~ Professional Responsibility Board, the ~~board of bar examiners~~ Board of Bar Examiners, the ~~judicial conduct board~~ Judicial Conduct Board, the ~~committee on character and fitness~~ Committee on Character and Fitness, the mandatory continuing legal education program for attorneys and, at the discretion of the ~~supreme court~~ Supreme Court, to make grants for access to justice programs or to the Vermont bar foundation ~~Bar Foundation~~ to be used to support legal services for the disadvantaged.

Sec. 11. MEDICATION-ASSISTED TREATMENT FOR INMATES

(a) The Department of Corrections, in collaboration with the Department of Health's Division of Alcohol and Drug Abuse Programs, shall establish a work group for the purpose of examining medication-assisted treatment for inmates, including for persons who were receiving treatment in the community immediately prior to incarceration.

(b) The Work Group shall be composed of the following members:

(1) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs or designee, who shall serve as Chair;

(2) the Commissioner of Corrections or designee;

(3) a member appointed by the Defender General's Prisoners' Rights Office;

(4) a member appointed by the Howard Center; and

(5) a physician providing medication-assisted treatment through an opioid treatment program, appointed by the Commissioner of Health.

(c)(1) The first meeting of the Work Group shall be held on or before September 1, 2013.

(2) The Work Group shall receive administrative and staff support from the Department of Corrections and the Department of Health's Division of Alcohol and Drug Abuse Programs.

(d)(1) The Work Group shall examine:

(A) any federal and state legal parameters that apply to medication-assisted treatment for persons who are incarcerated;

(B) existing time limits on medication-assisted treatment for persons who are incarcerated, specifically with regard to health outcomes and recidivism rates;

(C) the effectiveness of directing medication-assisted treatment to persons who are incarcerated by offense category;

(D) the prioritization of medication-assisted treatment by:

(i) providers of the Hub and Spoke Opioid Integrated Treatment Initiative to persons ordered to receive treatment by a drug court; and

(ii) the Department of Corrections to opiate-addicted persons prior to their release from prison; and

(E) any other factors to determine prioritization for medication-assisted treatment.

(2) On or before January 1, 2014, the Work Group shall report its findings and recommendations, including recommendations for legislative action, to the House Committees on Corrections and Institutions, on Human Services, and on Judiciary and the Senate Committees on Health and Welfare and on Judiciary.

Sec. 12. 13 V.S.A. § 353 is amended to read:

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

* * *

(4)(A) Except as provided in subdivision (B) of this subdivision (4), a person found in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(B) A In lieu of a criminal citation or arrest, a law enforcement officer shall may issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the state's attorney may withdraw the complaint filed with the judicial bureau Judicial Bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the criminal division of the superior court Criminal Division of the Superior Court.

(C) Nothing in this subdivision shall be construed to require that a civil citation be issued prior to a criminal charge of violating subdivision 352(3), (4), or (9) of this title.

* * *

Sec. 13. INCIDENT REPORTS OF ANIMAL CRUELTY

(a) The Commissioner of Public Safety, in consultation with the Vermont Center for Justice Research, shall collect data on:

(1) the number and nature of complaints or incident reports to law enforcement based on a suspected violation of 13 V.S.A. chapter 8 (humane and proper treatment of animals); and

(2) how such complaints or incidents are generally addressed, such as referral to others, investigation, civil penalties, or criminal charges.

(b) Based upon examination of the data requested in subsection (a) of this section, the Commissioner shall make recommendations to the Senate and House Committees on Judiciary on or before November 15, 2013 for improving the statewide response to complaints of animal cruelty.

(c) The Commissioner of Public Safety shall report recommendations to the Senate and House Committees on Judiciary on or before November 15, 2013 for improving the animal cruelty forfeiture proceedings held pursuant to 13 V.S.A. chapter 8.

Sec. 14. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the ~~state~~ State without having in

effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one accident. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

(b) A person who violates this section shall be assessed a civil penalty of ~~not less than \$250.00 and~~ not more than \$500.00, and such violation shall be a traffic violation within the meaning of chapter 24 of this title.

Sec. 15. REPEAL

4 V.S.A. §§ 652 (records of judgments and other proceedings; dockets; certified copies), 655 (court accounts), 656 (index of records), 658 (Supreme Court records), 695 (accounts of court officer and reporter), 734 (copy of lost petition), 735 (record of proceedings), 736 (lost records or judgment files; recording of copy), 737 (appeal or exception), and 738 (costs for recording); 2009 Acts and Resolves No. 4, Sec. 121 (transitional provisions for merger of Bennington and Manchester probate courts); and 2009 Acts and Resolves No. 4, Sec. 125 (transitional provisions of the consolidated probate court system) are repealed.

Sec. 16. EFFECTIVE DATES

(a) This section and Sec. 2 (registration of child custody determination) of this act shall take effect on passage.

(b) All remaining sections of this act shall take effect on July 1, 2013.

and that after passage the title of the bill be amended to read: "An act relating to court administration and procedure"

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At seven o'clock in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and thirty minutes in the evening, the Speaker called the House to order.

Message from the Senate No. 76

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 295. An act relating to technical tax changes.

And has accepted and adopted the same on its part.

Rules Suspended; Report of Committee of Conference Adopted

S. 1

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to consideration of financial cost of criminal sentencing options

Was taken up for immediate consideration.

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CRIMINAL OFFENSE CLASSIFICATION WORKING GROUP

(a) Findings:

(1) Vermont's criminal offense classification structure is minimal. Any offense for which the maximum term of imprisonment is two years or less is a misdemeanor, and any offense punishable by more than two years is a felony. Most offenses have a statutory maximum term of imprisonment and no minimum or recommended average. The sentence for each offense is distinct with regard to both imprisonment and fine amount.

(2) Over time, this structure has resulted in a lack of uniformity among sentences for comparable crimes and too little guidance for the courts with regard to the General Assembly's policy on an appropriate sentence based

upon the seriousness of an offense. For instance, the statutory penalty for embezzlement is imprisonment for not more than 10 years. This penalty applies whether the embezzlement was \$5.00 or \$5,000,000.00.

(3) In recent years, the General Assembly has undertaken substantial initiatives to provide equal access to justice throughout the State and to employ data-driven policies to reduce recidivism and divert nonviolent offenders from incarceration. A review and subsequent revision of the classification of and penalties for crimes is essential to continue this work and ensure that lawmakers' policy decisions concerning Vermont's approach to criminal justice is applied consistently throughout the State.

(b) Creation of Working Group. There is created a Criminal Offense Classification Working Group for the purpose of developing a criminal offense system that is well-organized and reflective of appropriate grading of liability and punishment and increasing uniformity in application of the law throughout the State.

(c) Membership. The Working Group shall be composed of five members as follows:

(1) the Attorney General or designee;

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

(3) the Defender General or designee;

(4) a criminal defense attorney appointed by the Defender General; and

(5) a retired trial court judge who shall be appointed by the Administrative Judge.

(d) Powers and duties.

(1) The Working Group shall:

(A) collect the statutory sentencing ranges for all criminal offenses under Vermont law;

(B) examine the sentencing structure of the model penal code, criminal codes in other jurisdictions, and earlier attempts by the General Assembly to revise the criminal code;

(C)(i) develop recommendations for creating a classification of offenses for Vermont that includes consistent sentences that should be no more severe than necessary to achieve the societal purpose or purposes for which they are authorized; and

(ii) develop a sentencing range consistent with the gravity of the offense, the culpability of the offender, the offender's criminal history, and the personal characteristics of an individual offender that may be taken into account.

(2) The Vermont Center for Justice Research shall staff the Working Group.

(3) In its work, the Working Group shall consult with the Office of Legislative Council.

(e) Report. By November 1, 2014, the Working Group shall report to the Senate and House Committees on Judiciary its proposal for classifying offenses and penalties.

(f) Appropriation. The sum of \$6,500.00 is appropriated to the Joint Fiscal Committee from the General Fund in fiscal year 2014 for a contract with the Vermont Center for Justice Research for providing data and staffing necessary for the Working Group's charge.

Sec. 2. 13 V.S.A. § 2531 is amended to read:

§ 2531. EMBEZZLEMENT GENERALLY

(a) An officer, agent, bailee for hire, clerk or servant of a banking association or an incorporated company, or a clerk, agent, bailee for hire, officer or servant of a private person, partnership, tradesunion, joint stock company, unincorporated association, fraternal or benevolent association, except apprentices and other persons under the age of 16 years, who embezzles or fraudulently converts to his or her own use, or takes or secretes with intent to embezzle or fraudulently convert to his or her own use, money or other property which comes into his or her possession or is under his or her care by virtue of such employment, notwithstanding he or she may have an interest in such money or property, shall be guilty of embezzlement and shall be imprisoned not more than 10 years or fined not more than \$500.00, or both.

(b) If the money or property embezzled does not exceed \$100.00 in value, the person shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the money or property embezzled exceeds \$100.00 in value, the person shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both.

Sec. 3. CRIMINAL JUSTICE CONSENSUS COST-BENEFIT WORKING GROUP

(a)(1) A Criminal Justice Consensus Cost-Benefit Working Group is established to develop a criminal and juvenile justice cost-benefit model for Vermont for the purpose of providing policymakers with the information necessary to weigh the pros and cons of various strategies and programs, and enable them to identify options that are not only cost-effective, but also have the greatest net social benefit. The model will be used to estimate the costs related to the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants, and victimization of citizens by defendants.

(2) The Working Group shall:

(A) develop estimates of costs associated with the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants in Vermont by using the cost-benefit methodology developed by the Washington State Institute for Public Policy and currently used collaboratively by the Joint Fiscal Office and the PEW Charitable Trust for the Vermont Results First Project;

(B) estimate costs incurred by citizens who are the victims of crime by using data from the Vermont Center for Crime Victim Services, supplemented where necessary with national survey data;

(C) assess the quality of justice data collection systems and make recommendations for improved data integration, data capture, and data quality as appropriate;

(D) develop a throughput model of the Vermont criminal and juvenile justice systems which will serve as the basic matrix for calculating the cost and benefit of Vermont justice system programs and policies;

(E) investigate the need for and the most appropriate entity within state government to be responsible for:

(i) revising the statewide cost benefit model in light of legislative or policy changes, or both, in the criminal or juvenile justice systems;

(ii) updating cost estimates; and

(iii) updating throughput data for the model.

(3) The Working Group shall be convened and staffed by the Vermont Center for Justice Research.

(4) The costs associated with staffing the Working Group shall be underwritten through December 31, 2013 by funding previously obtained by the Vermont Center for Justice Research from the Bureau of Justice Statistics, U.S. Department of Justice.

(b) The Working Group shall be composed of the following members:

- (1) the Administrative Judge or designee;
- (2) the Chief Legislative Fiscal Officer or designee;
- (3) the Attorney General or designee;
- (4) the Commissioner of Corrections or designee;
- (5) the Commissioner for Children and Families or designee;
- (6) the Executive Director of State's Attorneys and Sheriffs or designee;
- (7) the Defender General or designee;
- (8) the Commissioner of Public Safety or designee;
- (9) the Director of the Vermont Center for Crime Victim Services or designee;
- (10) the President of the Chiefs of Police Association of Vermont or designee;
- (11) the President of the Vermont Sheriffs' Association or designee; and
- (12) the Director of the Vermont Center for Justice Research.

(c) On or before November 15, 2013, the Working Group shall report its preliminary findings to the Senate Committee on Judiciary, the House Committee on Judiciary, and the House Committee on Corrections and Institutions. The Working Group shall issue a final report to the General Assembly on or before January 1, 2014.

Sec. 4. ADMINISTRATIVE HEARING OFFICERS STUDY COMMITTEE

(a) Creation. There is created an Administrative Hearing Officers Study Committee to report on the duties, powers, current practices, sources of authority, and qualifications of administrative hearing officers used in Vermont government.

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

- (1) the Chair of the House Committee on Judiciary or designee;
- (2) the Chair of the Senate Committee on Judiciary or designee;
- (3) the Chair of the House Committee on Government Operations or designee;

(4) the Chair of the Senate Committee on Government Operations or designee.

(5) one member of the Senate Committee on Judiciary appointed by the Committee on Committees; and

(6) one member of the House Committee on Judiciary appointed by the Speaker of the House.

(c) Duties. The Committee shall examine the manner and context in which administrative hearing officers are used by the State. The Committee shall consider the duties, powers, and minimum qualifications for each administrative hearing officer, including those authorized by statute, agency rule, or any other means.

(d) Number of meetings; staffing. The Committee shall meet no more than four times and shall have the assistance of all relevant state agencies, the Office of the Legislative Council, and the Joint Fiscal Office.

(e) Report. The Committee shall report its recommendations and any proposals for legislative action to the House and Senate Committees on Judiciary and on Government Operations on or before December 15, 2013, on which date it shall cease to exist.

(f) Reimbursement. For attendance at meetings during adjournment of the General Assembly, members of the Committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers"

COMMITTEE ON THE PART OF THE SENATE	COMMITTEE ON THE PART OF THE THE HOUSE

SEN. TIMOTHY R. ASHE
SEN. RICHARD W. SEARS
SEN. JOSEPH C. BENNING

REP. WILLIAM J. LIPPERT
REP. MAXINE JO GRAD
REP. THOMAS F. KOCH

Which was adopted on the part of the House.

Rules Suspended; Report of Committee of Conference Adopted**S. 20**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

Was taken up for immediate consideration.

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, sexual assault, lewd and lascivious conduct, sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

(1) sexual assault;₂

(2) lewd and lascivious conduct;₂

(3) sexual exploitation of a minor as defined in subsection ~~3258(b)~~ 3258(c) of this title;₂ and

(4) ~~lewd or lascivious conduct with a child, alleged to have been committed against a child under 18 years of age shall be commenced within the earlier of the date the victim attains the age of 24 or 10 years from the date the offense is reported, and not after. For purposes of this subsection, an~~

~~offense is reported when a report of the conduct constituting the offense is made to a law enforcement officer by the victim.~~

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ALICE W. NITKA
SEN. JOSEPH C. BENNING
SEN. RICHARD W. SEARS

COMMITTEE ON THE PART OF
THE HOUSE

REP. MAXINE JO GRAD
REP. SUSAN L. WIZOWATY
REP. LINDA J. WAITE-SIMPSON

Which was considered and adopted on the part of the House.

Rules Suspended; Bills Messaged to Senate Forthwith

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

S. 1

Senate bill, entitled

An act relating to consideration of financial cost of criminal sentencing options

S. 20

Senate bill, entitled

An act relating to increasing the statute of limitations for certain sex offenses against children

Rules Suspended; Senate Proposal of Amendment to House Proposal of Amendment Concurred in; Rules Suspended and Bill was Ordered Messaged to the Senate Forthwith

S. 37

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to tax increment financing districts

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

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

First: By striking out Sec. 19, amending 23 V.S.A. § 3106(a)(2), in its entirety and inserting in lieu thereof the following:

Sec. 19. REPEAL

Pursuant to Sec. 3 of this act, the 2006 Acts and Resolves No. 184, Sec. 2i, as amended by 2008 Acts and Resolves No. 190, Sec. 67 (tax increment financing districts, cap), is repealed to clarify that the Vermont Economic Progress Council shall not approve any additional tax increment financing districts.

Second: By striking out Sec. 20, amending 2013 Acts and Resolves No. 12, Sec. 24, in its entirety and inserting in lieu thereof the following:

Sec. 20. EFFECTIVE DATES

(a) Secs. 1, 6(b), 10, 12a–19, and this section shall take effect on passage. Sec. 6(b) (repeal of adjustment upon reappraisal) shall be effective retroactive to July 2006.

(b) Secs. 2 through 9 (except Sec. 6(b)), 11, and 12 (clarification of ambiguous statutes) of this act shall apply to any tax increment retained for all taxes assessed on the April 1, 2013 grand list.

(c) Sec. 6(c) (creation of taxes for special purposes) shall take effect on July 1, 2013.

Third: By striking Sec. 21, Repeal, in its entirety

Fourth: By striking Sec. 22, amending 21 V.S.A. § 1325, in its entirety

Fifth: By striking Sec. 23, Unemployment Compensation; Employers Affected by Natural Disasters Occurring in 2011, in its entirety

Sixth: By striking Sec. 24, Appropriation, in its entirety

Seventh: By striking Sec. 25, Effective Dates, in its entirety

Which proposal of amendment was considered and concurred in.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

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

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

Message from the Senate No. 77

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 523. An act relating to jury questionnaires, the filing of foreign child custody determinations, court fees, and judicial record keeping.

And has concurred therein.

Message from the Senate No. 78

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

Mr. Speaker:

I am directed to inform the House that:

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

J.R.S. 32. Joint resolution relating to final adjournment of the General Assembly in 2013.

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

The Senate has considered the reports of the Committees of Conference upon the disagreeing votes of the two Houses upon Senate bills of the following titles:

S. 1. An act relating to consideration of financial cost of criminal sentencing options.

S. 20. An act relating to increasing the statute of limitations for certain sex offenses against children.

And has accepted and adopted the same on its part.

Message from the Senate No. 79

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

Mr. Speaker:

I am directed to inform the House that:

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

H. 538. An act relating to making miscellaneous amendments to education funding laws.

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

Message from the Senate No. 80

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 530. An act relating to making appropriations for the support of government.

And has accepted and adopted the same on its part.

Message from the Senate No. 81

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

Mr. Speaker:

I am directed to inform the House that the Senate has on its part completed the business of the session and is ready to adjourn to a day certain, June 21, 2013, if necessary, or, if not necessary, then to be adjourned until January 7, 2014, pursuant to the provisions of **J.R.S. 32**.

Rules Suspended; Report of Committee of Conference Adopted**H. 240**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to Executive Branch fees

Was taken up for immediate consideration.

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Secretary of State * * *

* * * Office of Professional Regulation * * *

Sec. 1. 26 V.S.A. § 287 is amended to read:

§ 287. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application:

- (A) Barber ~~\$100.00~~ \$110.00
- (B) Cosmetologist ~~\$100.00~~ \$110.00
- (C) Nail technician ~~\$100.00~~ \$110.00
- (D) Esthetician ~~\$100.00~~ \$110.00
- (E) Shop ~~\$300.00~~ \$330.00
- (F) School ~~\$300.00~~ \$330.00

(2) Biennial renewal:

- (A) Barber ~~\$120.00~~ \$130.00
- (B) Cosmetologist ~~\$120.00~~ \$130.00
- (C) Nail technician ~~\$120.00~~ \$130.00
- (D) Esthetician ~~\$120.00~~ \$130.00
- (E) Shop ~~\$200.00~~ \$225.00
- (F) School ~~\$300.00~~ \$330.00

(3) Reinspection \$100.00

* * * Corporations * * *

* * * Telemarketers * * *

Sec. 2. 9 V.S.A. § 2464b is amended to read:

§ 2464b. REGISTRATION OF TELEMARKETERS

* * *

(c) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Registration: \$125.00.

(2) Statement of change of designated agent or designated office, or both: \$25.00, not to exceed \$1,000.00 per filer per calendar year.

* * * Secured Transactions * * *

Sec. 3. 9A V.S.A. § 9-525 is amended to read:

§ 9-525. FEES

~~(a) Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in section 9-502(c), is the amount specified in subsection (c) of this section, if applicable, plus:~~

~~(1) \$25.00 if the record is communicated in writing; and~~

~~(2) \$25.00 if the record is communicated by another medium authorized by filing office rule article is \$35.00.~~

~~(b) Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) is \$6.00 per page.~~

~~(c) Number of names. Except as otherwise provided in subsection (e) of this section, if a record is communicated in writing, the fee for each name more than two required to be indexed is \$2.00.~~

~~(d) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is \$20.00, and \$0.50 per page for copying \$25.00.~~

~~(e)~~(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 9-502(c) of this title. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

* * * Trade Name Registrations * * *

Sec. 4. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of \$50.00 to the ~~secretary of state for the benefit of the state~~ Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of \$20.00 to the ~~secretary of state for the benefit of the state~~ Secretary of State.

(c) Statement of change of designated agent or designated office, or both: \$25.00, not to exceed \$1,000.00 per filer per calendar year.

(d) The Secretary shall collect \$25.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding.

Sec. 5. 11 V.S.A. § 1631 is amended to read:

§ 1631. VACANCY

When ~~such~~ an appointee dies or removes from the ~~state~~ State, another person residing in such town and having therein an office or place of business, within ten days from the date of such death or removal, shall be appointed in the manner hereinbefore specified, upon whom service of process may be made as provided in section 1630 of this title. In case of such death or removal, or if a person is not appointed as aforesaid, process against such nonresident person may be served by delivering to the ~~secretary of state~~ Secretary of State duplicate copies thereof, one of which shall be filed with the ~~secretary of state~~ Secretary of State and the other shall be forwarded by mail prepaid by the clerk to the last known residence of such person. ~~There shall be~~

~~paid to the secretary of state by the officer serving such duplicate copies the sum of \$2.00.~~

* * * Limited Liability Corporations * * *

Sec. 6. 11 V.S.A. § 3013 is amended to read:

§ 3013. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when a document described in this section is delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of organization	~~\$100.00~~ <u>\$125.00</u>
(2) Application for certificate of authority	~~100.00~~ <u>\$125.00</u>

* * *

(9) Statement of change of designated agent or designated office, or both	~~\$20.00 and~~ <u>\$25.00</u> , not to exceed \$1,000.00 per filer per calendar year

* * *

(13) Application for certificate of existence or authorization	~~20.00~~ <u>\$25.00</u>

* * *

(15) Annual report of a domestic limited liability company	~~25.00~~ <u>\$35.00</u>

(16) Annual report of a foreign limited liability company	~~125.00~~ <u>\$140.00</u>

* * *

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

- (1) ~~\$20.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding; and

(2) ~~\$1.00 a page for copying and \$20.00~~ \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

* * * Partnerships * * *

Sec. 7. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when a document described in this section is delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Statement of authority ~~50.00~~ \$125.00

* * *

(13) Statement of change of designated agent or designated office, or
both \$25.00,
not to exceed
\$1,000.00
per filer per
calendar year

(14) Application for certificate of good standing \$25.00

(15) Any other document permitted or required to be
filed by this chapter ~~5.00~~ \$20.00

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

(1) ~~\$10.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding; and

(2) ~~\$1.00 per page for copying and \$5.00~~ \$25.00 for the certificate certifying the copy of any filed document related to a partnership, limited liability partnership, or a foreign limited liability partnership.

* * * Limited Partnerships * * *

Sec. 8. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when a document described in this section is delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Certificate of Limited Partnership	~~\$50.00~~ <u>\$125.00</u>
(2) Registration of Foreign Limited Partnership	~~50.00~~ <u>125.00</u>
(3) Amendment	25.00
(4) Cancellation	No fee
(5) Merger	50.00
(6) <u>Statement of change of designated agent or designated office, or both</u>	<u>25.00,</u> <u>not to exceed</u> <u>\$1,000.00</u> <u>per filer per</u> <u>calendar year</u>
(7) <u>Application for certificate of good standing</u>	<u>25.00</u>
(8) Any other document permitted or required to be filed by this chapter	~~5.00~~ <u>20.00</u>

(b) The ~~secretary of state~~ Secretary of State shall collect the following fees:

(1) ~~\$10.00~~ \$25.00 each time process is served on the ~~secretary~~ Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding; and

(2) ~~\$1.00 per page for copying and \$5.00~~ \$25.00 for the certificate certifying the copy of any filed document related to a partnership, limited liability partnership, or a foreign limited liability partnership.

* * * Vermont Business Corporations * * *

Sec. 9. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The ~~secretary of state~~ Secretary of State shall collect the following fees when the documents described in this section are delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of incorporation ~~\$—75.00~~ \$125.00

* * *

(6) Statement of change of registered agents or registered office, or both
~~20.00 and \$25.00,~~
not to exceed
\$1,000.00 per filer

per calendar year

* * *

(13) Application for certificate of authority	~~100.00~~ <u>\$125.00</u>

* * *

(16) Annual report of a foreign corporation	~~175.00~~ <u>\$200.00</u>

(17) Annual report of a domestic corporation	~~35.00~~ <u>\$45.00</u>

(18) Application for certificate of good standing	~~20.00~~ <u>\$25.00</u>

* * *

(b) The ~~secretary of state~~ Secretary of State shall collect a fee of ~~\$20.00~~ \$25.00 each time process is served on him or her under this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding.

(c) The ~~secretary of state~~ Secretary of State shall collect the following fees ~~a fee of \$25.00~~ for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

(1) ~~\$1.00 a page for copying; and~~

(2) ~~\$20.00 for the certificate.~~

* * *

* * * Nonprofit Corporations * * *

Sec. 10. 11B V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

The ~~secretary of state~~ Secretary of State shall collect the following fees when the documents described in this section are delivered to the ~~office of the secretary of state~~ Office of the Secretary of State for filing:

(1) Articles of incorporation	~~\$75.00~~ <u>\$125.00</u>

* * *

(6) Change of registered agent, registered office, or both	~~5.00~~ <u>\$25.00,</u> <u>not to exceed</u> <u>\$1,000.00 per filer</u> <u>per calendar year.</u>

* * *

(17) Biennial report	~~15.00~~ <u>\$20.00</u>

except that a corporation which certifies to the ~~secretary of state~~ Secretary of State, on a form approved by the ~~secretary~~ Secretary, that it did not compensate its officers, directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

* * *

(19) Application for certificate of good standing 5.00 \$25.00

(20) Certified copy of any filed document \$25.00

* * * Service of Process * * *

Sec. 11. 12 V.S.A. § 856 is amended to read:

§ 856. SERVICE OF PROCESS

Service of process by virtue of section 855 of this title shall be made by delivering to the ~~secretary of state~~ Secretary of State duplicate copies of the process, with the officer's return of service thereon, and a fee of ~~\$5.00~~ \$25.00, to be taxed in the plaintiff's costs if he or she prevails. The ~~secretary~~ Secretary shall forthwith forward one of the duplicate copies by registered mail prepaid to the corporation at its principal place of business in the state or country where it is incorporated, which principal place of business shall be stated in the process. The service shall be sufficient if a copy of the process, with the officer's return thereon showing the service upon the ~~secretary of state~~ Secretary of State, is sent by the plaintiff to the foreign corporation by registered mail, and if the plaintiff's affidavit of compliance herewith is filed with the process in court. The ~~secretary~~ Secretary shall file one of the copies and endorse upon each copy the day and hour of service.

* * * Center for Crime Victims' Services * * *

Sec. 12. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

(a) In addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or judicial bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the ~~victims' compensation special fund~~ Victims' Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the ~~victims' compensation special fund~~ Victims' Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41.00, of which \$23.75 shall be deposited in the ~~victims' compensation special fund~~ Victims' Compensation Special Fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the ~~domestic and sexual violence special fund~~ Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, \$47.00, of which \$29.75 shall be deposited in the Victims' Compensation Special Fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

* * *

Sec. 13. REPEALS

The following are repealed:

(1) 2007 Acts and Resolves No. 40, Sec. 9 (repeal of surcharge for the Crime Victims' Restitution Special Fund).

(2) 2007 Acts and Resolves No. 40, Sec. 13, as amended by 2011 Acts and Resolves No. 55, Sec. 19 (effective date for repeal of surcharge for the Crime Victims' Restitution Special Fund).

* * * Department of Taxes * * *

Sec. 14. 32 V.S.A. § 3777 is added to read:

§ 3777. LIEN SUBORDINATION

The Commissioner in his or her discretion may subordinate the lien provided for in subsection 3757(f) of this title to a lender's mortgage interest in enrolled land to the extent that the Commissioner is satisfied that the landowner will maintain sufficient equity in the enrolled land to satisfy both the lender and any potential land use change tax that would arise upon development of the enrolled land. In order for subordination to be considered, the lender must complete an application form as prescribed by the Commissioner and pay a fee of \$179.00. The application shall provide all

information deemed necessary by the Commissioner to determine the extent to which the State's lien can be subordinated to the lender's interest without adversely affecting the interest of the State.

* * * Agency of Agriculture, Food and Markets * * *

* * * Market Vermont * * *

Sec. 15. 3 V.S.A. § 2504 is amended to read:

§ 2504. MARKET VERMONT LOGO

* * *

(c) Persons wishing to apply for the identification logo shall be provided with application forms by the ~~secretary of the agency of commerce and community development or the secretary of the agency of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets or the Secretary of Commerce and Community Development. The ~~secretary of the agency of agriculture, food and markets and the secretary of the agency of commerce and community development~~ Secretary of Agriculture, Food and Markets and the Secretary of Commerce and Community Development shall establish a ~~jury~~ process for reviewing the applications to determine if the applicant meets the standards established for that particular category of goods, services, or experiences. No person participating in the ~~jury~~ process may be held liable for any decision or recommendation made about the granting or denial of the use of the market Vermont logo. In the event that an application is rejected, the applicant may request that the ~~secretary of the agency of agriculture, food and markets and the secretary of the agency of commerce and community development~~ Secretary of the Agriculture, Food and Markets and the Secretary of Commerce and Community Development reconsider. If the application is again denied, the decision shall be final, unless the applicant can demonstrate that the goods, service, or experience has been altered in order to bring it in line with the standards established for that product.

* * *

~~(e) Fees. The secretary may require transactional charges, commissions, or other fees, which are based upon the actual costs to the department, to be paid by persons participating in the program, and to be applied toward administration and promotion of the program.~~

* * * Feed, Fertilizer, Livestock, and Pesticides * * *

Sec. 16. 6 V.S.A. § 324 is amended to read:

§ 324. REGISTRATION AND FEES

* * *

(b) ~~No~~ A person shall not distribute in this ~~state~~ State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the ~~secretary~~ Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of ~~\$75.00~~ \$85.00 per product. The registration fees, along with any surcharges collected under subsection (c) of this section, shall be deposited in the special fund created by subsection 364(e) of this title. Funds deposited in this account shall be restricted to implementing and administering the provisions of this title and any other provisions of the law relating to fertilizer, lime, or seeds. If the ~~secretary~~ Secretary so requests, the application for registration shall be accompanied by a label or other printed matter describing the product.

* * *

Sec. 17. 6 V.S.A. § 364 is amended to read:

§ 364. REGISTRATION

(a) Each brand or grade of fertilizer shall be registered in the name of the person whose name appears upon the label before being distributed in this ~~state~~ State. The application for registration shall be submitted to the ~~secretary~~ Secretary on a form furnished by the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets and shall be accompanied by a fee of ~~\$15.00~~ \$20.00 per nutrient or recognized plant food element to a maximum of ~~\$105.00~~ \$140.00 per brand or grade. Upon approval by the ~~secretary~~ Secretary, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) the brand and grade;
- (2) the guaranteed analysis; and
- (3) the name and address of the registrant.

* * *

Sec. 18. 6 V.S.A. § 762 is amended to read:

§ 762. LICENSE; FEE

(a) A person shall not carry on the business of a livestock dealer without first obtaining a license from the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets. Before the issuance of such license, such dealer shall file with the ~~secretary of agriculture, food and~~

~~markets~~ Secretary an application for such license on forms provided by the ~~agency~~ Agency. Each application shall be accompanied by a fee of ~~\$100.00~~ \$150.00 for persons who buy and sell or auction livestock, and ~~\$30.00~~ \$75.00 for persons who only transport livestock commercially.

* * *

Sec. 19. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

* * *

(b) The registrant shall pay an annual fee of ~~\$100.00~~ \$110.00 for each product registered, and that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. The annual registration year shall be from December 1 to November 30 of the following year.

* * *

Sec. 20. 6 V.S.A. § 4031 is amended to read:

§ 4031. PLANTS TAKEN FROM THE WILD

(a) The ~~secretary~~ Secretary may adopt procedural rules pursuant to the Administrative Procedure Act as set forth in 3 V.S.A. chapter 25, for the collection, sale, or distribution of plants taken from the wild, on the list of Convention on International Trade on Endangered Species of Wild Fauna and Flora, as amended, provided that the plants are not on the Vermont endangered species list. He or she may authorize surveys or other actions to determine the extent that plant collections may be undertaken without jeopardizing the survival of a plant species. He or she may classify plant species based on their populations or chances for survival and may restrict what amount, if any, of a particular species may be removed from the wild.

* * *

(d) The Secretary may collect a fee of \$60.00 for a three-year permit to engage in commerce with plants described in subsection (a) of this section. The fee shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of implementing this section.

* * * Weights and Measures * * *

Sec. 21. 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND MEASURING DEVICES

* * *

(f)(1) The ~~secretary~~ Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: \$15.00.

(B) Vehicle tank meter: ~~\$50.00~~ \$100.00.

(C) Scales: \$10.00.

(D) Vehicle and heavy duty scales: \$150.00.

(E) Taxi meter: \$10.00.

(F) Meter: ~~\$5.00~~ \$15.00.

(G) Bulk plant meter: \$100.00.

(H) Truck mounted propane meter: \$150.00.

(I) Hopper scales: \$100.00.

(J) Propane fill station: \$50.00.

(K) Medium duty scales:

portable platform scales: ~~\$10.00~~ \$30.00.

all others: \$30.00.

* * *

* * * Department of Liquor Control * * *

Sec. 22. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(34) “Request to cater permit”: a permit granted by the Liquor Control Board authorizing a first or first and third class licensed caterer or commercial caterer to cater individual events.

(35) “Industrial alcohol distributors license”: a license granted by the Liquor Control Board that allows holders to sell pure ethyl or grain alcohol of at least 190 proof in quantities of five gallons or more directly to manufacturers, industrial users, hospitals, druggists, and institutions of learning. Alcohol sold under the industrial alcohol distributors license may only be used for manufacturing, mechanical, medicinal, and scientific purposes.

(36) “Outside consumption permit”: a permit granted by the Liquor Control Board allowing a first class or first and third class license holder and fourth class license holder to allow for consumption of alcohol in a delineated outside area.

Sec. 23. 7 V.S.A. § 61 is amended to read:

§ 61. RESTRICTIONS; EXCEPTIONS

A person, partnership, association, or corporation shall not furnish or sell, or expose or keep with intent to sell, any malt or vinous beverage, or spirits, or manufacture, sell, barter, transport, import, export, deliver, prescribe, furnish, or possess any alcohol, except as authorized by this title. However, this chapter shall not apply to the furnishing of such beverages or spirits by a person in his or her private dwelling, ~~unless to an habitual drunkard, or unless~~ such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than 32 liquid gallons capacity, provided the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of sacramental wine, nor to the furnishing, purchase, sale, barter, transportation, importation, exportation, delivery, prescription, or possession of alcohol for manufacturing, mechanical, medicinal, and scientific purposes, provided the same is done under and in accordance with rules and regulations made and licenses and permits issued by the liquor control board Liquor Control Board as hereinafter provided.

Sec. 24. 7 V.S.A. § 63 is amended to read:

§ 63. IMPORTATION OR TRANSPORTATION OF LIQUORS;
PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

(a) All spirituous liquors imported or transported into this ~~state~~ State shall be imported or transported by and through the ~~liquor control board~~ Liquor Control Board. A person importing or transporting or causing to be imported or transported into this ~~state~~ State any spirituous liquors shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. However, a person may import or transport not more than eight quarts of spirituous liquors

into this ~~state~~ State in his or her own private vehicle or in his or her actual possession at the time of importation without license or permit.

(b) Except as provided in sections 66 and 68 of this title, all malt or vinous beverages, or both, imported or transported into this ~~state~~ State shall be imported or transported by and through a wholesale dealer holding a wholesale dealer's license issued by the ~~liquor control board~~ Liquor Control Board. A person importing or transporting or causing to be imported or transported into this ~~state~~ State any malt or vinous beverages, or both, shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. Provided, however, a person may import or transport not more than six gallons of malt or vinous beverages, or both, into this ~~state~~ State in his or her own private vehicle or in his or her actual possession at the time of importation without license or permit, providing it is not for resale.

Sec. 25. 7 V.S.A. § 230 is amended to read:

§ 230. RESTRICTIONS; FINANCIAL INTERESTS; DISPLAY OF LICENSE; EMPLOYEES

* * *

(b) An individual who is an employee of a wholesale dealer that does not hold a solicitor's ~~permit~~ license may also be employed by a second class licensee on a paid or voluntary basis, provided that the employee does not exercise any control over, or participate in, the management of the second class licensee's business or business decisions, and that either employment relationship does not result in the exclusion of any competitor wholesale dealer or any brand of alcoholic beverages of a competitor wholesale dealer.

Sec. 26. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid:

(1) For a manufacturer's or rectifier's license to manufacture or rectify malt beverages and vinous beverages or to manufacture or rectify spirituous liquors, ~~\$250.00~~ \$285.00 for either license.

(2) For a bottler's license, ~~\$1,500.00~~ \$1,705.00.

(3) For a wholesale dealer's license, ~~\$1,000.00~~ \$1,140.00 for each location.

(4) For a first class license, ~~\$200.00~~ \$230.00.

(5) For a second class license, ~~\$100.00~~ \$140.00.

(6) For a third class license, ~~\$880.00~~ \$1,000.00 for an annual license and ~~\$440.00~~ \$500.00 for a six-month license.

(7) For a shipping license for vinous beverages:

(A) In-state consumer shipping license, initial and renewal, \$300.00.

(B) Out-of-state consumer shipping license, initial and renewal, \$300.00.

(C) Retail shipping license, ~~initial and renewal, \$200.00~~ \$230.00.

(8)(A) For a caterer's license, ~~\$200.00~~ \$230.00.

(B) For a commercial catering license, \$200.00.

(C) For a request to cater permit, \$20.00.

(9) ~~For a first class cabaret license, \$200.00.~~ [Repealed.]

(10) ~~For a third class cabaret license, \$880.00 for an annual license and \$440.00 for a six month license.~~ [Repealed.]

(11) For up to ten fourth class vinous licenses, ~~\$50.00~~ \$65.00.

(12) ~~{Deleted.}~~ For an industrial alcohol distributors license, \$200.00.

(13) For a special events permit, ~~\$25.00~~ \$35.00.

(14) For a festival permit, ~~\$100.00~~ \$115.00.

(15) For a wine tasting permit, ~~\$15.00~~ \$25.00.

(16) For an educational sampling event permit, ~~\$200.00~~ \$230.00.

(17) ~~{Deleted.}~~ For an outside consumption permit, \$20.00.

(18) For a certificate of approval:

(A) For malt beverages, ~~\$2,000.00 per year~~ \$2,275.00.

(B) For vinous beverages, ~~\$440.00 per year~~ \$900.00.

(19) For a solicitor's ~~permit~~ license, ~~\$50.00 per year~~ \$65.00.

(20) For a vinous beverages storage license, ~~\$200.00 per year~~ \$215.00.

(21) For a promotional tasting permit for a railroad, ~~\$15.00~~ \$20.00.

(22) For an art gallery or bookstore permit, ~~\$15.00~~ \$20.00.

(b) Except for fees collected for first, second, and third class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the

~~liquor control enterprise fund~~ Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third class license fees: 55 percent shall go to the ~~liquor control enterprise fund~~ Liquor Control Enterprise Fund, and 45 percent shall go to the ~~general fund~~ General Fund and shall be used to fund the ~~DETER program in fiscal year 2007~~ fund alcohol abuse prevention and treatment programs.

* * *

Sec. 27. 7 V.S.A. chapter 13 is amended to read:

CHAPTER 13. SOLICITOR'S PERMIT LICENSE

§ 361. GRANTING OF PERMIT LICENSE; SOLICITATION OF ORDERS

The ~~liquor control board~~ Liquor Control Board may grant to a natural person a solicitor's permit license, which shall authorize such person to solicit orders for and promote the sale of malt or vinous beverages by canvassing or interviewing holders of licenses issued under the provisions of this title.

§ 362. APPLICATION; UNDERTAKING; RECOMMENDATION

Application for ~~such permit~~ a license shall be made in writing, signed by the applicant, to the ~~liquor control board~~ Liquor Control Board on a form prescribed by the ~~board~~ Board, containing the name, residence, and business address of the applicant, the name and address of the vendor to be represented by the applicant, and an undertaking by the applicant to comply with the regulations of the ~~board~~ Board. ~~Such~~ The application shall have appended thereto a recommendation of the applicant as being qualified to hold ~~such permit~~ the license, signed by such vendor.

§ 363. FEE

The fee for a solicitor's permit license shall be as provided in section 231 of this title and shall be collected by the ~~department of liquor control~~ Department of Liquor Control. ~~Such permit shall expire at midnight April 30 of each year and shall be renewable on application therefor and payment of the fee.~~ A certified check payable to the ~~state~~ State of Vermont shall accompany the application and shall be returned to the applicant in case the ~~board~~ Board fails to grant the permit license.

§ 364. SUSPENSION OR REVOCATION

The ~~liquor control board~~ Liquor Control Board shall have power to suspend or revoke any such solicitor's permit license for failure to comply with any regulation of the ~~board~~ Board or for other cause. ~~No such~~ The certificate shall

not be revoked unless the holder thereof shall have had an opportunity to be heard after reasonable notice.

§ 365. PENALTY

A person who solicits orders for, or promotes the sale of malt or vinous beverages, or attempts so to solicit or promote, by canvassing or interviewing a holder of a license issued under the provisions of this title, without having first obtained a solicitor's ~~permit~~ license as provided for in this chapter, or who makes a false or fraudulent statement or representation in an application for ~~such permit~~ the license or in connection therewith shall be imprisoned not more than six months or be fined not more than \$500.00, or both.

Sec. 28. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

* * *

(d) A person applying simultaneously for a tobacco license and a liquor license shall apply to the legislative body of the municipality and shall pay to the ~~department~~ Department only the fee required to obtain the liquor license. A person applying ~~only~~ for a tobacco license shall submit a fee of ~~\$10.00~~ \$100.00 to the legislative body of the municipality for each tobacco license or renewal. The municipal clerk shall forward the application to the ~~department~~ Department, and the ~~department~~ Department shall issue the tobacco license. The municipal clerk shall retain \$5.00 of this fee, and the remainder shall be deposited in the treasury of the municipality. The tobacco license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

* * *

* * * Department of Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 29. WORKERS' COMPENSATION RATE OF CONTRIBUTION

Pursuant to 21 V.S.A. § 711(b), for fiscal year 2014, the General Assembly has established that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be set at the rate of 1.45 percent established in 21 V.S.A. § 711(a). The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Surcharges and Assessments * * *

Sec. 30. WORKERS' COMPENSATION ASSESSMENT

A surcharge on the direct calendar year premium for workers' compensation insurance shall be assessed at a rate of 0.16 percent and a surcharge on self-insured workers' compensation losses and workers' compensation losses of corporations shall be assessed at a rate of 0.25 percent for fiscal years 2014 and 2015 in order to enable the Department of Labor to complete a technological upgrade of its computer system.

Sec. 31. 32 V.S.A. § 602 is amended to read:

§ 602. DEFINITIONS

~~For purposes of~~ As used in this subchapter:

* * *

(2) "Fee":

(A) Means a monetary charge by an agency or the judiciary for a service or product provided to, or the regulation of, specified classes of individuals or entities.

(B) The following charges are exempt from the provisions of this subchapter, ~~except as provided in subsection 605(f) of this subchapter:~~

* * *

* * * Attorney General * * *

Sec. 32. 9 V.S.A. § 2473 is amended to read:

§ 2473. NOTICE OF SOLICITATION

* * *

(f)(1) In each calendar year in which a paid fundraiser solicits on behalf of a charitable organization, the paid fundraiser shall pay an annual registration fee of \$500.00 to the Attorney General with its first notice of solicitation.

(2) Each notice of solicitation filed in accordance with this section shall be accompanied by a fee of \$200.00.

(3) Fees paid under this subsection shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Attorney General for the costs of administering sections 2471–2479 of this title.

* * * State Police Dispatch Fees * * *

Sec. 33. UNIFORM DISPATCH FEES

The Commissioner of Public Safety shall adopt rules establishing uniform statewide fees for dispatch services provided by or under the direction of the Department of Public Safety. In setting the fees, the Commissioner shall consult with sheriffs and other entities that provide dispatch services. The Commissioner shall report to the House Committee on Ways and Means and the Senate Committee on Finance on or before January 15, 2014, regarding the adoption and implementation of the uniform dispatch fee rules.

* * * Games of Chance * * *

Sec. 34. 32 V.S.A. § 10209 is added to read:

§ 10209. RULEMAKING

The Commissioner of Liquor Control shall adopt rules for the maintenance of records relating to the distribution and sale of break-open tickets and for record keeping relating to the remittance of net proceeds from sales of break-open tickets to the intended eligible charitable recipients. The rules shall permit no proceeds to be retained by the operators of for-profit bars except for:

(1) the actual cost of the break-open tickets;

(2) the prizes awarded; and

(3) any sales tax due on the sale of break-open tickets under chapter 233 of this title.

* * * Coolidge State Forest * * *

Sec. 35. PROCEEDS OF SALE OF PARCEL IN COOLIDGE STATE FOREST

Notwithstanding the requirement in 29 V.S.A. § 166(d) that the proceeds of the sale of real property owned by the State shall be deposited to a capital fund account for future capital construction, the proceeds of the sale of a parcel in the Coolidge State Forest authorized by J.R.H.11 of 2013, as enacted, shall be deposited in the Department of Forests, Parks and Recreation's Land Acquisition Account.

* * * Unemployment Compensation * * *

Sec. 35a. 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

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

(1) "Affected unit" means a specific plan, department, shift, or other definable unit consisting of not less than five employees to which an approved short-time compensation plan applies.

(2) "Defined benefit plan" means a plan described in 26 U.S.C. § 414(j).

(3) "Defined contribution plan" means a plan described in 26 U.S.C. § 414(i).

(4) "Short-time compensation" or "STC" means the unemployment benefits payable to employees in an affected unit under an approved short-time compensation plan as distinguished from the unemployment benefits otherwise payable under the conventional unemployment compensation provisions of this chapter.

~~(3)(5)~~ "Short-time compensation plan" means a plan of an employer under which there is a reduction in the number of hours worked by employees of an affected unit rather than ~~temporary~~ layoffs. The term "~~temporary~~ layoffs" for this purpose means the total separation of one or more workers in the affected unit ~~for an indefinite period expected to last for more than two months but not more than six months.~~

~~(4)(6)~~ "Short-time compensation employer" means an employer who has one or more employees covered by an approved "Short-Time Compensation Plan." "Short-time compensation employer" ~~includes~~ means an employer with ~~experience rating records and an experience rating record or~~ an employer who makes payments in lieu of ~~tax~~ contributions to the unemployment compensation trust fund and that meets all of the following criteria:

(A) ~~Has~~ has five or more employees covered by an approved short-time compensation plan;

(B) ~~Is~~ is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages; and

(C) ~~Is~~ is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years immediately prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the ~~commissioner~~ Commissioner grants a waiver based upon extenuating economic conditions or other good cause.

~~(5)(7)~~ “Usual weekly hours of work” means the normal hours of work for full-time ~~and regular~~ or part-time employees in the affected unit when that unit is operating on its ~~normally full-time basis not less than 30 hours and regular basis~~ not to exceed 40 hours and not including hours of overtime work.

~~(6)(8)~~ “Unemployment compensation” means the unemployment benefits payable under this chapter other than short-time compensation and includes any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

~~(7)(9)~~ “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

~~(8)(10)~~ “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

~~(9)(11)~~ “Seasonal employment” means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment during the off-season in each of the previous three years as reported to the ~~department~~ Department, or employment with an employer on a temporary basis during a particular season.

Sec. 35b. 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

(a) An employer wishing to participate in an STC program shall submit a ~~department of labor~~ Department of Labor electronic application or a signed written short-time compensation plan to the ~~commissioner~~ Commissioner for approval. The ~~commissioner~~ Commissioner may approve an STC plan only if the following criteria are met:

* * *

(3) ~~the plan outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that lead to the need for the STC plan provides that if the employer provides fringe benefits, including health benefits and retirement benefits under a defined benefit plan or contributions under a defined contribution plan, to any employee whose workweek is reduced under the program, that the benefits will continue to be provided to employees~~

participating in the short-time compensation program under the same terms and conditions as though the workweek had not been reduced. However, reductions in the benefits of short-time compensation plan participants are permitted to the extent that the reductions also apply to nonparticipant employees;

* * *

(5) the plan certifies that the aggregate reduction in work hours is in lieu of ~~temporary total~~ layoffs of one or more workers which would have resulted in an equivalent reduction in work hours and which the ~~commissioner~~ Commissioner finds would have caused an equivalent dollar amount to be payable in unemployment compensation;

* * *

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the ~~department~~ Department. The plan shall not subsidize seasonal employers during the off-season;

* * *

(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; ~~and~~

(12) ~~in addition to subdivisions (1) through (11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan~~ the plan describes the manner in which the requirements of this section will be implemented and where feasible how notice will be given to an employee whose workweek is to be reduced and an estimate of the number of layoffs that would have occurred absent the ability to participate in the short-time compensation program and any other information that the U.S. Secretary of Labor determines is appropriate; and

(13) the employer certifies that the plan is consistent with employer obligations under applicable state and federal laws.

(b) In the event of any conflict between any provision of sections 1451–1460 of this title, or the regulations implemented pursuant to these sections, and applicable federal law, the federal law shall prevail and the provision shall be deemed invalid.

Sec. 35c. 21 V.S.A. § 1457 is amended to read:

§ 1457. ELIGIBILITY

(a) An individual is eligible to receive STC benefits with respect to any week only if, in addition to eligibility for monetary entitlement, the ~~commissioner~~ Commissioner finds that:

(1) the individual is employed during that week as a member of an affected unit under an approved short-time compensation plan which was in effect for that week;

(2) the individual is able to work and is available for the normal work week with the short-time employer;

(3) notwithstanding any other provisions of this chapter to the contrary, an individual is deemed unemployed in any week for which remuneration is payable to him or her as an employee in an affected unit for less than his or her normal weekly hours of work as specified under the approved short-time compensation plan in effect for the week;

(4) notwithstanding any other provisions of this chapter to the contrary, an individual shall not be denied STC benefits for any week by reason of the application of provisions relating to availability for work and active search for work with an employer other than the short-time employer.

(b) Eligible employees may participate, as appropriate, in training, including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998, to enhance job skills if the program has been approved by the Department.

Sec. 35d. 21 V.S.A. § 1253 is amended to read:

§ 1253. ELIGIBILITY

The ~~commissioner~~ Commissioner shall make all determinations for eligibility under this chapter. An individual shall be eligible for up to 26 weekly payments when the ~~commissioner~~ Commissioner determines that the individual voluntarily left work due to circumstances directly resulting from domestic and sexual violence, provided the individual:

(1) Leaves employment for one of the following reasons:

* * *

(D) The individual is physically or emotionally unable to work as a result of experiencing domestic or sexual violence as certified by a medical professional. The certification shall be reviewed by the Commissioner every

six weeks and may be renewed until the individual is able to work or the benefits are exhausted.

* * *

Sec. 35e. 21 V.S.A. § 1254 is amended to read:

§ 1254. CONDITIONS

An individual shall be eligible to receive payments with respect to any week, only if the ~~commissioner~~ Commissioner finds that the individual complies with all of the following requirements:

(1) ~~Files~~ files a claim certifying that he or she did not work during the week;

(2) ~~Is~~ is not eligible for unemployment compensation benefits; and

(3) ~~Is taking steps to become employed~~ is working with the Department to determine work readiness and taking reasonable steps as determined by the Commissioner to become employed.

Sec. 35f. 21 V.S.A. § 1255 is amended to read:

§ 1255. PROCEDURES

(a) The ~~commissioner~~ Commissioner or designee shall review all claims for payment and shall promptly provide written notification to the individual of any claim that is denied and the reasons for the denial.

(b) Within 30 days after receipt of a denial, the individual may appeal the determination to the ~~commissioner~~ Commissioner by requesting a review of the decision. On appeal to the Commissioner the individual may provide supplementary evidence to the record. The ~~commissioner~~ Commissioner shall review the record within seven working days after the notice of the appeal is filed and promptly notify the individual in writing of the ~~commissioner's~~ Commissioner's decision. The decision of the ~~commissioner~~ Commissioner shall become final unless an appeal to the ~~supreme court~~ Supreme Court is taken within 30 days of the date of the ~~commissioner's~~ Commissioner's decision.

* * * Repeal * * *

Sec. 36. REPEAL

32 V.S.A. § 605(f) (relating to report of surcharges and assessments) is repealed.

* * * Effective Date * * *

Sec. 37. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

TIMOTHY R. ASHE
MARK A. MACDONALD
MARGARET K FLORY

Committee on the part of the Senate

CAROLYN W. BRANAGAN
ALISON H. CLARKSON
DAVID D. SHARPE

Committee on the part of the House

Which was considered and adopted on the part of the House.

Rules Suspended; Report of Committee of Conference Adopted

H. 295

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to technical tax changes

Was taken up for immediate consideration.

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Administrative Provisions * * *

Sec. 1. 2012 Acts and Resolves No. 143, Sec. 63(1) is amended to read:

(1) Secs. 1 (petroleum cleanup fee), 2 (petroleum cleanup fund outreach), 8 (extraordinary relief), 14 (reporting requirements), 21 (affordable housing tax credit), 22 (downtown tax credit for disaster expenses), 23 (limitation on downtown tax credits for fiscal year 2013), 24 (low income property transfer tax exemption), ~~and 54 (dental equipment), and 62 (allocation to the emergency medical services special fund)~~ of this act shall take effect on July 1, 2012.

Sec. 2. 14 V.S.A. § 3502(f) is amended to read:

(f) Notwithstanding any other provision of law, a power of attorney appointing a representative to represent a person before the Vermont ~~department of taxes~~ Department of Taxes that otherwise conforms ~~to the requirements of the U.S. Internal Revenue Service for a valid power of attorney and declaration of representative pursuant to 25 C.F.R. § 601.503~~ shall be deemed to be legally executed and shall be of the same force and effect for purposes of representation before the department of taxes as if ~~executed in the manner prescribed in this chapter~~ to the provisions of this section is valid without the signature of a witness or notary.

Sec. 3. 18 V.S.A. § 908(a) is amended to read:

(a) The ~~emergency medical services special fund~~ Emergency Medical Services Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by the ~~department~~ Department from the ~~general fund~~ Fire Safety Special Fund, pursuant to 32 V.S.A. Sec. 8557(a), that are designated for this special fund and public and private sources as gifts, grants, and donations together with additions and interest accruing to the fund. The ~~commissioner of health~~ Commissioner of Health shall administer the ~~fund~~ Fund to the extent funds are available to support online and regional training programs, data collection and analysis, and other activities relating to the training of emergency medical personnel and delivery of emergency medical services and ambulance services in Vermont, as determined by the ~~commissioner~~ Commissioner, after consulting with the EMS ~~advisory committee~~ Advisory Committee established under section 909 of this title. Any balance at the end of the fiscal year shall be carried forward in the ~~fund~~ Fund.

Sec. 4. 32 V.S.A. § 312(d) is added to read:

(d) Every tax expenditure in the tax expenditure report required by this section shall be accompanied in statute by a statutory purpose explaining the policy goal behind the exemption, exclusion, deduction, or credit applicable to the tax. The statutory purpose shall appear as a separate subsection or subdivision in statute and shall bear the title "Statutory Purpose." Notwithstanding any other provision of law, a tax expenditure listed in the tax expenditure report that lacks a statutory purpose in statute shall not be implemented or enforced until a statutory purpose is provided.

Sec. 5. TAX EXPENDITURE PURPOSES

The Joint Fiscal Committee shall draft a statutory purpose for each tax expenditure in the report required by 32 V.S.A. § 312 that explains the policy

goal behind the exemption, exclusion, deduction, or credit applicable to the tax. For the purpose of this report, the Committee shall have the assistance of the Department of Taxes, the Joint Fiscal Office, and the Office of Legislative Council. The Committee shall report its findings and recommendations to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2014. The report of the Committee shall consist of a written catalogue for Vermont's tax expenditures and draft legislation, in bill form, providing a statutory purpose for each tax expenditure. Upon receipt of the report under this section, the Senate Committee on Finance shall introduce a bill to adopt statutory purposes during the 2014 legislative session.

Sec. 6. 32 V.S.A. § 3102(l) is added to read:

(l)(1) The Commissioner of the Department of Taxes and the Chief Fiscal Officer of the Joint Fiscal Office shall enter into a memorandum of understanding in order to provide the Joint Fiscal Office with state returns and return information necessary for the Joint Fiscal Office or its agents to perform its duties, including conducting its own statistical studies, forecasts, and fiscal analysis.

(2) The memorandum of understanding shall provide for:

(A) mechanisms to prevent the identification of individual taxpayers, including the redaction of any information that identifies a particular taxpayer;

(B) protocols for handling and transmitting returns and return information;

(C) the designation of specific employees of the Joint Fiscal Office with access to the information provided by the Department of Taxes;

(D) the incorporation of penalties for unauthorized disclosures under subsections (a) and (h) of this section.

Sec. 6a. TAX DATA

The Commissioner of Taxes and the Chief Fiscal Officer of the Joint Fiscal Officer shall enter into a memorandum of understanding under Sec. 6 of this act no later than August 1, 2013.

Sec. 7. 32 V.S.A. § 3262 is amended to read:

§ 3262. LIEN FEES; SERVICE OF PROCESS COSTS; ELECTRONIC FILING OF LIENS

(a) Notwithstanding section 502 of this title, the ~~commissioner~~ Commissioner may charge against any collection of any liability any related

lien fees specified in subdivision 1671(a)(6) or subsection 1671(c) of this title and any related service of process costs awarded to the ~~department~~ Department and paid by the ~~commissioner~~ Commissioner. Fees and costs collected under this section shall be credited to a special ~~fund~~ Fund established and managed pursuant to subchapter 5 of chapter 7 of this title, and shall be available as payment for the fees of the clerk of the municipality and the costs of service.

(b) The Commissioner may file notice of any lien arising in favor of the State due to nonpayment of taxes with the clerk of a municipality in which the property subject to lien is located in electronic format, and such lien shall have the same force and effect as a lien filed in paper form.

Sec. 8. TAX COMPLIANCE

The General Assembly finds that there is a gap between the amount of taxes paid in this State and the amount of taxes due. Therefore, the General Assembly directs the Department of Taxes to develop and pursue further strategies to close the tax gap during state fiscal year 2014. The Department of Taxes shall redeploy resources to focus on these strategies with the goal of increasing current collections by \$1,500,000.00 in fiscal year 2014.

* * * Cigarettes and Tobacco Products * * *

Sec. 9. 32 V.S.A. § 7772(b) is amended to read:

(b) At the purchaser's request, the ~~commissioner~~ Commissioner may sell stamps to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter to licensed wholesale dealers and retail dealers for payment within 10 days, at a discount of one and five-tenths percent of their face value if timely paid. In determining whether to sell stamps for payment within 10 days, the ~~commissioner~~ Commissioner shall consider the credit history of the dealer; and the filing and payment history, with respect to any tax administered by the ~~commissioner~~ Commissioner, of the dealer or any individual, corporation, partnership, or other legal entity with which the dealer is or was associated as principal, partner, officer, director, employee, agent, or incorporator. ~~No stamps may be purchased during the period June 15 through June 30 each year under the provisions of this subsection.~~

Sec. 10. 32 V.S.A. § 7817 is amended to read:

§ 7817. DETERMINATION OF TAX ON FAILURE TO FILE RETURN

(a) When the ~~commissioner~~ Commissioner discovers, by examination of the records of the taxpayer as provided in section 7816 of this title, or otherwise, that a person required to file a return under this subchapter, has filed an incorrect or insufficient return, the ~~commissioner~~ Commissioner may, at

any time within three years after the date the return was due, determine the correct amount of tax and shall give notice to the taxpayer of the amount of any deficiency in such tax, together with penalty and interest as hereinafter provided. If no return has been filed as provided by law, the tax may be assessed at any time. When, before the expiration of the period prescribed herein for assessment of an additional tax, a taxpayer has consented in writing that the period be extended, the amount of the additional tax due may be determined at any time within the extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

* * *

Sec. 11. 32 V.S.A. § 7783 is amended to read:

§ 7783. APPEALS

Any person aggrieved because of any action or decision of the ~~commissioner~~ Commissioner under the provisions of this chapter may appeal therefrom within 30 days to the superior court ~~Superior Court~~ of the county in which such person resides. The appellant shall give security, approved by the ~~commissioner~~ Commissioner, conditioned to pay the tax levied, if it remains unpaid, with interest and costs. ~~Such appeals shall be preferred cases for hearing on the docket of such court. Such court may grant such relief as may be equitable and may order the state treasurer to pay to the aggrieved taxpayer the amount of such relief, with interest at the rate of six percent per annum. If the appeal shall have been taken without probable cause, the court may tax double or triple costs as the case shall demand. Upon all such appeals which may be denied, costs may be taxed against the appellant at the discretion of the court, but no costs shall be taxed against the state.~~

* * * Use Value Program * * *

Sec. 12. 32 V.S.A. § 3752 is amended to read:

§ 3752. DEFINITIONS

For the purposes of this subchapter:

* * *

(10) "Owner" means the person who is the owner of record of any land or the lessee under a perpetual lease as defined in 32 V.S.A. § 3610(a) provided the term of the lease exceeds 999 years exclusive of renewals. When enrolled land is mortgaged, the mortgagor shall be deemed the owner of the land for the purposes of this subchapter, until the mortgagee takes possession,

either by voluntary act of the mortgagor or foreclosure, after which the mortgagee shall be deemed the owner.

* * *

Sec. 13. 32 V.S.A. § 3758 is amended to read:

§ 3758. APPEALS

(a) Whenever the ~~director~~ Director denies in whole or in part any application for classification as agricultural land or managed ~~forest-land~~ forestland or farm buildings, or grants a different classification than that applied for, or the director or assessing officials fix a use value appraisal, or determine that previously classified property is no longer eligible or that the property has undergone a change in use, the aggrieved owner may appeal the decision of the ~~director~~ Director to the ~~director~~ Commissioner within 30 days of the decision, and from there ~~in the same manner and under the same procedures as an appeal from a decision of a board of civil authority, as set forth in subchapter 2 of chapter 131 of this title; and may appeal the decision of the assessing officials in the same manner as an appeal of a grand list valuation to Superior Court in the county in which the property is located.~~

(b) Any owner who is aggrieved by the determination of the fair market value of classified land for the purpose of computing the land use change tax may appeal in the same manner as an appeal of a grand list valuation.

(c) Whenever the ~~commissioner~~ Director denies a request for an exemption from the terms of the definition of a “farmer” as provided in subsection 3756(j) of this title, the aggrieved person may appeal the decision of the Director to the commissioner Commissioner within 30 days of the decision, and from there to the ~~superior court~~ Superior Court ~~in the same manner and under the same procedures as an appeal from a decision of the board of civil authority, as set forth in subchapter 2 of chapter 131 of this title~~ the county in which the property is located.

(d) Any owner who is aggrieved by a decision of the ~~department of forests, parks and recreation~~ Department of Forests, Parks and Recreation concerning the filing of an adverse inspection report, ~~or a~~ or a denial of approval of a management plan, ~~or a~~ or a certification to the ~~director~~ Director with respect to land for which a wastewater permit is issued may appeal to the ~~commissioner of the department of forests, parks and recreation~~ Commissioner of the Department of Forests, Parks and Recreation within 60 days of the filing of the adverse inspection report, the decision to deny approval, or the certification to the Director. An appeal of this decision of the ~~commissioner~~ Commissioner may be taken to the ~~superior court~~ Superior Court in the same manner and under the

same procedures as an appeal from a decision of a board of civil authority, as set forth in chapter 131, subchapter 2 of this title.

Sec. 14. REPEALS

The following are repealed:

(1) 2011 Acts and Resolves No. 45, Sec. 13a (wastewater permits).

(2) 2012 Acts and Resolves No. 143, Secs. 41 through 43 (wastewater permits).

* * * Estate Taxes * * *

Sec. 15. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on ~~December 31, 2011~~ December 31, 2012, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) the credit for state death taxes shall remain as provided for under 26 U.S.C. §§ 2011 and 2604 as in effect on January 1, 2001;

(2) the applicable credit amount shall under 26 U.S.C. § 2010 shall not apply; and the tax imposed under section 7442a of this chapter shall be calculated as if the applicable exclusion amount under 26 U.S.C. § 2010 were \$2,750,000.00; and

(3) the deduction for state death taxes under 26 U.S.C. § 2058 shall not apply.

Sec. 16. 32 V.S.A. § 7488(b) is amended to read:

(b) If the ~~commissioner~~ Commissioner determines, on a petition for refund or otherwise, that a taxpayer has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the taxpayer to the ~~state~~ State, with respect to the current and all preceding taxable years, under any provision of this title, the ~~commissioner~~ Commissioner shall forthwith refund the excess amount to the taxpayer together with interest at the rate per annum established pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed or was due, including any extensions of time thereto or, if the taxpayer filed an amended return or otherwise requested a refund, 45 days after the date the petition or amended return was filed.

* * * Income Tax * * *

Sec. 17. 32 V.S.A. § 5811(18) is amended to read:

(18) “Vermont net income” means, for any taxable year and for any corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to Section 168(k) of the Internal Revenue Code, and excluding income which under the laws of the United States is exempt from taxation by the states:

(i) increased by:

(I) the amount of any deduction for state and local taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes; and

(II) to the extent such income is exempted from taxation under the laws of the United States by the amount received by the taxpayer on and after January 1, 1986 as interest income from state and local obligation, other than obligations of Vermont and its political subdivisions, and any dividends or other distributions from any fund to the extent such dividend or distribution is attributable to such Vermont state or local obligations; ~~and~~

(III) the amount of any deduction for a federal net operating loss; and

* * *

Sec. 18. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code reduced by the total amount of any qualified dividend income; either the first \$5,000.00 of such adjusted net capital gain income; or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

* * *

Sec. 19. 32 V.S.A. § 5812 is amended to read:

§ 5812. INCOME TAXATION OF PARTIES TO A CIVIL UNION

This chapter shall apply to parties to a civil union or civil marriage and surviving parties to a civil union or civil marriage as if federal income tax law recognized a civil union and civil marriage in the same manner as Vermont law.

Sec. 20. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2011~~ 2012, but without regard to federal income tax rates under ~~Section 1 of the Internal Revenue Code~~ 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 21. 32 V.S.A. § 5852(b) is amended to read:

(b) In lieu of the estimated payments provided in subsection (a) of this section, a taxpayer who pays federal estimated income tax in annualized income installments may pay for the installment period an amount equal to the ~~applicable percentage~~ 24 percent of the taxpayer's required payment for federal income tax purposes, reduced by a percentage equal to the percentage of the taxpayer's adjusted gross income for the taxable year which is not Vermont income, provided, however, that if a taxpayer's Vermont income exceeds the taxpayer's adjusted gross income, no reduction shall be made. ~~For purposes of this section, "applicable percentage" means the percentage of federal income tax liability specified in section 5822 of this title, as amended from time to time.~~

Sec. 22. 32 V.S.A. § 5859(b) and (c) are amended to read:

(b) Except as provided in subsection (c) of this section, the taxpayer shall be liable for interest at the rate per annum established from time to time by the ~~commissioner~~ Commissioner pursuant to section 3108 of this title upon the amount of any underpayment of estimated tax.

(1) For purposes of this subsection, the amount of any underpayment of estimated tax shall be the excess of:

(A) the amount of the installment which would be required to be paid if the estimated tax were equal to ~~80~~ 90 percent of the tax shown on the return for the taxable year, or, if no return were filed ~~80~~, 90 percent of the tax for such year, over

(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

* * *

(c) No interest for underpayment of any installment or estimated tax shall be imposed if the total amount of all such payments made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were the lesser of:

(1) an amount equal to the tax computed at the rate applicable to the taxable year but otherwise on the basis of the facts shown on the return for, and the law applicable to, the preceding taxable year; or

(2) an amount equal to ~~80~~ 90 percent of the tax finally due for the taxable year.

Sec. 23. 32 V.S.A. § 5883 is amended to read:

§ 5883. DETERMINATION OF DEFICIENCY, REFUND, ~~PENALTY, OR INTEREST~~ OR ASSESSMENT

Upon receipt of a notice of deficiency, of denial or reduction of a refund claim, or of assessment of penalty or interest under section 3203 of this title, the taxpayer may, within 60 days after the date of mailing of the notice or assessment, petition the ~~commissioner~~ Commissioner in writing for a determination of that deficiency, refund, or assessment. The ~~commissioner~~ Commissioner shall thereafter grant a hearing upon the matter and notify the taxpayer in writing of his or her determination concerning the deficiency, ~~penalty or interest~~ refund, or assessment.

Sec. 24. WOOD PRODUCTS MANUFACTURERS TAX CREDIT

2005 Spec. Sess. Acts and Resolves No. 2, Sec. 2, as amended by 2006 Acts and Resolves No. 212, Sec. 9 and 2008 Acts and Resolves No. 190, Sec. 29, and as further amended by 2011 Acts and Resolves No. 45, Sec. 17, is further amended to read:

Sec. 2. EFFECTIVE DATE; SUNSET

Sec. 1 of this act (wood products manufacture tax credit) shall apply to taxable years beginning on or after July 1, 2005. 32 V.S.A. § 5930y is repealed ~~July 1, 2013~~ January 1, 2014, and no credit under that section shall be available for any taxable year beginning on or after ~~July 1, 2013~~ January 1, 2014.

Sec. 25. [Deleted.]

* * * Property Tax and Property Tax Adjustments * * *

Sec. 26. 10 V.S.A. § 6306(b)(3) is added to read:

(3) A certification granted to a qualified agency shall first affect the April 1 grand list following the date that all information deemed necessary by the Commissioner has been provided by the qualified organization.

Sec. 27. 32 V.S.A. § 3802(11)(B)(i) is amended to read:

(i) the definitions shall apply as if federal law recognized a civil union or a civil marriage in the same manner as Vermont law;

Sec. 28. 32 V.S.A. § 3802(18) is added to read:

(18) Any parcel of land that provides public access to public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

(A) owned by the Town of Hardwick, and located in Greensboro, Vermont; or

(B) owned by the Town of Thetford, and located in Fairlee, Vermont, and West Fairlee, Vermont.

Sec. 29. 32 V.S.A. § 3802a is added to read:

§ 3802a. REQUIREMENT TO PROVIDE INSURANCE INFORMATION

Before April 1 of each year, owners of property exempt from taxation under subdivisions 3802(4)–(6), (9), and (12)–(15) and under subdivisions 5401(10)(D), (F), (G), and (J) of this title shall provide their local assessing officials with information regarding the insurance replacement cost of the exempt property or with a written explanation of why the property is not insured.

Sec. 30. 32 V.S.A. § 4152 is amended to read:

§ 4152. CONTENTS

(a) When completed, the grand list of a town shall be in such form as the director prescribes and shall contain such information as the director prescribes, including:

* * *

(6) For those parcels which are exempt, the insurance replacement value reported to the local assessing officials by the owner under section 3802a of this title, or what the full listed value of the property would be absent the

exemption and the statutory authority for granting such exemption and, for properties exempt pursuant to a vote, the year in which the exemption became effective and the year in which the exemption ends;

* * *

(c) When the grand list of a town describes exempt property, the grand list shall identify if the value provided is the insurance replacement cost provided under section 3802a of this title or the full listed value under subdivision (a)(6) of this section.

Sec. 31. 32 V.S.A. § 4004 is amended to read:

§ 4004. RETURN OF INVENTORIES BY INDIVIDUALS

On or before April 20, unless otherwise required, every taxable person shall procure such inventory form, make full answers to all interrogatories therein, subscribe the same, make oath thereto, and deliver or forward the same to one of the listers in the town wherein such person owns or possesses property required by law to be set to him or her in the grand list. When notice in writing to file, deliver, or forward such inventory on or before a given date is delivered by one of the listers to a person, or mailed postage prepaid to him or her at his or her last known post office address, such person, within the time therein specified, shall properly fill out such inventory and deliver or forward the same to one of the listers, notwithstanding he or she may not own or possess property subject to taxation. Persons taxable only for real estate ~~and persons taxable only upon their polls~~ shall not be required to file such inventory unless notified so to do as herein provided.

Sec. 32. 32 V.S.A. § 4465 is amended to read:

§ 4465. APPOINTMENT OF ~~APPRAISER~~ PROPERTY TAX HEARING OFFICER; OATH; PAY

When an appeal to the ~~director~~ Director is not withdrawn, the ~~director~~ Director shall refer the appeal in writing to a person not employed by the ~~director~~ Director, appointed by the ~~director~~ Director as ~~an appraiser~~ hearing officer. The ~~director~~ Director shall have the right to remove ~~an appraiser~~ a hearing officer for inefficiency, malfeasance in office, or other cause. In like manner, the ~~director~~ Director shall appoint ~~an appraiser~~ a hearing officer to fill any vacancy created by resignation, removal, or other cause. Before entering into their duties, persons appointed as ~~appraisers~~ hearing officers shall take and subscribe the oath of the office prescribed in the ~~constitution~~ Constitution, which oath shall be filed with the ~~director~~ Director. The ~~director~~ Director shall pay each ~~appraiser~~ hearing officer a sum not to exceed \$120.00 per diem for

each day wherein hearings are held, together with reasonable expenses as the ~~director~~ Director may determine. ~~An appraiser~~ A hearing officer may subpoena witnesses, records, and documents in the manner provided by law for serving subpoenas in civil actions and may administer oaths to witnesses.

Sec. 33. 32 V.S.A. § 4466 is amended to read:

§ 4466. CONDUCT OF APPEAL BEFORE ~~APPRAISER~~ HEARING OFFICER

Unless expressly waived by all parties to the appeal, the provisions of 3 V.S.A. chapter 25 of Title 3 shall govern all proceedings before ~~an appraiser~~ a hearing officer except where inconsistent with this subchapter. ~~An appraiser~~ A hearing officer shall promptly notify in writing the clerk of the town and all other parties to the appeal of the place within the town wherein the appeal is taken, of the place within such town and the time at which the parties shall be heard, such notice to be delivered in person or by mail, postage prepaid.

Sec. 34. 32 V.S.A. § 4467 is amended to read:

§ 4467. DETERMINATION OF APPEAL

Upon appeal to the ~~director~~ Director or the court, the ~~appraiser~~ hearing officer or court shall proceed de novo and determine the correct valuation of the property as promptly as practicable and to determine a homestead and a housesite value if a homestead has been declared with respect to the property for the year in which the appeal is taken. The ~~appraiser~~ hearing officer or court shall take into account the requirements of law as to valuation, and the provisions of Chapter I, Article 9 of the Constitution of Vermont and the 14th Amendment to the Constitution of the United States. If the ~~appraiser~~ hearing officer or court finds that the listed value of the property subject to appeal does not correspond to the listed value of comparable properties within the town, the ~~appraiser~~ hearing officer or court shall set said property in the list at a corresponding value. The findings and determinations of the ~~appraiser~~ hearing officer shall be made in writing and shall be available to the appellant. If the appeal is taken to the ~~director~~ Director, the ~~appraiser~~ hearing officer shall inspect the property prior to making a determination.

Sec. 35. REPEAL

32 V.S.A. § 5165 (report of delinquent taxes to director) is repealed.

Sec. 36. REPEAL

32 V.S.A. § 5166 (report of payment to director) is repealed.

Sec. 37. REPEAL

32 V.S.A. § 5167 (reporting method of collection to director) is repealed.

Sec. 38. 32 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

* * *

(10) “Nonresidential property” means all property except:

* * *

(B) Property which is subject to the tax on railroads imposed by subchapter 2 of chapter 211 of this title, ~~the tax on steamboat, car and transportation companies imposed by subchapter 3 of chapter 211 of this title,~~ the tax on telephone companies imposed by subchapter 6 of chapter 211 of this title, or the tax on electric generating plants imposed by chapter 213 of this title.

* * *

Sec. 39. 32 V.S.A. § 5405(a) is amended to read:

(a) Annually, on or before April 1, the ~~commissioner~~ Commissioner shall determine the equalized education property tax grand list and coefficient of dispersion for each municipality in the ~~state~~ State; provided, however, that for purposes of equalizing grand lists pursuant to this section, the equalized education property tax grand list of a municipality that establishes a tax increment financing district shall include the fair market value of the property in the district and not the original taxable value of the property and further provided that the unified towns and gores of Essex County may be treated as one municipality for the purpose of determining an equalized education property grand list and a coefficient of dispersion if the Director determines that all such entities have a uniform appraisal schedule and uniform appraisal practices.

Sec. 40. 32 V.S.A. § 6066(b) and (c) are amended to read:

(b) An eligible claimant who rented the homestead ~~on the last day of the taxable year,~~ whose household income does not exceed \$47,000.00, and who submits a certificate of allocable rent shall be entitled to a credit against the claimant’s tax liability under chapter 151 of this title equal to the amount by which the allocable rent upon the claimant’s housesite exceeds a percentage of the claimant’s household income for the taxable year as follows:

If household income (rounded to
to the nearest dollar) is:

then the taxpayer is
entitled credit for
allocable rent paid in
excess of this percent of
that income:

\$0 - 9,999.00	2.0
\$10,000.00 - 24,999.00	4.5
\$25,000.00 - 47,000.00	5.0

In no event shall the credit exceed the amount of the allocable rent.

(c) To be eligible for a ~~property tax~~ an adjustment or credit under this chapter the claimant:

(1) must have been domiciled in this ~~state~~ State during the entire taxable year; ~~and~~

(2) may not be a person claimed as a dependent by any taxpayer under the federal Internal Revenue Code during the taxable year; and

(3) in the case of a renter, shall have rented property during the entire taxable year.

Sec. 41. 32 V.S.A. § 8701(d) is added to read:

(d) The existence of a renewable energy plant subject to tax under subsection (b) of this section shall not alter the exempt status of any underlying property under section 3802 or 5401(10)(F) of this title.

Sec. 42. STUDY COMMITTEE ON CERTAIN PROPERTY TAX EXEMPTIONS

(a) Creation of committee. There is created a Property Tax Exemption Study Committee to study issues related to properties that fall within the public, pious, and charitable property tax exemption in 32 V.S.A. § 3802(4). The Committee shall study and make recommendations related to the definition, listing, valuation, and tax treatment of properties within this exemption.

(b) Membership. The Property Tax Exemption Study Committee shall be composed of seven members. Four members of the Committee shall be members of the General Assembly. The Committee on Committees of the Senate shall appoint two members of the Senate, not from the same political party, and the Speaker of the House shall appoint two members of the House, not from the same political party. The Chair and Vice Chair of the Committee

shall be legislative members selected by all members of the Committee. Three members of the Committee shall be as follows:

(1) the Director of the Division of Property Valuation and Review;

(2) one member from Vermont's League of Cities and Towns, chosen by its board of directors; and

(3) one member of the Vermont Assessors and Listers Association, chosen by its board of directors.

(c) Powers and duties.

(1) The Committee shall study the definition, listing practices, valuation, and tax treatment of properties within the public, pious, and charitable exemption, including the following:

(A) ways to clarify the definitions of properties that fall within this exemption, including recreational facilities, educational facilities, and publically owned land and facilities;

(B) guidelines to ensure a uniform listing practice of public, pious, and charitable properties in different municipalities;

(C) methods of providing a valuation for properties within this exemption; and

(D) whether the policy justification for these exemptions continues to be warranted and whether a different system of taxation or exemption of these properties may be more appropriate.

(2) For purposes of its study of these issues, the Committee shall have the assistance of the Joint Fiscal Office, the Office of Legislative Council, and the Department of Taxes.

(d) Report. By January 15, 2014, the Committee shall report to the Senate Committee on Finance and the House Committee on Ways and Means its findings and any recommendations for legislative action.

(e) Number of meetings; term of Committee. The Committee may meet no more than six times, and shall cease to exist on January 16, 2014.

(f) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 43. 2008 Acts and Resolves No. 190, Sec. 40, as amended by 2010 Acts and Resolves No. 160, Sec. 22, as amended by 2011 Acts and Resolves No. 45, Sec. 13f, is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR ~~SKATING RINKS~~ SKATING RINKS USED FOR PUBLIC SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport officially recognized by the Vermont Principals' Association shall be exempt from 50 percent of the education property taxes for fiscal ~~year 2012~~ years 2013 and 2014 only.

* * * Property Transfer Tax * * *

Sec. 44. 32 V.S.A. § 9606 is amended to read:

§ 9606. PROPERTY TRANSFER RETURN

(a) A property transfer return complying with this section shall be delivered to a town clerk at the time a deed evidencing a transfer of title to property is delivered to the clerk for recording.

(b) The property transfer return required by this section shall be in such form and with such signatures as the ~~commissioner~~, Commissioner, ~~by regulation,~~ shall prescribe, ~~and shall be signed, under oath or affirmation,~~ by each of the parties or their legal representatives, to the transfer of title to property with respect to which the return is filed. If the return is filed with respect to a transfer which is claimed to be exempt from the tax imposed by this chapter, the return shall set forth the basis for such exemption. If the return is filed with respect to a transfer subject to such tax, the return shall truly disclose the value of the property transferred, together with such other information as the ~~commissioner~~ Commissioner may reasonably require for the proper administration of this chapter. The return shall include notice that the property may be subject to regulations governing potable water supplies and wastewater systems under 10 V.S.A. chapter 64 and to building, zoning, and subdivision regulations; and that the parties have an obligation under law to investigate and disclose his or her knowledge regarding flood regulation, if any, affecting the property.

(c) ~~The property transfer return required under this section shall also contain a certificate in such form as the secretary of the agency of natural resources and the commissioner of taxes jointly shall prescribe and shall be~~

~~signed under oath or affirmation by each of the parties or their legal representatives. The certificate shall indicate:~~

~~(1) whether the transfer is in compliance with or is exempt from regulations governing potable water supplies and wastewater systems under chapter 64 of Title 10; and~~

~~(2) that the seller has advised the purchaser that local and state building regulations, zoning regulations, subdivision regulations, and potable water supply and wastewater system requirements pertaining to the property may significantly limit the use of the property.~~

~~(d)~~ For receiving and acknowledging a property transfer return under this chapter, there shall be paid to the town clerk at the time of filing a fee as provided for in subdivision 1671(a)(6) of this title.

~~(e) The property transfer return required under this section shall also contain a certificate in such form as the secretary of the agency of natural resources shall prescribe and shall be signed under oath or affirmation by each of the parties or their legal representatives. The certificate shall indicate that each party has investigated and disclosed all of his or her knowledge relating to the flood regulations, if any, affecting the property.~~

~~(f)~~(d) The property transfer tax return shall not be required of properties qualified for the exemption stated in subdivision 9603(17) of this title. A public utility shall notify the listers of a municipality of the grantors, grantees, consideration, date of execution, and location of the easement when it files for recording a deed transferring a utility line easement that does not require a transfer tax return.

~~(g)~~(e) ~~The commissioner of taxes~~ Commissioner of Taxes is authorized to disclose to any person any information appearing on a property transfer tax return, including statistical information derived therefrom, and such information derived from research into information appearing on property transfer tax returns as is necessary to determine if the property being transferred is subject to 10 V.S.A. chapter 151.

* * * Sales and Use Tax * * *

Sec. 45. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(2) Drugs intended for human use, durable medical equipment, mobility enhancing equipment, and prosthetic devices and supplies, including blood, blood plasma, insulin, and medical oxygen, used in diagnosis or treatment intended to alleviate human suffering or to correct, in whole or in part, human physical disabilities; provided however, that toothbrushes, floss, and similar items of nominal value given by dentists and hygienists to patients during treatment are supplies used in treatment to alleviate human suffering or to correct, in whole or part, human physical disabilities and are exempt under this subdivision.

* * *

Sec. 46. 32 V.S.A. § 9744(a)(2) is amended to read:

§ 9744. PROPERTY EXEMPT FROM USE TAX

(a) The following uses of property are not subject to the compensating use tax imposed under this chapter:

(1) Property used by the purchaser in this ~~state~~ State prior to June 1, 1969.

(2) Property purchased and used outside of the State by the user while a nonresident of this ~~state~~ State, except in the case of tangible personal property which the user, in the performance of a contract, incorporates into real property located in the ~~state~~ State.

* * *

Sec. 47. 32 V.S.A. § 9781(c) is amended to read:

(c) If the ~~commissioner~~ Commissioner determines, on a petition for refund or otherwise, that a taxpayer has paid an amount of tax under this chapter which, as of the date of the determination, exceeds the amount of tax liability owing from the taxpayer to the ~~state~~ State, with respect to the current and all preceding taxable periods, under any provision of this title, the ~~commissioner~~ Commissioner shall forthwith refund the excess amount to the taxpayer together with interest at the rate per annum established from time to time by the ~~commissioner~~ Commissioner pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed or from 45 days after the date the return was due, including any extensions of time thereto, with respect to which the excess payment was made or, ~~whichever is the later date~~ if the taxpayer filed an amended return or

otherwise requested a refund, 45 days after the date of such amended return or request was filed.

* * * Health Care Provisions * * *

* * * Health Insurance Claims Tax * * *

Sec. 48. 32 V.S.A. chapter 243 is added to read:

CHAPTER 243. HEALTH CARE CLAIMS TAX

§ 10401. DEFINITIONS

As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, any dental service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid or any other state health care assistance program in which claims are financed in whole or in part through a federal program unless authorized by federal law and approved by the General Assembly. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

(2) "Health insurer" means any person who offers, issues, renews, or administers a health insurance policy, contract, or other health benefit plan in this State and includes third party administrators or pharmacy benefit managers who provide administrative services only for a health benefit plan offering coverage in this State. The term does not include a third party administrator or pharmacy benefit manager to the extent that a health insurer has paid the fee which would otherwise be imposed in connection with health care claims administered by the third party administrator or pharmacy benefit manager.

§ 10402. HEALTH CARE CLAIMS TAX

(a) There is imposed on every health insurer an annual tax in an amount equal to 0.999 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30.

The annual fee shall be paid to the Commissioner of Taxes in one installment due by January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows:

(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and

(2) 0.8 of one percent of all health insurance claims into the State Health Care Resources Fund established in 33 V.S.A. § 1901d.

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A. § 9410, for use by the Department of Taxes shall be paid from the Vermont Health IT-Fund and the State Health Care Resources Fund in the same proportion as revenues are deposited into those Funds.

(d) It is the intent of the General Assembly that all health insurers shall contribute equitably through the tax imposed in subsection (a) of this section. In the event that the tax is found not to be enforceable as applied to third party administrators or other entities, the tax owed by all other health insurers shall remain at the existing level and the General Assembly shall consider alternative funding mechanisms that would be enforceable as to all health insurers.

§ 10403. ADMINISTRATION OF TAX

(a) The Commissioner of Taxes shall administer and enforce this chapter and the tax. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to carry out such administration and enforcement.

(b) All of the administrative provisions of chapter 151 of this title, including those relating to the collection and enforcement by the Commissioner of the withholding tax and the income tax, shall apply to the tax imposed by this chapter. In addition, the provisions of chapter 103 of this title, including those relating to the imposition of interest and penalty for failure to pay the tax as provided in section 10402 of this title, shall apply to the tax imposed by this chapter.

§ 10404. DETERMINATION OF DEFICIENCY, REFUND, PENALTY, OR INTEREST

(a) Within 60 days after the mailing of a notice of deficiency, denial or reduction of a refund claim, or assessment of penalty or interest, a health insurer may petition the Commissioner in writing for a determination of that

deficiency, refund, or assessment. The Commissioner shall thereafter grant a hearing upon the matter and notify the health insurer in writing of his or her determination concerning the deficiency, penalty, or interest. This is the exclusive remedy of a health insurer with respect to these matters.

(b) Any hearing granted by the Commissioner under this section shall be subject to and governed by 3 V.S.A. chapter 25.

(c) Any aggrieved health insurer may, within 30 days after a determination by the Commissioner concerning a notice of deficiency, an assessment of penalty or interest, or a claim to refund, appeal that determination to the Washington Superior Court or to the Superior Court for the county in which the health insurer has a place of business.

Sec. 49. 32 V.S.A. § 3102(e) is amended to read:

(e) The ~~commissioner~~ Commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(14) to the ~~office of the state treasurer~~ Office of the State Treasurer, only in the form of mailing labels, with only the last address known to the ~~department of taxes~~ Department of Taxes of any person identified to the ~~department~~ Department by the ~~treasurer~~ Treasurer by name and Social Security number, for the ~~treasurer's~~ Treasurer's use in notifying owners of unclaimed property; ~~and~~

(15) to the ~~department of liquor control~~ Department of Liquor Control, provided that the information is limited to information concerning the sales and use tax and meals and rooms tax filing history with respect to the most recent five years of a person seeking a liquor license or a renewal of a liquor license; ~~and~~

(16) to the Commissioner of Financial Regulation and the Commissioner of Vermont Health Access, if such return or return information relates to obligations of health insurers under chapter 243 of this title.

Sec. 50. 32 V.S.A. § 10301 is amended to read:

§ 10301. HEALTH IT-FUND

* * *

(c) Into the fund shall be deposited:

(1) revenue from the ~~reinvestment fee~~ health care claims tax imposed on health insurers pursuant to ~~8 V.S.A. § 4089k~~ subdivision 10402(b)(1) of this title.

* * *

Sec. 51. 2008 Acts and Resolves No. 192, Sec. 9.001(g) is amended to read:

(g) Sec. 7.005 of this act shall sunset July 1, ~~2015~~ 2013.

Sec. 52. 32 V.S.A. § 10301 is amended to read:

§ 10301. HEALTH IT-FUND

* * *

(c) Into the fund shall be deposited:

(1) ~~revenue from the health care claims tax imposed on health insurers pursuant to subdivision 10402(b)(1) of this title.~~ [Deleted.]

* * *

Sec. 53. 32 V.S.A. § 10402 is amended to read:

§ 10402. HEALTH CARE CLAIMS TAX

(a) There is imposed on every health insurer an annual tax in an amount equal to ~~0.999~~ 0.8 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid to the Commissioner of Taxes in one installment due by January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows:

~~(1) 0.199 of one percent of all health insurance claims into the Health IT Fund established in section 10301 of this title; and~~

~~(2) 0.8 of one percent of all health insurance claims into the State Health Care Resources Fund established in 33 V.S.A. § 1901d.~~

* * *

Sec. 54. REPEAL

8 V.S.A. § 4089l (health care claims assessment) is repealed on July 1, 2013.

Sec. 55. 33 V.S.A. § 1955a(a) is amended to read:

(a) Beginning October 1, 2011, each home health agency's assessment shall be 19.30 percent of its net operating revenues from core home health care services, excluding revenues for services provided under Title XVIII of the federal Social Security Act; provided, however, that each home health agency's annual assessment shall be limited to no more than six percent of its annual net patient revenue. The amount of the tax shall be determined by the ~~commissioner~~ Commissioner based on the home health agency's most recent audited financial statements at the time of submission, a copy of which shall be provided on or before ~~December 1~~ May 1 of each year to the ~~department~~ Department. For providers who begin operations as a home health agency after January 1, 2005, the tax shall be assessed as follows:

* * *

* * * Fuel Taxes * * *

Sec. 56. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL GROSS RECEIPTS TAX

(a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of the following types of fuel ~~by sellers receiving more than \$10,000.00 annually for the sale of such fuels:~~

- (1) heating oil, kerosene, and other dyed diesel fuel delivered to a residence or business;
- (2) propane;
- (3) natural gas;
- (4) electricity;
- (5) coal.

* * *

* * * Spirituous Liquor * * *

Sec. 57. 7 V.S.A. § 422 is amended to read:

§ 422. TAX ON SPIRITUOUS LIQUOR

A tax is assessed on the gross revenue on the retail sale of spirituous liquor in the ~~state~~ State of Vermont, including fortified wine, sold by the ~~liquor control board~~ Liquor Control Board or sold by a manufacturer or rectifier of spirituous liquor in accordance with the provisions of this title. The tax shall

be at the following rates based on the gross revenue of the retail sales by the seller in the ~~previous~~ current year:

(1) if the gross revenue of the seller is ~~\$100,000.00~~ \$150,000.00 or lower, the rate of tax is five percent;

(2) if the gross revenue of the seller is between ~~\$100,000.00~~ \$150,000.00 and ~~\$200,000.00~~ \$250,000.00, the rate of tax is ~~\$15,000.00~~ \$7,500.00 plus 15 percent of gross revenues over ~~\$100,000.00~~ \$150,000.00;

(3) if the gross revenue of the seller is over ~~\$200,000.00~~ \$250,000.00, the rate of tax is 25 percent.

* * * Department of Financial Regulation * * *

Sec. 58. 8 V.S.A. § 15(c) is amended to read:

(c) The ~~commissioner~~ Commissioner may waive the requirements of 15 V.S.A. § 795(b) as the ~~commissioner~~ Commissioner deems necessary to permit the ~~department~~ Department to participate in any national licensing or registration systems with respect to any person or entity subject to the jurisdiction of the ~~commissioner~~ Commissioner under this title, Title 9, or 18 V.S.A. chapter 221 of Title 18. ~~The commissioner may waive the requirements of 32 V.S.A. § 3113(b) as the commissioner deems necessary to permit the department to participate in any national licensing or registration systems with respect to any person or entity not residing in this state and subject to the jurisdiction of the commissioner under this title, Title 9, or chapter 221 of Title 18.~~

Sec. 59. 32 V.S.A. § 3113(b) is amended to read:

(b) No agency of the state State shall grant, issue, or renew any license or other authority to conduct a trade or business (including a license to practice a profession) to, or enter into, extend, or renew any contract for the provision of goods, services, or real estate space with, any person unless such person shall first sign a written declaration under the pains and penalties of perjury, that the person is in good standing with respect to or in full compliance with a plan to pay, any and all taxes due as of the date such declaration is made, except that the Commissioner may waive this requirement as the Commissioner deems appropriate to facilitate the Department of Financial Regulation's participation in any national licensing or registration systems for persons required to be licensed or registered by the Commissioner of Financial Regulation under Title 8, Title 9, or 18 V.S.A. chapter 221.

* * * Effective Dates * * *

Sec. 60. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Secs. 4 (tax expenditures), 30 (insurance values), and 31 (grand list) shall take effect on July 1, 2014.

(2) Sec. 13 (Use Value Program appeals) shall take effect with respect to appeals taken after the passage of this act.

(3) Sec. 15 (estate tax link to Internal Revenue Code) of this act shall apply to decedents dying on or after January 1, 2012.

(4) Sec. 20 (link to Internal Revenue Code) of this act shall apply to taxable years beginning on and after January 1, 2012.

(5) Sec. 28 (water access exemption) shall take effect on January 1, 2014.

(6) Secs. 32 through 34 (state appraiser name change), 55 (home health agencies), 56 (fuel gross receipts tax), and 57 (spirituous liquor) shall take effect on July 1, 2013.

(7) Sec. 39 (unified assessment districts) shall take effect for the study of the 2013 grand list.

(8) Sec. 44 (eliminating signature requirement on property transfer tax returns) shall take effect for returns filed in municipal offices on and after July 1, 2013.

(9) Sec. 47 (interest calculation on sales tax refunds) shall take effect for refund petitions filed after the date of passage of this act.

(10) Secs. 48–51 (health claims tax) shall take effect on July 1, 2013 and 52 and 53 (health claims sunset) shall take effect on July 1, 2017.

TIMOTHY R. ASHE

MARK A. MACDONALD

KEVIN J. MULLIN

Committee on the part of the Senate

JANET ANCEL

KESHA K. RAM

JEFFREY D. WILSON

Committee on the part of the House

Pending the question, Shall the report of the Committee of Conference be adopted? **Rep. Savage of Swanton** 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 report of the Committee of Conference be adopted? was decided in the affirmative. Yeas, 108. Nays, 28.

Those who voted in the affirmative are:

Ancel of Calais	Haas of Rochester	Myers of Essex
Bartholomew of Hartland	Heath of Westford	Nuovo of Middlebury
Bissonnette of Winooski	Hooper of Montpelier	O'Brien of Richmond
Botzow of Pownal	Huntley of Cavendish	O'Sullivan of Burlington
Branagan of Georgia	Jerman of Essex	Partridge of Windham
Brennan of Colchester	Jewett of Ripton	Pearce of Richford
Burke of Brattleboro	Johnson of South Hero	Pearson of Burlington
Buxton of Tunbridge	Johnson of Canaan	Peltz of Woodbury
Campion of Bennington	Juskiewicz of Cambridge	Potter of Clarendon
Carr of Brandon	Keenan of St. Albans City	Pugh of South Burlington
Cheney of Norwich	Kilmartin of Newport City	Rachelson of Burlington
Christie of Hartford	Kitzmiller of Montpelier	Ralston of Middlebury
Clarkson of Woodstock	Klein of East Montpelier	Ram of Burlington
Cole of Burlington	Krebs of South Hero	Russell of Rutland City
Connor of Fairfield	Krowinski of Burlington	Sharpe of Bristol
Conquest of Newbury	Kupersmith of South Burlington	South of St. Johnsbury
Consejo of Sheldon	Lanpher of Vergennes	Spengler of Colchester
Copeland-Hanzas of Bradford	Lenes of Shelburne	Stevens of Waterbury
Corcoran of Bennington	Lippert of Hinesburg	Stuart of Brattleboro
Cross of Winooski	Macaig of Williston	Sweaney of Windsor
Dakin of Chester	Malcolm of Pawlet	Taylor of Barre City
Davis of Washington	Manwaring of Wilmington	Till of Jericho
Devereux of Mount Holly	Marcotte of Coventry	Toleno of Brattleboro
Donovan of Burlington	Marek of Newfane	Toll of Danville
Ellis of Waterbury	Martin of Springfield	Townsend of South Burlington
Emmons of Springfield	Martin of Wolcott	Trieber of Rockingham
Evans of Essex	Masland of Thetford	Vowinkel of Hartford
Fay of St. Johnsbury	McCarthy of St. Albans City	Waite-Simpson of Essex
Feltus of Lyndon	McCormack of Burlington	Webb of Shelburne
Fisher of Lincoln	McCullough of Williston	Weed of Enosburgh
Frank of Underhill	Michelsen of Hardwick	Wilson of Manchester
French of Randolph	Miller of Shaftsbury	Wizowaty of Burlington
Gallivan of Chittenden	Mitchell of Fairfax	Woodward of Johnson
Goodwin of Weston	Mook of Bennington	Yantachka of Charlotte
Grad of Moretown	Moran of Wardsboro	Young of Glover
Greshin of Warren	Mrowicki of Putney	Zagar of Barnard

Those who voted in the negative are:

Batchelor of Derby	Gage of Rutland City	Quimby of Concord
Beyor of Highgate	Hebert of Vernon	Savage of Swanton
Bouchard of Colchester	Helm of Fair Haven	Shaw of Pittsford
Burditt of West Rutland	Higley of Lowell	Shaw of Derby
Canfield of Fair Haven	Hubert of Milton	Smith of New Haven
Cupoli of Rutland City	Koch of Barre Town	Terenzini of Rutland Town
Dickinson of St. Albans	Komline of Dorset	Van Wyck of Ferrisburgh
Town	Lawrence of Lyndon	Winters of Williamstown
Donahue of Northfield	McFaun of Barre Town	Wright of Burlington
Fagan of Rutland City	Morrissey of Bennington	

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

Browning of Arlington	Larocque of Barnet	Strong of Albany
Condon of Colchester	Lewis of Berlin	Townsend of Randolph
Deen of Westminster	Poirier of Barre City	Turner of Milton
Donaghy of Poultney	Scheuermann of Stowe	
Head of South Burlington	Stevens of Shoreham	

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the fourteenth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 50 An act relating to the sale, transfer, or importation of pets

H. 99 An act relating to equal pay

H. 178 An act relating to community supports for persons with serious functional impairments

H. 517 An act relating to approval of the adoption and the codification of the charter of the town of St. Albans

Rules Suspended; Senate Proposal of Amendment Concurred in

H. 538

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to making miscellaneous amendments to education funding laws

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Excess Spending (Sec. 1 applies to budgets in fiscal years 2015 and 2016; Sec. 2 applies in fiscal year 2017 and after) * * *

Sec. 1. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per-equalized-pupil amount of the district's education spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b);

(B) in excess of ~~125~~ 123 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined by the ~~commissioner of education~~ Secretary of Education on or before November 15 of each year based on the passed budgets to date.

Sec. 2. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per-equalized-pupil amount of the district's education spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b);

(B) in excess of ~~123~~ 121 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined by the Secretary of Education on or before November 15 of each year based on the passed budgets to date.

* * * Tuition Overcharges and Undercharges * * *

Sec. 3. 16 V.S.A. § 836 is amended to read:

§ 836. TUITION OVERCHARGE OR UNDERCHARGE

(a) Annually, on or before November 1, the ~~commissioner~~ Secretary shall inform each ~~school board of a receiving public school, each board of trustees of a receiving approved independent school for which the commissioner has calculated a net cost per pupil,~~ receiving school district and each sending school district in Vermont of the calculated net cost per elementary or secondary pupil in the receiving schools. Each ~~school board or board of trustees of a receiving school~~ receiving district shall then determine whether it overcharged or undercharged any sending district for tuition charges and shall

notify the district by December 15 of the same year of the amount due or the amount to be refunded or credited.

(b) If the sending district has paid tuition charges in excess of three percent of the calculated net cost per elementary or secondary pupil and is not sending enough students to the receiving ~~school~~ district to use the overcharge funds as credit against tuition, the ~~school board or board of trustees of the receiving school~~ receiving district shall refund the overcharge money by July 31. ~~However, interest;~~ provided, however, that the refund shall be in the amount that exceeded a three percent overcharge. Interest owed the sending district on overcharge monies shall begin to accrue on December 1, at the rate of one-half percent per month.

(c) If the receiving district has undercharged tuition in an amount three percent or more than the calculated net cost per elementary or secondary pupil, the ~~school board or the board of trustees of the sending school~~ sending district shall pay the ~~amount of the undercharge~~ receiving district an amount equal to the amount of the undercharge that is between three percent and ten percent of the net cost per pupil. If payment is not made by July 31 of the year following the year in which the undercharge was determined, interest owed the ~~sending receiving~~ district on ~~overcharge moneys~~ undercharge monies shall begin to accrue on August 1, at the rate of one percent per month.

* * * Renters; Study * * *

Sec. 4. RENTERS; STUDY

The Joint Fiscal Office shall report to the General Assembly on how the State can provide assistance to renters. The report shall review issues with the current renter rebate program and examine other ways to provide assistance to renters with high rents and low incomes. The report shall be due on or before January 15, 2014 and shall include specific findings and recommendations. The Joint Fiscal Office shall have the assistance of the Department of Taxes and the Office of Legislative Council.

* * * Student-to-Staff Ratios * * *

Sec. 5. STUDENT-TO-STAFF RATIOS

(a) The Secretary of Education shall collect data necessary to inform development of a comprehensive plan to establish minimum student-to-staff ratios, student-to-administrator ratios, student-to-classroom teacher ratios, and student-to-teacher ratios in public elementary and secondary schools and supervisory unions in a manner that promotes educational opportunities and outcomes for students in Vermont.

(b) As used in this section:

(1) “Teacher” includes any person licensed to be employable as a teacher who is employed as a teacher and is providing direct instruction to students in one or more elementary or secondary grades.

(2) “Administrator” includes any person employed as a superintendent, assistant superintendent, principal, assistant principal, special education director, essential early education director, or Title I coordinator.

(3) “Staff” includes all paid personnel employed by a school district or supervisory union, but shall exclude:

(A) central services business office personnel;

(B) operations and maintenance personnel;

(C) transportation personnel;

(D) food service personnel; and

(E) enterprise or community service operations personnel.

(c) At a minimum, the Secretary’s data shall be sufficient to inform development of a comprehensive plan that might include:

(1) mandatory minimum ratios at the district or the school level, which may include variations by grade, school size, and other factors such as the unique needs of students from economically deprived backgrounds and students who are English language learners;

(2) mandatory minimum ratios at the supervisory union level;

(3) incentives for compliance; and

(4) implementation dates that would require mandatory staffing ratios beginning in school year 2015–2016 with tax penalties for noncompliance beginning in school year 2016–2017.

(d) On or before January 15, 2014, the Secretary shall present the data to the House and Senate Committees on Appropriations and on Education, the House Committee on Ways and Means, and the Senate Committee on Finance.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) Sec. 1 (excess spending; 123 percent) of this act shall take effect on July 1, 2014 and shall apply to education budgets for fiscal years 2015 and 2016.

(b) Sec. 2 (excess spending; 121 percent) of this act shall take effect on July 1, 2016 and shall apply to education budgets for fiscal year 2017 and after.

(c) Sec. 3 (tuition overcharges and undercharges) of this act shall take effect on July 1, 2013 and shall apply to tuition charged for the 2013–2014 academic year and after.

(d) This section and Secs. 4 (renter study) and 5 (student-to-staff ratio data) of this act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Report of Committee of Conference Adopted

H. 530

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2014 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2014. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2013. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2014 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serve as the primary source and reference for appropriations for fiscal year 2014.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid

from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending June 30, 2014.

Sec. A.103 DEFINITIONS

(a) For the purposes of this act:

(1) "Encumbrances" means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) "Grants" means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) "Operating expenses" means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land, and construction of new buildings and permanent improvements, and similar items.

(4) "Personal services" means wages and salaries, fringe benefits, per diems, and contracted third party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the state appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2014, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any

purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2014, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2013 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no more than 45 days prior to legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized state positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2014 except for new positions authorized by the 2013 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriation of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>

B.1000–B.1099 and E.1000–E.1099 Debt ServiceB.1100–B.1199 and E.1100–E.1199 One-time and other appropriation actions

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.100 Secretary of administration - secretary's office

Personal services	844,340
Operating expenses	<u>129,219</u>
Total	973,559
Source of funds	
General fund	746,543
Interdepartmental transfers	<u>227,016</u>
Total	973,559

Sec. B.101 Secretary of administration - finance

Personal services	1,214,086
Operating expenses	<u>174,974</u>
Total	1,389,060
Source of funds	
Interdepartmental transfers	<u>1,389,060</u>
Total	1,389,060

Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	1,362,068
Operating expenses	<u>339,297</u>
Total	1,701,365
Source of funds	
Internal service funds	<u>1,701,365</u>
Total	1,701,365

Sec. B.103 Secretary of administration - general liability insurance

Personal services	282,457
Operating expenses	<u>63,401</u>
Total	345,858
Source of funds	
Internal service funds	<u>345,858</u>
Total	345,858

Sec. B.104 Secretary of administration - all other insurance

Personal services	24,398
Operating expenses	<u>22,065</u>
Total	46,463
Source of funds	
Internal service funds	<u>46,463</u>
Total	46,463

Sec. B.105 Information and innovation - communications and information technology

Personal services	10,850,041
Operating expenses	9,583,673
Grants	<u>735,000</u>
Total	21,168,714
Source of funds	
Internal service funds	<u>21,168,714</u>
Total	21,168,714

Sec. B.106 Finance and management - budget and management

Personal services	1,101,626
Operating expenses	<u>241,073</u>
Total	1,342,699
Source of funds	
General fund	1,099,521
Interdepartmental transfers	<u>243,178</u>
Total	1,342,699

Sec. B.107 Finance and management - financial operations

Personal services	2,878,757
Operating expenses	<u>327,711</u>
Total	3,206,468
Source of funds	
Internal service funds	<u>3,206,468</u>
Total	3,206,468

Sec. B.108 Human resources - operations

Personal services	6,837,121
Operating expenses	<u>949,416</u>
Total	7,786,537
Source of funds	
General fund	1,721,503
Special funds	244,912

Internal service funds	5,150,473
Interdepartmental transfers	<u>669,649</u>
Total	7,786,537
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,080,565
Operating expenses	<u>818,530</u>
Total	1,899,095
Source of funds	
Internal service funds	1,884,796
Interdepartmental transfers	<u>14,299</u>
Total	1,899,095
Sec. B.110 Libraries	
Personal services	2,094,320
Operating expenses	1,670,470
Grants	<u>67,163</u>
Total	3,831,953
Source of funds	
General fund	2,644,496
Special funds	127,019
Federal funds	963,293
Interdepartmental transfers	<u>97,145</u>
Total	3,831,953
Sec. B.111 Tax - administration/collection	
Personal services	13,452,030
Operating expenses	<u>3,606,359</u>
Total	17,058,389
Source of funds	
General fund	15,513,545
Special funds	1,299,400
Interdepartmental transfers	<u>245,444</u>
Total	17,058,389
Sec. B.112 Buildings and general services - administration	
Personal services	718,740
Operating expenses	<u>61,999</u>
Total	780,739
Source of funds	
Interdepartmental transfers	<u>780,739</u>

Total	780,739
Sec. B.113 Buildings and general services - engineering	
Personal services	2,507,282
Operating expenses	<u>474,850</u>
Total	2,982,132
Source of funds	
Interdepartmental transfers	<u>2,982,132</u>
Total	2,982,132
Sec. B.114 Buildings and general services - information centers	
Personal services	3,254,150
Operating expenses	1,399,962
Grants	<u>33,000</u>
Total	4,687,112
Source of funds	
General fund	678,129
Transportation fund	3,930,356
Special funds	<u>78,627</u>
Total	4,687,112
Sec. B.115 Buildings and general services - purchasing	
Personal services	990,356
Operating expenses	<u>190,439</u>
Total	1,180,795
Source of funds	
General fund	<u>1,180,795</u>
Total	1,180,795
Sec. B.116 Buildings and general services - postal services	
Personal services	640,226
Operating expenses	<u>133,400</u>
Total	773,626
Source of funds	
General fund	79,157
Internal service funds	<u>694,469</u>
Total	773,626
Sec. B.117 Buildings and general services - copy center	
Personal services	719,383
Operating expenses	<u>153,027</u>
Total	872,410
Source of funds	

Internal service funds	872,410
Total	872,410
Sec. B.118 Buildings and general services - fleet management services	
Personal services	598,336
Operating expenses	<u>164,579</u>
Total	762,915
Source of funds	
Internal service funds	<u>762,915</u>
Total	762,915
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	31,036
Operating expenses	<u>13,891</u>
Total	44,927
Source of funds	
Enterprise funds	<u>44,927</u>
Total	44,927
Sec. B.120 Buildings and general services - state surplus property	
Personal services	143,737
Operating expenses	<u>107,035</u>
Total	250,772
Source of funds	
Internal service funds	<u>250,772</u>
Total	250,772
Sec. B.121 Buildings and general services - property management	
Personal services	1,306,056
Operating expenses	<u>1,191,640</u>
Total	2,497,696
Source of funds	
Internal service funds	<u>2,497,696</u>
Total	2,497,696
Sec. B.122 Buildings and general services - fee for space	
Personal services	12,619,641
Operating expenses	<u>14,837,602</u>
Total	27,457,243
Source of funds	
Internal service funds	<u>27,457,243</u>
Total	27,457,243

Sec. B.123 Geographic information system

Grants	<u>378,700</u>
Total	378,700
Source of funds	
Special funds	<u>378,700</u>
Total	378,700

Sec. B.124 Executive office - governor's office

Personal services	1,200,333
Operating expenses	<u>437,916</u>
Total	1,638,249
Source of funds	
General fund	1,451,749
Interdepartmental transfers	<u>186,500</u>
Total	1,638,249

Sec. B.125 Legislative council

Personal services	3,042,428
Operating expenses	<u>724,016</u>
Total	3,766,444
Source of funds	
General fund	<u>3,766,444</u>
Total	3,766,444

Sec. B.126 Legislature

Personal services	3,467,973
Operating expenses	<u>3,412,007</u>
Total	6,879,980
Source of funds	
General fund	<u>6,879,980</u>
Total	6,879,980

Sec. B.127 Joint fiscal committee

Personal services	1,314,830
Operating expenses	<u>125,858</u>
Total	1,440,688
Source of funds	
General fund	<u>1,440,688</u>
Total	1,440,688

Sec. B.128 Sergeant at arms

Personal services	514,458
Operating expenses	<u>70,127</u>
Total	584,585
Source of funds	
General fund	<u>584,585</u>
Total	584,585
Sec. B.129 Lieutenant governor	
Personal services	146,082
Operating expenses	<u>28,963</u>
Total	175,045
Source of funds	
General fund	<u>175,045</u>
Total	175,045
Sec. B.130 Auditor of accounts	
Personal services	3,378,241
Operating expenses	<u>155,467</u>
Total	3,533,708
Source of funds	
General fund	396,784
Special funds	53,145
Internal service funds	<u>3,083,779</u>
Total	3,533,708
Sec. B.131 State treasurer	
Personal services	2,907,173
Operating expenses	<u>297,164</u>
Total	3,204,337
Source of funds	
General fund	976,216
Special funds	2,123,541
Interdepartmental transfers	<u>104,580</u>
Total	3,204,337
Sec. B.132 State treasurer - unclaimed property	
Personal services	886,715
Operating expenses	<u>251,413</u>
Total	1,138,128
Source of funds	
Private purpose trust funds	<u>1,138,128</u>
Total	1,138,128

Sec. B.133 Vermont state retirement system

Personal services	6,588,449
Operating expenses	<u>30,370,108</u>
Total	36,958,557
Source of funds	
Pension trust funds	<u>36,958,557</u>
Total	36,958,557

Sec. B.134 Municipal employees' retirement system

Personal services	2,163,385
Operating expenses	<u>537,207</u>
Total	2,700,592
Source of funds	
Pension trust funds	<u>2,700,592</u>
Total	2,700,592

Sec. B.135 State labor relations board

Personal services	181,889
Operating expenses	<u>43,272</u>
Total	225,161
Source of funds	
General fund	206,051
Special funds	6,788
Interdepartmental transfers	<u>12,322</u>
Total	225,161

Sec. B.136 VOSHA review board

Personal services	25,288
Operating expenses	<u>20,026</u>
Total	45,314
Source of funds	
General fund	22,657
Interdepartmental transfers	<u>22,657</u>
Total	45,314

Sec. B.137 Homeowner rebate

Grants	<u>13,967,000</u>
Total	13,967,000
Source of funds	
General fund	<u>13,967,000</u>
Total	13,967,000

Sec. B.138 Renter rebate

Grants	<u>8,838,400</u>
Total	8,838,400
Source of funds	
General fund	2,651,500
Education fund	<u>6,186,900</u>
Total	8,838,400

Sec. B.139 Tax department - reappraisal and listing payments

Grants	<u>3,293,196</u>
Total	3,293,196
Source of funds	
Education fund	<u>3,293,196</u>
Total	3,293,196

Sec. B.140 Municipal current use

Grants	<u>13,475,000</u>
Total	13,475,000
Source of funds	
General fund	<u>13,475,000</u>
Total	13,475,000

Sec. B.141 Lottery commission

Personal services	1,757,229
Operating expenses	1,280,936
Grants	<u>150,000</u>
Total	3,188,165
Source of funds	
Enterprise funds	<u>3,188,165</u>
Total	3,188,165

Sec. B.142 Payments in lieu of taxes

Grants	<u>5,800,000</u>
Total	5,800,000
Source of funds	
Special funds	<u>5,800,000</u>
Total	5,800,000

Sec. B.143 Payments in lieu of taxes - Montpelier

Grants	<u>184,000</u>
Total	184,000
Source of funds	

TUESDAY, MAY 14, 2013

1909

Special funds	<u>184,000</u>
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	69,657,388
Transportation fund	3,930,356
Special funds	10,336,132
Education fund	9,480,096
Federal funds	963,293
Internal service funds	69,123,421
Interdepartmental transfers	6,974,721
Enterprise funds	3,233,092
Pension trust funds	39,659,149
Private purpose trust funds	<u>1,138,128</u>
Total	214,495,776
Sec. B.200 Attorney general	
Personal services	7,633,012
Operating expenses	<u>1,084,151</u>
Total	8,717,163
Source of funds	
General fund	4,269,409
Special funds	1,253,751
Tobacco fund	348,000
Federal funds	798,366
Interdepartmental transfers	<u>2,047,637</u>
Total	8,717,163
Sec. B.201 Vermont court diversion	
Grants	<u>1,916,483</u>
Total	1,916,483
Source of funds	
General fund	1,396,486
Special funds	<u>519,997</u>
Total	1,916,483

Sec. B.202 Defender general - public defense

Personal services	8,930,535
Operating expenses	<u>947,591</u>
Total	9,878,126
Source of funds	
General fund	9,364,838
Special funds	<u>513,288</u>
Total	9,878,126

Sec. B.203 Defender general - assigned counsel

Personal services	3,945,930
Operating expenses	<u>49,819</u>
Total	3,995,749
Source of funds	
General fund	3,870,485
Special funds	<u>125,264</u>
Total	3,995,749

Sec. B.204 Judiciary

Personal services	32,218,222
Operating expenses	8,707,574
Grants	<u>70,000</u>
Total	40,995,796
Source of funds	
General fund	35,067,633
Special funds	3,235,319
Tobacco fund	39,871
Federal funds	714,176
Interdepartmental transfers	<u>1,938,797</u>
Total	40,995,796

Sec. B.205 State's attorneys

Personal services	9,856,733
Operating expenses	<u>1,539,920</u>
Total	11,396,653
Source of funds	
General fund	8,990,262
Special funds	9,982
Federal funds	31,000
Interdepartmental transfers	<u>2,365,409</u>
Total	11,396,653

Sec. B.206 Special investigative unit

Personal services	99,676
Operating expenses	162
Grants	<u>1,420,000</u>
Total	1,519,838
Source of funds	
General fund	<u>1,519,838</u>
Total	1,519,838

Sec. B.207 Sheriffs

Personal services	3,493,064
Operating expenses	<u>335,464</u>
Total	3,828,528
Source of funds	
General fund	<u>3,828,528</u>
Total	3,828,528

Sec. B.208 Public safety - administration

Personal services	2,098,413
Operating expenses	<u>1,584,079</u>
Total	3,682,492
Source of funds	
General fund	2,773,807
Federal funds	<u>908,685</u>
Total	3,682,492

Sec. B.209 Public safety - state police

Personal services	48,640,226
Operating expenses	7,532,421
Grants	<u>7,645,120</u>
Total	63,817,767
Source of funds	
General fund	24,925,517
Transportation fund	25,238,498
Special funds	2,536,320
Federal funds	10,057,432
Interdepartmental transfers	<u>1,060,000</u>
Total	63,817,767

Sec. B.210 Public safety - criminal justice services

Personal services	7,158,220
Operating expenses	<u>2,410,980</u>

Total	9,569,200
Source of funds	
General fund	7,026,613
Special funds	1,684,945
Federal funds	525,967
ARRA funds	<u>331,675</u>
Total	9,569,200
Sec. B.211 Public safety - emergency management	
Personal services	2,064,284
Operating expenses	547,084
Grants	<u>13,137,210</u>
Total	15,748,578
Source of funds	
General fund	719,580
Federal funds	<u>15,028,998</u>
Total	15,748,578
Sec. B.212 Public safety - fire safety	
Personal services	5,368,821
Operating expenses	1,548,070
Grants	<u>157,000</u>
Total	7,073,891
Source of funds	
General fund	646,809
Special funds	5,981,178
Federal funds	400,904
Interdepartmental transfers	<u>45,000</u>
Total	7,073,891
Sec. B.213 Public safety - homeland security	
Personal services	5,100,032
Operating expenses	265,297
Grants	<u>3,997,535</u>
Total	9,362,864
Source of funds	
General fund	169,950
Federal funds	<u>9,192,914</u>
Total	9,362,864
Sec. B.214 Radiological emergency response plan	
Personal services	685,174
Operating expenses	331,379

TUESDAY, MAY 14, 2013

1913

Grants	<u>1,618,062</u>
Total	2,634,615
Source of funds	
Special funds	<u>2,634,615</u>
Total	2,634,615
Sec. B.215 Military - administration	
Personal services	493,465
Operating expenses	392,436
Grants	<u>100,000</u>
Total	985,901
Source of funds	
General fund	<u>985,901</u>
Total	985,901
Sec. B.216 Military - air service contract	
Personal services	5,119,918
Operating expenses	<u>1,118,130</u>
Total	6,238,048
Source of funds	
General fund	471,703
Federal funds	<u>5,766,345</u>
Total	6,238,048
Sec. B.217 Military - army service contract	
Personal services	3,905,112
Operating expenses	<u>9,138,297</u>
Total	13,043,409
Source of funds	
General fund	125,876
Federal funds	<u>12,917,533</u>
Total	13,043,409
Sec. B.218 Military - building maintenance	
Personal services	986,686
Operating expenses	<u>464,967</u>
Total	1,451,653
Source of funds	
General fund	1,402,437
Federal funds	<u>49,216</u>
Total	1,451,653

Sec. B.219 Military - veterans' affairs

Personal services	524,453
Operating expenses	115,841
Grants	<u>223,984</u>
Total	864,278
Source of funds	
General fund	735,457
Special funds	65,000
Federal funds	<u>63,821</u>
Total	864,278

Sec. B.220 Center for crime victims' services

Personal services	1,662,830
Operating expenses	297,792
Grants	<u>8,987,173</u>
Total	10,947,795
Source of funds	
General fund	1,164,554
Special funds	6,284,237
Federal funds	<u>3,499,004</u>
Total	10,947,795

Sec. B.221 Criminal justice training council

Personal services	1,345,876
Operating expenses	<u>1,296,267</u>
Total	2,642,143
Source of funds	
General fund	2,347,571
Interdepartmental transfers	<u>294,572</u>
Total	2,642,143

Sec. B.222 Agriculture, food and markets - administration

Personal services	1,281,364
Operating expenses	614,401
Grants	<u>344,410</u>
Total	2,240,175
Source of funds	
General fund	1,126,129
Special funds	963,797
Federal funds	<u>150,249</u>
Total	2,240,175

Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	2,942,103
Operating expenses	664,900
Grants	<u>2,400,000</u>
Total	6,007,003
Source of funds	
General fund	2,142,097
Special funds	3,142,064
Federal funds	682,544
Global Commitment fund	34,006
Interdepartmental transfers	<u>6,292</u>
Total	6,007,003

Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	1,028,318
Operating expenses	658,717
Grants	<u>2,727,474</u>
Total	4,414,509
Source of funds	
General fund	871,062
Special funds	2,988,352
Federal funds	444,844
Interdepartmental transfers	<u>110,251</u>
Total	4,414,509

Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship

Personal services	3,538,132
Operating expenses	563,711
Grants	<u>1,340,475</u>
Total	5,442,318
Source of funds	
General fund	2,383,659
Special funds	1,911,422
Federal funds	794,341
Global Commitment fund	56,272
Interdepartmental transfers	<u>296,624</u>
Total	5,442,318

Sec. B.226 Financial regulation - administration

Personal services	1,649,226

Operating expenses	<u>191,025</u>
Total	1,840,251
Source of funds	
Special funds	<u>1,840,251</u>
Total	1,840,251
Sec. B.227 Financial regulation - banking	
Personal services	1,411,547
Operating expenses	<u>262,123</u>
Total	1,673,670
Source of funds	
Special funds	<u>1,673,670</u>
Total	1,673,670
Sec. B.228 Financial regulation - insurance	
Personal services	6,203,711
Operating expenses	<u>482,988</u>
Total	6,686,699
Source of funds	
Special funds	4,590,443
Federal funds	1,504,283
Global Commitment fund	165,946
Interdepartmental transfers	<u>426,027</u>
Total	6,686,699
Sec. B.229 Financial regulation - captive insurance	
Personal services	3,822,779
Operating expenses	<u>455,696</u>
Total	4,278,475
Source of funds	
Special funds	<u>4,278,475</u>
Total	4,278,475
Sec. B.230 Financial regulation - securities	
Personal services	548,649
Operating expenses	<u>165,856</u>
Total	714,505
Source of funds	
Special funds	<u>714,505</u>
Total	714,505
Sec. B.231 Financial regulation - health care administration	
Personal services	127,672

TUESDAY, MAY 14, 2013

1917

Operating expenses	<u>4,500</u>
Total	132,172
Source of funds	
Special funds	<u>132,172</u>
Total	132,172
Sec. B.232 Secretary of state	
Personal services	6,994,156
Operating expenses	1,981,411
Grants	<u>812,715</u>
Total	9,788,282
Source of funds	
Special funds	7,713,282
Federal funds	2,000,000
Interdepartmental transfers	<u>75,000</u>
Total	9,788,282
Sec. B.233 Public service - regulation and energy	
Personal services	8,115,051
Operating expenses	830,251
Grants	<u>5,336,427</u>
Total	14,281,729
Source of funds	
Special funds	12,367,430
Federal funds	802,249
ARRA funds	1,074,354
Enterprise funds	<u>37,696</u>
Total	14,281,729
Sec. B.234 Public service board	
Personal services	2,736,114
Operating expenses	<u>428,852</u>
Total	3,164,966
Source of funds	
Special funds	3,091,566
ARRA funds	<u>73,400</u>
Total	3,164,966
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,386,718
Operating expenses	516,908
Grants	<u>885,000</u>

Total	4,788,626
Source of funds	
Special funds	<u>4,788,626</u>
Total	4,788,626
Sec. B.236 Human rights commission	
Personal services	432,141
Operating expenses	<u>74,532</u>
Total	506,673
Source of funds	
General fund	422,882
Federal funds	<u>83,791</u>
Total	506,673
Sec. B.237 Liquor control - administration	
Personal services	2,102,914
Operating expenses	<u>647,264</u>
Total	2,750,178
Source of funds	
Enterprise funds	<u>2,750,178</u>
Total	2,750,178
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,153,635
Operating expenses	<u>445,222</u>
Total	2,598,857
Source of funds	
Special funds	25,000
Tobacco fund	218,444
Federal funds	254,841
Interdepartmental transfers	5,000
Enterprise funds	<u>2,095,572</u>
Total	2,598,857
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	859,469
Operating expenses	<u>436,065</u>
Total	1,295,534
Source of funds	
Enterprise funds	<u>1,295,534</u>
Total	1,295,534
Sec. B.240 Total protection to persons and property	

Source of funds	
General fund	118,749,083
Transportation fund	25,238,498
Special funds	75,064,951
Tobacco fund	606,315
Federal funds	66,671,503
ARRA funds	1,479,429
Global Commitment fund	256,224
Interdepartmental transfers	8,670,609
Enterprise funds	<u>6,178,980</u>
Total	302,915,592
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	10,337,270
Operating expenses	3,232,916
Grants	<u>5,473,998</u>
Total	19,044,184
Source of funds	
General fund	5,135,482
Special funds	91,017
Tobacco fund	291,127
Federal funds	9,843,546
Global Commitment fund	415,000
Interdepartmental transfers	<u>3,268,012</u>
Total	19,044,184
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,206,362,208</u>
Total	1,206,362,208
Source of funds	
General fund	157,611,068
Special funds	20,795,259
Tobacco fund	35,975,693
State health care resources fund	267,531,579
Federal funds	724,408,609
Interdepartmental transfers	<u>40,000</u>
Total	1,206,362,208
Sec. B.302 Rate setting	
Personal services	840,348
Operating expenses	<u>82,162</u>
Total	922,510

Source of funds	
Global Commitment fund	<u>922,510</u>
Total	922,510
Sec. B.303 Developmental disabilities council	
Personal services	223,211
Operating expenses	58,633
Grants	<u>248,388</u>
Total	530,232
Source of funds	
Federal funds	<u>530,232</u>
Total	530,232
Sec. B.304 Human services board	
Personal services	309,988
Operating expenses	<u>47,907</u>
Total	357,895
Source of funds	
General fund	117,962
Federal funds	153,851
Interdepartmental transfers	<u>86,082</u>
Total	357,895
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	<u>4,650,000</u>
Total	5,000,000
Source of funds	
Interdepartmental transfers	<u>5,000,000</u>
Total	5,000,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	122,057,685
Operating expenses	3,809,070
Grants	<u>26,367,955</u>
Total	152,234,710
Source of funds	
General fund	1,700,505
Special funds	3,625,432
Federal funds	90,687,335
Global Commitment fund	51,144,321
Interdepartmental transfers	<u>5,077,117</u>
Total	152,234,710

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>656,405,249</u>
Total	656,405,249
Source of funds	
Global Commitment fund	<u>656,405,249</u>
Total	656,405,249

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>201,375,033</u>
Total	201,375,033
Source of funds	
General fund	87,690,448
Federal funds	<u>113,684,585</u>
Total	201,375,033

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>35,151,737</u>
Total	35,151,737
Source of funds	
General fund	28,033,910
Global Commitment fund	<u>7,117,827</u>
Total	35,151,737

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>43,923,308</u>
Total	43,923,308
Source of funds	
General fund	18,960,907
Federal funds	<u>24,962,401</u>
Total	43,923,308

Sec. B.311 Health - administration and support

Personal services	6,012,508
Operating expenses	2,750,348
Grants	<u>3,465,000</u>
Total	12,227,856
Source of funds	

General fund	1,947,664
Special funds	1,019,232
Federal funds	5,259,091
Global Commitment fund	<u>4,001,869</u>
Total	12,227,856
Sec. B.312 Health - public health	
Personal services	33,426,366
Operating expenses	6,305,676
Grants	<u>37,042,390</u>
Total	76,774,432
Source of funds	
General fund	7,336,654
Special funds	10,931,733
Tobacco fund	2,393,377
Federal funds	36,266,649
Global Commitment fund	18,816,779
Interdepartmental transfers	1,004,240
Permanent trust funds	<u>25,000</u>
Total	76,774,432
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	2,967,468
Operating expenses	391,758
Grants	<u>29,048,769</u>
Total	32,407,995
Source of funds	
General fund	3,022,339
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	6,539,025
Global Commitment fund	20,667,568
Interdepartmental transfers	<u>350,000</u>
Total	32,407,995
Sec. B.314 Mental health - mental health	
Personal services	22,230,696
Operating expenses	1,633,320
Grants	<u>175,280,477</u>
Total	199,144,493
Source of funds	
General fund	1,048,819
Special funds	6,836

Federal funds	6,093,289
Global Commitment fund	191,975,549
Interdepartmental transfers	<u>20,000</u>
Total	199,144,493
Sec. B.316 Department for children and families - administration & support services	
Personal services	40,229,665
Operating expenses	8,271,811
Grants	<u>1,242,519</u>
Total	49,743,995
Source of funds	
General fund	16,482,195
Special funds	633,798
Federal funds	15,366,271
Global Commitment fund	17,049,231
Interdepartmental transfers	<u>212,500</u>
Total	49,743,995
Sec. B.317 Department for children and families - family services	
Personal services	24,364,141
Operating expenses	3,285,261
Grants	<u>63,714,577</u>
Total	91,363,979
Source of funds	
General fund	21,918,167
Special funds	1,691,637
Federal funds	26,974,257
Global Commitment fund	40,615,864
Interdepartmental transfers	<u>164,054</u>
Total	91,363,979
Sec. B.318 Department for children and families - child development	
Personal services	3,518,830
Operating expenses	370,166
Grants	<u>68,147,170</u>
Total	72,036,166
Source of funds	
General fund	33,255,661
Special funds	1,820,000
Federal funds	26,781,519
Global Commitment fund	<u>10,178,986</u>
Total	72,036,166

 Sec. B.319 Department for children and families - office of child support

Personal services	9,170,808
Operating expenses	<u>4,022,077</u>
Total	13,192,885
Source of funds	
General fund	3,135,551
Special funds	455,718
Federal funds	9,214,016
Interdepartmental transfers	<u>387,600</u>
Total	13,192,885

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	1,870,826
Grants	<u>11,445,414</u>
Total	13,316,240
Source of funds	
General fund	9,566,240
Global Commitment fund	<u>3,750,000</u>
Total	13,316,240

Sec. B.321 Department for children and families - general assistance

Grants	<u>8,290,504</u>
Total	8,290,504
Source of funds	
General fund	6,486,713
Federal funds	1,111,320
Global Commitment fund	<u>692,471</u>
Total	8,290,504

Sec. B.322 Department for children and families - 3SquaresVT

Grants	<u>26,813,146</u>
Total	26,813,146
Source of funds	
Federal funds	<u>26,813,146</u>
Total	26,813,146

Sec. B.323 Department for children and families - reach up

Operating expenses	253,242
Grants	<u>50,866,723</u>
Total	51,119,965

Source of funds	
General fund	21,195,902
Special funds	19,916,856
Federal funds	7,882,807
Global Commitment fund	<u>2,124,400</u>
Total	51,119,965
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>17,657,664</u>
Total	17,657,664
Source of funds	
General fund	6,000,000
Federal funds	<u>11,657,664</u>
Total	17,657,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	484,606
Operating expenses	67,957
Grants	<u>5,213,713</u>
Total	5,766,276
Source of funds	
General fund	1,458,486
Special funds	57,990
Federal funds	4,047,312
Global Commitment fund	<u>202,488</u>
Total	5,766,276
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	241,413
Operating expenses	131,692
Grants	<u>11,613,465</u>
Total	11,986,570
Source of funds	
Special funds	<u>11,986,570</u>
Total	11,986,570
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	4,092,905
Operating expenses	<u>632,294</u>

Total	4,725,199
Source of funds	
General fund	891,786
Global Commitment fund	3,778,521
Interdepartmental transfers	<u>54,892</u>
Total	4,725,199
Sec. B.328 Department for children and families - disability determination services	
Personal services	4,493,121
Operating expenses	<u>1,138,949</u>
Total	5,632,070
Source of funds	
Federal funds	5,385,553
Global Commitment fund	<u>246,517</u>
Total	5,632,070
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	26,187,084
Operating expenses	<u>3,871,829</u>
Total	30,058,913
Source of funds	
General fund	7,785,111
Special funds	1,390,457
Federal funds	12,027,023
Global Commitment fund	6,322,467
Interdepartmental transfers	<u>2,533,855</u>
Total	30,058,913
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>21,431,825</u>
Total	21,431,825
Source of funds	
General fund	8,258,815
Federal funds	7,640,264
Global Commitment fund	5,377,121
Interdepartmental transfers	<u>155,625</u>
Total	21,431,825
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	

Grants	<u>1,481,457</u>
Total	1,481,457
Source of funds	
General fund	364,064
Special funds	223,450
Federal funds	648,943
Global Commitment fund	<u>245,000</u>
Total	1,481,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>8,795,971</u>
Total	8,795,971
Source of funds	
General fund	1,535,695
Special funds	70,000
Federal funds	4,062,389
Global Commitment fund	7,500
Interdepartmental transfers	<u>3,120,387</u>
Total	8,795,971
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>169,880,574</u>
Total	169,880,574
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	169,292,129
Interdepartmental transfers	<u>58,000</u>
Total	169,880,574
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>4,861,903</u>
Total	4,861,903
Source of funds	
Global Commitment fund	<u>4,861,903</u>
Total	4,861,903
Sec. B.335 Corrections - administration	
Personal services	2,097,495
Operating expenses	<u>226,070</u>

Total	2,323,565
Source of funds	
General fund	<u>2,323,565</u>
Total	2,323,565
Sec. B.336 Corrections - parole board	
Personal services	257,161
Operating expenses	<u>70,819</u>
Total	327,980
Source of funds	
General fund	<u>327,980</u>
Total	327,980
Sec. B.337 Corrections - correctional education	
Personal services	3,794,353
Operating expenses	<u>530,774</u>
Total	4,325,127
Source of funds	
Education fund	3,929,242
Interdepartmental transfers	<u>395,885</u>
Total	4,325,127
Sec. B.338 Corrections - correctional services	
Personal services	103,240,653
Operating expenses	19,147,376
Grants	<u>8,703,309</u>
Total	131,091,338
Source of funds	
General fund	123,930,845
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,809,253
Interdepartmental transfers	<u>396,315</u>
Total	131,091,338
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>10,507,763</u>
Total	10,507,763
Source of funds	
General fund	<u>10,507,763</u>
Total	10,507,763

Sec. B.340 Corrections - correctional facilities - recreation

Personal services	466,118
Operating expenses	<u>345,501</u>
Total	811,619
Source of funds	
Special funds	<u>811,619</u>
Total	811,619

Sec. B.341 Corrections - Vermont offender work program

Personal services	954,670
Operating expenses	<u>548,231</u>
Total	1,502,901
Source of funds	
Internal service funds	<u>1,502,901</u>
Total	1,502,901

Sec. B.342 Vermont veterans' home - care and support services

Personal services	16,395,081
Operating expenses	<u>5,107,960</u>
Total	21,503,041
Source of funds	
General fund	1,344,225
Special funds	12,145,964
Federal funds	7,601,866
Global Commitment fund	<u>410,986</u>
Total	21,503,041

Sec. B.343 Commission on women

Personal services	287,700
Operating expenses	<u>71,135</u>
Total	358,835
Source of funds	
General fund	353,835
Special funds	<u>5,000</u>
Total	358,835

Sec. B.344 Retired senior volunteer program

Grants	<u>151,096</u>
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096

Sec. B.345 Green Mountain Care Board

Personal services	6,608,296
Operating expenses	<u>289,175</u>
Total	6,897,471
Source of funds	
General fund	473,118
Special funds	1,010,428
Global Commitment fund	2,360,462
Interdepartmental transfers	<u>3,053,463</u>
Total	6,897,471

Sec. B.346 Total human services

Source of funds	
General fund	590,507,696
Special funds	89,631,251
Tobacco fund	40,046,431
State health care resources fund	267,531,579
Education fund	3,929,242
Federal funds	1,186,473,782
Global Commitment fund	1,224,791,971
Internal service funds	1,502,901
Interdepartmental transfers	25,378,027
Permanent trust funds	<u>25,000</u>
Total	3,429,817,880

Sec. B.400 Labor - programs

Personal services	24,253,334
Operating expenses	5,293,630
Grants	<u>1,781,436</u>
Total	31,328,400
Source of funds	
General fund	3,054,572
Special funds	3,363,869
Federal funds	23,846,533
Interdepartmental transfers	<u>1,063,426</u>
Total	31,328,400

Sec. B.401 Total labor

Source of funds	
General fund	3,054,572
Special funds	3,363,869
Federal funds	23,846,533

Interdepartmental transfers	<u>1,063,426</u>
Total	31,328,400
Sec. B.500 Education - finance and administration	
Personal services	7,072,845
Operating expenses	2,019,419
Grants	<u>12,591,200</u>
Total	21,683,464
Source of funds	
General fund	3,007,875
Special funds	13,293,157
Education fund	892,795
Federal funds	3,624,185
Global Commitment fund	<u>865,452</u>
Total	21,683,464
Sec. B.501 Education - education services	
Personal services	12,643,713
Operating expenses	1,434,792
Grants	<u>124,242,308</u>
Total	138,320,813
Source of funds	
General fund	6,203,344
Special funds	2,578,228
Federal funds	<u>129,539,241</u>
Total	138,320,813
Sec. B.502 Education - special education: formula grants	
Grants	<u>163,454,037</u>
Total	163,454,037
Source of funds	
Education fund	<u>163,454,037</u>
Total	163,454,037
Sec. B.503 Education - state-placed students	
Grants	<u>15,100,000</u>
Total	15,100,000
Source of funds	
Education fund	<u>15,100,000</u>
Total	15,100,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>7,351,468</u>

Total	7,351,468
Source of funds	
General fund	787,995
Education fund	5,800,000
Federal funds	<u>763,473</u>
Total	7,351,468
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,223,114,508</u>
Total	1,223,114,508
Source of funds	
Education fund	<u>1,223,114,508</u>
Total	1,223,114,508
Sec. B.506 Education - transportation	
Grants	<u>16,726,497</u>
Total	16,726,497
Source of funds	
Education fund	<u>16,726,497</u>
Total	16,726,497
Sec. B.507 Education - small school grants	
Grants	<u>7,491,286</u>
Total	7,491,286
Source of funds	
Education fund	<u>7,491,286</u>
Total	7,491,286
Sec. B.508 Education - capital debt service aid	
Grants	<u>130,000</u>
Total	130,000
Source of funds	
Education fund	<u>130,000</u>
Total	130,000
Sec. B.509 Education - tobacco litigation	
Personal services	145,029
Operating expenses	45,378
Grants	<u>576,134</u>
Total	766,541
Source of funds	
Tobacco fund	<u>766,541</u>

TUESDAY, MAY 14, 2013

1933

Total	766,541
Sec. B.510 Education - essential early education grant	
Grants	<u>6,141,155</u>
Total	6,141,155
Source of funds	
Education fund	<u>6,141,155</u>
Total	6,141,155
Sec. B.511 Education - technical education	
Grants	<u>13,274,423</u>
Total	13,274,423
Source of funds	
Education fund	<u>13,274,423</u>
Total	13,274,423
Sec. B.512 Education - Act 117 cost containment	
Personal services	1,080,553
Operating expenses	154,437
Grants	<u>91,000</u>
Total	1,325,990
Source of funds	
Special funds	<u>1,325,990</u>
Total	1,325,990
Sec. B.513 Appropriation and transfer to education fund	
Grants	<u>288,921,564</u>
Total	288,921,564
Source of funds	
General fund	<u>288,921,564</u>
Total	288,921,564
Sec. B.514 State teachers' retirement system	
Personal services	7,291,783
Operating expenses	27,671,276
Grants	<u>71,783,200</u>
Total	106,746,259
Source of funds	
General fund	71,783,200
Pension trust funds	<u>34,963,059</u>
Total	106,746,259
Sec. B.515 Total general education	

Source of funds	
General fund	370,703,978
Special funds	17,197,375
Tobacco fund	766,541
Education fund	1,452,124,701
Federal funds	133,926,899
Global Commitment fund	865,452
Pension trust funds	<u>34,963,059</u>
Total	2,010,548,005
Sec. B.600 University of Vermont	
Grants	<u>42,469,032</u>
Total	42,469,032
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,006,156</u>
Total	42,469,032
Sec. B.601 Vermont Public Television	
Grants	<u>547,683</u>
Total	547,683
Source of funds	
General fund	<u>547,683</u>
Total	547,683
Sec. B.602 Vermont state colleges	
Grants	<u>24,300,464</u>
Total	24,300,464
Source of funds	
General fund	<u>24,300,464</u>
Total	24,300,464
Sec. B.603 Vermont state colleges - allied health	
Grants	<u>1,149,998</u>
Total	1,149,998
Source of funds	
General fund	744,591
Global Commitment fund	<u>405,407</u>
Total	1,149,998
Sec. B.604 Vermont interactive technology	
Grants	<u>809,249</u>
Total	809,249

Source of funds	
General fund	<u>809,249</u>
Total	809,249
Sec. B.605 Vermont student assistance corporation	
Grants	<u>19,414,515</u>
Total	19,414,515
Source of funds	
General fund	<u>19,414,515</u>
Total	19,414,515
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	84,363,379
Global Commitment fund	<u>4,411,563</u>
Total	88,774,942
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	3,176,914
Operating expenses	799,518
Grants	<u>45,510</u>
Total	4,021,942
Source of funds	
General fund	3,739,109
Special funds	55,343
Federal funds	30,000
Interdepartmental transfers	<u>197,490</u>
Total	4,021,942

 Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,153,733</u>
Total	2,153,733
Source of funds	
General fund	1,732,233
Interdepartmental transfers	<u>421,500</u>
Total	2,153,733

Sec. B.702 Fish and wildlife - support and field services

Personal services	14,603,485
Operating expenses	4,946,802
Grants	<u>650,000</u>
Total	20,200,287
Source of funds	
General fund	4,328,935
Special funds	20,000
Fish and wildlife fund	8,914,102
Federal funds	6,742,250
Interdepartmental transfers	<u>195,000</u>
Total	20,200,287

Sec. B.703 Forests, parks and recreation - administration

Personal services	1,266,011
Operating expenses	550,951
Grants	<u>1,806,971</u>
Total	3,623,933
Source of funds	
General fund	1,057,402
Special funds	1,307,878
Federal funds	1,169,535
Interdepartmental transfers	<u>89,118</u>
Total	3,623,933

Sec. B.704 Forests, parks and recreation - forestry

Personal services	4,947,666
Operating expenses	649,757
Grants	<u>521,500</u>
Total	6,118,923
Source of funds	
General fund	3,514,173
Special funds	975,000
Federal funds	1,500,000

Interdepartmental transfers	<u>129,750</u>
Total	6,118,923
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	6,251,094
Operating expenses	<u>2,299,709</u>
Total	8,550,803
Source of funds	
General fund	805,451
Special funds	<u>7,745,352</u>
Total	8,550,803
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	449,568
Operating expenses	<u>1,213,158</u>
Total	1,662,726
Source of funds	
General fund	403,521
Special funds	179,205
Federal funds	1,050,000
Interdepartmental transfers	<u>30,000</u>
Total	1,662,726
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	<u>522,702</u>
Total	522,702
Source of funds	
General fund	50,320
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>190,000</u>
Total	522,702
Sec. B.708 Forests, parks and recreation - forest highway maintenance	
Personal services	95,000
Operating expenses	<u>84,925</u>
Total	179,925
Source of funds	
General fund	<u>179,925</u>
Total	179,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	4,745,461

Operating expenses	1,256,590
Grants	<u>113,780</u>
Total	6,115,831
Source of funds	
General fund	1,070,011
Special funds	167,258
Federal funds	192,691
Interdepartmental transfers	<u>4,685,871</u>
Total	6,115,831
Sec. B.710 Environmental conservation - air and waste management	
Personal services	10,067,224
Operating expenses	8,246,278
Grants	<u>2,131,238</u>
Total	20,444,740
Source of funds	
General fund	683,446
Special funds	16,330,510
Federal funds	3,230,784
Interdepartmental transfers	<u>200,000</u>
Total	20,444,740
Sec. B.711 Environmental conservation - office of water programs	
Personal services	14,753,079
Operating expenses	4,695,933
Grants	<u>1,929,702</u>
Total	21,378,714
Source of funds	
General fund	7,674,248
Special funds	6,028,489
Federal funds	6,828,349
Interdepartmental transfers	<u>847,628</u>
Total	21,378,714
Sec. B.712 Environmental conservation - tax-loss Connecticut river flood control	
Operating expenses	<u>34,700</u>
Total	34,700
Source of funds	
General fund	3,470
Special funds	<u>31,230</u>
Total	34,700

Sec. B.713 Natural resources board

Personal services	2,431,059
Operating expenses	<u>364,618</u>
Total	2,795,677
Source of funds	
General fund	829,791
Special funds	<u>1,965,886</u>
Total	2,795,677

Sec. B.714 Total natural resources

Source of funds	
General fund	26,072,035
Special funds	34,994,533
Fish and wildlife fund	8,914,102
Federal funds	20,837,609
Interdepartmental transfers	<u>6,986,357</u>
Total	97,804,636

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,095,805
Operating expenses	656,454
Grants	<u>1,404,570</u>
Total	4,156,829
Source of funds	
General fund	2,986,829
Federal funds	1,100,000
Interdepartmental transfers	<u>70,000</u>
Total	4,156,829

Sec. B.801 Economic development

Personal services	2,908,179
Operating expenses	801,097
Grants	<u>2,108,179</u>
Total	5,817,455
Source of funds	
General fund	4,456,655
Special funds	605,350
Federal funds	751,550
Interdepartmental transfers	<u>3,900</u>
Total	5,817,455

Sec. B.802 Housing & community development

Personal services	6,353,668
Operating expenses	782,325
Grants	<u>2,454,341</u>
Total	9,590,334
Source of funds	
General fund	2,266,663
Special funds	3,754,534
Federal funds	3,510,337
Interdepartmental transfers	<u>58,800</u>
Total	9,590,334

Sec. B.803 Historic sites - special improvements

Operating expenses	<u>13,000</u>
Total	13,000
Source of funds	
Special funds	<u>13,000</u>
Total	13,000

Sec. B.804 Community development block grants

Grants	<u>25,449,135</u>
Total	25,449,135
Source of funds	
Federal funds	<u>25,449,135</u>
Total	25,449,135

Sec. B.805 Downtown transportation and capital improvement fund

Personal services	86,884
Grants	<u>297,082</u>
Total	383,966
Source of funds	
Special funds	<u>383,966</u>
Total	383,966

Sec. B.806 Tourism and marketing

Personal services	1,079,788
Operating expenses	1,909,597
Grants	<u>238,500</u>
Total	3,227,885
Source of funds	
General fund	3,137,885
Interdepartmental transfers	<u>90,000</u>
Total	3,227,885

Sec. B.807 Vermont life	
Personal services	761,087
Operating expenses	<u>65,916</u>
Total	827,003
Source of funds	
Enterprise funds	<u>827,003</u>
Total	827,003
Sec. B.808 Vermont council on the arts	
Grants	<u>641,607</u>
Total	641,607
Source of funds	
General fund	<u>641,607</u>
Total	641,607
Sec. B.809 Vermont symphony orchestra	
Grants	<u>141,214</u>
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	<u>882,219</u>
Total	882,219
Source of funds	
General fund	<u>882,219</u>
Total	882,219
Sec. B.811 Vermont housing and conservation board	
Grants	<u>28,203,945</u>
Total	28,203,945
Source of funds	
Special funds	14,180,600
Federal funds	<u>14,023,345</u>
Total	28,203,945
Sec. B.812 Vermont humanities council	
Grants	<u>217,959</u>
Total	217,959
Source of funds	
General fund	<u>217,959</u>

Total	217,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	14,731,031
Special funds	18,937,450
Federal funds	44,834,367
Interdepartmental transfers	222,700
Enterprise funds	<u>827,003</u>
Total	79,552,551
Sec. B.900 Transportation - finance and administration	
Personal services	9,952,251
Operating expenses	1,973,579
Grants	<u>245,000</u>
Total	12,170,830
Source of funds	
Transportation fund	11,246,130
Federal funds	<u>924,700</u>
Total	12,170,830
Sec. B.901 Transportation - aviation	
Personal services	3,628,764
Operating expenses	8,158,027
Grants	<u>185,000</u>
Total	11,971,791
Source of funds	
Transportation fund	4,542,791
Federal funds	<u>7,429,000</u>
Total	11,971,791
Sec. B.902 Transportation - buildings	
Operating expenses	<u>2,873,000</u>
Total	2,873,000
Source of funds	
Transportation fund	993,000
TIB fund	<u>1,880,000</u>
Total	2,873,000
Sec. B.903 Transportation - program development	
Personal services	38,955,555
Operating expenses	261,230,552
Grants	<u>23,614,529</u>

Total	323,800,636
Source of funds	
Transportation fund	35,403,238
TIB fund	15,162,888
Federal funds	257,658,307
Interdepartmental transfers	4,019,000
Local match	1,169,703
TIB proceeds fund	<u>10,387,500</u>
Total	323,800,636
Sec. B.904 Transportation - rest areas construction	
Personal services	170,000
Operating expenses	<u>1,275,753</u>
Total	1,445,753
Source of funds	
Transportation fund	50,000
TIB fund	174,476
Federal funds	<u>1,221,277</u>
Total	1,445,753
Sec. B.905 Transportation - maintenance state system	
Personal services	39,744,134
Operating expenses	48,877,536
Grants	<u>75,000</u>
Total	88,696,670
Source of funds	
Transportation fund	78,151,670
Federal funds	10,445,000
Interdepartmental transfers	<u>100,000</u>
Total	88,696,670
Sec. B.906 Transportation - policy and planning	
Personal services	4,179,113
Operating expenses	1,610,228
Grants	<u>4,969,497</u>
Total	10,758,838
Source of funds	
Transportation fund	2,057,947
Federal funds	8,387,344
Interdepartmental transfers	<u>313,547</u>
Total	10,758,838
Sec. B.907 Transportation - rail	

Personal services	4,883,127
Operating expenses	28,446,710
Grants	<u>1,600,000</u>
Total	34,929,837
Source of funds	
Transportation fund	12,432,950
TIB fund	2,970,667
Federal funds	<u>19,526,220</u>
Total	34,929,837
Sec. B.908 Transportation - public transit	
Personal services	1,148,922
Operating expenses	125,062
Grants	<u>27,296,244</u>
Total	28,570,228
Source of funds	
Transportation fund	7,528,574
Federal funds	<u>21,041,654</u>
Total	28,570,228
Sec. B.909 Transportation - central garage	
Personal services	3,931,872
Operating expenses	<u>16,388,084</u>
Total	20,319,956
Source of funds	
Internal service funds	<u>20,319,956</u>
Total	20,319,956
Sec. B.910 Department of motor vehicles	
Personal services	15,927,083
Operating expenses	9,035,884
Grants	<u>158,000</u>
Total	25,120,967
Source of funds	
Transportation fund	23,085,000
Federal funds	<u>2,035,967</u>
Total	25,120,967
Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>

Total	6,333,500
Sec. B.912 Transportation - town highway Vermont local roads	
Grants	<u>400,000</u>
Total	400,000
Source of funds	
Transportation fund	235,000
Federal funds	<u>165,000</u>
Total	400,000
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,248,750</u>
Total	7,248,750
Source of funds	
Transportation fund	<u>7,248,750</u>
Total	7,248,750
Sec. B.914 Transportation - town highway bridges	
Personal services	3,800,000
Operating expenses	12,127,597
Grants	<u>639,000</u>
Total	16,566,597
Source of funds	
Transportation fund	1,123,394
TIB fund	933,963
Federal funds	13,495,630
Local match	<u>1,013,610</u>
Total	16,566,597
Sec. B.915 Transportation - town highway aid program	
Grants	<u>25,982,744</u>
Total	25,982,744
Source of funds	
Transportation fund	<u>25,982,744</u>
Total	25,982,744
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>3,600,000</u>
Total	3,600,000
Source of funds	
Transportation fund	400,000
Federal funds	<u>3,200,000</u>
Total	3,600,000

Sec. B.919 Transportation - municipal mitigation grant program

Grants	<u>1,551,000</u>
Total	1,551,000
Source of funds	
Transportation fund	440,000
Federal funds	<u>1,111,000</u>
Total	1,551,000

Sec. B.920 Transportation - public assistance grant program

Grants	<u>29,235,250</u>
Total	29,235,250
Source of funds	
Special funds	2,235,250
Federal funds	<u>27,000,000</u>
Total	29,235,250

Sec. B.921 Transportation board

Personal services	181,114
Operating expenses	<u>18,886</u>
Total	200,000
Source of funds	
Transportation fund	<u>200,000</u>
Total	200,000

Sec. B.922 Total transportation

Source of funds

Transportation fund	218,733,438
TIB fund	21,121,994
Special funds	2,235,250
Federal funds	373,641,099
Internal service funds	20,319,956
Interdepartmental transfers	4,432,547
Local match	2,183,313
TIB proceeds fund	<u>10,387,500</u>
Total	653,055,097
Sec. B.1000 Debt service	
Operating expenses	<u>77,216,569</u>
Total	77,216,569
Source of funds	
General fund	70,521,584
Transportation fund	2,414,979
TIB debt service fund	2,397,816
Special funds	628,910
ARRA funds	<u>1,253,280</u>
Total	77,216,569
Sec. B.1001 Total debt service	
Source of funds	
General fund	70,521,584
Transportation fund	2,414,979
TIB debt service fund	2,397,816
Special funds	628,910
ARRA funds	<u>1,253,280</u>
Total	77,216,569

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2014, \$3,293,000 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed below:

(1) Workforce development. The amount of \$1,377,500 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$817,500 is transferred to the Vermont Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce development. Up to seven percent of the

funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont Career Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the Department of Labor working with the Workforce Development Council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the Agency of Commerce and Community Development to issue performance grants to the University of Vermont and the Vermont Center for Emerging Technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and Next Generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$330,000 as follows:

(A) Health care loan repayment. The amount of \$300,000 is appropriated to the Agency of Human Services – Global Commitment for the Department of Health to use for health care loan repayment. The department shall use these funds for a grant to the Area Health Education Centers (AHEC) for repayment of commercial or governmental loans for postsecondary health-care-related education or training owed by persons living and working in Vermont in the health care field.

(B) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the Agency of Agriculture, Food and Markets for a loan forgiveness program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$1,444,500 as follows:

(A) Nondegree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the

Vermont Student Assistance Corporation for the National Guard Educational Assistance Program established in 16 V.S.A. § 2856.

(C) Dual enrollment programs. The amount of \$800,000 is appropriated to the Vermont State Colleges for dual enrollment programs. The State Colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state college system when programs at the other institutions are better academically or geographically suited to student need.

(4) Science Technology Engineering and Math (STEM) Incentive. The amount of \$141,000 is appropriated to the Agency of Commerce and Community Development for an incentive payment pursuant to 2011 Acts and Resolves No. 52, Sec. 6.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2015 NEXT GENERATION FUND DISTRIBUTION

(a) The Department of Labor, in coordination with the Agency of Commerce and Community Development, the Agency of Human Services, and the Agency of Education, and in consultation with the Workforce Development Council, shall recommend to the Governor no later than November 1, 2013 how \$3,293,000 from the Next Generation Fund should be allocated or appropriated in fiscal year 2015 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The Department of Labor shall actively and publically promote the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 UNEMPLOYMENT INSURANCE INTEREST

(a) The amount of \$202,009 in general funds is appropriated in fiscal year 2014 to the Department of Labor for unemployment insurance interest payments to the federal government.

Sec. B.1102 WORKING LANDSCAPE APPROPRIATION

(a) The amount of \$1,425,000 in General Funds is appropriated in fiscal year 2014 to the Agency of Agriculture, Food and Markets for transfer to the Vermont Working Lands Enterprise Special Fund established in 6 V.S.A. § 4605 for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for direct grants and investments in food and forest systems pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, including grants that enable farmers' markets to accept electronic benefit transfer funds, and to continue to fund two (2) limited service working landscape staff positions in the Agency.

Sec. B.1103 DEPOSIT OF MORTGAGE PROCESSING SERVICES SETTLEMENT; APPROPRIATIONS TO THE DEPARTMENT OF FINANCIAL REGULATION

(a) The amount of \$371,000 received from Lender Processing Services, Inc., et al., relating to improperly executed mortgage loan documents and deposited into the Fees and Reimbursement Special Fund (#21638) in the Office of the Attorney General, shall be transferred to the General Fund in fiscal year 2014.

(b) The amount of \$125,000 in General Funds is appropriated in fiscal year 2014 to the Department of Financial Regulation – Banking Division for grants providing continued support of the Home Ownership Centers, which provide foreclosure intervention, homeowner counseling, assistance to mobile home owners, and similar services.

(c) The amount of \$75,000 in General Funds is appropriated in fiscal year 2014 to the Department of Financial Regulation – Banking Division for a grant to Vermont Legal Aid to fund legal services for homeowners facing foreclosure.

Sec. B.1104 FISCAL YEAR 2014 SURPLUS CONTINGENT RESERVE TRANSFERS AND APPROPRIATIONS

(a) Of the amount reserved in the General Fund Balance Reserve also known as the “rainy day reserve” at the close of fiscal year 2014:

(1) One-quarter of that amount is unreserved for transfer to the Education Fund in fiscal year 2015.

(2) One-quarter of that amount is unreserved and appropriated in fiscal year 2015 to the Secretary of Administration to be used only upon Emergency Board action to transfer these funds to appropriations to offset selected reduced federal funding.

Sec. B.1201 GENERAL FUND REDUCTION; AUTHORIZED POSITION COUNT

(a) The Secretary of Administration shall reduce appropriations and make transfers to the General Fund for a total of \$200,000, within the Executive Branch of state government as a result of budgeted positions not being authorized in fiscal year 2014.

Sec. B.1202 SECRETARY OF ADMINISTRATION; FISCAL YEAR 2014 MANAGEMENT INITIATIVE SAVINGS

(a) The Secretary of Administration shall reduce appropriations and make transfers to the General Fund for a total of \$2,500,000, within the Executive Branch of state government from management savings initiatives.

Sec. C.100 2012 Acts and Resolves, No. 162, Sec. B.1101 is amended to read:

Sec. B.1101 ONE-TIME ELECTIONS ~~EXPENSE APPROPRIATION~~
AND AUTOMATED BUSINESS REGISTRATION SYSTEM EXPENSES
APPROPRIATIONS

(a) In fiscal year 2013, there is appropriated to the ~~secretary of state~~ Secretary of State for 2012 primary and general elections:

General fund		\$135,000
Special fund	~~\$375,000~~	<u>\$240,000</u>

(b) In fiscal year 2013, notwithstanding 17 V.S.A. § 2856(a), there is appropriated to the Secretary of State from the Vermont Campaign Fund for expenses related to automating its business registration system:

<u>Special fund</u>		<u>\$135,000</u>

Sec. C.100.1 SECRETARY OF STATE; VERMONT CAMPAIGN FUND
DEPOSIT; EXPENDITURES

(a) The amount of \$30,000 in civil penalties received by the Attorney General from the Republican Governors' Association and \$10,000 in other receipts from the parties pursuant to a settlement with the Attorney General during 2013 shall be deposited into the Vermont Campaign Fund.

(b) The Secretary of State is authorized to expend up to \$50,000 from the Vermont Campaign Fund during fiscal year 2013 for development costs for campaign finance system development expenditures. The Secretary of State shall report to the Joint Fiscal Committee at its September 2013 meeting on the use of these funds.

Sec. C.101 2012 Acts and Resolves No. 162, Sec. B.200, as amended by 2013 Acts and Resolves No. 1, Sec. 8, is further amended to read:

Sec. B.200 Attorney general		
Personal services	7,660,981	7,660,981
Operating expenses	977,285	977,285
Total	8,638,266	8,638,266
Source of funds		
General fund	3,943,997	3,943,997
Special funds	~~1,278,455~~	1,389,455
Tobacco fund	~~459,000~~	348,000

Federal funds	745,364	745,364
Interdepartmental transfers	<u>2,211,450</u>	<u>2,211,450</u>
Total	8,638,266	8,638,266

Sec. C.102 2012 Acts and Resolves No. 162, Sec. B.240, as amended by 2013 Acts and Resolves No. 1, Sec. 15, is further amended to read:

Sec. B.240 Total protection to persons and property

	282,833,185	282,833,185
Source of funds		
General fund	109,237,894	109,237,894
Transportation fund	25,238,498	25,238,498
Special funds	<u>67,957,274</u>	68,068,274
Tobacco fund	<u>790,816</u>	679,816
Federal funds	58,191,789	58,191,789
ARRA funds	5,160,681	5,160,681
Global Commitment fund	1,138,944	1,138,944
Interdepartmental transfers	8,701,945	8,701,945
Enterprise funds	<u>6,415,344</u>	<u>6,415,344</u>
Total	282,833,185	282,833,185

Sec. C.103 2012 Acts and Resolves No. 162, Sec. B.903 as amended by 2013 Acts and Resolves No. 1, Sec. 51.1, is further amended to read:

Sec. B.903 Transportation - program development

Personal services	36,309,069	36,309,069
Operating expenses	247,904,463	247,904,463
Grants	<u>37,369,326</u>	<u>37,369,326</u>
Total	321,582,858	321,582,858
Source of funds		
Transportation fund	34,178,585	34,178,585
TIB fund	16,673,911	16,673,911
Federal funds	256,588,181	256,588,181
Interdepartmental transfers	3,770,000	3,770,000
Transportation local fund	1,372,181	1,372,181
<u>TIB proceeds fund</u>		<u>9,000,000</u>
Total	~~312,582,858~~	321,582,858

Sec. C.104 2012 Acts and Resolves No. 162, Sec. D.101(a)(3) is amended to read:

(3) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2014 transportation infrastructure bonds debt service: ~~\$1,764,213~~ \$1,702,378.

Sec. C.105 2012 Acts and Resolves No. 162, Secs. B.1000 and B.1001 are amended to read:

Sec. B.1000 Debt service		
Operating expenses	~~72,111,263~~	71,962,178
Total	~~72,111,263~~	71,962,178
Source of funds		
General fund	63,667,340	63,667,340
General obligation bonds debt service fund	2,321,565	2,321,565
Transportation fund	2,482,442	2,482,442
TIB debt service fund	~~1,758,486~~	1,609,401
Special funds	628,150	628,150
ARRA funds	<u>1,253,280</u>	<u>1,253,280</u>
Total	~~72,111,263~~	71,962,178
Sec. B.1001 Total debt service		
Source of funds		
General fund	63,667,340	63,667,340
General obligation bonds debt service fund	2,321,565	2,321,565
Transportation fund	2,482,442	2,482,442
TIB debt service fund	~~1,758,486~~	1,609,401
Special funds	628,150	628,150
ARRA funds	<u>1,253,280</u>	<u>1,253,280</u>
Total	~~72,111,263~~	71,962,178

Sec. C.106 ADMINISTRATION OF IRENE RECOVERY CDBG GRANT; LIMITED SERVICE POSITION

(a) The establishment of one (1) new classified limited service position – Grants Specialist – is authorized in fiscal year 2013 in the Agency of Commerce and Community Development.

Sec. C.107 TRANSFER; TOURISM AND MARKETING

(a) The Commissioner of Finance and Management is authorized to transfer up to \$50,000 in General Funds in fiscal year 2013 from the Vermont Information Centers program to the Department of Tourism and Marketing.

Sec. C.108 CRISIS FUEL TRANSFER AUTHORITY

(a) Notwithstanding any other law to the contrary, the Commissioner of Finance and Management shall have the authority to transfer funds from the Energy and Regulation Fund (#21698) of the Public Service Department to meet fiscal year 2013 LIHEAP crisis fuel needs.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Property Valuation and Review Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Property Valuation and Review Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$14,014,000 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$14,014,000 from the property transfer tax that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(3) The sum of \$3,587,154 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,587,154 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,587,154 shall be allocated as follows:

(A) \$2,758,884 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$449,570 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Vermont Center for Geographic Information.

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) from the General Fund to the:

(A) Communications and Information Technology Internal Service Fund established by 22 V.S.A. § 902a: \$735,000.

(B) Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$3,293,000.

(C) Facilities Operations Fund established in 29 V.S.A. § 160a: \$1,862,785.

(D) Clean Energy Development Fund established in 30 V.S.A. § 8015: \$250,000.

(2) from the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the fund: \$383,966.

(3) from the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund for the purpose of funding transportation infrastructure bonds debt service for a new bond issue in fiscal year 2014 and to fund fiscal year 2015 transportation infrastructure bonds debt service: \$2,450,788.

(4) from the Emergency Relief and Assistance Fund established in 20 V.S.A. § 45 to the General Fund: \$6,500,000.

(5) from the state funds within the Fleet Management Internal Service Fund established pursuant to 29 V.S.A. § 902(f)(6) or from the state funds credited or rebated to state agencies from this fund to the General Fund: \$237,000.

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2013 in the Tobacco Litigation Settlement Fund shall remain for appropriation in fiscal year 2014.

Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2014 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2014 is not negative shall be transferred from the Tobacco Trust Fund to the Tobacco Litigation Settlement Fund in fiscal year 2014.

Sec. D.104 DEPOSIT OF WITHHELD TOBACCO SETTLEMENT FUNDS

(a) Notwithstanding any other provision of law, any payments to the State of Vermont, including principal and interest, that have been withheld beginning in fiscal year 2003, by the tobacco manufacturing companies pursuant to the Master Tobacco Settlement, shall be deposited in the Tobacco Trust Fund for the purpose of sustaining the Vermont Tobacco Prevention and Control Programs.

Sec. D.105 AMERICAN ELECTRIC POWER (AEP) SETTLEMENT TO THE CLEAN ENERGY DEVELOPMENT FUND

(a) Any funds recovered by the Attorney General as a result of the American Electric Power Service Corporation settlement shall be deposited into the Clean Energy Development Fund established by 30 V.S.A. § 8015.

Sec. D.106 [DELETED]

Sec. D.107 CLARIFICATION OF FISCAL YEAR 2014 REQUIRED TRANSFERS

(a) 32 V.S.A. § 6075(b) requires a calculation of the increase in the amount of General Fund forecasted for fiscal year 2014 comparing the last official forecast to the forecast made in July 2013. Any increase in the forecasted available General Fund under this calculation shall further be reduced by revenue growth attributable to changes in federal tax law such as contemplated under the Marketplace Fairness Act of 2013.

Sec. D.108 GENERAL FUND BALANCE RESERVE; UNRESERVED

(a) Amounts in the General Fund Balance Reserve established in 32 V.S.A. § 308c(a), also known as the "Rainy Day Reserve," are hereby unreserved at the close of fiscal year 2014 to the extent needed to offset any General Fund deficit prior to the use of the General Fund Budget Stabilization Reserves as provided for in 32 V.S.A. § 308(c).

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH – POSITIONS AUTHORIZED IN FISCAL YEAR 2014

(a) The establishment of the following new classified positions is authorized in fiscal year 2014 as follows:

(1) In the Department of Information and Innovation – one (1) Enterprise Architect position – for work on the Judiciary's information technology project.

(2) In the Treasurer's Office – one (1) Financial Specialist.

(3) In the Agency of Agriculture, Food and Markets – one (1) Chief Policy Enforcement Officer.

(4) In the Department of Health – one (1) Hub and Spoke Program Manager.

(5) In the Department of Mental Health – seventeen (17) positions – for work at the new state hospital anticipated to be operational by April 2014. The

specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(6) In the Department for Children and Families – Fifteen (15) positions: Fourteen (14) Benefits Program Specialist and one (1) Continuous Quality Improvement (CQI) Specialist.

(7) In the Department of Forests, Parks and Recreation – one (1) Forester II.

(8) In the Department of Housing and Community Development – one (1) Housing Program Coordinator.

(9) Fourteen (14) positions are established in the position pool of the Executive Branch of state government. The Secretary of Administration in consultation with the Commissioner of Human Resources may assign pool positions to executive branch entities provided the requesting entities demonstrate both need for the position and the fiscal capacity to fund the requested positions. The administration may convert one of these positions to an exempt position if needed.

(b) The establishment of the following new limited service positions is authorized in fiscal year 2014 as follows:

(1) In the Department of Buildings and General Services – four (4) classified positions – for engineering-related work. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(2) In the Department of Public Safety – two (2) classified positions and one (1) exempt position – for grant management and public assistance. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources. These positions shall be for a term of five years.

(3) In the Department of Environmental Conservation – three (3) classified positions – relating to the Department reengineering initiative. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources.

(c) The Secretary of Administration and the Commissioner of Human Resources shall provide a written report to the Joint Fiscal Committee at its November 2013 meeting on the status of positions authorized in this section and existing pool positions that have been assigned to date.

Sec. E.100.1 FEDERAL EMERGENCY MANAGEMENT AGENCY
REPORTING AND OVERSIGHT

(a) The Secretary of Administration shall report to the Joint Fiscal Committee at each of its scheduled meetings in fiscal year 2014 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene. The report shall include:

(1) a projection of the total funding needs for the FEMA Public Assistance Program and to the extent possible, details about the projected funding by state agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match;

(3) information on any audit findings that may result in financial impacts to the State; and

(4) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by state agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. E.100.2 3 V.S.A. § 2222 is amended to read:.

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

* * *

(g)(1) ~~The secretary of administration~~ Secretary of Administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is ~~\$500,000.00~~ \$1,000,000.00 or greater or when required by the ~~state chief information officer~~ State Chief Information Officer. Documentation of this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:

- (A) an acquisition cost assessment;
- (B) a technology architecture review;
- (C) an implementation plan assessment;
- (D) a cost analysis and a model for benefit analysis; ~~and~~

(E) a procurement negotiation advisory services contract; and

(F) an impact analysis on net operating costs for the agency carrying out the activity.

* * *

Sec. E.101 29 V.S.A. § 1401 is amended to read:

§ 1401. PURCHASE OF INSURANCE

The ~~commissioner of buildings and general services~~ Secretary of Administration shall secure insurance coverage for the benefit of the ~~state~~ State and its employees while performing official duties, in fire and casualty companies authorized to do business in this ~~state~~ State in such amounts and such coverages as deemed for the best interests of the ~~state~~ State. Insurance policies covering the ~~state~~ State shall provide that loss, if any, shall be payable to the ~~state~~ State. All policies shall be filed and kept in the office of the ~~commissioner of buildings and general services~~ Secretary of Administration. The cost of all insurance purchased and the cost of managing such purchases shall be borne by the department or board for whose benefit it is purchased.

Sec. E.101.1 REPEAL

(a) 29 V.S.A. § 1402 (preference to Vermont companies, agents) is repealed.

Sec. E.101.2 29 V.S.A. § 1405 is amended to read:

§ 1405. INVENTORIES OF STATE PROPERTY

State departments, institutions, and agencies having property belonging to the ~~state~~ State or in their charge on or before February 1 in each ~~even numbered~~ even-numbered year shall render an inventory to the ~~commissioner of buildings and general services~~ Secretary of Administration of all such property, and its value, on hand on January 1 preceding, on such forms and in such detail as the ~~commissioner of buildings and general services~~ Secretary of Administration may require.

Sec. E.101.3 29 V.S.A. § 1406 is amended to read:

§ 1406. LIABILITY INSURANCE

(a) The ~~commissioner of buildings and general services~~ Secretary of Administration, on behalf of the ~~state~~ State, may contract or enter into agreements with any insurance company or companies or insurance corporation or corporations licensed to do business within the ~~state~~ State for the purpose of insuring the ~~state~~ State against liability or may ~~self-insure~~ self-insure against liability.

(b) ~~The commissioner of buildings and general services~~ Secretary of Administration is directed to charge back against individual departmental appropriations in all funds the proper amounts necessary to pay the cost of the insurance or ~~self-insurance~~ self-insurance referred to in subsection (a) of this section.

(c) ~~The state liability self-insurance fund~~ State Liability Self-Insurance Fund is created to provide a program of ~~self-insuring~~ self-insuring liability coverages for all state agencies, legislature, departments, state colleges, judiciary, quasi-state agencies, boards, commissions, and employees, as defined in 3 V.S.A. § 1101. All covered entities shall participate in the program and shall contribute to the ~~fund~~ Fund. The ~~fund~~ Fund shall be administered by the ~~commissioner of buildings and general services~~ Secretary of Administration to adjust claims, to pay judgments, and to reimburse contractors and state agencies for services rendered.

* * *

Sec. E.101.4 29 V.S.A. § 1408 is amended to read:

§ 1408. WORKERS' COMPENSATION INSURANCE

(a) ~~The state employees' workers' compensation fund~~ State Employees' Workers' Compensation Fund is created to provide a program for self-insurance coverage for all officers and state employees, as defined in ~~section 3 V.S.A. § 1101 of Title 3~~, of all state agencies, departments, boards, and commissions pursuant to ~~chapters 21 V.S.A. chapter 9 and 11 of Title 21~~. All state agencies, departments, boards, and commissions shall participate in the program and contribute to the ~~fund~~ Fund. The ~~fund~~ Fund shall be administered by the ~~commissioner of buildings and general services~~ Secretary of Administration who:

(1) shall authorize payments from the ~~fund~~ Fund in accordance with the provisions of this section and ~~chapters 21 V.S.A. chapter 9 and 11 of Title 21~~;

* * *

(c) ~~On February 1, 1990, the commissioner shall assess each program participant an amount to be deposited in the fund. The assessment shall be the greater of:~~

(1) ~~115 percent of the yearly average workers' compensation losses suffered by the program participant during the preceding four years, or during the years, not to exceed four, which are documented in the insurance section of the department of buildings and general service; or~~

(2) ~~50 percent of the standard workers' compensation premium based on the National Council on Compensation Insurance rate classifications for~~

~~Vermont in effect on the first day of the preceding fiscal year for that program participant.~~ [Repealed.]

(d) ~~In subsequent years, the commissioner~~ The Secretary shall annually assess each program participant an amount to be deposited in the ~~state employees' workers' compensation fund~~ State Employees' Workers' Compensation Fund. ~~The commissioner~~ Secretary may adjust the annual assessment to assure that the debts and obligations of the program are adequately funded.

* * *

Sec. E.101.5 23 V.S.A. § 3214 is amended to read:

§ 3214. ALLOCATION OF FEES AND PENALTIES; LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT SERVICES

* * *

(b) VAST shall purchase a trails' liability insurance policy in the amount of \$1,000,000.00. ~~The state~~ State of Vermont shall be named an additional insured. The policy shall extend to all VAST affiliated snowmobile clubs and their respective employees and agents to provide for trails' liability coverage for development and maintenance of the statewide snowmobile trails program including groomer use and operation. ~~The department of buildings and general services~~ Office of the Secretary of Administration shall assist VAST with the procurement of trails liability and other related insurance.

* * *

Sec. E.101.6 23 V.S.A. § 3217 is amended to read:

§ 3217. LIABILITY INSURANCE; TRAIL MAINTENANCE

The ~~state~~ State may extend coverage of its liability insurance to parties under contract with the ~~department of forests, parks and recreation~~ Department of Forests, Parks and Recreation for development and maintenance of the snowmobile trail system. Insurance coverage shall match the ~~state's~~ State's current financial liability limits and shall be limited to those activities defined by the development and maintenance contract. ~~The department of buildings and general services~~ Secretary of Administration shall pay for this extended coverage with funds from snowmobile registration receipts.

Sec. E.101.7 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT SERVICES

* * *

(b) ~~The department of buildings and general services~~ Office of the Secretary of Administration shall assist VASA with the procurement of trail liability and other related insurance.

* * *

Sec. E.101.8 29 V.S.A. § 1902 is amended to read:

§ 1902. DUTIES OF COMMISSIONER OF BUILDINGS AND GENERAL SERVICES

* * *

(b) ~~The commissioner of buildings and general services shall purchase state insurance as provided in chapter 55 of this title.~~

* * *

Sec. E.105 Information and innovation – communications and information technology

(a) Of this appropriation, \$735,000 is for a grant to the Vermont Telecommunications Authority established in 30 V.S.A. § 8061.

Sec. E.105.1 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

* * *

(4)(C) to review and approve in accordance with ~~agency of administration~~ Agency of Administration policies the assignment of appropriate project managers for information technology activities within state government with a cost in excess of ~~\$100,000.00~~ \$500,000.00; and

* * *

Sec. E.106 32 V.S.A. § 305a(a) is amended to read:

(a) On or about January 15 and again by July 31 of each year, and at such other times as the ~~emergency board~~ Emergency Board or the ~~governor~~ Governor deems proper, the ~~joint fiscal office~~ Joint Fiscal Office and the ~~secretary of administration~~ Secretary of Administration shall provide to the ~~emergency board~~ Emergency Board their respective estimates of state revenues in the general, transportation, transportation infrastructure bond, education, and state health care resources funds, ~~and revenues from the gross receipts tax under 33 V.S.A. § 2503.~~ The January revenue estimate shall be for the current and next two succeeding fiscal years, and the July revenue estimate shall be for the current and immediately succeeding fiscal years. Federal fund estimates shall be provided at the same times for the current fiscal year. Global

Commitment fund estimates shall be provided in January for the current and immediately succeeding fiscal year and in July for the current fiscal year.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$30,000 is from the Current Use Application Fee Special Fund and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

(b) The Department shall allocate resources as needed to increase the collection of taxes due the State. The Tax Commissioner shall provide a report to the House and Senate Committees on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance on or before January 15, 2014 on compliance program revenue targets, collection trends, and program activities. The report shall include program outcomes and measures to evaluate program activity.

Sec. E.113 Buildings and general services – engineering

(a) The \$2,982,132 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Appropriations Act of the 2013 session.

Sec. E.114 Buildings and general services – information centers

(a) In fiscal year 2014, the amount of \$125,000 in General Funds appropriated to the Department of Buildings and General Services – information centers shall revert to the General Fund.

Sec. E.118 2010 Acts and Resolves No. 156, Sec. E.114(a), as amended by 2011 Acts and Resolves No. 3, Sec. 60 is further amended to read:

(a) ~~The commissioner of the department of buildings and general services~~ Commissioner of Buildings and General Services shall submit a report to the ~~house and senate committees on appropriations~~ House and Senate Committees on Appropriations by January 15th of each year through fiscal year 2015 detailing the number of state employees, by department, that exceeded a ~~\$14,000~~ 11,400 mileage reimbursement amount for use of their private vehicle during the previous fiscal year.

Sec. E.118.1 Buildings and general services - fleet management services

(a) Any state employee that uses the standard mileage reimbursement rate for use of their private vehicle shall be required to use a state-owned or -leased vehicle if the mileage that is submitted for reimbursement exceeds 11,400 on a fiscal year basis. Exceptions may be made if the employee receives approval

from his or her agency secretary or department head to exceed the 11,400 limit on mileage that is eligible for reimbursement for use of a private vehicle.

Sec. E.123 Geographic information system

(a) No transfer of functions of the Geographic Information System (GIS) program shall occur in fiscal year 2014 without legislative approval. The Executive Director of the GIS program shall report on or before November 30, 2013 to the Joint Fiscal Committee on potential options for administrative and business office functions to be supported by an appropriate state entity and any other recommendations for long-term financial sustainability of the program.

Sec. E.125 Legislative council

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Legislative Council and carried forward into fiscal year 2014, the amount of \$25,000 shall revert to the General Fund.

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Legislature and carried forward into fiscal year 2014, the amount of \$375,000 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2015 be included at a level sufficient to support an 18-week legislative session.

Sec. E.126.1 LAKE SHORELAND PROTECTION COMMISSION

(a) There is created a Lake Shoreland Protection Commission to:

(1) provide information regarding current laws or regulations in place to protect the waters of the State that are held in trust for the public.

(2) take testimony regarding the regulation of disturbance, clearing, and creation of impervious surfaces in the shorelands of lakes.

(b) The Commission shall be composed of:

(1) The current members of the Senate Committee on Natural Resources and Energy; and

(2) Five members from the House Committee on Fish, Wildlife and Water Resources, two of whom shall be the Chair and Vice Chair of the Committee and three of whom shall be appointed by the Chair of the Committee on Fish, Wildlife and Water Resources, provided that the Chair shall appoint different committee members to attend different meetings of the Commission in order to provide Commission membership that reflects the

geographic region of the State where a public meeting of the Commission will be held under subsection (c) of this section.

(c) The Commission may conduct five public meetings in the State to provide information and collect public input regarding the proposed regulation of activities in the shorelands of lakes. The Commission shall collaborate with regional and municipal planning organizations. The Commission shall hold four of the five meetings in different regions of the State. The fifth meeting shall be held in Montpelier.

(d) The Commission, with the assistance of the Agency of Natural Resources, shall:

(1) summarize the scope and requirements of existing regulation of activities that preserve and improve water quality and avoid degradation, including a summary of the proposed rules to implement the antidegradation policy and the programs and requirements the State may need to implement in order to meet the Total Maximum Daily Load plan for Lake Champlain;

(2) summarize the findings of the Agency of Natural Resources' State Water Quality Remediation, Implementation, and Funding Report of 2012, as required by 2012 Acts and Resolves No. 138, Sec. 19, including how Vermont ranks in relation to other states with regard to clean water protection;

(3) summarize the need for regulation in the shorelands of lakes as part of an integrated policy to preserve and protect clean water in the State;

(4) summarize how other states regulate activities in shoreland areas of lakes, including:

(A) what activities are regulated;

(B) how development, construction, or creation of nonvegetated surface in shoreland areas of lakes is regulated;

(C) whether activities in shoreland areas of lakes are regulated by the state, a local authority, or some combination of state and local authority;

(D) whether a buffer or other area of vegetated surface is required within a specified distance of a lake; and

(E) what activities in shoreland areas of lakes are exempt from regulation.

(5) provide educational materials regarding shoreland protection, including copies of the Agency of Natural Resources' draft standards for the regulation of the shorelands of lakes and vegetation management; and

(6) shall solicit and hear input and proposals from the public regarding, in response to the information provided under subdivisions (1)-(5) of this

subsection, how the State of Vermont should protect water quality, aquatic habitat, and shoreland habitat while also preserving reasonable use of the property.

(e) For purposes of fulfilling its charge under this section, the Commission shall have technical services of the Agency of Natural Resources. The Office of Legislative Council shall provide legal and administrative services to the Commission. The Commission may request financial services from the Joint Fiscal Office.

(f) The Commission shall consider the public input and proposals provided under subsection (d) of this section and shall publish a report of the Commission's recommendations for legislative action for the protection of the shorelands of the lakes of the State. The Commission may make recommendations for consideration by the General Assembly. The report of the Commission shall be posted to the website of the General Assembly on or before January 15, 2014.

(g) In addition to the public meetings required under subsection (c) of this section, the Commission may meet no more than three times, and shall cease to exist on July 1, 2014.

(h) For attendance at meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

(i) There is created a Lake Shoreland Protection Commission Working Group to develop, prior to July 15, 2013, the information and educational materials to be presented or provided at the public meetings of the Lake Shoreland Protection Commission under subsection (d) of this section. The Working Group shall consist of the Chair and Vice Chair of the Senate Committee on Natural Resources and Energy, the Chair and Vice Chair of the House Committee on Fish, Wildlife and Water Resources, and the Commissioner of Environmental Conservation or his or her designee. The Working Group shall have the same services as provided to the Lake Shoreland Protection Commission under subsection (e) of this section.

Sec. E.126.2 32 V.S.A. § 1053 is amended to read:

§ 1053. OFFICERS OF THE GENERAL ASSEMBLY

~~For each week of each session, the~~ The clerk of the house, the first assistant clerk of the house, the second assistant clerk of the house, the secretary of the senate and the assistant secretary of the senate shall be entitled to their necessary expenses and salaries as determined by the rules committee of the house or senate, as the case may be.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2013 funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2014, the amount of \$75,000 shall revert to the General Fund.

(b) The amount of \$85,000 shall be transferred from the fiscal year 2013 Legislature budget to the Joint Fiscal Committee budget to help fund expected costs for a contract for evaluation of the health care exchange proposal, financial analysis for a Health Care Advisory group, and increased Joint Fiscal Office revenue analysis staff capacity.

Sec. E.130 AUDITOR RECOMMENDATION ON SPECIAL EDUCATION PERFORMANCE AUDIT

(a) The State Auditor shall review the feasibility of conducting a performance audit of special education in Vermont. The Office of the State Auditor shall consider whether a performance audit could:

(1) identify differences and causes thereof in special education services provided among Vermont school districts and other jurisdictions;

(2) identify opportunities to improve special education planning, budgeting, and financial controls;

(3) evaluate educational outcomes for special education students;

(4) provide strategies for delivery of cost-effective special education services without compromising service quality.

(b) The State Auditor shall report to the Joint Fiscal Committee at its September 2013 meeting on the items identified in subsection (a) of this section and define a scope and plan that could be used to guide the performance audit process if one is determined to be feasible.

Sec. E.131 [DELETED]

Sec. E.131.1 VERMONT COMMUNITY LOAN FUND INVESTMENT

(a) Notwithstanding 32 V.S.A. § 433, the State Treasurer is authorized to invest up to \$500,000 of short-term operating or restricted funds in the Vermont Community Loan Fund on terms acceptable to the Treasurer and consistent with 32 V.S.A. § 433(b).

Sec. E.131.2 24 V.S.A. § 1759(a) is amended to read:

(a) Any bond issued under this subchapter shall draw interest at a rate not to exceed the rate approved by the voters of the municipal corporation in accordance with section 1758 of this title, or if no rate is specified in the vote under that section, at a rate approved by the legislative branch of the

municipal corporation, such interest to be payable semiannually. Such bonds or bond shall be payable serially, the first payment to be deferred not later than from one to five years after the issuance of the bonds and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than 20 years from the date of issue. In the case of bonds issued for the purchase or development of a municipal forest, the first payment may be deferred not more than 30 years from the date of issuance thereof. Thereafter such bonds or bond shall be payable annually in equal or diminishing amounts so that the entire debt will be paid in not more than 60 years from the date of issue. In the case of bonds issued for ~~improvements on public highways~~ any capital project that have has a useful life of at least 30 years ~~and that involve bridge construction or roadway reconstruction, including a bridge component,~~ the entire debt will be paid in not more than 30 years from the date of issue.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2014, investment fees shall be paid from the corpus of the fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) The towns currently engaged in litigation regarding grand list appeals of the assessment of TransCanada hydroelectric property may submit to the Attorney General legal expenditures made by those towns as a result of this litigation, as those values were established by reference to information from the Department of Taxes, Division of Property Valuation and Review. The Attorney General shall review the submitted bills and, if reasonable, approve reimbursement up to the amount transferred in subsection (b) of this section.

(b) As the litigation may have a substantial impact on the education grand list, \$50,000 of the appropriation in Sec. B.139 of this act shall be transferred to the Attorney General and reserved for payment of expenses incurred by towns in defense of grand list appeals as provided herein. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.141 Lottery commission

(a) Of this appropriation, the Lottery Commission shall transfer \$150,000 to the Department of Health, Office of Alcohol and Drug Abuse Programs, to support the gambling addiction program.

(b) The Vermont State Lottery shall provide assistance and work with the Vermont Council on Problem Gambling on systems and program development.

(c) The Executive Director of the Vermont State Lottery Commission shall report to the Joint Fiscal Committee at its November 2013 meeting on the operational, fiscal, and public policy issues of allowing Keno games in Vermont.

(d) The Executive Director of the Lottery Commission and the Secretary of Human Services shall submit recommendations to the House and Senate Committees on Appropriations on or before January 15, 2014 on the advisability of transferring the Problem Gambling Program from a grant program to a program performed by state employees.

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for state payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the state share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the state share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$725,000 is appropriated in Sec. B.200 of this act.

Sec. E.204 4 V.S.A. § 28(e) is added to read:

(e) Upon completion of the agreements authorized by this section, the remaining balance in the Fund shall be deposited in the Court Technology Special Fund pursuant to section 27 of this title.

Sec. E.207 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

* * *

(2)(A) For necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness the sum of ~~\$15.40~~ \$18.00 per hour for each deputy sheriff or assistant so required if the sheriff or constable makes oath that the deputy sheriff, assistant, or assistants were required giving the name of the assistant or assistants if there were more than one; provided, however, a full-time law enforcement officer shall not receive compensation under this subsection if otherwise compensated for the hours during which such transportation is performed. In addition to the rate established in this section, the sheriffs' department shall be reimbursed for the costs of the employers' contribution to Social Security and workers' compensation insurance attributable to services provided under this section. Reimbursement shall be calculated on an hourly basis; the sheriff's department shall also be reimbursed for the costs of employer contributions for unemployment compensation, when a claim is filed and the percentage owed from the sheriff's department to the ~~state~~ State can be accounted for under this section;

* * *

Sec. E.207.1 [DELETED]

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in Special Funds shall be available for snowmobile law enforcement activities and \$35,000 in General Funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force and the Gang Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force and to support

the efforts of the Mobile Enforcement Team (Gang Task Force), or carried forward.

Sec. E.209.1 VERMONT TROOPERS' ASSOCIATION BARGAINING AGREEMENT; FUNDING

(a) The State of Vermont and Vermont Troopers' Association, Inc. (VTA) agreed to terms for a new two-year collective bargaining agreement to commence on July 1, 2013. The VTA membership does not have a reasonable opportunity to ratify the agreement before the General Assembly adjourns. Accordingly, pursuant to 3 V.S.A. § 982(c), the Governor submitted the tentative agreement to the General Assembly pending ratification, to request sufficient funds to implement the agreement should VTA ratify. Contingent upon VTA ratification, the funds appropriated by the General Assembly are considered sufficient to fund the collective bargaining agreement between the State and VTA effective at the beginning of fiscal year 2014.

Sec. E.211 [DELETED]

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.214 Radiological emergency response plan

(a) Of the funds appropriated in Sec. B.214 of this act, the Division of Emergency Management and Homeland Security (Emergency Management) may use up to \$250,000 for the American Red Cross as a subgrantee of the Radiological Emergency Response Program Special Fund (the Special Fund) in order to enhance sheltering capacity in response to any potential future incident involving the Vermont Yankee Nuclear Power Plant (the Plant).

(b) The sheltering capacity shall be not less than 20 percent of the population in the emergency planning zone. Prior to entering into any agreement with or disbursing funds to the American Red Cross under this section, Emergency Management shall negotiate with the owner of the Plant to reach an agreement on the appropriate cost and level of sheltering capacity above this 20-percent minimum. If no such agreement is reached on or before September 1, 2013, Emergency Management shall determine the appropriate cost and the appropriate level of additional sheltering capacity based on the best available information.

(c) Regardless of the operational or ownership status of the Plant, this appropriation is the first in a multi-year plan of appropriations to the Special

Fund for the purpose of enhancing sheltering capacity in response to an incident involving the Plant.

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Educational Assistance Program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be General Funds from this appropriation, and \$150,000 shall be Next Generation Special Funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.219 Military – veterans' affairs

(a) Of this appropriation, \$5,000 shall be used for continuation of the Vermont Medal Program, \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council, \$7,500 shall be used for the Veterans' Day parade, \$5,000 shall be granted to the Vermont State Council of the Vietnam Veterans of America to fund the Service Officer Program, and \$5,000 shall be used for the Military, Family, and Community Network.

(b) Of this General Fund appropriation, \$16,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.219.1 16 V.S.A. § 2538 is amended to read:

§ 2538. AMOUNT, DURATION, ~~RESIDENCE~~

(a) ~~An~~ Subject to subsection (c) of this section, ~~an~~ armed services scholarship shall pay tuition for ~~an approved program~~ academic credit at a Vermont postsecondary institution eligible for student assistance funds under Title IV of the Higher Education Act of 1965 and leading to a an undergraduate certificate or degree ~~other than a postgraduate degree~~ as follows:

(1) ~~at a Vermont university, college, or technical institute supported in whole or in part by public funds appropriated from the state treasury; or~~ If the person attends the University of Vermont, the scholarship shall pay an amount equal to the actual tuition charged by the University to the person.

(2) ~~tuition expenses at a Vermont postsecondary institution up to an amount equal to the in-state tuition fee for that year at the Vermont state colleges~~ If the person attends a Vermont State College, the scholarship shall pay an amount equal to the actual tuition charged by the institution to the person.

(3) If the person attends any other postsecondary institution located in Vermont, the scholarship shall pay an amount equal to the actual tuition charged by the institution to the person, or an amount equal to that which the

scholarship would have paid if the person attended the University of Vermont pursuant to subdivision (1) of this subsection, whichever is less.

(b) An armed services scholarship ~~shall be tenable~~ may be used for a maximum of 130 academic credits ~~or less as may be necessary to complete requirements for graduation~~ an undergraduate certificate or degree.

(c) A person eligible and applying for an armed forces scholarship shall apply for a Federal Pell Grant. The amount of the armed services scholarship awarded shall be the remaining tuition ~~costs~~ to be paid pursuant to subsection (a) of this section, following receipt of a Pell Grant.

(d) A person who has obtained a bachelor's degree is not eligible for an armed services scholarship.

Sec. E.219.2 16 V.S.A. § 2539(b) and (c) are amended to read:

(b) On being notified of ~~the~~ an eligible applicant's matriculation at an institution as specified in subsection 2538(a) of this title, the ~~adjutant general or office of veterans' affairs shall certify eligibility to the commissioner of finance and management who~~ Adjutant and Inspector General or the Office of Veterans' Affairs shall provide funds from the special fund established in section 2541 of this title to the Vermont Student Assistance Corporation, which, upon verifying enrollment, shall disburse the scholarship award to the institution from the armed services scholarship fund established in section 2541 of this title.

(c) Application for renewal of an armed services scholarship shall be made annually with written endorsement by the proper officer of the institution attended that the holder of the scholarship has maintained satisfactory scholastic standing. On receipt of this certification, the ~~adjutant general or office of veterans' affairs shall forward it to the commissioner of finance and management who~~ Adjutant and Inspector General or the Office of Veterans' Affairs shall provide funds from the special fund established in section 2541 of this title to the Vermont Student Assistance Corporation, which, upon verifying enrollment, shall disburse the scholarship award to the institution from the armed services scholarship fund established in section 2541 of this title.

Sec. E.219.3 16 V.S.A. § 2541 is amended to read:

§ 2541. ARMED SERVICES SCHOLARSHIP FUND

(a) ~~An armed services scholarship fund~~ Armed Services Scholarship Fund is established ~~in the office of the state treasurer~~ to comprise appropriations made by the ~~general assembly~~ General Assembly. The fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the

Military Department for the armed services scholarships established in section 2537 of this title.

(b) ~~The state treasurer may invest the monies in the fund.~~

(c) ~~Monies in the fund shall be used to fund armed services scholarships established in section 2537 of this title.~~

(d) All balances in the ~~fund~~ Fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the ~~fund~~ Fund which are not withdrawn pursuant to this section shall remain in the ~~fund~~ Fund.

Sec. E.219.4 20 V.S.A. § 1548 is amended to read:

§ 1548. VERMONT VETERANS' FUND

(a) There is created a special fund to be known as the Vermont ~~veterans' fund~~ Veterans' Fund. This ~~fund~~ Fund shall be administered by the ~~state treasurer~~ Military Department and shall be paid out in grants on the recommendations of a nine-member committee comprising:

(1) The ~~adjutant general~~ Adjutant and Inspector General or designee;

(2) The Vermont ~~veterans-home administrator~~ Veterans' Home Administrator or designee;

(3) The ~~commissioner of the department of labor~~ Commissioner of Labor or designee;

(4) The ~~secretary of the agency of human resources~~ Secretary of Human Services or designee;

(5) The ~~director~~ Director of the White River Junction VA medical center or designee;

(6) The ~~director~~ Director of the White River Junction VA benefits office, or designee; and

(7) Three members of the ~~governor's veterans' council~~ Governor's Veterans' Council to be appointed by that ~~council~~ Council.

(b) The purpose of this ~~fund~~ Fund shall be to provide grants or other support to individuals and organizations:

(1) For the long-term care of veterans.

(2) To aid homeless veterans.

(3) For transportation services for veterans.

(4) To fund veterans' service programs.

(5) To recognize veterans.

(c) The Vermont ~~veterans' fund~~ Veterans' Fund shall consist of revenues paid into it from the Vermont ~~veterans' fund~~ Veterans' Fund checkoff established in 32 V.S.A. § 5862e and from any other source. The Fund shall be managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Military Department for the purposes in subsection (b) of this section.

(d) ~~For purposes of~~ As used in this section, "veteran" means a resident of Vermont who served on active duty in the United States ~~armed forces~~ Armed Forces or the Vermont ~~national guard~~ National Guard or Vermont ~~air national guard~~ Air National Guard and who received an honorable discharge.

Sec. E.220 Center for crime victims' services

(a) Of the funds appropriated in Sec. B.220 of this act, \$30,000 is from the Domestic and Sexual Violence Special Fund created in 13 V.S.A. § 5360 to be used as a grant from the Center for Crime Victims Services to the Vermont Network Against Domestic and Sexual Violence for the acquisition of a data collection system.

Sec. E.220.1 STUDY COMMITTEE ON FUTURE FUNDING FOR THE VERMONT CENTER FOR CRIME VICTIMS SERVICES

(a) There is created a Study Committee on Future Funding for the Vermont Center for Crime Victims Services (CCVS). The purpose of the Committee is to address an anticipated decrease in available revenue for CCVS and to develop a financial plan of action that will ensure that CCVS will be able to continue to provide the services that victims of crime need in order to recover from the physical, emotional, and financial aftermath of criminal victimization.

(b) The Committee shall be composed of:

(1) One Representative from each of the House Committees on Appropriations, on Judiciary, and on Ways and Means appointed by the Speaker of the House.

(2) One Senator from each of the Senate Committees on Appropriations, on Judiciary, and on Finance appointed by the Committee on Committees.

(3) One representative from the Agency of Administration, appointed by the Secretary of Administration.

(4) The Executive Director of the Vermont Center for Crime Victims Services.

(c) The members of the Committee shall elect a Chair, who shall convene meetings and set meeting agendas.

(d) The Committee shall:

(1) analyze the factors that affect the revenue generated by 13 V.S.A. § 7282 and deposited into the Victims' Compensation Fund and the Crime Victims' Restitution Fund;

(2) assess the trends that are affecting the revenue of these funds, and develop revenue projections for fiscal year 2015 and beyond, based on these trends;

(3) identify strategies the State can engage in that will maximize revenue from these funding sources;

(4) identify alternative or new funding sources, including the State's General Fund;

(5) review how other states fund victim services;

(6) review federal grant programs, identify impending cuts to federal funding, and develop a plan of action for implementing these cuts; and

(7) analyze victim service programs mandated by state statute and funded with state special funds and make recommendations that contain costs and achieve greater efficiencies.

(e) For purposes of its study of these issues, the Committee shall have the assistance of the Office of Legislative Council, the Joint Fiscal Office, the Department of Finance and Management, and the Center for Crime Victims Services.

(f) By January 15, 2014, the Committee shall report to the House Committees on Appropriations, on Judiciary, and on Ways and Means and Senate Committees on Appropriations, on Judiciary, and on Finance on its findings and any legislative or administrative recommendations.

(g) The Committee shall meet no more than six times, and shall cease to exist upon filing its report. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to compensation and reimbursement for expenses under 2 V.S.A. § 406.

Sec. E.221 Criminal justice training council

(a) Notwithstanding any other provision of law, from the fiscal year 2013 funds appropriated to the Criminal Justice Training Council and carried forward into fiscal year 2014, the amount of \$40,000 shall revert to the General Fund.

Sec. E.223 Agriculture, food and markets – food safety and consumer protection

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment Funds appropriated in this section for the Food Safety and Consumer Protection Division to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

Sec. E.225 Agriculture, food and markets – laboratories, agricultural resource management and environmental stewardship

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment Funds appropriated in this section for the Administration Division to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

Sec. E.228 Financial regulation – insurance

(a) The Department of Financial Regulation shall use the Global Commitment Funds appropriated in this section for the Insurance Division for the purpose of funding certain health-care-insurance-related Department of Financial Regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.233 PUBLIC SERVICE DEPARTMENT; ELECTRIC GENERATION SITING

(a) On or before July 1, 2013, the Department of Public Service (the Department) shall submit to the House and Senate Committees on Natural Resources and Energy:

(1) a summary review of the report of the Governor's Energy Generation Siting Policy Commission, entitled Siting Generation in Vermont: Analysis and Recommendations (April 2013) (the Report). The summary review shall identify and include the specific recommendations in the Report that correspond to or address:

(A) establishing a comprehensive planning process for the siting of electric generation plants that integrates state energy planning with local and regional land use planning and strengthens the role of local and regional plans in the siting review process;

(B) increasing the accessibility of the siting review process for electric generation plants to local and regional governments and concerned

citizens, including recommended statutory revisions to improve notice of proposed plants and the siting review process; and

(C) creating a publicly accessible inventory of peer-reviewed research on any impacts of electric generation plants on public health, the environment, and land use, and establishing specific standards applicable to electric generation plants to address any such impacts, including noise limits and setback requirements; and

(2) a recommendation on issues related to the curtailment of in-state electric generation plants.

(b) There is created the Electric Generation Advisory Committee (the Advisory Committee) to consist of the Chairs and Vice Chairs of the House and Senate Committees on Natural Resources and Energy (the Committees). On or before September 15, 2013, the Advisory Committee shall propose to the Committees a process for reviewing the Report and for completing their tasks under S.30 of 2013 and may recommend draft legislation on electric generation plants for consideration by the Committees. The Advisory Committee shall cease to exist on February 1, 2014. For attendance at meetings of the Advisory Committee, members of the Advisory Committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406.

Sec. E.235 Enhanced 9-1-1 Board

(a) Up to \$75,000 of the funds appropriated in Sec. B.235 of this act shall be used to ensure that on or before January 15, 2014, the Enhanced 911 Board, in coordination with the Secretary of Education, shall provide technical assistance and guidance to school districts to comply with the requirement in 30 V.S.A. § 7057 that accurate location information is associated with each landline telephone installed in a school. The General Assembly anticipates the Board will seek a budget adjustment if insufficient funds are available within this appropriation.

Sec. E.236 9 V.S.A. § 4504 is amended to read:

§ 4504. RENTAL OF HOUSING; EXEMPTIONS

* * *

(2) if the dwelling unit is in a building with three or fewer units and the owner or a member of the owner's immediate family resides in one of the units, provided any notice, statement, or advertisement with respect to the unit complies with subdivision 4503(a)(3) of this title;

* * *

* * * HUMAN SERVICES * * *

Sec. E.300 HOUSING SUBSIDY; AGENCY EVALUATION; REPORT

(a) Agency of Human Services' spending, represented in the Agency's Housing Inventory, initiated in 2011 contains 193 discrete funding lines. It is in the interest of the State to systematically review the State's spending on all State housing subsidies funded in whole or in part by the General Fund.

(b) The Agency of Human Services shall continue its work on the Housing Inventory. As part of the review, the Secretary shall evaluate the eligibility criteria, duration of the subsidy, expected outcomes for those receiving financial support, and the possible overlaps in the programs.

(c) On or before November 15, 2013, the Secretary shall report findings to the Joint Fiscal Committee, the House Committees on Human Services and on General, Housing and Military Affairs and the Senate Committees on Health and Welfare and Economic Development, Housing and General Affairs accompanied with recommendations to maximize the State's investment of funds and other supports that enhance the ability of Vermonters to achieve stability and independence in their living arrangements.

Sec. E.300.1 AGENCY OF HUMAN SERVICES PROGRAMS AND SUBSTANCE ABUSE CONTINUUM OF SERVICES; REVIEW AND RECOMMENDATION

(a) To ensure Agency programs serve persons with substance abuse and persons with co-occurring substance abuse, medical, and mental health conditions, the Secretary of Human Services shall report on the capacity of the system, including outpatient, inpatient, residential treatment, and recovery substance abuse, medical, and mental health services to address these needs. In addition to the resources of the Agency, the Secretary may seek the advice and consultation of independent persons with clinical case management and public policy expertise to assess current policies and resources available within the Agency and make recommendations to change current policies, change the allocations of resources, restructure payment systems, and prioritize future additional resources. The Secretary of Education, the Commissioner of Labor, the Administrative Judge in the Judiciary, and leaders in the State's law enforcement agencies are expected to be available as needed for consultation in this effort as well as the report on opioid addiction required in H.522 of the 2013 legislative session. The Secretary of Human Services shall report to the General Assembly with this assessment and recommendations by January 15, 2014.

Sec. E.301 Secretary's office – Global Commitment

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver ("Global Commitment") approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the state funds appropriated in this section, a total estimated sum of \$27,761,422 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) \$17,641,800 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,858,200 of Federal Funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,901,341 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$2,179,180 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) \$1,852,303 certified state match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,186,798 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 2011 Acts and Resolves No. 60, Sec. 3 is amended to read:

Sec. 3. REQUEST FOR A WAIVER

By no later than July 1, 2012, the ~~agency of human services~~ Agency of Human Services shall include as a part of its application request for a

demonstration project from the Centers for Medicare and Medicaid Services to integrate care for dual eligible individuals the additional proposal of allowing the ~~state~~ State to provide for an “enhanced hospice access” benefit, whereby the definition of “terminal illness” is expanded from six months’ life expectancy to that of 12 months and participants may access hospice without being required to first discontinue curative therapy. Also, by no later than July 1, 2013, the ~~agency of human services~~ Agency of Human Services shall submit a Global Commitment Medicaid waiver ~~amendment~~ renewal application to provide funding for the same enhanced hospice access benefit.

Sec. E.302 PAYMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS PROVIDING RESIDENTIAL CHILD CARE SERVICES

(a) Notwithstanding any other provision of law, for the first quarter of state fiscal year 2014, the Division of Rate Setting shall calculate payment rates for private nonmedical institutions (PNMI) providing residential child care services as 100 percent of each program’s final per diem rate in effect on June 30, 2013.

(1) For programs whose final per diem rate as of June 30, 2013 includes an approved rate adjustment, the per diem rate for the first quarter of state fiscal year 2014 will include provisions from the Division of Rate Setting’s rate adjustment order.

(2) For programs whose final per diem rate as of June 30, 2013 is categorized as a start-up rate, the per diem rate for the first quarter of state fiscal year 2014 will include provisions from the Division of Rate Setting’s final order on the start-up rate.

(b) The Division of Rate Setting shall propose a rule to set rates effective on October 1, 2013 for PNMI facilities providing residential child care services based on actual historical costs in a base year.

Sec. E.306 32 V.S.A. § 305a(c) is amended to read:

(c) The January estimates shall include estimated caseloads and estimated ~~per member per month~~ per-member per-month expenditures for the current and next succeeding fiscal years for each Medicaid enrollment group as defined by the ~~agency~~ Agency and the ~~joint fiscal office~~ Joint Fiscal Office for state health care assistance programs or premium assistance programs supported by the state health care resources and Global Commitment funds, ~~for VermontRx~~, and for the programs under ~~the Choices for Care~~ any Medicaid Section 1115 waiver. For Board consideration, there shall be provided two versions of the next succeeding fiscal year’s estimated per-member per-month expenditures: one shall include an increase in Medicaid provider reimbursements in order to ensure that the expenditure estimates reflect amounts attributable to health care

inflation as required by subdivisions 307(d)(5) and (d)(6) of this title and one shall be without the inflationary adjustment. For VPharm, the January estimates shall include estimated caseloads and estimated per-member per-month expenditures for the current and next succeeding fiscal years by income category. The January estimates shall include the expenditures for the current and next succeeding fiscal years for the Medicare Part D phased-down state contribution payment and for the disproportionate share hospital payments. In July, the ~~administration~~ Administration and the ~~joint fiscal office~~ Joint Fiscal Office shall make a report to the ~~emergency board~~ Emergency Board on the most recently ended fiscal year for all Medicaid and Medicaid-related programs, including caseload and expenditure information for each Medicaid eligibility group. Based on this report, the ~~emergency board~~ Emergency Board may adopt revised estimates for the current fiscal year and estimates for the next succeeding fiscal year.

Sec. E.306.1 32 V.S.A. § 307(d) is amended to read:

(d) The ~~governor's~~ Governor's budget shall include his or her recommendations for an annual budget for Medicaid and all other health care assistance programs administered by the ~~agency of human services~~ Agency of Human Services. The ~~governor's~~ Governor's proposed Medicaid budget shall include a proposed annual financial plan, and a proposed five-year financial plan, with the following information and analysis:

* * *

(5) health care inflation trends consistent with provider reimbursements approved under 18 V.S.A. § 9376 and hospital budgets approved by the Green Mountain Care Board under 18 V.S.A. chapter 221, subchapter 7;

(6) recommendations for funding provider reimbursement at levels sufficient to ensure reasonable access to care, and at levels at least equal to Medicare reimbursement;

* * *

Sec. E.307 33 V.S.A. § 1802(9) is added to read:

(9) "Modified adjusted gross income" shall have the same meaning as in 26 U.S.C. § 36B(d)(2)(B).

Sec. E.307.1 33 V.S.A. § 1812 is added to read:

§ 1812. FINANCIAL ASSISTANCE TO INDIVIDUALS

(a)(1) An individual or family eligible for federal premium tax credits under 26 U.S.C. § 36B with income less than or equal to 300 percent of federal

poverty level shall be eligible for premium assistance from the State of Vermont.

(2) The Department of Vermont Health Access shall establish a premium schedule on a sliding scale based on modified adjusted gross income for the individuals and families described in subdivision (1) of this subsection. The Department shall reduce the premium contribution for these individuals and families by 1.5 percent below the premium amount established in 26 U.S.C. § 36B.

(3) Premium assistance shall be available for the same qualified health benefit plans for which federal premium tax credits are available.

(b)(1) An individual or family with income at or below 300 percent of the federal poverty guideline shall be eligible for cost-sharing assistance, including a reduction in the out-of-pocket maximums established under Section 1402 of the Affordable Care Act.

(2) The Department of Vermont Health Access shall establish cost-sharing assistance on a sliding scale based on modified adjusted gross income for the individuals and families described in subdivision (1) of this subsection. Cost-sharing assistance shall be established as follows:

(A) for households with income at or below 150 percent of the federal poverty level (FPL): 94 percent actuarial value;

(B) for households with income above 150 percent FPL and at or below 200 percent FPL: 87 percent actuarial value;

(C) for households with income above 200 percent FPL and at or below 250 percent FPL: 77 percent actuarial value;

(D) for households with income above 250 percent FPL and at or below 300 percent FPL: 73 percent actuarial value.

(3) Cost-sharing assistance shall be available for the same qualified health benefit plans for which federal cost-sharing assistance is available and administered using the same methods as set forth in Section 1402 of the Affordable Care Act.

(c) To the extent feasible, the Department shall use the same mechanisms provided in the Affordable Care Act to establish financial assistance under this section in order to minimize confusion and complication for individuals, families, and health insurers.

Sec. E.307.2 REDUCTION IN MEDICAID COST-SHIFT

(a) Beginning on November 1, 2013, the Agency of Human Services shall increase Medicaid reimbursements to participating providers for services

provided by an amount equal to three percent of fiscal year 2012 expenditures for those services.

(b) It is the intent of the General Assembly that the Agency of Human Services increase Medicaid reimbursement methodologies in fiscal year 2014 across all programs and services, except as follows:

(1) providers with an existing process for rate inflation, such as nursing homes and private nonmedical institutions (PNMI), should not receive an additional increase;

(2) managed care organization (MCO) investments will be reviewed individually by the appropriate Department within the Agency of Human Services; and

(3) the Department of Vermont Health Access will not implement increases to primary care case management payments until the Department creates a new attribution model that more accurately identifies which providers should receive these payments.

(c) The Department of Vermont Health Access shall establish a mechanism that connects increases to payments for inpatient and outpatient hospital services with achieving high-quality outcomes.

(d) The Agency of Human Services shall allocate inflation increases to Medicaid reimbursement rates for fiscal years after 2014 in a manner that is consistent with Vermont's payment reform strategic plan.

(e) The Department of Vermont Health Access shall implement a new attribution model for primary care case management payments to ensure that providers seeing Medicaid patients for primary care receive those payments.

Sec. E.307.3 POTENTIAL INVESTMENT TO HELP WITH HIGH OUT-OF-POCKET HEALTH CARE COSTS

(a) It is the intent of the General Assembly to ensure that low- and middle-income individuals purchasing health insurance through the Vermont Health Benefit Exchange (Exchange) have financial protection from large out-of-pocket costs. The Department shall provide a report on the waiver renewal and the capacity for managed-care entity investments to the General Assembly when renewal-specific provisions are available. In the event that such capacity is available, the Department shall consider proposals to reduce high out-of-pocket health care costs for Vermonters, including but not limited to the following:

(1) modification of the cost-sharing subsidy established in 33 V.S.A. § 1812(b);

(2) other strategies that may include establishing a high risk pool or reinsurance or both;

(3) methods to mitigate the financial impact of low- and middle-income individuals purchasing health insurance through the Exchange who transition to Medicare coverage.

Sec. E.307.4 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) ~~The state health care resources fund~~ State Health Care Resources Fund is established in the ~~treasury~~ State Treasury as a special fund to be a source of financing for health care coverage for beneficiaries of the state health care assistance programs under the Global Commitment to health ~~Health~~ waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act and for the Catamount Health assistance program under subchapter 3A of chapter 19 of this title and a source of financing for the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title.

* * *

(d) All monies received by or generated to the ~~fund~~ Fund shall be used only as allowed by appropriation of the ~~general assembly~~ General Assembly for the administration and delivery of health care covered through state health care assistance programs administered by the ~~agency~~ Agency under the Global Commitment for Health Medicaid Section 1115 waiver, ~~the Catamount Health assistance program under subchapter 3A of chapter 19 of this title, employer-sponsored insurance premium assistance under section 1974 of this title, the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title,~~ immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. E.307.5 NOTIFICATIONS TO PHARMACY PROGRAM BENEFICIARIES

(a) The Department shall ensure that at least once a year a notification is included in a written correspondence to beneficiaries of pharmacy programs to inform the beneficiary that it may be advisable to consult with local community service organizations or state program eligibility officials to review the financial advisability of continuing enrollment in the program. The Department shall submit the notification for review to the Health Care Oversight Committee and the Joint Fiscal Committee not later than November 1, 2013.

Sec. E.307.6 2012 Acts and Resolves No. 162, Sec. E.307.2 is amended to read:

Sec. E.307.2 VHAP AND MEDICAID CO-PAYS

(a) The following co-payments for individuals enrolled in the VHAP and Medicaid programs are hereby authorized and set by the general assembly, pursuant to 33 V.S.A. § 1901(b), and may be promulgated in rules by the secretary of human services or designee, in accordance with 33 V.S.A. § 1901(a)(1), and are effective upon adoption of rules pursuant to Sec. E.307.10 of this act:

(1) ~~co-payments that apply to prescriptions and durable medical equipment/supplies: enrolled individuals shall contribute a co-payment of not more than \$1.00 for prescriptions or durable medical equipment/supplies costing less than \$30.00, a co-payment of \$2.00 for prescriptions or durable medical equipment/supplies costing \$30.00 or more but less than \$50.00, and a co-payment of \$3.00 for prescriptions or durable medical equipment/supplies costing \$50.00 or more; [Repealed.]~~

* * *

Sec. E.308 CHOICES FOR CARE; SAVINGS, REINVESTMENTS, AND SYSTEM ASSESSMENT

(a) In the Choices for Care program, “savings” means the difference between the annual amount of funds appropriated for Choices for Care, excluding allocations for the provision of acute care services, and the sum of expended and obligated funds remaining at the conclusion of the fiscal year.

(b)(1) Any funds appropriated for long-term care under the long-term care waiver authorized by this section shall be used for long-term services and supports to recipients. In using these funds, the Department of Disabilities, Aging, and Independent Living shall give priority for services to individuals assessed as having high and highest needs and meeting the terms and conditions of the waiver as approved by the Centers for Medicare and Medicaid Services.

(2) Priority for the use of any savings from the long-term care appropriation after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services. Savings may be used for quality improvement purposes in nursing homes. Savings either shall be allocated and spent in ways that are sustainable into the future and that do not create an unsustainable base budget or shall be spent as one-time reinvestments that do not require sustainability into the future. Excluding appropriations allocated for the provision of acute services, any unexpended and unobligated state General or

Special Fund appropriation at the close of a fiscal year shall be carried over to the next fiscal year. The Department of Disabilities, Aging, and Independent Living shall not obligate funds to reduce the calculation of savings in any fiscal year or reduce the base funding needed in a subsequent fiscal year prior to calculating savings for the current fiscal year.

(c) The Department in collaboration with long-term care providers shall conduct an annual assessment of the adequacy of the provider system for delivery of home- and community-based services and nursing home services. On or before October 1 of each year, the Department of Disabilities, Aging and Independent Living shall report the results of this assessment to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare for the purpose of informing the reinvestment of savings during the budget adjustment process.

(d) Annually on or before January 15, the Department of Disabilities, Aging, and Independent Living shall propose reinvestment of savings as calculated pursuant to this section to the General Assembly as part of the Department's proposed budget adjustment presentation.

(e) Concurrent with the procedures set forth in 32 V.S.A. § 305a, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of caseloads and expenditures for programs under the Choices for Care Medicaid Section 1115 waiver.

Sec. E.308.1 FISCAL YEAR 2104 ACCELERATED CHOICES FOR CARE REINVESTMENT

(a) In fiscal year 2014, as a result of federal action or emergency system funding needs, the Commissioner may present proposals for reinvestment of choices for care savings to the Joint Fiscal Committee at its September 2013 meeting. Upon approval of the Joint Fiscal Committee, such reinvestments shall be authorized, notwithstanding Sec. E.308 of this act.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2014 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000, of which \$135,000 is state General Funds and \$340,000 is AIDS Medication Rebates Special Funds to the Vermont AIDS service and peer-support organizations for client-based support services. It is the intent of the General Assembly that if the AIDS Medication Rebates Special Funds appropriated in this subsection are unavailable, the funding for Vermont AIDS service and peer-support organizations for client-based support services shall be maintained through the General Fund or other state-funding sources. The Department of Health AIDS

Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

(A) AIDS Project of Southern Vermont, \$120,281;

(B) HIV/HCV Resource Center, \$38,063;

(C) VT CARES, \$219,246;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by state General Funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2014, the Department of Health shall provide grants in the amount of \$100,000 in General Funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) Funding for the tobacco programs in fiscal year 2014 shall consist of the \$2,393,377 in Tobacco Funds and \$302,507 in Global Commitment Funds

appropriated in Sec. B.312 of this act. The Tobacco Evaluation and Review Board shall determine how these funds are allocated to tobacco cessation, community-based, media, public education, surveillance, and evaluation activities. This allocation shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 33 V.S.A. § 2004 is amended to read:

§ 2004. MANUFACTURER FEE

* * *

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the ~~attorney general's office~~ Office of the Attorney General for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, ~~and the evidence-based~~ evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2, and any opioid-antagonist education and training program operated by the Department of Health or its agents. The fees shall be collected in the evidence-based education and advertising fund established in section 2004a of this title.

Sec. E.312.2 33 V.S.A. § 2004a is amended to read:

§ 2004a. EVIDENCE-BASED EDUCATION AND ADVERTISING FUND

(a) The ~~evidence-based education and advertising fund~~ Evidence-Based Education and Advertising Fund is established in the ~~treasury~~ State Treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, for analysis of prescription drug data needed by the ~~attorney general's office~~ Office of the Attorney General for enforcement activities, for the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, ~~and~~ and for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2, and for the support of any opioid-antagonist education and training program operated by the Department of Health or its agents. Monies deposited into the ~~fund~~ Fund shall be used for the purposes described in this section.

Sec. E.312.3 18 V.S.A. § 9708 is amended to read:

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

* * *

(f) The ~~department of health~~ Department of Health shall adopt by rule no later than ~~March 1, 2013~~ July 1, 2014, criteria for individuals who are not the patient, agent, or guardian, but who are giving informed consent for a DNR/COLST order. The rules shall include the following:

* * *

(h) A clinician who issues a DNR order shall authorize issuance of a DNR identification to the patient. Uniform minimum requirements for DNR identification shall be determined by rule by the ~~department of health~~ Department of Health no later than ~~March 1, 2012~~ July 1, 2014.

* * *

Sec. E.312.4 Sec. 4 (organ and tissue donation working group) of H.178 of 2013, as enacted, is amended as follows:

(a) In subsection (b), subdivisions (5) and (6), by inserting before the respective semicolon “, appointed by the Governor”.

Sec. E.313 Health – alcohol and drug abuse programs

(a) For the purpose of meeting the need for outpatient substance abuse services when the preferred provider system has a waiting list of five days or more or there is a lack of qualified clinicians to provide services in a region of the State, a state-qualified alcohol and drug abuse counselor may apply to the Department of Health, Division of Alcohol and Drug Abuse Programs, for time-limited authorization to participate as a Medicaid provider to deliver clinical and case coordination services, as authorized.

(b)(1) In accordance with federal law, the Division of Alcohol and Drug Abuse Programs may use the following criteria to determine whether to enroll a state-supported Medicaid and uninsured population substance abuse program in the Division’s network of designated providers, as described in the state plan:

(A) The program is able to provide the quality, quantity, and levels of care required under the Division’s standards, licensure standards, and accreditation standards established by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Health Care Organizations, or the Commission on Accreditation for Family Services.

(B) Any program that is currently being funded in the existing network shall continue to be a designated program until further standards are developed, provided the standards identified in this subdivision (b)(1) are satisfied.

(C) All programs shall continue to fulfill grant or contract agreements.

(2) The provisions of subdivision (1) of this subsection shall not preclude the Division's "request for bids" process.

(c) The Department of Health shall compile and maintain a waitlist containing the unduplicated number of individuals in the State who are in need of substance abuse treatment.

(d) Of the funds appropriated in Sec. B.313 of this act, \$100,000 in General Funds is intended for increasing the capacity across the continuum of substance abuse prevention and treatment services. The use of these funds shall be determined by the Secretary of Human Services subsequent to the report required in Sec. E.300.1 (Substance Abuse Continuum) of this act. The proposed use of these funds shall be included with the fiscal year 2014 budget adjustment proposal made by the Agency.

(e) The appropriation of funds in Sec. B.313 of this act for an expansion of substance abuse treatment beds shall not abrogate or interfere with the statutory requirements for a certificate of need in 18 V.S.A. § 9434. If the Green Mountain Care Board does not approve a certificate of need under 18 V.S.A. § 9434, the appropriated amount shall be reserved for reallocation by the General Assembly in the fiscal year 2014 budget adjustment process or the fiscal year 2015 budget process.

Sec. E.314 [DELETED]

Sec. E.314.1 REDUCTION IN FORCE OF VERMONT STATE HOSPITAL EMPLOYEES

(a) The reduction in force rights of employees formerly employed at the Vermont State Hospital are governed by 2012 Acts and Resolves No. 79, Sec. 37a.

Sec. E.314.2 LEVEL 1 PSYCHIATRIC CARE EVALUATION

(a)(1) The Mental Health Oversight Committee and the Health Care Oversight Committee shall hold a joint meeting in November 2013 for the purpose of evaluating the capacity needed to treat patients in the care and custody of the Commissioner of Mental Health, specifically regarding the capacity needed within the Level 1 system of care as established in 2012 Acts and Resolves No. 79. The evaluation shall include:

(A) an assessment of the census trends for the Level 1 system of care during the last fiscal year;

(B) the status of the census capacity at Rutland Regional Medical Center and Brattleboro Retreat's Level 1 unit;

(C) the status of the construction at the state-owned and -operated psychiatric hospital in Berlin;

(D) the status of the census capacity at the intensive and secure residential recovery programs; and

(E) an assessment of whether the budget provides adequate capacity for Level 1 treatment through the end of the 2014 fiscal year and the estimated budget need for the duration of the 2015 fiscal year.

(2) The evaluation shall include a projection of the daily census need for Level 1 inpatient care in excess of the six beds projected to operate at the Rutland Regional Medical Center and the 14 beds projected to operate at the Brattleboro Retreat as of April 1, 2014. The Committees shall solicit input from those hospitals providing Level 1 care that will be discontinued once the state-owned and -operated hospital is opened. The Committees' evaluation shall be submitted to the House and Senate Committees on Appropriations on or before December 15, 2013.

(3) The evaluation shall assess the number and type of personnel necessary to staff the state-owned and -operated hospital in Berlin as of April 1, 2014. On or before December 15, 2013, the Mental Health Oversight Committee and the Health Care Oversight Committee shall make a recommendation to the Joint Fiscal Committee as to the number and type of personnel needed to operate the state-owned and -operated hospital on April 1, 2014.

(4) It is the intent of the General Assembly that the 2015 fiscal year budget provide adequate resources to fund fully the community programs as funded in fiscal year 2014 and inpatient capacity established in 2012 Acts and Resolves No. 79, including the 25 beds at the state-owned and -operated hospital in Berlin. If the Mental Health Oversight Committee and the Health Care Oversight Committee in their evaluation and recommendation to the Joint Fiscal Committee find that less need exists than anticipated, the Joint Fiscal Committee may recommend reconsideration by the General Assembly.

(b) Each month between June and December 2013, the Department of Mental Health shall provide the following information to the Mental Health Oversight Committee and the Health Care Oversight Committee:

(1) The number of Level 1 patients receiving acute inpatient care in a hospital setting other than the renovated unit at Rutland Regional Medical Center, the renovated unit at the Brattleboro Retreat, and the Green Mountain

Psychiatric Center in Morrisville, including the number of individuals treated in each setting and the single combined one-day highest number each month;

(2) The number of individuals waiting for admission to a Level 1 psychiatric inpatient unit after the determination of need for admission to emergency departments, correctional facilities, or any other identified settings is made and the number of days individuals are waiting;

(3) The total census capacity and average daily census of new intensive recovery residence beds opened in accordance with 2012 Acts and Resolves No. 79, and the annual daily census of the secure residential recovery facility in Middlesex. The census capacity shall not include a duplicate count for beds that replace those currently in operation elsewhere.

Sec. E.314.3 SUICIDE PREVENTION

(a) The funds appropriated to the Department of Mental Health for suicide prevention shall be used in accordance with best practices to enhance coordination in youth and adult suicide prevention programs, including the creation of a unified grant process for a single entity with prior experience implementing statewide prevention initiatives.

Sec. E.314.4 STANDARDIZED LEVEL OF CARE

(a) Contracts with designated hospitals participating in the no refusal system, as defined in 18 V.S.A. § 7101, for the treatment of Level 1 patients shall include standards of care equivalent to those developed and provided at the state-owned and -operated hospital.

Sec. E.314.5 RATE INCREASE

(a) Revenue generated from the Medicaid rate increases in this act shall be used by designated agencies and specialized service agencies to provide a commensurate increase in compensation for direct care workers. Each designated and specialized service agency shall report to the Agency of Human Services how it has complied with this provision.

Sec. E.316 [DELETED]

Sec. E.317 [DELETED]

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For state fiscal year 2014, the Agency of Human Services may continue a housing assistance program within the General Assistance program to create flexibility to provide these General Assistance benefits. The purpose of the program is to mitigate poverty and serve applicants more effectively than they are currently being served with the same amount of General Assistance funds.

The program shall operate in a consistent manner within existing statutes and rules and new policies to be effective on July 1, 2013 and may create programs and provide services consistent with these policies. Eligible activities shall include, among others, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The program may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish outcomes and procedures for evaluating the program overall, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of the General Assistance flexibility program.

Sec. E.321.1 GENERAL ASSISTANCE EMERGENCY HOUSING

(a) Up to \$1,500,000 of the funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2014 may be used for emergency housing in catastrophic situations, for the cold weather exemption, and, with supervisory approval, for vulnerable populations as defined in subsection (d) of this section, except in instances when:

(A) appropriate shelter space is available; and

(B) the recipient is responsible for his or her eviction, whether court-ordered or constructive, due to circumstances over which the individual had control.

(b) Except as described in subsections (a) and (c) of this section, the Agency may only provide General Assistance emergency housing benefits in catastrophic situations as defined in rules adopted pursuant to 3 V.S.A. chapter 25. All emergency and temporary housing policies and guidelines issued by the Agency in effect as of June 30, 2013 shall be rescinded, except that the cold weather exemption issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

(c) The Department for Children and Families shall adopt emergency rules pursuant to 3 V.S.A. § 844 to take effect July 1, 2013 that implement an eligibility system for emergency housing based on the physical health of and safety risks to vulnerable populations that do not have a catastrophic need.

Emergency housing under the eligibility system shall be subject to available funds, supervisory review, and approval.

(d)(1) As used in this section, "vulnerable populations" means households with a member who is:

(A) 65 years of age or older;

(B) in receipt of or an applicant for either Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);

(C) a child under six years of age; or

(D) in the third trimester of pregnancy.

(2) Eligibility for vulnerable populations shall be limited to 28 calendar days.

(3) Subdivision (1) of this subsection shall remain in effect until the eligibility system for emergency housing based on the physical health of and safety risks to vulnerable populations is adopted by the Department for Children and Families by rule pursuant to subsection (c) of this section.

Sec. E.321.2 EMERGENCY HOUSING; REPORTS

(a) The Agency of Human Services shall develop the following systems with respect to General Assistance emergency housing services:

(1) an intake system for individuals and families receiving emergency housing services, including collecting basic statistical information about the clients served;

(2) a system to track payments to motels; and

(3) a system for ensuring the safety and health of clients who are housed in motels.

(b) On or before January 15, 2014, the Agency of Human Services shall report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations regarding the development and implementation of the systems required by subsection (a) of this section.

(c) On or before January 15 and July 15 of each year beginning in 2014, the Agency of Human Services shall report statewide statistics related to the use of emergency housing vouchers during the preceding calendar half-year, including demographic information, deidentified client data, shelter and motel usage rates, clients' primary stated cause of homelessness, average lengths of stay in emergency housing by demographic group and by type of housing, and

such other relevant data as the Secretary deems appropriate. When the General Assembly is in session, the Agency shall provide its report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations. When the General Assembly is not in session, the Agency shall provide its report to the Joint Fiscal Committee.

Sec. E.323 33 V.S.A. § 1107 is amended to read:

§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;
COORDINATED SERVICES

(a)(1) ~~The commissioner~~ Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the ~~commissioner~~ Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; and

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other state programs.

* * *

Sec. E.323.1 33 V.S.A. § 1108 is amended to read:

§ 1108. OBLIGATION TO ASSIST ELIGIBLE FAMILIES WITH
DEPENDENT CHILDREN LIMITS ON FAMILY FINANCIAL
ASSISTANCE

~~Except as specifically authorized herein, the commissioner shall not adopt any rule that would result in the termination of financial assistance to a participating family, including a dependent child, on the basis of an adult family member's having received TANF-funded financial assistance, as an adult, for 60 or more months in his or her lifetime. This provision shall not prevent the commissioner from adopting rules that impose limitations on how many months that families, including a parent who has received an associate or bachelor's degree while receiving support from the postsecondary education program authorized by section 1121 of this chapter, may receive financial assistance authorized by this chapter in the five-year period immediately following the receipt of such associate or bachelor's degree.~~

(a) Except for grants to children in the care of persons other than their parents, only participating families who have received fewer than 60 cumulative months of financial assistance, including those months in which any type of cash assistance funded by a TANF block grant was received in other states or territories of the United States, shall be eligible for benefits under the Reach Up program.

(b) Deferment granted for the following reasons shall not count toward the Reach Up program's cumulative 60-month lifetime eligibility period:

(1) The participant is not able-to-work.

(2) The participant is a parent or caretaker who is caring for a child during the first year of a possible two-year deferment pursuant to subdivision 1114(b)(3) of this chapter.

(3) The participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter.

(4) The participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to subdivision 1114(b)(5) of this chapter.

(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18.

(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment under section 1114 of this title and that has exceeded the cumulative 60-month lifetime eligibility period set forth

in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive:

(1) a wage equivalent to that of the participating family's cash benefit under the Reach Up program for participation in community service employment; or

(2) supplemental benefits to the wages of the adult member of the participating family if the work requirement is otherwise being met.

Sec. E.323.2 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

* * *

(b) The work requirements shall be either modified or deferred for:

* * *

(5) A participant who is needed in the home on a full or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the ~~department~~ Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

* * *

(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the ~~circumstances or~~ condition asserted as the basis for a deferral or modification of the work requirement. A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable-to-work shall be confirmed by the independent medical review of one or more physicians designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

* * *

Sec. E.323.3 INTERIM REACH UP CASE MANAGEMENT

(a) During the interim between passage of this act and the implementation of the cumulative 60-month lifetime eligibility period pursuant to

section E.323.1 of this act on May 1, 2014, the Commissioner for Children and Families shall:

(1) ensure that each participating family has a designated case manager who is primarily accountable for the family's progress in the Reach Up program; and

(2) conduct a case review of each participating family that has reached the cumulative 60-month lifetime eligibility period pursuant to section E.323.1 of this act, beginning with families under sanction, to understand better the profile of families receiving long-term assistance.

(b) On or before January 15, 2014, the Commissioner shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding:

(1) the Department's preparedness to implement the cumulative 60-month lifetime eligibility period pursuant to Sec. E.323.1 of this act;

(2) the aggregated profile of participating families receiving long-term assistance from the Reach Up program pursuant to subdivision (a)(2) of this section, including any common barriers that prevent participating families from moving to self-sufficiency;

(3) the anticipated impact on participating families reaching the cumulative 60-month lifetime eligibility period pursuant to section E.323.1 of this act; and

(4) the fiscal impact of changes made to the Reach Up program in accordance with this act.

(c) On or before February 15, 2015, the Commissioner shall report to the General Assembly on the status of families 60 days after the family becomes ineligible for the Reach Up program pursuant to subsection E.323.1(a) of this act.

Sec. E.323.4 33 V.S.A. § 1116(e) is amended to read:

~~(e) Any family that has received 60 or more cumulative months of financial assistance that also has one or more adult participants who have been sanctioned for 12 or more cumulative months, and who are currently being sanctioned shall have their grant reduced by \$225.00 per month for each adult sanctioned under this subsection. [Repealed.]~~

Sec. 323.5 33 V.S.A. § 1122(i) is added to read:

(i) The Department shall offer written and verbal information pertaining to postsecondary education to an appropriate Reach Up participant based on the participant's assessment.

Sec. E.323.6 REACH UP POLICY WORK GROUP

(a) It is the policy of the State of Vermont that:

(1) parents and guardians take primary responsibility for the care and financial support of their children;

(2) parents and guardians model self-sufficient behavior and personal responsibility for their children by availing themselves of employment and educational opportunities when possible; and

(3) the system of aid and services to needy families with children shall recognize clearly defined reciprocal responsibilities and obligations on the part of both parents and government.

(b) The Commissioner for Children and Families shall convene a work group to examine public policy options for restructuring the Reach Up program in a manner that emphasizes participant responsibility for receipt of benefits. The Work Group shall:

(1) assess the effectiveness of the Reach Up program in meeting the purposes outlined in 33 V.S.A. § 1102;

(2) identify programmatic strengths or weaknesses in the Reach Up program, including a review of and recommendations pertaining to the State's existing sanction policies, work requirements for two-parent families, and deferment standards to ensure statewide consistency in application;

(3) assess the effectiveness of the State and providers under contract with the State in administering the Reach Up program;

(4) identify the average caseload per case manager and assess the efficacy of case management services provided to Reach Up participants, including the training provided to case managers and requisite skills for performing case management responsibilities;

(5) evaluate whether the skills of the Department of Labor's Reach Up case managers would be better used in providing job placement and workforce development services to Reach Up participants;

(6) examine the Reach Up program's alignment with the Agency of Human Services' Integrated Family Services initiative;

(7) assess the availability and adequacy of education and training programs for Reach Up participants;

(8) survey successful models used by other states' Temporary Assistance for Needy Families (TANF) programs that emphasize participant responsibility;

(9) consider the feasibility and effectiveness of incorporating restorative justice principles into the Reach Up program through the involvement of Vermont's community justice centers;

(10) assess whether the State should maintain the exemption to 21 U.S.C. § 862a (denial of assistance and benefits for certain drug-related convictions) in 33 V.S.A. § 1103; and

(11) evaluate the coordination between the Reach Up program and other state and community services that provide assistance pertaining to housing, employment, transportation, or mental health and substance abuse.

(c)(1) The Commissioner, who shall serve as Chair, shall select individuals with policy expertise related to TANF, child welfare, child development, substance abuse, and workforce development issues to serve on the Work Group, as well as a current or former participating parent of the Reach Up program. The Commissioner may also select national consultants or experts to serve on or assist the Work Group. The Work Group shall seek input from Vermont advocates for children and families prior to finalizing its findings and recommendations.

(2) The Commissioner shall convene the first meeting of the Work Group on or before July 15, 2013.

(d) On or before November 1, 2013, the Work Group shall submit a written report to the General Assembly containing its findings and recommendations on each of the issues identified in subsection (b) of this section. The report shall also contain a proposal for restructuring the Reach Up Program in a manner that is cost-effective, is consistent with federal law, and empowers participants to attain self-sustaining employment. Thereafter, the Work Group shall cease to exist.

(e) Members of the Work Group who are not state employees and who are not otherwise compensated by their employment or association for their participation shall be entitled to per diem compensation as provided in 32 V.S.A. § 1010.

Sec. E.323.7 REACH UP; REALLOCATION OF RESOURCES

(a) Up to \$300,000 of the funds formerly budgeted within the Reach Up program for transfer to Vocational Rehabilitation and subsequently to the Department of Labor may be reallocated, including a transfer through the Global Commitment waiver by the Commissioner for Children and Families

with the approval of the Secretary of Human Services and the Commissioner of Finance. The funds shall be used to address substance abuse and mental health as a barrier to employment for Reach Up participants. The Commissioner for Children and Families shall report to the Joint Fiscal Committee in November 2013 on the proposed use of these funds, specifically with regard to the amount allocated for treatment, therapy, and case management. The Department for Children and Families shall report on the number and status of families served with these funds. The Department for Children and Families may seek further reallocation of these funds in the budget adjustment process if doing so comports with the recommendations required by Secs. E.300.1 (Substance Abuse Continuum) and E.323.6 (Reach Up Policy Work Group) of this act.

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2013, and for program administration, the Commissioner of Finance and Management shall transfer \$2,550,000 from the Home Weatherization Assistance Trust Fund to the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are not available. An equivalent amount shall be returned to the Home Weatherization Trust Fund from the Home Heating Fuel Assistance Fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the Home Weatherization Assistance Trust Fund be necessary for the 2013–2014 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2013 and if LIHEAP funds awarded as of December 31, 2013 for fiscal year 2014 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2014. Notwithstanding any other provision of law, payments authorized by the Office of Home Heating Fuel Assistance shall not exceed funds available, except that for fuel assistance payments made through December 31, 2013, the Commissioner of Finance and Management may anticipate receipts into the Home Weatherization Assistance Trust Fund.

Sec. E.324.1 33 V.S.A. § 2502(d) is amended to read:

(d) ~~Amounts raised by the gross receipts tax on retail sales of fuel imposed~~ Subject to budgetary approval by the General Assembly, or approval by the Emergency Board, amounts in the Home Weatherization Assistance Trust Fund ~~created by section 2503~~ 2501 of this title may be transferred to the Home Heating Fuel Assistance Trust Fund created by section 2603 of this title, and used for energy assistance to low income persons, provided that such transfer does not reduce the fiscal capacity of the ~~state office of economic opportunity~~ State Office of Economic Opportunity to meet the budgetary obligations of the

weatherization program as set forth in this chapter, and that in the event of approval by the Emergency Board, the Emergency Board so certifies.

Sec. E.324.2 REPEAL

(a) 33 V.S.A. § 2502(e) (use of amounts raised by the gross receipts tax, for home heating fuel assistance) is repealed.

Sec. E.324.3 REDESIGNATION BY LEGISLATIVE COUNCIL

(a) The Legislative Council is directed to remove the word “trust” from the name “home weatherization assistance trust fund” and from the name “home heating fuel assistance trust fund” wherever it appears in the Vermont Statutes Annotated.

Sec. E.324.4 33 V.S.A. § 2602 is amended to read:

§ 2602. ADMINISTRATION

* * *

(d) The Secretary shall require that an applicant to the Home Heating Fuel Assistance Program submit the approximate number of square feet and bedroom count of the household’s dwelling unit. For those households that receive a Home Heating Fuel Assistance benefit, the Secretary shall provide the dwelling unit’s square footage and bedroom count and each household’s heating fuel consumption for the previous year to the Administrator of the Home Weatherization Assistance Program established under chapter 25 of this title.

Sec. E.324.5 33 V.S.A. § 2604 is amended to read:

§ 2604. ELIGIBLE BENEFICIARIES; REQUIREMENTS

* * *

(b) Fuel cost requirements. ~~The secretary of human services~~ Secretary of Human Services or designee shall by procedure establish a table that contains amounts that will function as a proxy for applicant households’ annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within such table shall closely approximate the actual home heating costs experienced by participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program. Data on actual heating costs collected pursuant to subsection 2602(d) of this title shall be used in lieu of the proxy table when available. Such table shall be revised no less frequently than every three years based on data supplied by certified fuel suppliers, the ~~department of public service~~ Department of Public Service, and other industry sources to the office of home heating fuel assistance. ~~The secretary~~ Secretary or designee shall provide a draft of the table to the ~~home energy assistance task~~

~~force~~ Home Energy Assistance Task Force established pursuant to subsection 2501a(c) of this title and solicit input from the task force prior to finalizing the table.

* * *

Sec. E.324.6 33 V.S.A. § 2605 is amended to read:

§ 2605. BENEFIT AMOUNTS

(a) ~~The secretary of human services~~ Secretary of Human Services or designee shall by rule establish a table that specifies maximum percentages of applicant households' annual heating fuel costs, based on the proxy table established pursuant to subsection 2604(b) of this title and, when available, the data collected pursuant to subsection 2602(d) of this title, that can be authorized for payment as annual home heating fuel assistance benefits for the following year. The maximum percentages contained within this table shall vary by household size and annual household income. In no instance shall the percentage exceed 90 percent.

* * *

Sec. E.324.7 33 V.S.A. § 2608 is amended to read:

§ 2608. WEATHERIZATION PROGRAM AGREEMENTS

~~The director~~ Director of the ~~home energy assistance program~~ Home Energy Assistance Program shall inform the ~~administrator~~ Administrator of the ~~home weatherization assistance program~~ Home Weatherization Assistance Program, established under chapter 25 of this title, of all participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program and of the information required by subsection 2602(d) of this title. ~~The agency of human services~~ Agency of Human Services shall provide all participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program with information regarding the efficiency utility established under 30 V.S.A. § 209. All participants in the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program shall be deemed to comply with any income requirements of the ~~home weatherization program~~ Home Weatherization Program, but to receive weatherization services, recipients shall be required to meet any other eligibility requirements of the ~~weatherization program~~ Home Weatherization Program. As a condition of receipt of benefits under the ~~home heating fuel assistance program~~ Home Heating Fuel Assistance Program, a recipient shall consent to receive services of the ~~home weatherization assistance program~~ Home Weatherization Assistance Program. The Home Weatherization Assistance Program shall use the information required by subsection 2602(d) of this title to determine the number of British thermal units (Btus) needed to heat a square foot of space for each participant in the

Home Energy Assistance Program. The home weatherization assistance program The Home Weatherization Assistance Program shall give the highest priority to providing services to participants with high energy consumption within the Home Heating Fuel Assistance Program and, among those participants, to those who require the most Btus to heat a square foot of space.

Sec. E.324.8 FUEL PURCHASING; HOME HEATING FUEL ASSISTANCE

(a) Under 33 V.S.A. chapter 26 (home heating fuel assistance), a system of fuel purchasing shall be developed that ensures that the recipients of such assistance are offered the lowest possible fuel prices. To participate in the LIHEAP program, certified petroleum fuel suppliers shall choose one or more of the following options:

(1) Margin Over Rack pricing; or

(2) Fixed discount in addition to dealer's regular cash or prompt payment discount; or

(3) Summer fuel contract with a capped maximum per gallon price and downside protection.

(b) On or before August 1, 2013, the Secretary of Human Services shall adopt a revised system of fuel purchasing under 33 V.S.A. chapter 26 that meets the standard set forth in subsection (a) of this section.

(c) This section shall supersede Sec. 21 (fuel purchasing; home heating fuel assistance) of H.520 of 2013.

Sec. E.324.9 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES; ELIGIBILITY AND ASSISTANCE

(a) Annually, the secretary of human services Secretary of Human Services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The ~~secretary~~ Secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the household. To the extent allowed by federal law, the ~~secretary~~ Secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT,

except that the ~~secretary~~ Secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

(b) Crisis fuel grants shall be limited per winter heating season to one grant for households that are income-eligible and have received a seasonal fuel assistance grant and meet all eligibility requirements for crisis fuel assistance, or to two grants for households that are not income-eligible for seasonal fuel assistance and meet all eligibility requirements for crisis fuel assistance.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$792,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal McKinney Emergency Shelter Funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.326.1 33 V.S.A. § 2502 is amended to read:

§ 2502. HOME WEATHERIZATION ASSISTANCE PROGRAM

(a) The ~~director~~ Director of the ~~state office of economic opportunity~~ State Office of Economic Opportunity shall administer a ~~home weatherization assistance program~~ Home Weatherization Assistance Program under such rules, regulations, funding, and funding requirements as may be imposed by federal law.

(b) In addition, the ~~director~~ Director shall supplement, or supplant, any federal program with a ~~state home weatherization assistance program~~ State Home Weatherization Assistance Program.

(1) The state program shall provide an enhanced weatherization assistance amount exceeding the federal per unit limit allowing amounts up to an average of ~~\$6,000.00~~ \$8,000.00 per unit allocated on a cost-effective basis. In units where costs exceed the allowable average by more than 25 percent, prior approval of the ~~director~~ Director of the ~~state economic opportunity office~~ State Economic Opportunity Office shall be required before work commences. This amount shall be adjusted annually by increasing the last year's amount by the percentage increase in the Consumer Price Index for the previous year.

(2) The state program shall provide amounts for ~~low-income~~ low-income customers utilizing any high operating cost fuel, to convert to another fuel source under rules adopted by the ~~director~~ Director based on the cost effectiveness of the converted facility over the life cycle of the equipment.

(3) The ~~director~~ Director, in collaboration with the weatherization service providers and other stakeholders, shall develop the state program so that it will include:

(A) Facilitating the development and implementation of a statewide common energy-audit tool or tools that work well on all Vermont housing, including multi-family buildings.

(B) With regard to multi-family buildings, requiring either of the following requirements to be met:

(i) at least 25 percent or more of the tenants in the building are eligible for the ~~weatherization program~~ Program; or

(ii) at least 50 percent of the units are weatherization affordable, and at least one tenant of the building has applied for the ~~weatherization program~~ Program and has been determined to be eligible. For purposes of this subdivision, "weatherization affordable" means a unit having a rent that is established at less than 30 percent of the income level established by computing ~~60~~ 80 percent of the area median income level or ~~60~~ 80 percent of the ~~state~~ State median income level, whichever is higher, for the relevant household size. Relevant household size means the number of bedrooms in the unit, plus one.

(C) Establishing ~~program~~ Program eligibility levels at ~~60~~ 80 percent of the area median income, or ~~60~~ 80 percent of the ~~state~~ State median income, whichever is higher. Subject to the priority under section 2608 of this title given to participants in the Home Heating Fuel Assistance Program, the state program shall, when weighing factors to assign priority to buildings or units eligible for weatherization assistance, assign the greatest weight to those buildings and units that require the most Btus to heat a square foot of space.

* * *

(G) With respect to multi-family buildings housing recipients of home heating fuel assistance under chapter 26 of this title, targeting outreach efforts to ensure the highest weatherization participation rates by owners of such buildings.

* * *

Sec. E.329 VERMONT VETERANS' HOME; REGIONAL BED CAPACITY

(a) The Agency of Human Services shall not include the bed count at the Vermont Veterans' Home when recommending and implementing policies that are based on or intended to impact regional nursing home bed capacity in the State.

Sec. E.333 Disabilities, aging, and independent living - developmental services

(a) The Department of Disabilities, Aging, and Independent Living, the Agency of Human Services, the Department of Finance and Management, and the Joint Fiscal Office shall:

(1) After review of preliminary fiscal year 2013 close out of the developmental services appropriation unit, present an estimate to the Joint Fiscal Committee at its July 2013 meeting regarding the amount, if any, of the fiscal year 2014 Developmental Services program budget that needs to be addressed through administrative or operational changes in order to manage the service needs within the appropriated funds;

(2) Review the methodology for forecasting both the caseload and utilization for developmental disabilities programs and shall report any recommendations for changing this methodology to the Joint Fiscal Committee at its September 2013 meeting;

(3) Recommend a consensus estimate for the fiscal year 2015 developmental services caseload, utilization, and budget to the Emergency Board at its January 2014 meeting.

(b) In anticipation that there will be some fiscal year 2014 amount of administrative or operational changes needed to manage the service needs within the appropriated funds, the Secretary of Human Services, or designee shall convene a Work Group to:

(1) assess whether the methods of developmental service case planning and oversight should be revised;

(2) assess whether alternate practices could be identified, resulting in more cost-effective use of the resources available for developmental services;

(3) determine what changes could be reasonably implemented in fiscal year 2014 to manage the service needs within the appropriated funds and identify the fiscal year 2014 amount, if any, of budgetary management that will be accomplished through existing System of Care Plan rescission processes based upon the estimate provided in subdivision (a)(1) of this section;

(4) report to the Joint Fiscal Committee at its September 2013 meeting on subdivisions (b)(1)-(3) of this section;

(5) identify cost-effective, innovative models of care and develop recommendations as to how these models could be implemented in Vermont; and

(6) inform participants working to update the System of Care Plan for June 2014 on these findings and recommendations.

(c) There is created a Work Group composed of the following members:

(1) the Secretary of Human Services or designee, who shall be chair;

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

(3) the Director of Developmental Services or designee;

(4) two members appointed by the Vermont Council of Developmental and Mental Health Services;

(5) two members appointed by the Developmental Disabilities Council who may be any combination of a parent of, a family member of, or a person living with a disability; and

(6) up to three additional members appointed by the Secretary or designee deemed desirable for policy expertise or stakeholder input.

(d) For fiscal year 2014, no modifications or rescissions to the System of Care Plan shall be initiated until September 1, 2013.

(e) The members of the Work Group created in subsection (c) of this section, shall be appointed as soon as is practicable following the effective date of this section. Members of the Work Group who are not employees of the State of Vermont and who are not otherwise compensated by their employer or association for their participation in the Work Group shall be reimbursed at the per diem rate set forth in 32 V.S.A. § 1010.

Sec. E.335 JOINT CORRECTIONS OVERSIGHT COMMITTEE; HOME DETENTION; HOME CONFINEMENT

(a) The Joint Committee on Corrections Oversight, in consultation with the Commissioner of Corrections and other stakeholders, shall develop a proposal to increase the use of home detention and home confinement in lieu of incarceration in a correctional facility. The Committee shall consider the following:

(1) establishment of a unit that provides 24-hour electronic monitoring of detainees and offenders, the costs associated with such a unit, including any

costs to communities, and whether services could be contracted with another state or entity currently operating a similar program;

(2) revisions to the statutes concerning bail and conditions of release; and

(3) alternatives to detention or incarceration for persons charged with nonviolent misdemeanors.

(b) The Committee shall report its recommendations to the Joint Fiscal Committee prior to its regularly scheduled November meeting for consideration for inclusion in the Budget Adjustment Act.

Sec. E.335.1 DEPARTMENT OF CORRECTIONS; FISCAL YEAR 2013 CARRYFORWARD APPROPRIATIONS REPORT

(a) The Department shall report to the Joint Committee on Corrections Oversight in September 2013 on the amount of General Fund appropriations that have been carried forward from fiscal year 2013 into fiscal year 2014. The Department shall identify the amount of these funds that are unobligated, and of that unobligated amount, the amount of funds that could be available for ongoing justice reinvestment initiatives and the amount of funds that could be available for one-time expenditures. If such funds are available for ongoing or one-time investment, the Committee shall include its recommendations for such expenditure in the fiscal year 2014 budget adjustment process and or in the fiscal year 2015 budget process.

Sec. E.338 Corrections – correctional services

(a) The Steering Committee of the Vermont Community Justice Network and the Association of Vermont Court Diversion Programs, in consultation with their funders, stakeholders, and other providers of community-based restorative justice, shall report to the Joint Committee on Corrections Oversight by October 15, 2013, on the work they are doing to strengthen the coordination of and access to the community-based restorative justice delivery system.

Sec. E.342 Vermont veterans' home – care and support services

(a) The Vermont Veterans' Home will use the Global Commitment Funds appropriated in this section for the purpose of increasing the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.342.1 20 V.S.A. § 1714 is amended to read:

§ 1714. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

Except as otherwise provided in this chapter, the ~~board~~ Board shall have all powers necessary and convenient for governing the home, providing services to veterans and other residents, and otherwise performing its duties under this chapter, including the authority to:

* * *

(12) Admit and care for veterans and other residents whose admission does not interfere with the Board's ability to serve its core mission of caring for veterans. No resident shall be admitted whose admission precludes federal funding or otherwise violates federal law or regulation governing the Vermont Veterans' Home.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

Sec. E.345.1 COST SHIFT ACCOUNTABILITY

(a)(1) In fiscal year 2014 the amount of \$14,300,000 in Global Commitment Funds is appropriated in this act to the Agency of Human Services to address health care inflation and reduce costs shifted to private insurers due to the underpayment of health care providers by Medicaid and Medicaid waiver programs. This amount annualizes to over \$21,000,000. As part of the report required by 2000 Acts and Resolves No. 152, Sec. 117b on or before December 15, 2015, the Department of Vermont Health Access shall report on the impact of investments on the cost shift.

(2) The Green Mountain Care Board (GMCB) shall develop consistent, reportable measures to account for the impact on the cost shift of this and future investments as required by 2000 Acts and Resolves No. 152, Sec. 117b. The GMCB shall report to the General Assembly on or before March 15, 2014 on the impact to hospital budgets and health insurer rates due to the investment in fiscal year 2014, including the difference between Medicare and Medicaid reimbursement rates.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment Funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons, or both, in Vermont and

to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Education - education services

(a) Notwithstanding 16 V.S.A. § 4014(f), in fiscal year 2014, the Secretary may use up to \$100,000 of the early education grant appropriation for grants to increase the capacity of districts to start early education programs that do not currently have them.

Sec. E.501.1 16 V.S.A. § 1262a is amended to read:

§ 1262a. AWARD OF GRANTS

(a)(1) ~~The state board of education~~ Agency may, from funds appropriated for this subsection to the ~~department of education~~ Agency, award grants to:

(A) supervisory unions for the use of member school boards that establish and operate food programs;

(B) independent school boards that establish and operate food programs; and

(C) approved education programs, as defined in subdivision 11(a)(34) of this title and operating under private nonprofit ownership as defined in the National School Lunch Act, that establish and operate food programs for students engaged in a teen parent education program or students enrolled in a Vermont public school.

(2) The amount of any grant awarded under this subsection shall not be more than the amount necessary, in addition to ~~the charge made for the meal~~ and any reimbursement from federal funds, to pay the actual cost of the meal.

(b) ~~The state board~~ Agency may, from funds available to the ~~department of education~~ Agency for this subsection, award grants to supervisory unions consisting of one or more school districts that need to initiate or expand food programs in order to meet the requirements of section 1264 of this title and that seek assistance in meeting the cost of initiation or expansion. The amount of the grants shall be limited to 75 percent of the cost deemed necessary by the ~~commissioner~~ Secretary to construct, renovate, or acquire additional facilities and equipment to provide lunches to all ~~pupils~~ students, and shall be reduced by the amount of funds available from federal or other sources, including those funds available under section 3448 of this title. ~~The state board, upon recommendation of the commissioner~~ Agency, shall direct supervisory unions seeking grants under this section to share facilities and equipment within the supervisory union and with other supervisory unions for the provision of lunches wherever more efficient and effective operation of food programs can be expected to result.

(c) On a quarterly basis, from state funds appropriated to the ~~department of education~~ Agency for this subsection, the ~~state board~~ Agency shall award to each supervisory union, independent school board, and approved education program as described in subsection (a) of this section a sum equal to the amount that would have been the student share of the cost of all breakfasts and lunches actually provided in the district during the previous quarter to students eligible for a ~~reduced-price~~ reduced-price breakfast under the federal school breakfast program and students eligible for a reduced-price lunch under the federal school lunch program.

Sec. E.501.2. 16 V.S.A. § 1264(c) is amended to read:

(c) The ~~state~~ State shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a ~~reduced-price~~ reduced-price breakfast under the federal school breakfast program and for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,447,584 shall be used by the Agency of Education in fiscal year 2014 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$176,840 may be used by the Agency of Education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

Sec. E.512 Education – Act 117 cost containment

(a) Notwithstanding any other provision of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the State's 60 percent of the statewide total special education expenditures of funds which are not derived from federal sources.

Sec. E.513 Appropriation and transfer to education fund

(a) Pursuant to Sec. B.513, there is appropriated in fiscal year 2014 from the General Fund for transfer to the Education Fund the amount of \$288,921,564.

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont State Teachers' Retirement System shall be \$73,102,825, of which \$68,352,825 shall be contributed in accordance with 16 V.S.A. § 1944(g)(2) and an additional \$4,750,000 in General Funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$11,259,501 is the "normal contribution," and \$57,093,324 is the "accrued liability contribution."

(c) A combination of \$71,783,200 in General Funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is used to achieve funding at \$4,750,000 above the actuarially recommended level of \$68,352,825.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other state funding sources.

(d) The University of Vermont will use the Global Commitment Funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons, or both, in Vermont and across the nation.

Sec. E.600.1 UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES – INCREASE TO BASE APPROPRIATIONS

(a) The General Fund increase from fiscal year 2013 to fiscal year 2014 to the base appropriations for the University of Vermont and Vermont State Colleges shall be used for financial aid to Vermont students. An amount equal to that increase shall be used for financial aid to Vermont students each subsequent year unless the base appropriation is reduced below the fiscal year 2014 level.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other state funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 250 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries and uninsured or underinsured persons, or both.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Except as provided in subsection (a) of this section, not less than 93 percent of grants shall be used for direct student aid.

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

* * * NATURAL RESOURCES * * *

Sec. E.700 30 V.S.A. § 255 is amended to read:

§ 255. REGIONAL COORDINATION TO REDUCE GREENHOUSE GASES

* * *

(c) Allocation of tradable carbon credits.

(1) The ~~secretary of natural resources~~ Secretary of Natural Resources, by rule, shall establish a set of annual carbon budgets for emissions associated with the electric power sector in Vermont that are consistent with the 2005 RGGI MOU, including any amendments to that MOU and any reduced carbon cap resulting from a subsequent program review by RGGI, and that are on a reciprocal basis with the other states participating in the RGGI process.

* * *

Sec. E.704 Forests, parks and recreation - forestry

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.706 Forests, parks and recreation – lands administration

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.709 [DELETED]

Sec. E.711 [DELETED]

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 VERMONT TRAINING PROGRAM

(a) Notwithstanding 10 V.S.A. § 531, the Secretary may authorize up to ten percent of the funds allocated within the Vermont Training Program for employers that meet at least one but fewer than three of the criteria specified within 10 V.S.A. § 531(b) and (c)(3). The Secretary shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs by January 15, 2014 on the use or proposed use of funds under this provision.

Sec. E.801 [DELETED]

Sec. E.802 [DELETED]

Sec. E.802.1 32 V.S.A. § 1003(b)(1) is amended to read:

(1) Heads of the following departments and agencies:

Base Salary as of July 1, 2012

* * *

(J) ~~Economic housing, and community development~~ Economic Development 76,953

* * *

(Q) ~~[Repealed]~~ Housing and Community Development 76,953

* * *

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$6,688,735 is appropriated from the Transportation Equipment Replacement Account within the Central Garage Fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized, notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2013 budget adjustment, Secretary of State), C.100.1 (RGA settlement; Secretary of State), C.101 (fiscal year 2013 budget adjustment, Attorney General), C.102 (fiscal year 2013 budget adjustment, protection function total), C.103 (fiscal year 2013 budget adjustment, Transportation – program development), C.104 (fiscal year 2013 budget adjustment, Transportation Infrastructure Bonds Debt Service), C.105 (fiscal year 2013 budget adjustment, Debt service and Debt service function total), C.106 (limited service position, ACCD), C. 107 (carry forward reallocation), C.108 (crisis fuel transfer authority), D.102 (tobacco litigation settlement fund balance), E.126.2 (Officers of General Assembly), E.127(b) (Legislative fund transfer to Joint Fiscal), E.233 (Public Service Department-Electric Generation Siting; Report), E.321.1(c) (General Assistance emergency housing), E.323.3 (interim Reach Up case management), E.323.6 (Reach Up Policy Work Group), and E.333 (DAIL-developmental services) of this act shall take effect upon passage.

(b) Sec. E.802.1 shall take effect upon passage and shall apply as of the effective date of Executive Order No. 01-13.

(c) Secs. E.307 (modified adjusted gross income) and E.307.1 (exchange financial assistance) of this act shall take effect on October 1, 2013 to allow for their application to insurance plans with coverage beginning on January 1, 2014.

(d) Sec. E.307.2 (reduction in Medicaid cost-shift) shall take effect on July 1, 2013, except that subsection (e) of that section shall take effect on passage.

(e) Secs. E.324.4 (Administration) and E.324.8 (fuel purchasing assistance) shall take effect on July 2, 2013.

(f) Sec. E.323.1 (Reach Up limits on family financial assistance) and E.323.4 (Reach Up sanctions) shall take effect on May 1, 2014.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

M. JANE KITCHEL

RICHARD W. SEARS, JR.

DIANE B. SNELLING

Committee on the part of the Senate

MARTHA P. HEATH

MITZI JOHNSON

ANNE T. O'BRIEN

Committee on the part of the House

Pending the question, Shall the House adopt the report of the Committee of Conference? **Rep. Heath of Westford** 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 adopt the report of the Committee of Conference? was decided in the affirmative. Yeas, 128. Nays, 9.

Those who voted in the affirmative are:

Ancel of Calais	Cheney of Norwich	Dakin of Chester
Bartholomew of Hartland	Christie of Hartford	Devereux of Mount Holly
Batchelor of Derby	Clarkson of Woodstock	Dickinson of St. Albans
Bissonnette of Winooski	Cole of Burlington	Town
Botzow of Pownal	Connor of Fairfield	Donahue of Northfield
Branagan of Georgia	Conquest of Newbury	Donovan of Burlington
Brennan of Colchester	Consejo of Sheldon	Ellis of Waterbury
Burke of Brattleboro	Copeland-Hanzas of	Emmons of Springfield
Buxton of Tunbridge	Bradford	Evans of Essex
Campion of Bennington	Corcoran of Bennington	Fagan of Rutland City
Canfield of Fair Haven	Cross of Winooski	Fay of St. Johnsbury
Carr of Brandon	Cupoli of Rutland City	Feltus of Lyndon

Fisher of Lincoln	Lenes of Shelburne	Ralston of Middlebury
Frank of Underhill	Lippert of Hinesburg	Ram of Burlington
French of Randolph	Macaig of Williston	Russell of Rutland City
Gage of Rutland City	Malcolm of Pawlet	Savage of Swanton
Gallivan of Chittenden	Manwaring of Wilmington	Sharpe of Bristol
Goodwin of Weston	Marcotte of Coventry	Shaw of Pittsford
Grad of Moretown	Marek of Newfane	Smith of New Haven
Greshin of Warren	Martin of Springfield	South of St. Johnsbury
Haas of Rochester	Martin of Wolcott	Spengler of Colchester
Heath of Westford	Masland of Thetford	Stevens of Waterbury
Helm of Fair Haven	McCarthy of St. Albans City	Stuart of Brattleboro
Higley of Lowell	McCormack of Burlington	Sweaney of Windsor
Hooper of Montpelier	McCullough of Williston	Taylor of Barre City
Hubert of Milton	McFaun of Barre Town	Terenzini of Rutland Town
Huntley of Cavendish	Michelsen of Hardwick	Till of Jericho
Jerman of Essex	Miller of Shaftsbury	Toleno of Brattleboro
Jewett of Ripton	Mitchell of Fairfax	Toll of Danville
Johnson of South Hero	Mook of Bennington	Townsend of South
Johnson of Canaan	Moran of Wardsboro	Burlington
Juskiewicz of Cambridge	Morrissey of Bennington	Trieber of Rockingham
Keenan of St. Albans City	Mrowicki of Putney	Turner of Milton *
Kilmartin of Newport City	Myers of Essex	Vowinkel of Hartford
Kitzmiller of Montpelier	Nuovo of Middlebury	Waite-Simpson of Essex
Klein of East Montpelier	O'Brien of Richmond	Webb of Shelburne
Koch of Barre Town	O'Sullivan of Burlington	Wilson of Manchester
Komline of Dorset	Partridge of Windham	Winters of Williamstown
Krebs of South Hero	Pearce of Richford	Wizowaty of Burlington *
Krowinski of Burlington	Peltz of Woodbury	Woodward of Johnson
Kupersmith of South	Potter of Clarendon	Wright of Burlington
Burlington	Pugh of South Burlington	Yantachka of Charlotte
Lanpher of Vergennes	Quimby of Concord	Young of Glover
Lawrence of Lyndon	Rachelson of Burlington	Zagar of Barnard

Those who voted in the negative are:

Beyor of Highgate	Davis of Washington	Shaw of Derby
Bouchard of Colchester	Hebert of Vernon	Van Wyck of Ferrisburgh
Burditt of West Rutland	Pearson of Burlington	Weed of Enosburgh

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

Browning of Arlington	Head of South Burlington	Scheuermann of Stowe
Condon of Colchester	Larocque of Barnet	Stevens of Shoreham
Deen of Westminster	Lewis of Berlin	Strong of Albany
Donaghy of Poultney	Poirier of Barre City	Townsend of Randolph

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

My yes vote is in recognition of the work of the committees to bring a budget with a growth rate that is much more sustainable than that of the budget that passed this body earlier in the session. However, I remain concerned about the use of \$55 million in one-time dollars and not addressing the pension issues in the future. Thank you.”

Rep. Wizowaty of Burlington explained her vote as follows:

“Mr. Speaker:

I’m voting for the investments we’ve made with this budget – in mental health services, Choices for Care. Legal Aid, increased reimbursements for Medicaid providers, LIHEAP, and more. We live in an imperfect world and I might wish we could do more, but I’m glad for what we’ve been able to accomplish.”

**Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Bills Delivered to the Governor Forthwith**

On motion of **Rep. Turner of Milton**, the rules were suspended and action on the bills were ordered messaged to the Senate forthwith and the bills delivered to the Governor forthwith.

H. 240

House bill, entitled

An act relating to Executive Branch fees

H. 295

House bill, entitled

An act relating to technical tax changes

H. 530

House bill, entitled

An act relating to making appropriations for the support of government

H. 538

House bill, entitled

An act relating to making miscellaneous amendments to education funding laws

Joint Resolution Adopted in Concurrence

J.R.S. 32

By Senator Campbell,

J.R.S. 32. Joint resolution relating to final adjournment of the General Assembly in 2013.

Resolved by the Senate and House of Representatives

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the fourteenth or fifteenth day of May, 2013, they shall do so to reconvene on the twenty-first day of June, 2013, at ten o'clock in the forenoon if the Governor should fail to approve and sign any bill and should he return it to the house of origin with his objections in writing after such adjournment, or to reconvene on the seventh day of January, 2014, at ten o'clock in the forenoon, if the Governor should *not* so return any bill to either house.

Was taken up read and adopted in concurrence.

Senate Notified of Completion of House Business

Rep. Jewett of Ripton moved that the House direct the Clerk to inform the Senate that the House has completed the business of the first half of the Biennial session and is ready to adjourn pursuant to the provisions of J.R.S. 32, which was agreed to.

Governor Notified of Completion of House Business

Rep. Jewett of Ripton moved that the Speaker appoint a committee of six to inform the Governor that the House has completed the business of the first half of the Biennial session and is ready to adjourn pursuant to the provisions of J.R.S. 32, which was agreed to.

Rep. Jewett of Ripton

Rep. Taylor of Barre City

Rep. Turner of Milton

Rep. Dickinson of St. Albans Town

Rep. Burke of Brattleboro

Rep. Davis of Washington

Governor Presented at the Bar of the House

The committee appointed to wait upon the Governor retired to the Executive Chamber and returned with His Excellency, Governor Peter Shumlin, and presented him at the bar of the House. The governor addressed the House and, having completed his remarks, was escorted from the Hall by the Committee.

Adjournment

At ten o'clock and twenty-five minutes in the evening, on motion of **Rep. Jewett of Ripton**, the House adjourned pursuant to the provisions of J.R.S. 32.

FINAL MESSAGES AND COMMUNICATIONS**Message from Governor**

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twentieth day of May, 2013, he approved and signed bills originating in the House of the following titles:

- H. 26 An act relating to technical corrections;**
- H. 315 An act relating to group health coverage for same-sex spouses;**
- H. 450 An act relating to expanding the powers of regional planning commissions;**
- H. 541 An act relating to approval of amendments to the charter of the village of Essex Junction.**

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-second day of May, 2013, he approved and signed a bill originating in the House of the following title:

- H. 299 An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, bad faith assertions of patent infringement and failure to comply with civil investigations**

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-third day of May, 2013, he approved and signed a bill originating in the House of the following title:

H. 535 An act relating to the approval of the adoption and to the codification of the charter of the town of Woodford

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-fourth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 105 An act relating to adult protective services reporting requirements

H. 537 An act relating to approval of amendments to the charter of the town of Brattleboro

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-eighth day of May, 2013, he approved and signed a bill originating in the House of the following title:

H. 530 An act relating to making appropriations for the support of government

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-ninth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 265 An act relating to the education property tax rates and base education amount for fiscal year 2014

H. 533 An act relating to capital construction and state bonding

H. 536 An act relating to the National Guard

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the thirtieth day of May, 2013, he approved and signed bills originating in the House of the following titles:

H. 226 An act relating to the regulation of underground storage tanks

H. 521 An act relating to making miscellaneous amendments to education law

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the third day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 262 An act relating to establishing a program for the collection and recycling of paint

H. 538 An act relating to making miscellaneous amendments to education funding laws

H. 377 An act relating to neighborhood planning and development for municipalities with designated centers

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the fourth day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 523 An act relating to court administration and procedure

H. 534 An act relating to approval of amendments to the charter of the City of Winooski

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the fifth day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 65 An act relating to limited immunity from liability for reporting a drug or alcohol overdose

H. 240 An act relating to Executive Branch fees

H. 295 An act relating to technical tax changes

H. 522 An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the fourth day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 101 An act relating to hunting, fishing and trapping

H. 107 An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange and the Green Mountain Care Board

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the sixth day of June, 2013, he approved and signed a bill originating in the House of the following title:

H. 200 An act relating to civil penalties for possession of marijuana

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the tenth day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 169 An act relating to relieving employers' experience-rating records

H. 515 An act relating to miscellaneous agricultural subjects

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventeenth day of June, 2013, he approved and signed bills originating in the House of the following titles:

H. 395 An act relating to the establishment of the Vermont Clean Energy Loan Fund

H. 405 An act relating to manure management and anaerobic digesters

H. 520 An act relating to reducing energy costs and greenhouse gas emissions

Message from the Senate No. 82

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

Mr. Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the twentieth day of May, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 14. An act relating to payment of agency fees and collective bargaining service fees.

S. 30. An act relating to siting of electric generation plants.

S. 77. An act relating to patient choice and control at end of life.

S. 88. An act relating to telemedicine services delivered outside a health care facility.

S. 99. An act relating to the standard measure of recidivism.

S. 104. An act relating to expedited partner therapy.

The Governor has informed the Senate that on the twenty-second day of May, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 11. An act relating to the Austine School.

The Governor has informed the Senate that on the twenty-fourth day of May, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 7. An act relating to social networking privacy protection.

S. 59. An act relating to independent direct support providers.

S. 132. An act relating to sheriffs, deputy sheriffs, and the service of process.

The Governor has informed the Senate that on the twenty-ninth day of May, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 152. An act relating to health care financing.

The Governor has informed the Senate that on the thirtieth day of May, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 150. An act relating to miscellaneous amendments to laws related to motor vehicles.

The Governor has informed the Senate that on the third day of June, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 1. An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers.

S. 20. An act relating to increasing the statute of limitations for certain sex offenses against children.

S. 31. An act relating to consideration of interests in revocable estate planning instruments when making a property settlement in a divorce proceeding.

S. 61. An act relating to alcoholic beverages.

S. 73. An act relating to the moratorium on home health agency certificates of need.

S. 156. An act relating to home visiting standards.

The Governor has informed the Senate that on the fourth day of June, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 4. An act relating to health and schools.

S. 18. An act relating to automated license plate recognition systems.

S. 148. An act relating to criminal investigation records and the Vermont Public Records Act.

The Governor has informed the Senate that on the fourth day of June, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 38. An act relating to expanding eligibility for driving and identification privileges in Vermont.

The Governor has informed the Senate that on the sixth day of June 2013, he approved and signed a bill originating in the Senate of the following title:

S. 130. An act relating to encouraging flexible pathways to secondary school completion.

The Governor has informed the Senate that on the seventh day of June, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 37. An act relating to tax increment financing districts.

S. 155. An act relating to creating a strategic workforce development needs assessment and strategic plan.

The Governor has informed the Senate that on the tenth day of June, 2013, he approved and signed a bill originating in the Senate of the following title:

S. 157. An act relating to modifying the requirements for hemp production in the State of Vermont.

The Governor has informed the Senate that on the thirteenth day of June, 2013, he approved and signed bills originating in the Senate of the following titles:

S. 81. An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products .

S. 85. An act relating to workers' compensation for firefighters and rescue or ambulance workers.

CERTIFICATE

I hereby certify that the foregoing is a true Journal of the proceedings of the House of Representatives of the State of Vermont for the first part of the seventy-second biennial session, beginning on the ninth day of January, A.D. 2013.

/s/Donald G. Milne
Clerk of the House

APPENDIX A

Members, Officers and Standing Committees of the House of Representatives 2013 Biennial Session

Prepared by Donald G. Milne, Clerk of the House

MEMBERS OF THE HOUSE

(Showing Town, Committee and Seat Number)

Shapleigh Smith, Speaker

Morristown, VT

Donald G. Milne, Clerk of the House

Washington, VT

Representatives	Town	Committee	Seat
Ancel, Janet	Calais	Ways and Means, Chair	135
Bartholomew, John L.	Hartland	Agriculture, Clerk	86
Batchelor, Lynn D.	Derby	Human Services	35
Beyor, Steve C.	Highgate	Fish, Wildlife & Water Resources	104
Bissonnette, Clement J.	Winooski	Transportation	39
Botzow, William	Pownal	Commerce & Economic Dev., Chair	147
Bouchard, Robert A.	Colchester	Commerce & Economic Development	34
Branagan, Carolyn W.	Georgia	Ways and Means, Vice-Chair	17
Brennan, Patrick	Colchester	Transportation, Chair	76
Browning, Cynthia M.	Arlington	Corrections & Institutions	67
Burditt, Thomas B.	West Rutland	Human Services	115
Burke, Mollie S.	Brattleboro	Transportation	24
Buxton, Sarah E.	Tunbridge	Education, Clerk	44
Campion, Brian A.	Bennington	Education	16
Canfield, William	Fair Haven	Natural Resources and Energy	71
Carr, Stephen A.	Brandon	Commerce & Economic Development	23
Cheney, Margaret	Norwich	Natural Resources and Energy, Vice-Chair	97
Christie, Kevin B.	Hartford	Education	10
Clarkson, Alison H.	Woodstock	Ways & Means, Clerk	46
Cole, Johanna E.	Burlington	Government Operations	25
Condon, James O.	Colchester	Ways and Means	69
Connor, Daniel F.	Fairfield	Agriculture	122
Conquest, Charles W.	Newbury	Judiciary	87
Consejo, Michel	Sheldon	Government Operations	9
Copeland-Hanzas, Sarah	Bradford	Health Care, Vice-Chair	98
Corcoran, Timothy	Bennington	Transportation	62
Cross, George C.	Winooski	Commerce & Economic Development	148
Cupoli, Larry P.	Rutland City	Education	75
Dakin, Leigh J.	Chester	Health Care, Clerk	91
Davis, Susan	Washington	Corrections & Institutions	51
Deen, David L.	Westminster	F. W. & W. R., Chair; Rules	136
Devereux, Dennis J.	Mount Holly	Government Operations	65
Dickinson, Eileen	St. Albans Town	Commerce & Economic Development	72
Donaghy, Andrew	Poultney	Judiciary	73
Donahue, Anne	Northfield	Human Services	20

APPENDIX A

Representatives	Town	Committee	Seat
Donovan, Johannah L.	Burlington	Education, Chair	144
Ellis, Rebecca M.	Waterbury	Natural Resources and Energy	134
Emmons, Alice M.	Springfield	Corrections & Institutions, Chair	61
Evans, Debbie G.	Essex	Government Operations, Vice-Chair	79
Fagan, Peter J.	Rutland City	Appropriations	36
Fay, Michelle B.	St. Johnsbury	Judiciary	27
Feltus, Martha A.	Lyndon	Natural Resources and Energy	18
Fisher, Michael	Lincoln	Health Care, Chair	83
Frank, William R.	Underhill	Human Services	15
French, Patsy.	Randolph	Human Services	29
Gage, Douglas A.	Rutland City	Health Care	70
Gallivan, Anne L.	Chittenden	Transportation	41
Goodwin, Charles M.	Weston	Judiciary	78
Grad, Maxine Jo	Moretown	Judiciary, Vice-Chair	140
Greshin, Adam M.	Warren	Ways and Means	99
Haas, Sandy J.	Rochester	Human Services, Vice-Chair	50
Head, Helen	South Burlington	Gen. Housing & Military Affairs, Chair	30
Heath, Martha P.	Westford	Appropriations, Chair	96
Hebert, Michael J.	Vernon	Natural Resources and Energy	112
Helm, Robert G.	Fair Haven	Appropriations	2
Higley, Mark A.	Lowell	Government Operations	37
Hooper, Mary S.	Montpelier	Corrections & Institutions	63
Hubert, Ronald E.	Milton	Government Operations	38
Huntley, Mark	Cavendish	Fish, Wildlife & Water Resources, Clerk	40
Jerman, Timothy	Essex	Natural Resources & Energy, Clerk	150
Jewett, Willem	Ripton	F. W. & W. R., Rules	131
Johnson, Mitzi	South Hero	Appropriations, Vice-Chair	95
Johnson, William F.	Canaan	Ways and Means	119
Juskiewicz, Bernard C.	Cambridge	Education	117
Keenan, Kathleen C.	St. Albans City	Appropriations	55
Kilmartin, Duncan F.	Newport City	Transportation	102
Kitzmiller, Warren	Montpelier	Commerce & Economic Development	137
Klein, Anthony W.	East Montpelier	Natural Resources and Energy, Chair	60
Koch, Thomas F.	Barre Town	Judiciary, Rules	64
Komline, Patricia C.	Dorset	Ways and Means	114
Krebs, Robert C.	South Hero	Fish, Wildlife & Water Resources	26
Krowinski, Jill	Burlington	Human Services, Clerk	58
Kupersmith, Michele F.	South Burlington	Commerce & Economic Dev., Clerk	32
Lanpher, Diane	Vergennes	Transportation, Clerk	85
Larocque, Leigh B.	Barnet	Corrections & Institutions	121
Lawrence, Richard H.	Lyndon	Agriculture, Vice-Chair	108
Lenes, Joan G.	Shelburne	Corrections & Institutions, Clerk	48
Lewis, Patti J.	Berlin	Education	6
Lippert, William J., Jr.	Hinesburg	Judiciary, Chair	124
Macaig, Terence	Williston	Corrections & Institutions	142
Malcolm, John W.	Pawlet	Natural Resources & Energy	129
Manwaring, Ann P.	Wilmington	Appropriations	13
Marcotte, Michael J.	Coventry	Commerce & Economic Dev., Vice-Chair	66
Marek, Richard	Newfane	Judiciary	138
Martin, Cynthia T.	Springfield	Agriculture	49
Martin, Linda J.	Wolcott	Government Operations, Clerk	80

APPENDIX A

Representatives	Town	Committee	Seat
Masland, James W.	Thetford	Ways and Means	82
McCarthy, Michael	St. Albans City	Transportation	57
McCormack, Curt	Burlington	Natural Resources and Energy	90
McCullough, James M.	Williston	Fish, Wildlife & Water Res, Vice Chair	123
McFaun, Francis M.	Barre Town	Human Services	5
Michelsen, Kristina I.	Hardwick	Agriculture	56
Miller, Alice	Shaftsbury	Appropriations	146
Mitchell, John I.	Fairfax	Health Care	118
Mook, Anne H.	Bennington	Government Operations	89
Moran, John T.	Wardsboro	General, Housing & Mil Aff, Vice-Chair	106
Morrissey, Mary A.	Bennington	Health Care	74
Mrowicki, Michael	Putney	Human Services	126
Myers, Linda K.	Essex	Corrections & Institutions, Vice-Chair	100
Nuovo, Betty	Middlebury	Natural Resources and Energy	84
O'Brien, Anne T.	Richmond	Appropriations	128
O'Sullivan, Jean	Burlington	General, Housing & Mil Aff	94
Partridge, Carolyn W.	Windham	Agriculture, Chair	139
Pearce, Albert	Richford	Appropriations	105
Pearson, Christopher A.	Burlington	Health Care	52
Peltz, Peter	Woodbury	Education, Vice-Chair	149
Poirier, Paul N.	Barre City	Health Care	141
Potter, David E.	Clarendon	Transportation, Vice-Chair	130
Pugh, Ann D.	So. Burlington	Human Services, Chair	59
Quimby, Constance N.	Concord	Fish, Wildlife & Water Resources	33
Rachelson, Barbara	Burlington	Education	47
Ralston, Paul D.	Middlebury	Commerce & Economic Development	12
Ram, Kesha K.	Burlington	Ways and Means	42
Russell, Herbert A.	Rutland City	Transportation	21
Savage, Brian K.	Swanton	General, Housing & Mil Affairs, Rules	111
Scheuermann, Heidi E.	Stowe	Commerce & Economic Development	77
Sharpe, David	Bristol	Ways and Means	145
Shaw, Charles	Pittsford	Corrections & Institutions	116
Shaw, Loren T.	Derby	Corrections & Institutions	7
Smith, Harvey T.	New Haven	Agriculture	109
Smith, Shapleigh, Jr.	Morristown	Speaker; Rules, Chair <i>ex officio</i>	1
South, Robert C.	St. Johnsbury	Corrections and Institutions	8
Spengler, Kristy K.	Colchester	Health Care	93
Stevens, Thomas S.	Waterbury	General, Housing & Mil Affairs, Clerk	54
Stevens, William C.	Shoreham	Agriculture	68
Strong, Vicki M.	Albany	Judiciary	19
Stuart, Valerie A.	Brattleboro	Education	31
Sweaney, Donna G.	Windsor	Government Operations, Chair	43
Taylor, Therese M.	Barre City	Agriculture, Rules	132
Terenzini, Thomas P.	Rutland Town	Fish, Wildlife & Water Resources	101
Till, George	Jericho	Health Care	143
Toleno, Tristan D.	Brattleboro	Agriculture	28
Toll, Catherine B.	Danville	Appropriations, Clerk	45
Townsend, Lawrence	Randolph	Government Operations	4
Townsend, Maida F.	South Burlington	Government Operations	3
Trieber, Matthew A.	Rockingham	Human Services	120
Turner, Donald H.	Milton	Education, Rules	110

APPENDIX A

Representatives	Town	Committee	Seat
Van Wyck, Warren	Ferrisburgh	General, Housing and Military Affairs	11
Vowinkle, Shiela J.	Hartford	General, Housing and Military Affairs	14
Waite-Simpson, Linda	Essex	Judiciary	22
Webb, Kate	Shelburne	Fish, Wildlife & Water Resources	133
Weed, Cindy A.	Enosburg	General, Housing and Military Affairs	53
Wilson, Jeffrey D.	Manchester	Ways and Means	103
Winters, Philip C.	Williamstown	Appropriations	148
Wizowaty, Suzi	Burlington	Judiciary, Clerk	125
Woodward, Mark	Johnson	Health Care	127
Wright, Kurt	Burlington	Transportation	113
Yantachka, Michael L.	Charlotte	Natural Resources & Energy	81
Young, Samuel R.	Glover	Commerce & Economic Development	92
Zagar, Teo	Barnard	Agriculture	88

OFFICERS AND ASSISTANTS OF THE HOUSE OF REPRESENTATIVES

Name	Residence	Office
Donald G. Milne	Washington	Clerk of the House
William M. MaGill	Montpelier	First Assistant Clerk
Gwynn Zakov	Barre	Second Assistant Clerk
Cathleen M. Cameron	Montpelier	Journal Clerk
Jean Olson	Montpelier	Resolution Clerk
Christine Ditmeyer	Plainfield	Clerk Assistant
Shapleigh Smith	Morristown	Speaker of the House
Leah Marvin-Riley	Montpelier	Speaker's Assistant

APPENDIX A

STANDING COMMITTEES OF THE 2013-2014 SESSION HOUSE OF REPRESENTATIVES

Agriculture

Partridge of Windham, Chair
Lawrence of Lyndon, Vice Chair
Stevens of Shoreham
Bartholomew of Hartland, Clerk
Connor of Fairfield
Martin of Springfield
Michelsen of Hardwick
Smith of New Haven
Taylor of Barre City
Toleno of Brattleboro
Zagar of Barnard

Appropriations

Heath of Westford, Chair
Johnson of South Hero, Vice Chair
Helm of Castleton
Fagan of Rutland City
Keenan of St. Albans City
Manwaring of Wilmington
Miller of Shaftsbury
O'Brien of Richmond
Pearce of Richford
Toll of Danville, Clerk
Winters of Williamstown

Commerce & Economic Development

Botzow of Pownal, Chair
Marcotte of Coventry, Vice-Chair
Kitzmiller of Montpelier
Bouchard of Colchester
Carr of Brandon
Cross of Winooski
Dickinson of St. Albans Town
Kupersmith of South Burlington, Clerk
Ralston of Middlebury
Scheuermann of Stowe
Young of Glover

Corrections and Institutions

Emmons of Springfield, Chair
Myers of Essex, Vice-Chair
Lenes of Shelburne, Clerk
Browning of Arlington
Davis of Washington
Hooper of Montpelier
Larocque of Barnet
Macaig of Williston
Shaw of Derby
Shaw of Pittsford
South of St. Johnsbury

Education

Donovan of Burlington, Chair
Peltz of Woodbury, Vice-Chair
Lewis of Berlin
Buxton of Royalton, Clerk
Campion of Bennington
Christie of Hartford
Cupoli of Rutland City
Juskiewicz of Cambridge
Rachelson of Burlington
Stuart of Brattleboro
Turner of Milton

Fish, Wildlife and Water Resources

Deen of Westminster, Chair
McCullough of Williston, Vice Chair
Beyor of Highgate
Jewett of Ripton
Krebs of South Hero
Huntley of Cavendish, Clerk
Quimby of Concord
Terenzini of Rutland Town
Webb of Shelburne

APPENDIX A

General, Housing & Military Affairs

Head of South Burlington, Chair
Moran of Wardsboro, Vice-Chair
Savage of Swanton
O'Sullivan of Burlington
Stevens of Waterbury, Clerk
Van Wyck of Ferrisburgh
Weed of Enosburg
Vowinkle of Hartford

Health Care

Fisher of Lincoln, Chair
Copeland-Hanzas of Bradford, Vice-Chair
Poirier of Barre City
Dakin of Chester, Clerk
Gage of Rutland City
Mitchell of Fairfax
Morrissey of Bennington
Pearson of Burlington
Spengler of Colchester
Till of Jericho
Woodward of Johnson

Judiciary

Lippert of Hinesburg, Chair
Grad of Moretown, Vice-Chair
Koch of Barre Town
Conquest of Newbury
Donaghy of Poultney
Fay of St. Johnsbury
Goodwin of Weston
Marek of Newfane
Strong of Albany
Waite-Simpson of Essex
Wizowaty of Burlington, Clerk

Rules

Smith of Morristown, Chair *ex officio*
Deen of Westminster
Jewett of Ripton
Koch of Barre Town
Savage of Swanton
Taylor of Barre City
Turner of Milton
Milne, D., Clerk *ex officio*

Government Operations

Sweaney of Windsor, Chair
Evans of Essex, Vice-Chair
Devereux of Mount Holly
Cole of Burlington
Consejo of Sheldon
Higley of Lowell
Hubert of Milton
Martin of Wolcott, Clerk
Mook of Bennington
Townsend of Randolph
Townsend of South Burlington

Human Services

Pugh of South Burlington, Chair
Haas of Rochester, Vice-Chair
Donahue of Northfield
Batchelor of Derby
Burditt of West Rutland
Frank of Underhill
French of Randolph
Krowinski of Burlington
McFaun of Barre Town, Clerk
Mrowicki of Putney
Trieber of Rockingham

Natural Resources and Energy

Klein of East Montpelier, Chair
Cheney of Norwich, Vice-Chair
Canfield of Fair Haven
Ellis of Waterbury
Feltus of Lyndon
Hebert of Vernon
Jerman of Essex, Clerk
Malcolm of Pawlet
McCormack of Burlington
Nuovo of Middlebury
Yantachka of Charlotte

Transportation

Brennan of Colchester, Chair
Potter of Clarendon, Vice-Chair
Corcoran of Bennington
Bissonnette of Winooski
Burke of Brattleboro
Gallivan of Chittenden
Kilmartin of Newport City
Lanpher of Vergennes, Clerk
McCarthy of St. Albans City
Russell of Rutland City
Wright of Burlington

APPENDIX A

Ways and Means

Ancel of Calais, Chair
Branagan of Georgia, Vice-Chair
Sharp of Bristol
Clarkson of Woodstock, Clerk
Condon of Colchester
Greshin of Warren
Johnson of Canaan
Komline of Dorset
Masland of Thetford
Ram of Burlington
Wilson of Manchester

LEGISLATIVE DISTRICTS AND THEIR REPRESENTATIVES

District	Representatives
Addison-1	Betty A. Nuovo (D) Paul D. Ralston (D)
Addison-2	Willem Jewett(D)
Addison-3	Diane Lanpher (D) Warren Van Wyck (R)
Addison-4	Michael Fisher (D) David Sharpe(D)
Addison-5	Harvey T. Smith (R)
Addison-Rutland	William C. Stevens (I)
Bennington-1	William G.F. Botzow II (D)
Bennington-2-1	Brian A. Campion, Jr. (D) Timothy R. Corcoran, II (D)
Bennington-2-2	Anne H. Mook (D) Mary A. Morrissey (R)
Bennington-3	Alice Miller (D)
Bennington-4	Jeffrey Wilson (D) Cynthia M. Browning (D)
Bennington-Rutland	Patricia C. Komline (R)
Caledonia-1	Leigh B. Larocque (R)
Caledonia-2	Kristina I. Michelsen (D)
Caledonia-3	Michelle B. Fay (D) Robert C. South (D)
Caledonia-4	Martha A. Feltus (R) Richard Lawrence (R)

APPENDIX A

District	Representatives
Caledonia-Washington	Catherine B. Toll (D)
Chittenden-1	Anne T. O'Brien (D)
Chittenden-2	Terence D. Macaig (D) James M. McCullough (D)
Chittenden-3	William R. Frank (D) George W. Till (D)
Chittenden-4-1	Michael L. Yantachka (D)
Chittenden-4-2	William J. Lippert (D)
Chittenden-5-1	Kate L. Webb (D)
Chittenden-5-2	Joan G. Lenes (D)
Chittenden-6-1	Johanna E. Cole (D) Kurt Wright (R)
Chittenden-6-2	Jean O'Sullivan (D)
Chittenden-6-3	Curt McCormack (D) Jill Krowinski (D)
Chittenden-6-4	Christopher A. Pearson (P) Kesha K. Ram (D)
Chittenden-6-5	Johanna L. Donovan (D) Suzi L. Wizowaty (D)
Chittenden-6-6	Barbara Rachelson (D)
Chittenden-6-7	George C. Cross (D) Clement J. Bissonnette (D)
Chittenden-7-1	Michelle F. Kupersmith (D)
Chittenden-7-2	Ann D. Pugh (D)
Chittenden-7-3	Helen Head (D)
Chittenden-7-4	Maida F. Townsend (D)
Chittenden-8-1	Debbie G. Evans (D) Linda K. Myers (R)
Chittenden-8-2	Timothy Jerman (D) Linda J. Waite-Simpson (D)
Chittenden-8-3	Martha P. Heath (D)
Chittenden-9-1	Robert A. Bouchard (R) James O. Condon (D)

APPENDIX A

District	Representatives
Chittenden-9-2	Patrick M. Brennan (R) Kristy K. Spengler (D)
Chittenden-10	Ronald E. Hubert ® Donald H. Turner, Jr. (R)
Essex-Caledonia	Constance N. Quimby (R)
Essex-Caledonia-Orleans	William F. Johnson (R)
Franklin-1	Carolyn W. Branagan (R)
Franklin-2	John I. Mitchell (R)
Franklin-3-1	Michael McCarthy (D) Kathleen C. Keenan (D)
Franklin-3-2	Eileen G. Dickinson (R)
Franklin-4	Michael Consejo (D) Brian K. Savage (R)
Franklin-5	Steve C. Beyor (R) Albert E. Pearce (R)
Franklin-6	Daniel F. Connor (D)
Franklin-7	Cindy A. Weed (P)
Grand Isle-Chittenden	Mitzi Johnson (D) Robert C. Krebs (D)
Lamoille-1	Heidi E. Scheuermann (R)
Lamoille-2	Linda J. Martin (D) Mark E. Woodward (D)
Lamoille-3	Bernard C. Juskiewicz (R)
Lamoille-Washington	Peter Peltz (D) Shapleigh Smith, Jr. (D)
Orange-1	Susan Hatch Davis (P) Philip C. Winters (R)
Orange-2	Sarah Copeland-Hanzas (D)
Orange-Caledonia	Charles Conquest (D)
Orange-Washington-Addison	Patsy R. French (D) Lawrence E. Townshend (D)
Orleans-1	Lynn D. Batchelder (R) Loren R. Shaw (R)
Orleans-2	Duncan F. Kilmartin (R) Michael J. Marcotte (R)
Orleans-Caledonia	Ricki M. Strong (R) Samuel R. Young (D)

APPENDIX A

District	Representatives
Orleans-Lamoille	Mark A. Higley (R)
Rutland-1	Andrew P. Donaghy (R)
Rutland-2	Thomas B. Burditt (R) David E. Potter (D)
Rutland-3	William P. Canfield (R) Robert G. Helm (R)
Rutland-4	Thomas P. Terenzini (R)
Rutland-5-1	Peter J. Fagan (R)
Rutland-5-2	Larry P. Cupoli (R)
Rutland-5-3	Herbert A. Russell (D)
Rutland-5-4	Douglas A. Gage (R)
Rutland-6	Charles Shaw (R) Stephen A. Carr (D)
Rutland-Bennington	John W. Malcolm (D)
Rutland-Windsor-1	Anne L. Gallivan (D)
Rutland-Windsor-2	Dennis J. Devereus (R)
Washington-1	Patti J. Lewis (R) Anne B. Donahue (R)
Washington-2	Thomas F. Koch (R) Francis M. McFaun (R)
Washington-3	Paul N. Poirier (I) Therese M. Taylor (D)
Washington-4	Mary S. Hooper (D) Warren F. Kitzmiller (D)
Washington-5	Anthony W. Klein (D)
Washington-6	Janet Ancel (D)
Washington-7	Adam M. Greshin (I) Maxine Jo Grad (D)
Washington-Chittenden	Rebecca M. Ellis (D) Thomas S. Stevens (D)
Windham-1	Michael J. Hebert (R)
Windham-2-1	Valerie A. Stuart (D)
Windham-2-2	Mollie S. Burke (P)
Windham-2-3	Tristan D. Toleno (D)

APPENDIX A

District	Representatives
Windham-3	Carolyn W. Partridge (D) Matthew A. Treiber (D)
Windham-4	David L. Deen (D) Michael Mrowicki (D)
Windham-5	Richard J. Marek (D)
Windham-6	Ann P. Manwaring (D)
Windham-Bennington	John Moran (D)
Windham-Bennington-Windsor	Charles M. Goodwin (I)
Windsor-1	Donna G. Sweaney (D) John L. Bartholomew (D)
Windsor-2	Mark Huntley (D)
Windsor-3-1	Leigh J. Dakin (D)
Windsor-3-2	Alice M. Emmons (D) Cynthia T. Martin (D)
Windsor-4-1	Teo Zagar (D)
Windsor-4-2	Sheila J. Vowinkle (D) Kevin B. Christie (D)
Windsor-5	Alison H. Clarkson (D)
Windsor-Orange-1	Sarah E. Buxton (D)
Windsor-Orange-2	Margaret R. Cheney (D) James W. Masland (D)
Windsor-Rutland	Sandy J. Haas (P)

APPENDIX B

The following table includes all bills, joint resolutions, House resolutions, Executive Orders and Constitutional Proposals of Amendment acted on by the House of Representatives during the session of 2013, arranged numerically with the name of the person introducing the same. Under each title is an abbreviated history of the action taken on the document with references to the pages of the printed House Journal on which such record of action taken may be found. The number in parentheses following the number of the bill shows the session law number in those instances when such bill became a law.

Following is a list of abbreviations and their meanings:

act	action	exp	explained
adj	adjourn	fav	favorable
	adjournment		
adpt	adopt	FW & WR	Fish, Wildlife and
	adoption		Water Resources
adptd	adopted	fr	from
adv	adverse	GH&MA	General Housing and
	adversely		Military Affairs
agrd	agreed	Gov	Governor
Agri	Agriculture	G O	Government Operations
amend	amended	H	House
	amendment	H C	Health Care
	amendments	H S	Human Services
app	approve	indef	indefinitely
Appr	Appropriations	instnc	instance
appt	appoint	Jt Assy	Joint Assembly
	appointed	Judic	Judiciary
	appoints	lv	leave
C	Committee	mess	message/d
	Committees	mo	motion
C of C	Committee of Conference	N R & E	Natural Resources and
cal	Calendar		Energy
Comm	Commerce	neg	negative
cmtd	committed	O of D	Orders of the Day
con	concur	offd	offered
	concurred	ord	order/ed
	concurrence	pass	passed/passage
cons	consider	pndg	pending
	consideration	pl	placed
consti	constitution/al	pt of O	point of order
C & I	Corrections & Institutions	postp	postpone/d
delv	deliver/ed	prop	proposal
disagr/d	disagree/d		propose/d
divid	divide	prov	provision/s
	divided	purs	pursuant
	division	qstn	question
Edu	Education	R C	Roll Call
ent	entered	rd	read
		rdg	reading

recd	received	S O	Special Order
recom	recommendation	stgs	stages
recmt/d	recommit/ed	subst/d	substitute/d
reconsid/d	reconsider/ed	susp/d	suspend/ed
	reconsideration		suspension
ref	referred	sustnd	sustained
rej/d	reject/ed	tkn	taken
rel	relieve/d	t	time
rep	report/ed	T	Title
req	request/ed	Trans	Transportation
res	resolution	W & M	Ways and Means
resmd	resumed	w	with
rl/d/s	rul/d/s	w o	without
R	Rules	wdr	withdraw
Sen	Senate	wdrn	withdrawn

HOUSE BILLS

By Representative Lippert of Hinesburg,

H. 1. An act relating to repealing the requirement that superior court clerks keep a separate book of judgments.

Rd 1st t and ref to the C on Judic, 23.

By Representative Conquest of Newbury,

H. 2. (No. 0019) An act relating to the Governor's Snowmobile Council.

Rd 1st t and ref to the C on Trans, 23; Rd 2nd Time, 333; Rep. McCarthy of St. Albans City rep/d for the C on Trans, 333; 3rd rdg Ordered, 333; Rd 3rd t and Passed, 413; S pro of amend con in, 1052; Delv to the Gov on 5/7/2013; Signed by Gov on 5/7/2013.

By Representative Krebs of South Hero,

H. 3. An act relating to notice requirements for potable water supply and wastewater system permits.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 24.

By Representative Krebs of South Hero,

H. 4. An act relating to reimbursement of Agency of Natural Resources costs.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 24.

By Representatives Stuart of Brattleboro and Mook of Bennington,

H. 5. An act relating to in-state residential facilities providing special education services.

Rd 1st t and ref to the C on Edu, 24.

By Representative Poirier of Barre City,

H. 6. An act relating to compensability of mental injuries under the workers' compensation statutes.

Rd 1st t and ref to the C on Comm and Economic Development, 24.

By Representative Lippert of Hinesburg,

H. 7. An act relating to authorizing arbitration for unit owners of condominiums and common interest communities.

Rd 1st t and ref to the C on Judic, 24; Rep. Lippert of Hinesburg moved that the bill be cmtd to the C on Comm and Economic Development which was agrd to., 91.

By Representative Shaw of Pittsford,

H. 8. An act relating to recovery of expenses for emergency services on closed highways.

Rd 1st t and ref to the C on Trans, 24.

By Representative Klein of East Montpelier,

H. 9. An act relating to a statewide land use plan.

Rd 1st t and ref to the C on N R & E, 25.

By Representative Mook of Bennington,

H. 10. An act relating to insurance coverage for hearing aids.

Rd 1st t and ref to the C on H C, 25.

By Representatives Donahue of Northfield and Lewis of Berlin,

H. 11. An act relating to military pension income tax exemption.

Rd 1st t and ref to the C on W & M, 25.

By Representative Wizowaty of Burlington,

H. 12. An act relating to coverage for complementary and alternative health care services.

Rd 1st t and ref to the C on H C., 25.

By Representatives Sweaney of Windsor, Cole of Burlington, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Martin of Wolcott, Townsend of Randolph and Townsend of South Burlington,

H. 13. (No. 0005) An act relating to statutory revision.

Rd 1st t and ref to the C on G O, 28; Rd 2nd Time, 237; Rep. Cole of Burlington rep/d for the C on G O, 237; 3rd rdg Ordered, 237; Rd 3rd t and Passed, 242; Pass the H and S on 4/17/2013; Signed by Gov on 4/23/2013.

By Representatives Hubert of Milton, Devereux of Mount Holly, Higley of Lowell, Townsend of Randolph and Winters of Williamstown,

H. 14. An act relating to the law enforcement authority of liquor control investigators.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 29; Rd 2nd Time, 294; Rep. Weed of Enosburgh rep/d for the C on General, Housing and Military Affairs, 294; 3rd rdg Ordered, 295; Rep. Lippert of Hinesburg moved to amend the bill which was agrd to, 298; Rd 3rd t and Passed, 299.

By Representative Donahue of Northfield,

H. 15. An act relating to the reorganization of the mental health statutes.

Rd 1st t and ref to the C on H S, 29.

By Representative Conquest of Newbury,

H. 16. An act relating to criminal threatening.

Rd 1st t and ref to the C on Judic, 29.

By Representatives Malcolm of Pawlet, McCarthy of St. Albans City, Potter of Clarendon and Russell of Rutland City,

H. 17. An act relating to raising the penalties for texting while driving.

Rd 1st t and ref to the C on Judic, 29.

By Representative Sweaney of Windsor,

H. 18. An act relating to granting staff of the Departments of Corrections and for Children and Families ex officio status for notary public services.

Rd 1st t and ref to the C on G O, 29; Rd 2nd Time, 237; Rep. Mook of Bennington rep/d for the C on G O, 237; 3rd rdg Ordered, 237; Rd 3rd t and Passed, 247;

By Representatives Grad of Moretown, Krowinski of Burlington, Pugh of South Burlington, Ram of Burlington, Buxton of Tunbridge and Fay of St. Johnsbury,

H. 19. An act relating to the Domestic and Sexual Violence Survivors' Transitional Employment Program.

Rd 1st t and ref to the C on H S, 30.

By Representative Wilson of Manchester,

H. 20. An act relating to wage withholding orders for overdue rent.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 30.

By Representatives Townsend of Randolph, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton and Martin of Wolcott,

H. 21. An act relating to applying for an early voter absentee ballot.

Rd 1st t and ref to the C on G O, 30.

By Representatives Hubert of Milton, Cole of Burlington, Consejo of Sheldon, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Higley of Lowell, Juskiewicz of Cambridge, Townsend of Randolph and Townsend of South Burlington,

H. 22. An act relating to standardized ballots and vote tabulators.

Rd 1st t and ref to the C on G O, 30.

By Representatives Stevens of Shoreham, Bartholomew of Hartland, Browning of Arlington, Burke of Brattleboro, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Greshin of Warren, Higley of Lowell, Hubert of Milton, Jerman of Essex, Komline of Dorset, Lawrence of Lyndon, Malcolm of Pawlet, Marcotte of Coventry, Martin of Springfield, Martin of Wolcott, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, Pearce of Richford, Potter of Clarendon, Russell of Rutland City, Toleno of Brattleboro, Waite-Simpson of Essex, Wilson of

Manchester, Winters of Williamstown, Yantachka of Charlotte and Zagar of Barnard,

H. 23. An act relating to the number of votes required for a write-in candidate to win a primary election.

Rd 1st t and ref to the C on G O, 30.

By Representatives Peltz of Woodbury and Klein of East Montpelier,

H. 24. An act relating to requiring the transfer of RBES and CBES certificates when property is conveyed.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 31.

By Representative Klein of East Montpelier,

H. 25. An act relating to health care professional transparency.

Rd 1st t and ref to the C on G O, 36.

By Representative Sweaney of Windsor,

H. 26. (No. 0034) An act relating to technical corrections.

Rd 1st t and ref to the C on G O, 36; Rd 2nd Time, 61; Rep. Hubert of Milton rep/d for the C on G O, 61; 3rd rdg Ordered, 61; Rd 3rd t and Passed, 66; S pro of amend con in, 1485; Signed by Gov on 5/20/2013.

By Representative Deen of Westminster,

H. 27. An act relating to Act 250 and oil pipelines.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 37.

By Representative Wizowaty of Burlington,

H. 28. An act relating to transferring inmates to out-of-state correctional facilities.

Rd 1st t and ref to the C on Corrections and Insti, 37.

By Representative Wizowaty of Burlington,

H. 29. An act relating to parole eligibility and day-for-day credit.

Rd 1st t and ref to the C on Corrections and Insti, 37.

By Representative Lippert of Hinesburg,

H. 30. An act relating to extending the Juvenile Justice Study Committee for one year.

Rd 1st t and ref to the C on Judic, 38.

By Representatives Jerman of Essex and Macaig of Williston,

H. 31. An act relating to the use of colored lights by enforcement and emergency vehicles.

Rd 1st t and ref to the C on Trans, 38.

By Representatives Potter of Clarendon, Bissonnette of Winooski, Burke of Brattleboro, Kilmartin of Newport City, Lanpher of Vergennes, McCarthy of St. Albans City and Russell of Rutland City,

H. 32. An act relating to establishing a uniform statewide standard for culvert replacement.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 38.

By Representative Deen of Westminster,

H. 33. An act relating to the acceptable management practices for timber harvesting.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 38.

By Representatives Potter of Clarendon, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Devereux of Mount Holly, Fagan of Rutland City, Hebert of Vernon, Malcolm of Pawlet, Russell of Rutland City, Shaw of Pittsford and Terenzini of Rutland Town,

H. 34. An act relating to rail crossing projects in West Rutland.

Rd 1st t and ref to the C on Trans, 38.

By Representative Till of Jericho,

H. 35. An act relating to establishing a no-fault compensation program for medical malpractice claims involving primary care physicians.

Rd 1st t and ref to the C on Judic, 39.

By Representatives Russell of Rutland City, Cupoli of Rutland City, Fagan of Rutland City and Gage of Rutland City,

H. 36. An act relating to rental assistance.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 40.

By Representatives Consejo of Sheldon, Evans of Essex, Hubert of Milton, Martin of Wolcott, Mook of Bennington and Townsend of South Burlington,

H. 37. An act relating to the State Reptile.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 40.

By Representatives Grad of Moretown, Donaghy of Poultney, Fay of St. Johnsbury, Lippert of Hinesburg, Marek of Newfane, Potter of Clarendon, Strong of Albany, Waite-Simpson of Essex and Wizowaty of Burlington,

H. 38. An act relating to primary seat belt enforcement.

Rd 1st t and ref to the C on Judic, 40.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 39. An act relating to the Public Service Board and the Department of Public Service.

Rd 1st t and ref to the C on Comm and Economic Development, 40; Rd 2nd Time, 142; Rep. Carr of Brandon rep/d for the C on Comm and Economic Development, 142; Amend of C on Comm and Economic Development agrd to, 142; 3rd rdg Ordered, 142; Rd 3rd t, 159; Passed, 159; S pro of amend not con in and C of C req/d upon mo of Rep. Carr of Brandon, 956; Speaker appt Botzow of Pownal, Marcotte of Coventry and Klein of East Montpelier as members of the C of C on the part of the H, 972; Speaker appt Cheney of Norwich to replace Klein of East Montpelier on the C of C, 1299.

By Representatives O'Sullivan of Burlington, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington, Ram of Burlington and Wright of Burlington,

H. 40. An act relating to limited first class licenses.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 40.

By Representatives Lippert of Hinesburg and Sweaney of Windsor,

H. 41. (No. 0002) An act relating to civil forfeiture of retirement payments to public officials convicted of certain crimes.

Rd 1st t and ref to the C on G O, 41; Rep. Sweaney of Windsor moved to commit bill to the C on Judic which was agrd to., 108; Rd 2nd Time, 142; Rep. Evans of Essex rep/d for the C on G O, 142; Rep/d of C on G O wdrn, 147; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 147; Rep/d of C on Judic agrd to., 151; 3rd rdg Ordered, 151; Rd 3rd t, 159; Passed, 159; S pro of amend con in, 309; Delv to the Gov on 3/19/2013; Signed by Gov on 3/20/2013.

By Representative Wizowaty of Burlington,

H. 42. An act relating to allowing voters to register and vote on the day of an election.

Rd 1st t and ref to the C on G O, 41.

By Representatives Mrowicki of Putney, Batchelor of Derby, Dakin of Chester, Donahue of Northfield, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Pugh of South Burlington, Till of Jericho, Trieber of Rockingham and Waite-Simpson of Essex,

H. 43. An act relating to the Commission on Fatherhood.

Rd 1st t and ref to the C on H S, 41.

By Representatives Canfield of Fair Haven, Browning of Arlington, Cupoli of Rutland City, Evans of Essex, Grad of Moretown, Hebert of Vernon, Juskiewicz of Cambridge, Shaw of Pittsford and Terenzini of Rutland Town,

H. 44. An act relating to an "I Support Veterans" license plate.

Rd 1st t and ref to the C on Trans, 41.

By Representative Clarkson of Woodstock,

H. 45. An act relating to prohibiting excessive and unusual motor vehicle noise.

Rd 1st t and ref to the C on Trans, 41.

By Representative Clarkson of Woodstock,

H. 46. An act relating to illuminating vehicle lights while windshield wipers are in use.

Rd 1st t and ref to the C on Trans, 42.

By the Committee on Appropriations,

H. 47. (No. 0001) An act relating to fiscal year 2013 budget adjustment.

Pl on cal for Notice on 1/18/2013, 42; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 50; Rd 2nd Time, 50; 3rd rdg Ordered, 50; Rep. Rep. Heath of

Westford spoke for the C on Appr, 50; Rep. Heath of Westford and Brennan of Colchester moved to amend the bill, 55; Which was agrd to, 55; Rd 3rd t and Passed, 55; S pro of amend con in w further amend thereto, as offd by Rep. Heath of Westford, 169; Pass the H and S on 2/26/2013; Signed by Gov on 3/7/2013; Delv to the Gov on 3/4/2013.

By Representatives Canfield of Fair Haven, Browning of Arlington, Cupoli of Rutland City, Evans of Essex, Grad of Moretown, Hebert of Vernon, Juskiewicz of Cambridge, Shaw of Pittsford and Terenzini of Rutland Town,

H. 48. An act relating to veteran eligibility for a Green Mountain passport.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 45.

By Representatives Townsend of Randolph, Canfield of Fair Haven, Grad of Moretown, Bouchard of Colchester, Browning of Arlington, Consejo of Sheldon, Cupoli of Rutland City, Deen of Westminster, Devereux of Mount Holly, Evans of Essex, Fagan of Rutland City, Frank of Underhill, Gage of Rutland City, Goodwin of Weston, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jerman of Essex, Juskiewicz of Cambridge, Klein of East Montpelier, Koch of Barre Town, Larocque of Barnet, Lawrence of Lyndon, Malcolm of Pawlet, McCormack of Burlington, Moran of Wardsboro, Quimby of Concord, Savage of Swanton, Shaw of Pittsford, Smith of New Haven, Townsend of South Burlington, Winters of Williamstown and Yantachka of Charlotte,

H. 49. An act relating to a veteran designation on motor vehicle licenses and nondriver identification cards.

Rd 1st t and ref to the C on Trans, 45.

By Representative Bartholomew of Hartland,

H. 50. (No. 0030) An act relating to the sale, transfer, or importation of pets.

Rd 1st t and ref to the C on Agri, 46; Ref to C on W & M per Rule 35(a), 554; Rd 2nd Time, 617; Rep. Bartholomew of Hartland rep/d for the C on Agri and Forest Products, 617; Rep. Johnson of Canaan rep/d for the C on W & M, 631; Rep. Bartholomew of Hartland moved to amend the rep/d of the C on Agri and Forest Products, which was agrd to., 631; Rep/d of C on Agri and Forest Products as amend agrd to, 631; 3rd rdg Ordered, 631; Rd 3rd t and Passed, 661; S pro of amend con in, 1357; Delv to the Gov on 5/9/2013; Signed by Gov on 5/14/2013.

By Representatives Marcotte of Coventry, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Cross of Winooski, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Scheuermann of Stowe and Young of Glover,

H. 51. (No. 0006) An act relating to payment of workers' compensation benefits by electronic payroll card.

Rd 1st t and ref to the C on Comm & Economic Development, 46; Rd 2nd Time, 108; Rep. Marcotte of Coventry rep/d for the C on Commerce & Economic Dev, 108; Rep/d of C on Comm & Economic Development agrd to; 109; 3rd rdg Ordered, 109; Rep. Marcotte of Coventry moved to amend the bill which was agrd to, 114; Rd 3rd t and Passed, 114; Pass the

H and S on 4/10/2013; Delv to the Gov on 4/17/2013; Signed by Gov on 4/23/2013; Signed by Gov on 4/23/2013.

By Representative Deen of Westminster,

H. 52. An act relating to municipal plans and flood resilience.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 46.

By Representative Wilson of Manchester,

H. 53. An act relating to forgery and counterfeiting.

Rd 1st t and ref to the C on Judic, 46.

By Representative Sweaney of Windsor,

H. 54. (No. 0023) An act relating to Public Records Act exemptions.

Rd 1st t and ref to the C on G O, 46; Rd 2nd Time, 782; Rep. Hubert of Milton rep/d for the C on G O, 782; Amend of C on G O agrd to and 3rd rdg Ordered, 783; Rd 3rd t and Passed, 834; Pass the H and S on 5/8/2013; Signed by Gov on 5/13/2013.

By Representative Jerman of Essex,

H. 55. An act relating to family caps for public benefits.

Rd 1st t and ref to the C on H S, 46.

By Representative Mook of Bennington,

H. 56. An act relating to public funding of some approved independent schools.

Rd 1st t and ref to the C on Edu, 47.

By Representative Cross of Winooski,

H. 57. An act relating to self-employment assistance.

Rd 1st t and ref to the C on Comm and Economic Development, 47; Rd 2nd Time, 151; Rep. Cross of Winooski rep/d for the C on Comm and Economic Development, 151; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 154; Rd 3rd t, 159; Passed, 159.

By Representatives Yantachka of Charlotte and Bouchard of Colchester,

H. 58. An act relating to the warranty obligations of suppliers and machinery dealerships.

Rd 1st t and ref to the C on Comm and Economic Development, 47.

By Representatives Potter of Clarendon, Canfield of Fair Haven and Grad of Moretown,

H. 59. An act relating to the Vermont Veterans' Medal.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 47.

By Representatives Donovan of Burlington, Ancel of Calais, Bartholomew of Hartland, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Cross of Winooski, Dakin of Chester, Ellis of Waterbury, Fay of St. Johnsbury, Frank of Underhill, Head of South Burlington, Jerman of Essex, Kitzmiller of Montpelier, Klein of East

Montpelier, Komline of Dorset, Krowinski of Burlington, Lanpher of Vergennes, Lewis of Berlin, Lippert of Hinesburg, Macaig of Williston, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Miller of Shaftsbury, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Sharpe of Bristol, South of St. Johnsbury, Stevens of Shoreham, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Vowinkel of Hartford, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte and Zagar of Barnard,

H. 60. An act relating to providing state financial support for school meals for children of low-income households.

Rd 1st t and ref to the C on Edu, 47; Ref to C on Appr per Rule 35(a), 101; Rd 2nd Time, 572; Rep. Donovan of Burlington spoke for the C on Edu, 572; Amend of C on Appr agrd to, 573; 3rd rdg Ordered, 573; R C Yeas = 120, Nays = 10, 573; Rd 3rd t and Passed, 584.

By Representatives Till of Jericho and Donahue of Northfield,

H. 61. An act relating to law enforcement officer licensing and regulation.

Rd 1st t and ref to the C on G O, 51.

By Representatives O'Brien of Richmond, Christie of Hartford, Heath of Westford, Keenan of St. Albans City, Manwaring of Wilmington, Pearce of Richford, Ram of Burlington, Till of Jericho, Toll of Danville, Waite-Simpson of Essex, Winters of Williamstown and Wizowaty of Burlington,

H. 62. An act relating to prohibiting the handheld use of a portable electronic device while driving.

Rd 1st t and ref to the C on Judic, 51.

By Representative Sweaney of Windsor,

H. 63. (No. 0003) An act relating to repealing an annual survey of municipalities.

Rd 1st t and ref to the C on G O, 52; Rd 2nd Time, 66; Rep. Consejo of Sheldon spoke for the C on G O, 66; 3rd rdg Ordered, 66; Rd 3rd t and Passed, 79; Pass the H and S on 3/19/2013; Delv to the Gov on 3/26/2013; Signed by Gov on 3/27/2013.

By Representatives Sweaney of Windsor, Davis of Washington, McFaun of Barre Town and Poirier of Barre City,

H. 64. An act relating to fair-share fees.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 52.

By Representatives Lippert of Hinesburg, O'Brien of Richmond, Conquest of Newbury, Goodwin of Weston, Grad of Moretown, Keenan of St. Albans

City, Marek of Newfane, Miller of Shaftsbury, Waite-Simpson of Essex and Wizowaty of Burlington,

H. 65. (No. 0071) An act relating to limited immunity from liability for reporting a drug or alcohol overdose.

Rd 1st t and ref to the C on Judic, 52; Rep. Lippert of Hinesburg moved to postp act until 3/21/2013 which was agrd to, 373; Rd 2nd Time, 508; Rep. Lippert of Hinesburg rep/d for the C on Judic, 508; Amend of C on Judic agrd to and 3rd rdg Ordered, 510; Amend as offd by Rep. Donahue of Northfield agrd to, 526; Rd 3rd t and Passed, 526; S pro of amend con in, 1563; Signed by Gov on 6/5/13.

By Representative Condon of Colchester,

H. 66. An act relating to the allocation of revenue raised from break-open tickets.

Rd 1st t and ref to the C on W & M, 56.

By Representatives Consejo of Sheldon, Cole of Burlington, Mook of Bennington, Townsend of Randolph and Townsend of South Burlington,

H. 67. An act relating to the transport of election ballots by town clerks after a recount.

Rd 1st t and ref to the C on G O, 56; Rd 2nd Time, 129; Rep. Townsend of South Burlington rep/d for the C on G O, 129; Amend of C on G O agrd to, 129; 3rd rdg Ordered, 129; Rd 3rd t and Passed, 135.

By Representative Till of Jericho,

H. 68. An act relating to continuing medical education requirements.

Rd 1st t and ref to the C on H S, 56.

By Representatives Dickinson of St. Albans Town, Koch of Barre Town and Moran of Wardsboro,

H. 69. An act relating to licensed alcohol and drug abuse counselors as participating providers in Medicaid.

Rd 1st t and ref to the C on H S, 56.

By Representatives Frank of Underhill, Burditt of West Rutland, Cheney of Norwich, French of Randolph, Koch of Barre Town, Krowinski of Burlington, McFaun of Barre Town, Trieber of Rockingham and Wilson of Manchester,

H. 70. An act relating to prohibiting smoking in a motor vehicle when a child is present.

Rd 1st t and ref to the C on Trans, 56.

By Representatives Frank of Underhill and Krowinski of Burlington,

H. 71. (No. 0014) An act relating to tobacco products.

Rd 1st t and ref to the C on H S, 57; Rep. Pugh of South Burlington moved to postp act until 2/28/2013 which was agrd to, 256; Rd 2nd Time, 264; Rep. Krowinski of Burlington rep/d for the C on H S, 264; Amend of C on H S agrd to and 3rd rdg Ordered, 267; Amend as offd by Rep. Krowinski of Burlington agrd to, 282; Rd 3rd t and Passed, 283; S pro of amend con in, 848; Signed by Gov on 5/3/2013.

By Representative O'Brien of Richmond,

H. 72. An act relating to accessory dwellings in flood hazard areas.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 57.

By Representative Pugh of South Burlington,

H. 73. An act relating to the Office of the Child Advocate.

Rd 1st t and ref to the C on H S, 57.

By Representatives Moran of Wardsboro and Grad of Moretown,

H. 74. An act relating to nonjudicial discipline.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 57.

By Representative Clarkson of Woodstock,

H. 75. An act relating to returning unused property tax adjustment funds to the Education Fund.

Rd 1st t and ref to the C on W & M, 57.

By Representatives Donahue of Northfield, Batchelor of Derby, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Carr of Brandon, Christie of Hartford, Consejo of Sheldon, Dakin of Chester, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Fisher of Lincoln, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Hebert of Vernon, Jerman of Essex, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krowinski of Burlington, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McFaun of Barre Town, Mrowicki of Putney, Myers of Essex, O'Brien of Richmond, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Shaw of Derby, Stevens of Waterbury, Strong of Albany, Stuart of Brattleboro, Terenzini of Rutland Town, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Trieber of Rockingham, Waite-Simpson of Essex, Weed of Enosburgh and Wizowaty of Burlington,

H. 76. An act relating to preservation of the Vermont State Hospital cemetery.

Rd 1st t and ref to the C on Corrections and Insti, 57.

By Representative Till of Jericho,

H. 77. An act relating to health insurance prior authorizations.

Rd 1st t and ref to the C on H C, 58.

By Representatives Fagan of Rutland City, Cupoli of Rutland City, Gage of Rutland City, Russell of Rutland City and Terenzini of Rutland Town,

H. 78. An act relating to bail, conditions of release, and the possession of a dangerous or deadly weapon.

Rd 1st t and ref to the C on Judic, 58.

By Representatives Fagan of Rutland City, Cupoli of Rutland City, Gage of Rutland City, Russell of Rutland City and Terenzini of Rutland Town,

H. 79. An act relating to penalties for the sale of regulated drugs in a dwelling.

Rd 1st t and ref to the C on Judic, 58.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Townsend of South Burlington,

H. 80. An act relating to the creation of a tax increment financing district.

Rd 1st t and ref to the C on W & M, 59.

By Representative Stevens of Waterbury,

H. 81. An act relating to reconsideration or rescission of votes taken by Australian ballot.

Rd 1st t and ref to the C on G O, 59.

By Representatives Hubert of Milton, Bouchard of Colchester, Devereux of Mount Holly, Dickinson of St. Albans Town, Evans of Essex, Gage of Rutland City, Hebert of Vernon, Juskiewicz of Cambridge, Lewis of Berlin, Martin of Wolcott, Mitchell of Fairfax, Mook of Bennington, Myers of Essex, Savage of Swanton, Strong of Albany, Sweaney of Windsor, Townsend of Randolph and Townsend of South Burlington,

H. 82. An act relating to adopting a statewide calendar for public schools.

Rd 1st t and ref to the C on Edu, 59.

By Representatives Yantachka of Charlotte and McCullough of Williston,

H. 83. An act relating to green burials.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 59.

By Representatives Stevens of Waterbury, Conquest of Newbury, Consejo of Sheldon, McCarthy of St. Albans City, Savage of Swanton, Webb of Shelburne and Zagar of Barnard,

H. 84. An act relating to the Office of Native American Affairs.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 59.

By Representatives Grad of Moretown, Buxton of Tunbridge, Krowinski of Burlington, Ram of Burlington, Donahue of Northfield, French of Randolph, Lenes of Shelburne and Moran of Wardsboro,

H. 85. An act relating to Medicaid benefits for U visa holders.

Rd 1st t and ref to the C on H S, 60.

By Representatives Krebs of South Hero, Johnson of South Hero, McCullough of Williston and Webb of Shelburne,

H. 86. An act relating to noise levels of motorboats.

Rd 1st t and ref to the C on Trans, 62.

By Representatives Wilson of Manchester, Browning of Arlington, Evans of Essex, Jerman of Essex, Macaig of Williston, Myers of Essex and Waite-Simpson of Essex,

H. 87. An act relating to prorating the cost of property tax appeals.

Rd 1st t and ref to the C on W & M, 62.

By Representatives Mrowicki of Putney, Ram of Burlington, Manwaring of Wilmington, Toll of Danville, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Cross of Winooski, Dakin of Chester, Deen of Westminster, Donovan of Burlington, Evans of Essex, Fay of St. Johnsbury, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Jerman of Essex, Krowinski of Burlington, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, Marek of Newfane, Martin of Springfield, Masland of Thetford, McCarthy of St. Albans City, Miller of Shaftsbury, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Rachelson of Burlington, Sharpe of Bristol, Stuart of Brattleboro, Till of Jericho, Townsend of South Burlington, Trieber of Rockingham, Waite-Simpson of Essex, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

H. 88. An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

Rd 1st t and ref to the C on Judic, 62.

By Representative Heath of Westford,

H. 89. An act relating to ensuring access to mental health services in Vermont public schools.

Rd 1st t and ref to the C on Edu, 63.

By Representatives Hubert of Milton, Dickinson of St. Albans Town and Savage of Swanton,

H. 90. An act relating to entering into a statewide contract with public school teachers.

Rd 1st t and ref to the C on Edu, 63.

By Representative Donaghy of Poultney,

H. 91. An act relating to alcoholic beverage sampling.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 63.

By Representatives Fagan of Rutland City, Burditt of West Rutland, Cupoli of Rutland City, Gage of Rutland City, Russell of Rutland City and Terenzini of Rutland Town,

H. 92. An act relating to powers of municipalities.

Rd 1st t and ref to the C on G O, 63.

By Representatives Hubert of Milton, Burditt of West Rutland, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Evans of Essex, Hebert of Vernon, Juskiewicz of Cambridge, Townsend of Randolph and Winters of Williamstown,

H. 93. An act relating to casino gaming.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 64.

By Representatives Ancel of Calais and Heath of Westford,

H. 94. An act relating to reporting and disclosure of heating fuel prices.

Rd 1st t and ref to the C on Comm and Economic Development, 70.

By Representatives Botzow of Pownal, Kitzmiller of Montpelier and Marcotte of Coventry,

H. 95. (No. 0043) An act relating to unclaimed life insurance benefits.

Rd 1st t and ref to the C on Comm and Economic Development, 70; Rep. Kitzmiller of Montpelier moved to postp act until 3/21/2013 which was agrd to, 382; Rd 2nd Time, 465; Rep. Kupersmith of South Burlington rep/d for the C on Comm and Economic Development, 465; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 468; Rd 3rd t and Passed, 513; S pro of amend con in w further amend thereto, as offd by Rep. Kupersmith of South Burlington, 1054; Pass the H and S on 5/8/2013; Signed by Gov on 5/21/2013.

By Representatives Poirier of Barre City and Davis of Washington,

H. 96. An act relating to state regulation of the retail propane industry.

Rd 1st t and ref to the C on Comm and Economic Development, 70.

By Representatives Hebert of Vernon, Batchelor of Derby, Beyor of Highgate, Bouchard of Colchester, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Cupoli of Rutland City, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Feltus of Lyndon, Gage of Rutland City, Goodwin of Weston, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jerman of Essex, Juskiewicz of Cambridge, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Manwaring of Wilmington, Marek of Newfane, Mitchell of Fairfax, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Partridge of Windham, Pearce of Richford, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Strong of Albany, Stuart of Brattleboro, Terenzini of Rutland Town, Toleno of Brattleboro, Trieber of Rockingham, Winters of Williamstown, Wright of Burlington and Yantachka of Charlotte,

H. 97. An act relating to radioactive waste disposal fees assessed on small generators.

Rd 1st t and ref to the C on N R & E, 70.

By Representatives Emmons of Springfield, Dakin of Chester and Martin of Springfield,

H. 98. An act relating to labeling of roll-off dumpsters.

Rd 1st t and ref to the C on Comm and Economic Development, 71.

By Representatives Krowinski of Burlington, Burke of Brattleboro, Buxton of Tunbridge, Clarkson of Woodstock, Cole of Burlington, French of Randolph, Lanpher of Vergennes, Lenex of Shelburne, Macaig of Williston, Martin of Springfield, McCormack of Burlington, Michelsen of Hardwick, Mook of Bennington, Moran of Wardsboro, Myers of Essex, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Pugh of South Burlington, Ram of Burlington, Sharpe of Bristol, South of St. Johnsbury, Stevens of Waterbury, Taylor of Barre City, Till of Jericho, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington and Zagar of Barnard,

H. 99. (No. 0031) An act relating to equal pay.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 71; Rep. Head of South Burlington moved to commit bill to the C on Judic which was agrd to., 158; Rd 2nd Time, 382; Rep. Stevens of Waterbury rep/d for the C on General, Housing and Military Affairs, 382; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 391; Rep. Stevens of Waterbury asked and was granted lv to wdr amend, 401; Amend of C on Judic agrd to, 401; R C Yeas = 106, Nays = 26, 401; 3rd rdg Ordered, 401; Amend as offd by Rep. Dickinson of St. Albans Town agrd to, 454; Amend as offd by Rep. Bouchard of Colchester disaagr to, 454; Rd 3rd t, 454; Passed, 454; R C Yeas = 115, Nays = 22, 455; S pro of amend con in, 1289; Signed by Gov on 5/14/2013.

By Representative Wizowaty of Burlington,

H. 100. An act relating to expanding the Commission on Women to include a member of the Progressive Party.

Rd 1st t and ref to the C on G O, 72.

By Representative Deen of Westminster,

H. 101. (No. 0078) An act relating to hunting, fishing, and trapping.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 72; Ref to C on W & M per Rule 35(a), 294; Rd 2nd Time, 632; Rep. McCullough of Williston rep/d for the C on Fish, Wildlife & Water Resources, 632; Rep. Masland of Thetford rep/d for the C on W & M, 656; Rep. Johnson of Canaan, Malcolm of Pawlet, Smith of New Haven, and Winters of Williamstown moved to amend the rep/d of the C on Fish, Wildlife & Water Resources, which was agrd to., 646; Rep/d of C on Fish, Wildlife & Water Resources as amend agrd to, 647; 3rd rdg Ordered, 647; Amend as offd by Rep. Johnson of Canaan agrd to, 661; Amend as offd by Rep. McCullough of Williston agrd to, 661; Rd 3rd t and Passed, 662; S pro of amend con in w further amend thereto, as offd by Rep. McCullough of Williston, 1374; Pass the H and S on 5/8/2013; Signed by Gov on 6/7/13.

By Representative Deen of Westminster,

H. 102. An act relating to hunting.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 72.

By Representatives Fagan of Rutland City, Burditt of West Rutland, Cupoli of Rutland City, Gage of Rutland City, Russell of Rutland City and Terenzini of Rutland Town,

H. 103. An act relating to the use or sale of drugs on abandoned property.

Rd 1st t and ref to the C on Judic, 72.

By Representatives Koch of Barre Town, Buxton of Tunbridge, Donahue of Northfield, McFaun of Barre Town and Stevens of Shoreham,

H. 104. An act relating to a revision of Vermont's campaign finance laws.

Rd 1st t and ref to the C on G O, 72.

By Representatives Haas of Rochester, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney, Pugh of South Burlington and Trieber of Rockingham,

H. 105. (No. 0046) An act relating to adult protective services reporting requirements.

Rd 1st t and ref to the C on H S, 73; Rd 2nd Time, 404; Rep. Haas of Rochester rep/d for the C on H S, 404; Amend of C on H S agrd to and 3rd rdg Ordered, 408; Rd 3rd t and Passed, 459; Act postp to next legislative day as moved by Rep. Haas of Rochester, 1055; S pro of amend con in, 1077; Signed by Gov on 5/24/13.

By Representative Botzow of Pownal,

H. 106. An act relating to unexpected intoxication by medical prescription as a criminal defense.

Rd 1st t and ref to the C on Judic, 73.

By Representative Fisher of Lincoln,

H. 107. (No. 0079) An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board.

Rd 1st t and ref to the C on H C, 73; Ref to C on W & M per Rule 35(a), 296; C relv/d of further cons on mo of Rep. Ancel of Calais and pl on the cal for Notice on 3/15/2013, 309; Rd 2nd Time, 333; Rep. Rep. Woodward of Johnson rep/d for the C on H C, 333; Amend as offd by Rep. Browning of Arlington disaagr to, 366; R C Yeas = 44, Nays = 94, 368; Amend as offd by Rep. Hubert of Milton agrd to, 370; R C Yeas = 139, Nays = 0, 371; Amend of C on H C agrd to and 3rd rdg Ordered, 372; Amend as offd by Rep. Donahue of Northfield and Donovan of Burlington agrd to, 452; Rd 3rd t and Passed, 453; S pro of amend con in, 1791; Signed by Gov on 6/7/13.

By Representative Manwaring of Wilmington,

H. 108. An act relating to technical school attendance in another state.

Rd 1st t and ref to the C on Edu, 73.

By Representatives O'Sullivan of Burlington, Till of Jericho, Bouchard of Colchester, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Connor of Fairfield, Dakin of Chester, Davis of Washington, Dickinson of St. Albans Town, Evans of Essex, Fay of St. Johnsbury, French of Randolph, Haas of Rochester, Heath of Westford, Jerman of Essex, Keenan of St. Albans City, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Lenex of Shelburne, Lippert of Hinesburg, Macaig of Williston, Manwaring of Wilmington, Martin of Springfield, Martin of Wolcott, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, O'Brien of Richmond, Partridge of Windham, Pearson of Burlington, Rachelson of Burlington, Ram of Burlington, Smith of New Haven, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Toll of Danville, Townsend of Randolph, Townsend of South Burlington, Vowinkel of Hartford, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wizowaty of Burlington and Yantachka of Charlotte,

H. 109. An act relating to the National Guard's efforts to prevent sexual assault.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 73.

By Representative McCullough of Williston,

H. 110. An act relating to establishing a therapeutic group fishing license.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 74.

By Representative McCullough of Williston,

H. 111. An act relating to disbursements from the Petroleum Cleanup Fund to address potential releases from underground or aboveground storage tanks.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 74.

By Representatives Webb of Shelburne, Bartholomew of Hartland, Zagar of Barnard, Partridge of Windham, McCullough of Williston, Bissonnette of Winooski, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Cross of Winooski, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Frank of Underhill, French of Randolph, Head of South Burlington, Hooper of Montpelier, Keenan of St. Albans City, Krowinski of Burlington, Lanpher of Vergennes, Lenex of Shelburne, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, Miller of Shaftsbury, Mrowicki of Putney, Nuovo of Middlebury, Pearson of Burlington, Peltz of Woodbury,

Rachelson of Burlington, Ram of Burlington, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Waite-Simpson of Essex, Wizowaty of Burlington and Woodward of Johnson,

H. 112. An act relating to the labeling of food produced with genetic engineering.

Rd 1st t and ref to the C on Agri, 74; Rep. Bartholomew of Hartland moved to commit bill to the C on Judic which was agrd to., 299; Rd 2nd Time, 1451; Rep. Zagar of Barnard rep/d for the C on Agri and Forest Products, 1451; Rep. Conquest of Newbury, recommended for the C on Judic, 1459; Amend of C on Agri and Forest Products agrd to, 1460; Rep. Michelsen of Hardwick, Toleno of Brattleboro, and Zagar of Barnard moved to amend the bill which was agrd to, 1460; 3rd rdg Ordered, 1463; R C Yeas = 107, Nays = 38, 1463; Amend as offd by Rep. Donahue of Northfield disaagr to, 1495; Amend as offd by Rep. Johnson of Canaan disaagr to, 1497; R C Yeas = 45, Nays = 91, 1500; Rd 3rd t, 1502; Passed, 1502; R C Yeas = 99, Nays = 42, 1502.

By Representatives Donahue of Northfield, Burditt of West Rutland, Gage of Rutland City, Grad of Moretown, Koch of Barre Town, Waite-Simpson of Essex, Webb of Shelburne and Woodward of Johnson,

H. 113. An act relating to probable cause hearings for mental health admissions.

Rd 1st t and ref to the C on Judic, 75.

By Representatives Till of Jericho, Buxton of Tunbridge, Cole of Burlington, Dakin of Chester, Dickinson of St. Albans Town, Evans of Essex, Jerman of Essex, Mook of Bennington, O'Sullivan of Burlington, Townsend of South Burlington and Wizowaty of Burlington,

H. 114. An act relating to immunization against pertussis.

Rd 1st t and ref to the C on H C, 75.

By Representatives Donahue of Northfield, Burditt of West Rutland, Devereux of Mount Holly, Dickinson of St. Albans Town, French of Randolph, Koch of Barre Town, Moran of Wardsboro, Spengler of Colchester and Woodward of Johnson,

H. 115. An act relating to the Mental Health Resource and Referral Registry.

Rd 1st t and ref to the C on H S, 75; Cmt'd to C on H C by mo of Rep. Pugh of South Burlington, 617.

By Representative Fisher of Lincoln,

H. 116. An act relating to health care administration.

Rd 1st t and ref to the C on H C, 75.

By Representatives Sharpe of Bristol, Clarkson of Woodstock, Frank of Underhill, Greshin of Warren, Heath of Westford, Masland of Thetford, Mrowicki of Putney, Russell of Rutland City and Toleno of Brattleboro,

H. 117. An act relating to state regulation of the retail propane industry.

Rd 1st t and ref to the C on Comm and Economic Development, 76.

By Representatives Poirier of Barre City, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Bouchard of Colchester, Burditt of West Rutland, Buxton of Tunbridge, Campion of Bennington, Conquest of Newbury, Cross of Winooski, Cupoli of Rutland City, Davis of Washington, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Fagan of Rutland City, Feltus of Lyndon, Gage of Rutland City, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Juskiewicz of Cambridge, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lewis of Berlin, McCormack of Burlington, McFaun of Barre Town, Mitchell of Fairfax, Myers of Essex, O'Sullivan of Burlington, Quimby of Concord, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Shaw of Derby, Strong of Albany, Terenzini of Rutland Town and Winters of Williamstown,

H. 118. An act relating to repealing the employer assessment.

Rd 1st t and ref to the C on H C, 76.

By Representatives Waite-Simpson of Essex and Jerman of Essex,

H. 119. An act relating to the scope of the pious property exemption from state and local property taxes.

Rd 1st t and ref to the C on W & M, 76.

By Representative Waite-Simpson of Essex,

H. 120. An act relating to excluding retirement contributions by self-employed individuals from the calculation of household income.

Rd 1st t and ref to the C on W & M, 77.

By Representatives Wizowaty of Burlington, Bissonnette of Winooski, Burditt of West Rutland, Cole of Burlington, Connor of Fairfield, Conquest of Newbury, Cross of Winooski, Dakin of Chester, Donahue of Northfield, Fisher of Lincoln, Frank of Underhill, French of Randolph, Hooper of Montpelier, Keenan of St. Albans City, Krowinski of Burlington, Lenex of Shelburne, Malcolm of Pawlet, Marek of Newfane, Masland of Thetford, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Poirier of Barre City, Potter of Clarendon, Toll of Danville, Trieber of Rockingham, Weed of Enosburgh and Zagar of Barnard,

H. 121. An act relating to law enforcement access to prescription records at pharmacies.

Rd 1st t and ref to the C on Judic, 77.

By Representatives Waite-Simpson of Essex, Ancel of Calais, Botzow of Pownal, Conquest of Newbury, Cross of Winooski, Pugh of South Burlington, Ram of Burlington, Russell of Rutland City, Townsend of South Burlington and Yantachka of Charlotte,

H. 122. An act relating to nonschool recreational use of public school property.

Rd 1st t and ref to the C on Edu, 77.

By Representatives Dickinson of St. Albans Town, Botzow of Pownal, Browning of Arlington, Campion of Bennington, Carr of Brandon, Christie of Hartford, Clarkson of Woodstock, Connor of Fairfield, Frank of Underhill, French of Randolph, Gage of Rutland City, Hebert of Vernon, Krebs of South Hero, Lenes of Shelburne, Lippert of Hinesburg, Mrowicki of Putney, O'Sullivan of Burlington, Poirier of Barre City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Spengler of Colchester, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Terenzini of Rutland Town, Townsend of South Burlington, Waite-Simpson of Essex, Webb of Shelburne, Winters of Williamstown, Woodward of Johnson and Yantachka of Charlotte,

H. 123. An act relating to Lyme disease and other tick-borne illnesses.

Rd 1st t and ref to the C on H C, 77.

By Representatives Waite-Simpson of Essex, Greshin of Warren, Mrowicki of Putney, Ancel of Calais, Clarkson of Woodstock, Cole of Burlington, Cross of Winooski, Deen of Westminster, Martin of Springfield, Ram of Burlington, Stevens of Waterbury and Yantachka of Charlotte,

H. 124. An act relating to firearms regulation.

Rd 1st t and ref to the C on Judic, 78.

By Representatives Waite-Simpson of Essex, Deen of Westminster, Mrowicki of Putney, Ram of Burlington, Stevens of Waterbury and Yantachka of Charlotte,

H. 125. An act relating to unlawful firearm disposition and firearm safety training.

Rd 1st t and ref to the C on G O, 78.

By Representative Lippert of Hinesburg,

H. 126. An act relating to public inspection of electronic control devices used by law enforcement officers.

Rd 1st t and ref to the C on G O, 78; Rep. Sweaney of Windsor moved to commit bill to the C on Judic which was agrd to., 216.

By Representatives Waite-Simpson of Essex, Ram of Burlington and Townsend of South Burlington,

H. 127. An act relating to continuing child support orders past the age of majority when a child has a mental or physical disability or is enrolled in vocational or higher education.

Rd 1st t and ref to the C on Judic, 80.

By Representative Brennan of Colchester,

H. 128. An act relating to municipal authority to regulate the possession, use, and manufacture of knives.

Rd 1st t and ref to the C on G O, 80.

By Representatives Brennan of Colchester, Batchelor of Derby, Beyor of Highgate, Hubert of Milton, Johnson of Canaan, Juskiewicz of Cambridge, Larocque of Barnet, Shaw of Pittsford and Winters of Williamstown,

H. 129. An act relating to authorizing a person to carry a handgun while hunting with a bow and arrow or training hunting dogs.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 80.

By Representatives Martin of Springfield and Emmons of Springfield,

H. 130. An act relating to confidentiality of pension records of a retired state employee.

Rd 1st t and ref to the C on G O, 81.

By Representatives Malcolm of Pawlet, Canfield of Fair Haven and Potter of Clarendon,

H. 131. (No. 0024) An act relating to harvesting guidelines and procurement standards.

Rd 1st t and ref to the C on Agri, 81; Rep. Partridge of Windham moved to commit bill to the C on N R & E which was agrd to., 101; Rd 2nd Time, 129; Rep. Malcolm of Pawlet rep/d for the C on N R & E, 129; 3rd rdg Ordered, 129; Rd 3rd t and Passed, 135; S pro of amend not con in and C of C req/d upon mo of Rep. Malcolm of Pawlet, 711; Speaker appt Malcolm of Pawlet, Klein of East Montpelier and Canfield of Fair Haven as members of the C of C on the part of the H, 712; C of C rep/d agrd to, 1267; Signed by Gov on 5/13/2013.

By Representatives Ram of Burlington, Bissonnette of Winooski, Clarkson of Woodstock, Cole of Burlington, Dakin of Chester, Evans of Essex, Grad of Moretown, Lenes of Shelburne, Miller of Shaftsbury, Russell of Rutland City, Stevens of Waterbury, Toll of Danville, Vowinkel of Hartford, Waite-Simpson of Essex and Wilson of Manchester,

H. 132. An act relating to law enforcement requests for location information from wireless telecommunications service providers.

Rd 1st t and ref to the C on G O, 81.

By Representatives Bouchard of Colchester, Condon of Colchester, Batchelor of Derby, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cross of Winooski, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Gage of Rutland City, Hebert of Vernon, Higley of Lowell, Juskiewicz of Cambridge, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, McFaun of Barre Town, Myers of Essex, Quimby of Concord, Savage of Swanton, Shaw of Derby, Smith of New Haven and Winters of Williamstown,

H. 133. An act relating to declaring August 10 and 11, 2013, a state sales tax holiday.

Rd 1st t and ref to the C on W & M, 81.

By Representative Krebs of South Hero,

H. 134. An act relating to stormwater permits for telecommunications facilities.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 82.

By Representatives Mrowicki of Putney, French of Randolph, Lenes of Shelburne, McCarthy of St. Albans City and Waite-Simpson of Essex,

H. 135. An act relating to penalties for violating the child restraint system law.

Rd 1st t and ref to the C on Trans, 82.

By Representatives Till of Jericho, Botzow of Pownal, Heath of Westford, Keenan of St. Albans City, Macaig of Williston, Stevens of Waterbury, Stuart of Brattleboro, Townsend of South Burlington and Yantachka of Charlotte,

H. 136. (No. 0025) An act relating to cost-sharing for preventive services.

Rd 1st t and ref to the C on H C, 82; Rd 2nd Time, 322; Rep. Till of Jericho rep/d for the C on H C, 322; 3rd rdg Ordered, 325; Rd 3rd t and Passed, 413; S pro of amend con in, 1357; Signed by Gov on 5/13/2013.

By Representatives Till of Jericho, Bissonnette of Winooski, Dakin of Chester, Evans of Essex, Jerman of Essex, Lenes of Shelburne, Nuovo of Middlebury, Russell of Rutland City, Stevens of Waterbury, Townsend of South Burlington and Woodward of Johnson,

H. 137. An act relating to raising the cigarette and tobacco products tax rates.

Rd 1st t and ref to the C on W & M, 82.

By Representatives Till of Jericho, Bissonnette of Winooski, Clarkson of Woodstock, Dakin of Chester, Jerman of Essex and Martin of Springfield,

H. 138. An act relating to the immunization rates of students attending public schools.

Rd 1st t and ref to the C on H C, 83.

By Representatives Jerman of Essex and Cheney of Norwich,

H. 139. An act relating to funding postclosure activities at nuclear energy generating plants.

Rd 1st t and ref to the C on N R & E, 83.

By Representatives Pugh of South Burlington, Haas of Rochester, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney and Trieber of Rockingham,

H. 140. An act relating to Choices for Care.

Rd 1st t and ref to the C on H S, 83; Ref to C on Appr per Rule 35(a), 321.

By Representative Johnson of Canaan,

H. 141. An act relating to the compensation of the members of the district environmental commissions.

Rd 1st t and ref to the C on N R & E.

By Representative Johnson of Canaan,

H. 142. An act relating to repealing certain requirements for forestlands in the Use Value Appraisal Program.

Rd 1st t and ref to the C on Agri, 83.

By Representative Johnson of Canaan,

H. 143. An act relating to municipal land use bylaws and residential care or group homes.

Rd 1st t and ref to the C on G O, 84; Rep. Sweaney of Windsor moved to commit bill to the C on Fish, Wildlife & Water Resources which was agrd to., 217.

By Representative Johnson of Canaan,

H. 144. An act relating to on-the-record appeals from the district environmental commissions.

Rd 1st t and ref to the C on N R & E, 84.

By Representative Johnson of Canaan,

H. 145. An act relating to water quality and the application of manure .

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 84.

By Representatives Martin of Wolcott, Townsend of Randolph and Woodward of Johnson,

H. 146. An act relating to the creation of an official sign for posting land to prohibit the taking of game, wild animals, and fish.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 84.

By Representatives Poirier of Barre City, Browning of Arlington, Buxton of Tunbridge, Dakin of Chester, Davis of Washington, McCormack of Burlington, Mitchell of Fairfax, Pearson of Burlington, Spengler of Colchester, Till of Jericho, Wizowaty of Burlington and Woodward of Johnson,

H. 147. An act relating to the Office of Health Care Consumer Protection.

Rd 1st t and ref to the C on H C, 84.

By Representatives Clarkson of Woodstock, Cheney of Norwich, Evans of Essex, Miller of Shaftsbury and Waite-Simpson of Essex,

H. 148. An act relating to dental and vision coverage.

Rd 1st t and ref to the C on H C, 85.

By Representatives Sharpe of Bristol, Cole of Burlington, Komline of Dorset, Kupersmith of South Burlington, Manwaring of Wilmington, Marcotte

of Coventry, Masland of Thetford, Nuovo of Middlebury, Stevens of Shoreham, Toleno of Brattleboro and Townsend of Randolph,

H. 149. An act relating to requiring a standards-based performance assessment prior to graduation from secondary school.

Rd 1st t and ref to the C on Edu, 85.

By Representatives Clarkson of Woodstock, Branagan of Georgia, Cheney of Norwich, Condon of Colchester, Evans of Essex, Ram of Burlington and Sharpe of Bristol,

H. 150. An act relating to tuition payments to out-of-state independent schools.

Rd 1st t and ref to the C on Edu, 85.

By Representatives Clarkson of Woodstock, Cheney of Norwich, Ellis of Waterbury, Masland of Thetford and Potter of Clarendon,

H. 151. An act relating to public schools serving as community emergency shelters.

Rd 1st t and ref to the C on Edu, 85.

By Representative Johnson of Canaan,

H. 152. An act relating to the Route 102 resurfacing project.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 85; Rep. Deen of Westminster moved to susp/d R and take up bill for immediate cons, 771; Rep. Deen of Westminster moved to commit bill to the C on Trans which was agrd to., 771.

By Representatives Lippert of Hinesburg and Dickinson of St. Albans Town,

H. 153. An act relating to branding the titles of flooded motor vehicles.

Rd 1st t and ref to the C on Trans, 86.

By Representatives Clarkson of Woodstock, Cheney of Norwich, Evans of Essex, Heath of Westford and Masland of Thetford,

H. 154. An act relating to requirements for older drivers to obtain or renew operator's licenses.

Rd 1st t and ref to the C on Trans, 86.

By Representative Bissonnette of Winooski,

H. 155. An act relating to gambling at a gaming house.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 86.

By Representative Krowinski of Burlington,

H. 156. An act relating to unlawful trespass.

Rd 1st t and ref to the C on Judic, 86.

By Representative McCullough of Williston,

H. 157. An act relating to illegal wiretapping.

Rd 1st t and ref to the C on Judic, 91.

By Representative Conquest of Newbury,

H. 158. An act relating to disorderly conduct.

Rd 1st t and ref to the C on Judic, 91.

By Representatives McCullough of Williston, Deen of Westminster and Webb of Shelburne,

H. 159. An act relating to the regulation of stream alteration.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 92.

By Representatives Cupoli of Rutland City, Devereux of Mount Holly and Gage of Rutland City,

H. 160. An act relating to substance abuse testing and treatment for recipients of public assistance.

Rd 1st t and ref to the C on H S, 92.

By Representatives Botzow of Pownal, Corcoran of Bennington, Haas of Rochester, Lanpher of Vergennes, Marcotte of Coventry, Partridge of Windham and Shaw of Derby,

H. 161. An act relating to prohibiting the use of portable electronic devices in work zones.

Rd 1st t and ref to the C on Trans, 92.

By Representative Condon of Colchester,

H. 162. An act relating to creating a tiered benefit structure in the Use Value Program.

Rd 1st t and ref to the C on W & M, 92.

By Representative Condon of Colchester,

H. 163. An act relating to exempting prewritten software from Vermont's sales and use tax when accessed remotely.

Rd 1st t and ref to the C on W & M, 92.

By Representative Condon of Colchester,

H. 164. An act relating to the simplification of the statewide education property tax by reducing the property component of the tax and adding an income-based education tax.

Rd 1st t and ref to the C on W & M, 93.

By Representatives Burke of Brattleboro, Donahue of Northfield, Greshin of Warren, Kitzmiller of Montpelier, Masland of Thetford, McFaun of Barre Town and Potter of Clarendon,

H. 165. An act relating to miscellaneous consumer protection provisions related to motor vehicles.

Rd 1st t and ref to the C on Comm and Economic Development, 93.

By Representatives Consejo of Sheldon, Beyor of Highgate, Browning of Arlington, Devereux of Mount Holly, Fagan of Rutland City, Higley of

Lowell, Hubert of Milton, Kupersmith of South Burlington, Masland of Thetford, McCarthy of St. Albans City, Mrowicki of Putney, O'Sullivan of Burlington, Pearce of Richford, Savage of Swanton, Townsend of Randolph and Townsend of South Burlington,

H. 166. An act relating to a right to cross state-owned railbanked rail property.

Rd 1st t and ref to the C on Trans, 93.

By Representative Conquest of Newbury,

H. 167. An act relating to snowmobile registration proceeds and law enforcement.

Rd 1st t and ref to the C on Trans, 93.

By Representatives Condon of Colchester, Clarkson of Woodstock, Keenan of St. Albans City, Sharpe of Bristol, Stevens of Waterbury and Wilson of Manchester,

H. 168. An act relating to prohibiting the use of robotic telephone calls unless the candidate has obtained written permission from the recipient.

Rd 1st t and ref to the C on G O, 94.

By Representatives Clarkson of Woodstock, Manwaring of Wilmington, Christie of Hartford, Ellis of Waterbury, Gallivan of Chittenden, Goodwin of Weston, Haas of Rochester, Komline of Dorset, Marek of Newfane, Moran of Wardsboro, Poirier of Barre City, Stevens of Waterbury, Taylor of Barre City and Townsend of South Burlington,

H. 169. (No. 0082) An act relating to relieving employers' experience-rating records.

Rd 1st t and ref to the C on Comm and Economic Development, 94; Ref to C on Appr per Rule 35(a), 311; Rep. Botzow of Pownal moved to postp act until 4/2/2013 which was agrd to, 574; Rd 2nd Time, 608; Rep. Bouchard of Colchester rep/d for the C on Comm and Economic Development, 608; Rep. Keenan of St. Albans City, recommended for the C on Appr, 610; Amend of C on Appr agrd to, 610; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 610; Rd 3rd t and Passed, 611; S pro of amend con in w further amend thereto, as offd by Rep. Marcotte of Coventry and Botzow of Pownal, 1294; R C Yeas, 130, Nays, 0, 1297; Speaker appt Botzow of Pownal, Marcotte of Coventry and Kitzmiller of Montpelier as members of the C of C on the part of the H, 1462; C of C rep/d agrd to (HH bill), 1726; Pass the H and S on 5/14/2013; Signed by Gov on 6/10/2013.

By Representative Bouchard of Colchester,

H. 170. An act relating to independent contractors.

Rd 1st t and ref to the C on Comm and Economic Development, 94.

By Representatives Kitzmiller of Montpelier, Bartholomew of Hartland, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Connor of Fairfield, Consejo of Sheldon, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Ellis of Waterbury, French of Randolph, Gallivan

of Chittenden, Hooper of Montpelier, Keenan of St. Albans City, Krebs of South Hero, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Martin of Wolcott, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Poirier of Barre City, Stevens of Waterbury, Taylor of Barre City, Townsend of South Burlington, Webb of Shelburne, Wilson of Manchester, Yantachka of Charlotte and Young of Glover,

H. 171. An act relating to recognizing as the state dog any adopted dog.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 94.

By Representatives Martin of Wolcott, Wilson of Manchester and Woodward of Johnson,

H. 172. An act relating to expedited termination of tenancy.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 95.

By Representatives Poirier of Barre City, Christie of Hartford, Donovan of Burlington, Evans of Essex, Jerman of Essex, Kitzmiller of Montpelier, Koch of Barre Town, Lenex of Shelburne, Lippert of Hinesburg, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Spengler of Colchester, Till of Jericho, Toleno of Brattleboro, Townsend of Randolph, Waite-Simpson of Essex, Wilson of Manchester, Winters of Williamstown and Yantachka of Charlotte,

H. 173. An act relating to compliance testing of tobacco licensees.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 95.

By Representatives Greshin of Warren, Botzow of Pownal, Conquest of Newbury, Grad of Moretown, Martin of Springfield, Masland of Thetford, Ralston of Middlebury, Ram of Burlington, Scheuermann of Stowe, Shaw of Pittsford, Wilson of Manchester and Young of Glover,

H. 174. An act relating to the shipment of malt beverages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 95.

By Representatives McCullough of Williston and Webb of Shelburne,

H. 175. An act relating to electrical installations.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 95.

By Representative McCullough of Williston,

H. 176. An act relating to alcoholic beverages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 96.

By Representatives Conquest of Newbury and Scheuermann of Stowe,

H. 177. An act relating to certified contractors.

Rd 1st t and ref to the C on Comm and Economic Development, 96.

By Representative Donahue of Northfield,

H. 178. (No. 0032) An act relating to anatomical gifts.

Rd 1st t and ref to the C on H S, 96; Rd 2nd Time, 408; Rep. Donahue of Northfield rep/d for the C on H S, 408; Amend of C on H S agrd to and 3rd rdg Ordered, 411; Rd 3rd t and Passed, 459; S pro of amend con in, 1293; Signed by Gov on 5/14/2013.

By Representative Johnson of Canaan,

H. 179. An act relating to notice of proposed wind energy generation plants.

Rd 1st t and ref to the C on N R & E, 96.

By Representatives Shaw of Pittsford, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Goodwin of Weston, Greshin of Warren, Hooper of Montpelier, Johnson of Canaan, Juskiewicz of Cambridge, Larocque of Barnet, Malcolm of Pawlet, Mitchell of Fairfax, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Shaw of Derby, South of St. Johnsbury, Stevens of Shoreham, Terenzini of Rutland Town and Townsend of Randolph,

H. 180. An act relating to the sale of malt or vinous beverages to retail dealers.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 96.

By Representatives Johnson of Canaan and Marek of Newfane,

H. 181. An act relating to exempting trailers in storage from the property tax.

Rd 1st t and ref to the C on W & M, 97.

By Representative Sweaney of Windsor,

H. 182. (No. 0026) An act relating to search and rescue.

Rd 1st t and ref to the C on G O, 97; Ref to C on Appr per Rule 35(a), 264; Rd 2nd Time, 299; Rep. Hubert of Milton rep/d for the C on G O, 299; Rep. Manwaring of Wilmington, recommended for the C on Appr, 307; Amend of C on Appr agrd to, 307; Rep. Hubert of Milton moved to amend the rep/d of the C on G O, which was agrd to., 307; Rep/d of C on G O as amend agrd to, 307; 3rd rdg Ordered, 307; Rd 3rd t and Passed, 309; S pro of amend con in, 1361; Delv to the Gov on 5/9/2013; Signed by Gov on 5/13/2013.

By Representative Clarkson of Woodstock,

H. 183. An act relating to speed limits on town highways.

Rd 1st t and ref to the C on Trans, 97.

By Representatives Jerman of Essex, Beyor of Highgate, Cross of Winooski, Devereux of Mount Holly, Donaghy of Poultney, Donovan of Burlington, Fagan of Rutland City, Feltus of Lyndon, Hebert of Vernon, McCormack of Burlington, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho and Wizowaty of Burlington,

H. 184. An act relating to municipal authority to adopt, amend, and repeal charters without legislative approval.

Rd 1st t and ref to the C on G O, 97.

By Representative Ellis of Waterbury,

H. 185. An act relating to amending perpetual conservation easements.

Rd 1st t and ref to the C on N R & E, 97.

By Representative Bissonnette of Winooski,

H. 186. An act relating to establishing the Vermont Gaming Commission.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 98.

By Representatives Potter of Clarendon, Bissonnette of Winooski, Gallivan of Chittenden, Grad of Moretown, Head of South Burlington, Lanpher of Vergennes, Malcolm of Pawlet and Russell of Rutland City,

H. 187. An act relating to the use of portable electronic devices while driving and primary seat belt enforcement.

Rd 1st t and ref to the C on Trans, 98.

By Representatives Devereux of Mount Holly, Jerman of Essex and Stevens of Shoreham,

H. 188. An act relating to designating the Mount Holly mammoth tooth and tusk as the official state terrestrial fossil.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 98.

By Representative Deen of Westminster,

H. 189. An act relating to designation of a state fly-fishing fly.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 98.

By Representatives Botzow of Pownal, Carr of Brandon, Cross of Winooski, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Ralston of Middlebury and Young of Glover,

H. 190. An act relating to unemployment compensation.

Rd 1st t and ref to the C on Comm and Economic Development, 98.

By Representative Lanpher of Vergennes,

H. 191. An act relating to employees of alcoholic beverage wholesale dealers.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 99.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 192. An act relating to permitting supervisory union boundary adjustments without State Board of Education involvement.

Rd 1st t and ref to the C on Edu.

By Representatives Masland of Thetford and Cheney of Norwich,

H. 193. An act relating to duties performed by supervisory unions on behalf of member districts.

Rd 1st t and ref to the C on Edu, 99.

By Representatives Masland of Thetford, Browning of Arlington, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford and Yantachka of Charlotte,

H. 194. An act relating to the siting and regulation of utility poles treated with wood preservatives.

Rd 1st t and ref to the C on N R & E, 99.

By Representatives Masland of Thetford, Cheney of Norwich and Christie of Hartford,

H. 195. An act relating to emergency management in municipalities.

Rd 1st t and ref to the C on G O, 99.

By Representatives Masland of Thetford, Burke of Brattleboro, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, McCullough of Williston, Stevens of Shoreham and Zagar of Barnard,

H. 196. An act relating to a school bus alternative fuel pilot program.

Rd 1st t and ref to the C on Trans, 100.

By Representatives Masland of Thetford, Buxton of Tunbridge, Cheney of Norwich and Christie of Hartford,

H. 197. An act relating to adding Vermont Route 132 to the state highway system.

Rd 1st t and ref to the C on Trans, 100.

By Representatives Kitzmiller of Montpelier, Botzow of Pownal, Kupersmith of South Burlington, Marcotte of Coventry and Young of Glover,

H. 198. An act relating to the Legacy Insurance Management Act.

Rd 1st t and ref to the C on Comm and Economic Development, 100; Ref to C on W & M per Rule 35(a), 296; Rd 2nd Time, 674; Rep. Kitzmiller of Montpelier rep/d for the C on Comm and Economic Development, 674; Rep. Wilson of Manchester, recommended for the C on W & M, 688; Amend as offd by Rep. Wilson of Manchester agrd to, 689; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 689; Act postp to next legislative day as moved by Rep. Wilson of Manchester, 702; Amend as offd by Rep. Wilson of Manchester agrd to, 705; Amend as offd by Rep. Wilson of Manchester agrd to, 706; Rd 3rd t and Passed, 706.

By Representatives Grad of Moretown and Fay of St. Johnsbury,

H. 199. An act relating to protection orders and second degree domestic assault.

Rd 1st t and ref to the C on Judic, 100.

By Representatives Pearson of Burlington, Komline of Dorset, Waite-Simpson of Essex, Burditt of West Rutland, Burke of Brattleboro, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Cross of Winooski, Davis of Washington, Deen of Westminster, Donovan of Burlington, Fisher of Lincoln, Frank of Underhill, French of Randolph, Head of South Burlington, Hooper of Montpelier, Juskiewicz of Cambridge, Kitzmiller of Montpelier,

Krowinski of Burlington, Macaig of Williston, Marek of Newfane, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, Michelsen of Hardwick, Mitchell of Fairfax, Mrowicki of Putney, O'Sullivan of Burlington, Peltz of Woodbury, Rachelson of Burlington, Ram of Burlington, Spengler of Colchester, Till of Jericho, Toleno of Brattleboro, Wizowaty of Burlington, Woodward of Johnson, Young of Glover and Zagar of Barnard,

H. 200. (No. 0076) An act relating to civil penalties for possession of marijuana.

Rd 1st t and ref to the C on Judic, 100; Rd 2nd Time, 714; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 714; Amend as offd by Rep. Donahue of Northfield wrdn, 722; Amend as offd by Rep. Donahue of Northfield wrdn, 725; Amend as offd by Rep. Wright of Burlington agrd to, 725; R C Yeas, 38, Nays, 102, 725; Rep. Branagan of Georgia moved to commit the bill to the C on W & M which was disaagr to, 727; R C Yeas, 41, Nays, 98, 727; Amend of C on Judic agrd to, 729; 3rd rdg Ordered, 729; R C Yeas, 98, Nays, 44, 729; Amend as offd by Rep. Browning of Arlington wrdn, 737; Amend as offd by Rep. Browning of Arlington disaagr to, 738; R C Yeas, 49, Nays, 90, 738; Amend as offd by Rep. Browning of Arlington wrdn, 740; Amend as offd by Rep. Donahue of Northfield disaagr to, 740; R C Yeas, 63, Nays, 79, 741; Amend as offd by Rep. Donahue of Northfield disaagr to, 743; Amend as offd by Rep. Donahue of Northfield wrdn, 743; Amend as offd by Rep. Waite-Simpson of Essex agrd to, 744; Amend as offd by Rep. O'Sullivan of Burlington disaagr to, 744; Amend as offd by Rep. Helm of Fair Haven wrdn, 744; Amend as offd by Rep. Helm of Fair Haven disaagr to, 745; Amend as offd by Rep. Wright of Burlington disaagr to, 745; R C Yeas, 51, Nays, 89, 745; Rd 3rd t, 747; Passed, 747; R C Yeas, 92, Nays, 49, 747; S pro of amend con in, 1608; Signed by Gov on 6/6/13.

By Representatives Donahue of Northfield, Batchelor of Derby, Burditt of West Rutland, French of Randolph, Koch of Barre Town, McFaun of Barre Town, Poirier of Barre City, Till of Jericho, Toll of Danville and Woodward of Johnson,

H. 201. An act relating to the Office of the Mental Health Care Ombudsman.

Rd 1st t and ref to the C on H S, 101.

By Representatives Yantachka of Charlotte, Lenes of Shelburne and Webb of Shelburne,

H. 202. An act relating to the definition of farming for purposes of the Use Value Program.

Rd 1st t and ref to the C on Agri, 105.

By Representative Botzow of Pownal,

H. 203. An act relating to the Department of Financial Regulation.

Rd 1st t and ref to the C on Comm and Economic Development, 105.

By Representatives Woodward of Johnson, Donovan of Burlington, Hooper of Montpelier, Kitzmiller of Montpelier, O'Sullivan of Burlington, Pearson of Burlington and Peltz of Woodbury,

H. 204. An act relating to criminal history record inquiries by an employer.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 105.

By Representative Sweaney of Windsor,

H. 205. (No. 0027) An act relating to professions and occupations regulated by the Office of Professional Regulation.

Rd 1st t and ref to the C on G O, 106; Rd 2nd Time, 267; Rep. Evans of Essex rep/d for the C on G O, 267; Amend of C on G O agrd to and 3rd rdg Ordered, 268; Rd 3rd t and Passed, 283; S pro of amend con in, 1266; Delv to the Gov on 5/9/2013; Signed by Gov on 5/13/2013.

By Representatives Stevens of Waterbury, O'Sullivan of Burlington and South of St. Johnsbury,

H. 206. An act relating to establishing the Agency of Controlled Substances.

Rd 1st t and ref to the C on G O, 106.

By Representatives Browning of Arlington and Moran of Wardsboro,

H. 207. An act relating to a unified budget.

Rd 1st t and ref to the C on Appr, 110.

By Representatives Krowinski of Burlington, Donovan of Burlington, Bouchard of Colchester, Christie of Hartford, Cole of Burlington, Cross of Winooski, Davis of Washington, Evans of Essex, Fay of St. Johnsbury, Frank of Underhill, French of Randolph, Kitzmiller of Montpelier, Lanpher of Vergennes, Lenex of Shelburne, Macaig of Williston, Martin of Wolcott, McCormack of Burlington, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Rachelson of Burlington, Ram of Burlington, Sharpe of Bristol, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Till of Jericho, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Yantachka of Charlotte and Zagar of Barnard,

H. 208. An act relating to absence from work for health care and safety.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 111.

By Representatives McCullough of Williston, Bartholomew of Hartland, Beyor of Highgate, Burke of Brattleboro, Christie of Hartford, Conquest of Newbury, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Fagan of Rutland City, Frank of Underhill, Greshin of Warren, Head of South Burlington, Heath of Westford, Jerman of Essex, Kitzmiller of Montpelier, Krebs of South Hero, Kupersmith of South Burlington, Lenex of Shelburne, Lippert of Hinesburg, Macaig of Williston, Marcotte of Coventry, Martin of Springfield, Masland of Thetford, McCormack of Burlington, Mrowicki of Putney, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, Russell of Rutland City, Sharpe of Bristol,

Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Till of Jericho, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Glover,

H. 209. An act relating to passing and yielding to vulnerable users.

Rd 1st t and ref to the C on Trans, 111.

By Representative Krebs of South Hero,

H. 210. An act relating to requiring a permit for the incidental taking of an endangered or threatened species.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 111.

By Representatives McFaun of Barre Town, Stevens of Shoreham, Batchelor of Derby, Bouchard of Colchester, Buxton of Tunbridge, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Sharpe of Bristol, Wilson of Manchester and Zagar of Barnard,

H. 211. An act relating to precursor drugs of methamphetamine.

Rd 1st t and ref to the C on H S, 112.

By Representatives McFaun of Barre Town and Stevens of Shoreham,

H. 212. An act relating to monitoring the purchase of products containing ephedrine, pseudoephedrine, or phenylpropanolamine.

Rd 1st t and ref to the C on H S, 112.

By Representatives Masland of Thetford, Cheney of Norwich, Clarkson of Woodstock, Cole of Burlington, French of Randolph, Malcolm of Pawlet, Martin of Springfield, McCullough of Williston, Pearson of Burlington, Spengler of Colchester, Stevens of Shoreham, Till of Jericho, Toleno of Brattleboro, Waite-Simpson of Essex, Yantachka of Charlotte and Zagar of Barnard,

H. 213. An act relating to therapeutic use of marijuana for relieving symptoms of post-traumatic stress disorder.

Rd 1st t and ref to the C on H S, 112.

By Representatives Masland of Thetford, Bouchard of Colchester, Browning of Arlington, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Cole of Burlington, Martin of Wolcott, Moran of Wardsboro, Spengler of Colchester, Stevens of Shoreham, Till of Jericho and Waite-Simpson of Essex,

H. 214. An act relating to workers' compensation funeral expenses.

Rd 1st t and ref to the C on Comm and Economic Development, 112.

By Representatives Partridge of Windham, Botzow of Pownal, Toll of Danville and Trieber of Rockingham,

H. 215. An act relating to expedited termination of tenancy.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 113.

By Representative Cheney of Norwich,

H. 216. An act relating to reducing energy costs and greenhouse gas emissions.

Rd 1st t and ref to the C on N R & E, 113.

By Representatives Frank of Underhill, Batchelor of Derby, Krowinski of Burlington and Mrowicki of Putney,

H. 217. An act relating to smoking in partially enclosed structures, lodging establishments, and state lands.

Rd 1st t and ref to the C on H S, 113.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 218. An act relating to the application of the public trust doctrine to rivers and streams.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 113.

By Representative Johnson of Canaan,

H. 219. An act relating to escrow accounts for municipalities to review applications for proposed electric generation facilities.

Rd 1st t and ref to the C on N R & E, 113.

By Representative Johnson of Canaan,

H. 220. An act relating to extending the comment period for construction proposals for energy facilities.

Rd 1st t and ref to the C on N R & E, 114.

By Representative Johnson of Canaan,

H. 221. An act relating to notice of placement at designated residential service homes.

Rd 1st t and ref to the C on H S, 114.

By Representative Johnson of Canaan,

H. 222. An act relating to designated residential service homes.

Rd 1st t and ref to the C on H S, 114.

By Representative Deen of Westminster,

H. 223. An act relating to shoreland protection requirements for lakes.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 116.

By Representatives Ram of Burlington, Burke of Brattleboro and Wizowaty of Burlington,

H. 224. An act relating to acupuncture coverage in Green Mountain Care.

Rd 1st t and ref to the C on H C, 116.

By Representatives Masland of Thetford, Donahue of Northfield, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, Clarkson of Woodstock, Consejo of Sheldon, Davis of Washington, Devereux of Mount Holly, Evans of Essex, Fisher of Lincoln, Haas of Rochester, Hooper of Montpelier, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of

Shelburne, Lewis of Berlin, Macaig of Williston, Marcotte of Coventry, Martin of Springfield, Moran of Wardsboro, Pearson of Burlington, Ram of Burlington, Sharpe of Bristol, Shaw of Derby, Stevens of Waterbury, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh, Yantachka of Charlotte and Zagar of Barnard,

H. 225. An act relating to a statewide policy on the use of and training requirements for electronic control devices.

Rd 1st t and ref to the C on G O, 116.

By Representative Marcotte of Coventry,

H. 226. (No. 0055) An act relating to the regulation of underground storage tanks.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 116; Ref to C on W & M per Rule 35(a), 256; Ref to C on Appr per Rule 35(a), 770; Rd 2nd Time, 783; Rep. Krebs of South Hero rep/d for the C on Fish, Wildlife & Water Resources, 783; Rep. Masland of Thetford, recommended for the C on W & M, 791; Rep. Keenan of St. Albans City, recommended for the C on Appr, 792; Amend of C on W & M agrd to, 792; Amend of C on Fish, Wildlife & Water Resources agrd to and 3rd rdg Ordered, 792; Rd 3rd t and Passed, 834; S pro of amend con in, 1685; Signed by Gov on 5/30/13.

By Representatives Webb of Shelburne, Buxton of Tunbridge, Christie of Hartford, Deen of Westminster, Devereux of Mount Holly, Emmons of Springfield, Frank of Underhill, Hebert of Vernon, Helm of Fair Haven, Jerman of Essex, Krebs of South Hero, Lanpher of Vergennes, Pearson of Burlington, Rachelson of Burlington, South of St. Johnsbury, Stuart of Brattleboro and Yantachka of Charlotte,

H. 227. An act relating to licensing and regulating property inspectors.

Rd 1st t and ref to the C on G O, 117; Rep. Sweaney of Windsor moved to commit bill to the C on General, Housing and Military Affairs which was agrd to., 154.

By Representative Stevens of Waterbury,

H. 228. An act relating to water and sewer service.

Rd 1st t and ref to the C on G O, 117.

By Representative Stevens of Waterbury,

H. 229. An act relating to rental housing.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 117.

By Representatives Frank of Underhill, Mrowicki of Putney and Fisher of Lincoln,

H. 230. An act relating to home visiting standards.

Rd 1st t and ref to the C on H S, 117.

By Representative Cheney of Norwich,

H. 231. An act relating to electric vehicles.

Rd 1st t and ref to the C on N R & E, 117.

By Representatives Poirier of Barre City, Browning of Arlington, Buxton of Tunbridge, Cross of Winooski, Dakin of Chester, Davis of Washington, French of Randolph, Krowinski of Burlington, Macaig of Williston, McCormack of Burlington, McCullough of Williston, Moran of Wardsboro, Pearson of Burlington, Spengler of Colchester, Townsend of South Burlington, Wizowaty of Burlington and Woodward of Johnson,

H. 232. An act relating to raising the personal income tax rates for the two highest brackets.

Rd 1st t and ref to the C on W & M, 118.

By Representative Nuovo of Middlebury,

H. 233. An act relating to making it illegal to take a photograph of a person without his or her consent, or to modify a photograph of a person without his or her consent, and to distribute it.

Rd 1st t and ref to the C on Judic, 118.

By Representatives Sharpe of Bristol, Burke of Brattleboro, Clarkson of Woodstock, Dakin of Chester, Donovan of Burlington, Ellis of Waterbury, French of Randolph, Hooper of Montpelier, Jerman of Essex, Kitzmiller of Montpelier, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Malcolm of Pawlet, Manwaring of Wilmington, Miller of Shaftsbury, Mook of Bennington, Mrowicki of Putney, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Peltz of Woodbury, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Toleno of Brattleboro, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester and Wizowaty of Burlington,

H. 234. An act relating to the imposition of an excise tax on sugar-sweetened beverages.

Rd 1st t and ref to the C on W & M, 118.

By Representatives Partridge of Windham, Moran of Wardsboro, Nuovo of Middlebury, Spengler of Colchester, Trieber of Rockingham and Woodward of Johnson,

H. 235. An act relating to permitting school districts to create a reserve fund without prior voter authorization.

Rd 1st t and ref to the C on Edu, 119.

By Representatives Partridge of Windham, Bartholomew of Hartland, Heath of Westford, Moran of Wardsboro, Spengler of Colchester, Trieber of Rockingham and Woodward of Johnson,

H. 236. An act relating to audits of a school district's financial statements.

Rd 1st t and ref to the C on Edu, 119.

By Representatives Haas of Rochester and Frank of Underhill,

H. 237. An act relating to palliative care and pain management.

Rd 1st t and ref to the C on H S, 119.

By Representatives Lenes of Shelburne and Webb of Shelburne,

H. 238. An act relating to motorboat registration periods.

Rd 1st t and ref to the C on Trans, 119.

By Representatives Botzow of Pownal and Partridge of Windham,

H. 239. An act relating to information regarding the rights of landlords and tenants.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 119.

By the Committee on Ways and Means,

H. 240. (No. 0072) An act relating to Executive Branch fees.

C Bill rd 1st t, 120; Rd 2nd Time, 135; Rep. Branagan of Georgia rep/d for the C on W & M, 135; 3rd rdg Ordered, 136; Rd 3rd t and Passed, 141; S pro of amend con in w further amend thereto, as offd by Rep. Branagan of Georgia, 1494; purs to req of Sen, Speaker appt Branagan of Georgia, Clarkson of Woodstock and Sharpe of Bristol as members of the C of C on the part of the H, 1666; Pass the H and S on 5/13/2013, 1841; C of C rep/d agrd to, 1866; Signed by Gov on 6/5/13, 2020.

By Representatives Krowinski of Burlington, Buxton of Tunbridge, Christie of Hartford, Deen of Westminster, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Sweaney of Windsor, Till of Jericho, Wizowaty of Burlington and Yantachka of Charlotte,

H. 241. An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and flame retardant known as Tris in consumer products.

Rd 1st t and ref to the C on H S, 120.

By Representatives Jerman of Essex, Botzow of Pownal, Branagan of Georgia, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Christie of Hartford, Cross of Winooski, Dickinson of St. Albans Town, Evans of Essex, Feltus of Lyndon, Frank of Underhill, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Masland of Thetford, McCormack of Burlington, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Stevens of Waterbury, Strong of Albany, Till of Jericho, Waite-Simpson of Essex, Weed of Enosburgh, Wright of Burlington and Yantachka of Charlotte,

H. 242. An act relating to creating the Vermont Strong Scholars Program.

Rd 1st t and ref to the C on Edu, 120; Ref to C on Appr per Rule 35(a), 321.

By Representatives Clarkson of Woodstock, Ancel of Calais, Christie of Hartford, Cross of Winooski, Deen of Westminster, Evans of Essex, Greshin of Warren, Heath of Westford, Jerman of Essex, Kitzmiller of Montpelier, Kupersmith of South Burlington, Myers of Essex, Nuovo of Middlebury, O'Sullivan of Burlington, Stevens of Waterbury, Waite-Simpson of Essex and Yantachka of Charlotte,

H. 243. An act relating to negligent storage of a firearm.

Rd 1st t and ref to the C on Judic, 120.

By Representatives Klein of East Montpelier and Cheney of Norwich,

H. 244. An act relating to limiting the total annual appropriation for state employee mileage reimbursement.

Rd 1st t and ref to the C on G O, 125.

By Representatives Higley of Lowell, Hubert of Milton, Turner of Milton, Batchelor of Derby, Beyor of Highgate, Bouchard of Colchester, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Fagan of Rutland City, Feltus of Lyndon, Greshin of Warren, Helm of Fair Haven, Johnson of Canaan, Juskiewicz of Cambridge, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Marcotte of Coventry, Martin of Wolcott, McFaun of Barre Town, Mitchell of Fairfax, Myers of Essex, Potter of Clarendon, Quimby of Concord, Ralston of Middlebury, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Strong of Albany, Terenzini of Rutland Town, Townsend of Randolph, Winters of Williamstown and Young of Glover,

H. 245. An act relating to siting of electric generation plants.

Rd 1st t and ref to the C on N R & E, 125.

By Representative Johnson of Canaan,

H. 246. An act relating to the sharing of revenues by in-state electric generation facilities with affected municipalities.

Rd 1st t and ref to the C on N R & E, 126.

By Representative Condon of Colchester,

H. 247. An act relating to requiring that a state employee's pension be based upon an average of his or her last ten years of salary.

Rd 1st t and ref to the C on G O, 126.

By Representative Lippert of Hinesburg,

H. 248. An act relating to disclosing to buyers in real estate transactions information regarding utility corridor right-of-way proposals.

Rd 1st t and ref to the C on Judic, 126.

By Representatives Martin of Wolcott, Consejo of Sheldon, Evans of Essex and Townsend of Randolph,

H. 249. An act relating to fourth class licenses.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 127.

By Representative Johnson of Canaan,

H. 250. An act relating to stormwater offset projects on primary agricultural soils.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 127.

By Representative Canfield of Fair Haven,

H. 251. An act relating to health insurance coverage for bone marrow testing.

Rd 1st t and ref to the C on H C, 127.

By Representatives Canfield of Fair Haven, Cheney of Norwich, Hebert of Vernon, Keenan of St. Albans City, Klein of East Montpelier, McCormack of Burlington, Shaw of Derby, Till of Jericho and Yantachka of Charlotte,

H. 252. An act relating to health care facility discharge prescriptions.

Rd 1st t and ref to the C on H C, 127.

By Representatives Greshin of Warren, Komline of Dorset and Wilson of Manchester,

H. 253. An act relating to maintaining town records in a digital format.

Rd 1st t and ref to the C on G O, 127.

By Representative Conquest of Newbury,

H. 254. An act relating to home heating fuel assistance benefits.

Rd 1st t and ref to the C on H S, 127.

By Representatives Lawrence of Lyndon, Beyor of Highgate, Brennan of Colchester, Buxton of Tunbridge, Connor of Fairfield, Conquest of Newbury, Feltus of Lyndon, Hebert of Vernon, Higley of Lowell, Larocque of Barnet, Marcotte of Coventry, Martin of Wolcott, Partridge of Windham, Pearce of Richford, Ralston of Middlebury, Shaw of Derby, Smith of New Haven, South of St. Johnsbury, Terenzini of Rutland Town and Young of Glover,

H. 255. An act relating to safety inspections of amusement rides.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 128; Rep. Head of South Burlington moved to commit bill to the C on Agri which was agrd to., 141.

By Representative Haas of Rochester,

H. 256. An act relating to guardianship of minors.

Rd 1st t and ref to the C on H S, 128; Rep. Haas of Rochester moved to commit bill to the C on Judic which was agrd to., 158.

By Representatives Canfield of Fair Haven, Fagan of Rutland City, Gage of Rutland City, Goodwin of Weston, Helm of Fair Haven, Higley of Lowell,

Hubert of Milton, Potter of Clarendon, Shaw of Pittsford and Smith of New Haven,

H. 257. An act relating to removing veteran's compensation from the calculation of household income.

Rd 1st t and ref to the C on W & M, 130.

By Representatives Martin of Wolcott, Consejo of Sheldon, Evans of Essex, Townsend of Randolph and Woodward of Johnson,

H. 258. An act relating to providing information to the electorate about school district and supervisory union budgets.

Rd 1st t and ref to the C on Edu, 131.

By Representatives Pearson of Burlington and Woodward of Johnson,

H. 259. An act relating to public ownership within Vermont's electric industry.

Rd 1st t and ref to the C on Comm and Economic Development, 131.

By Representatives Botzow of Pownal, Marcotte of Coventry, Bouchard of Colchester, Carr of Brandon, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington and Young of Glover,

H. 260. An act relating to insurance notices by electronic means.

Rd 1st t and ref to the C on Comm and Economic Development, 131.

By Representatives Botzow of Pownal, Kitzmiller of Montpelier and Marcotte of Coventry,

H. 261. An act relating to titling vehicles more than 15 years old.

Rd 1st t and ref to the C on Trans, 131.

By Representative Klein of East Montpelier,

H. 262. (No. 0058) An act relating to establishing a program for the collection and recycling of paint.

Rd 1st t and ref to the C on N R & E, 131; Ref to C on W & M per Rule 35(a), 294; Rd 2nd Time, 689; Rep. Ellis of Waterbury rep/d for the C on N R & E, 689; Rep. Komline of Dorset, recommended for the C on W & M, 696; Amend of C on N R & E agrd to, 697; 3rd rdg Ordered, 697; R C Yeas, 133, Nays, 6, 697; Rd 3rd t and Passed, 702; S pro of amend con in, 1695; Signed by Gov on 6/3/2013.

By Representative Pearson of Burlington,

H. 263. An act relating to the prohibition of commercial poultry feed that contains arsenic.

Rd 1st t and ref to the C on Agri, 132.

By Representative Conquest of Newbury,

H. 264. An act relating to the Adjutant General.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 132.

By the Committee on Ways and Means,

H. 265. (No. 0052) An act relating to the education property tax rates and base education amount for fiscal year 2014.

Pl on cal for Notice on 2/13/2013, 132; Ref to C on Appr per Rule 35(a), 140; Rd 2nd Time, 217; Rep. Sharpe of Bristol spoke for the C on W & M, 217; Rep. Manwaring of Wilmington, recommended for the C on Appr, 217; 3rd rdg Ordered, 217; R C Yeas, 96, Nays, 45, 217; Rep. Browning of Arlington moved to amend the bill which was disaagrd to, 227; R C Yeas, 28, Nays, 110, 228; Amend as offd by Rep. Donahue of Northfield disaagrd to, 230; Rep. Scheuermann of Stowe moved to amend the bill, 231; Rep. Lippert of Hinesburg moved to subst/d an amend for the amend offd by Rep. Scheuermann of Stowe which was agrd to, 232; R C Yeas, 135, Nays, 7, 232; Amend as offd by Rep. Lippert of Hinesburg agrd to, 235; R C Yeas, 135, Nays, 7, 235; Rd 3rd t and Passed, 237; Pass the H and S on 5/13/2013; Signed by Gov on 5/29/13.

By Representatives Martin of Wolcott and Woodward of Johnson,

H. 266. An act relating to the standard for substantiation of child abuse or neglect.

Rd 1st t and ref to the C on H S, 137.

By Representatives Buxton of Tunbridge, Wright of Burlington, Ancel of Calais, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Bouchard of Colchester, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Conquest of Newbury, Cross of Winooski, Cupoli of Rutland City, Davis of Washington, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donovan of Burlington, Fagan of Rutland City, Fay of St. Johnsbury, Feltus of Lyndon, Fisher of Lincoln, Gallivan of Chittenden, Goodwin of Weston, Grad of Moretown, Haas of Rochester, Higley of Lowell, Hooper of Montpelier, Huntley of Cavendish, Jerman of Essex, Juskiewicz of Cambridge, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krowinski of Burlington, Kupersmith of South Burlington, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Berlin, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McFaun of Barre Town, Miller of Shaftsbury, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Pearce of Richford, Peltz of Woodbury, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Shaw of Derby, Stuart of Brattleboro, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Trieber of Rockingham, Waite-Simpson of Essex, Weed of Enosburgh, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

H. 267. An act relating to prohibiting certain employment after an elected or appointed official in the Executive Branch leaves public office.

Rd 1st t and ref to the C on G O, 137.

By Representatives Fagan of Rutland City, Branagan of Georgia, Burditt of West Rutland, Cupoli of Rutland City, Gage of Rutland City, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Potter of Clarendon, Russell of Rutland City, Savage of Swanton and Terenzini of Rutland Town,

H. 268. An act relating to increasing penalties for dispensing or selling a regulated drug at or near a school, licensed child care facility, or playground.

Rd 1st t and ref to the C on Judic, 138.

By Representatives Fagan of Rutland City, Branagan of Georgia, Cupoli of Rutland City, Gage of Rutland City, Russell of Rutland City, Savage of Swanton and Terenzini of Rutland Town,

H. 269. An act relating to tuition payments for students engaging in public high school choice.

Rd 1st t and ref to the C on Edu, 138.

By Representatives Buxton of Tunbridge, Christie of Hartford, Cross of Winooski, Donovan of Burlington and Peltz of Woodbury,

H. 270. An act relating to providing access to publicly funded prekindergarten education .

Rd 1st t and ref to the C on Edu, 138; Ref to C on W & M per Rule 35(a), 321; Ref to C on Appr per Rule 35(a), 616; Act postp to next legislative day as moved by Rep. Buxton of Tunbridge, 840; Act postp to next legislative day as moved by Rep. Buxton of Tunbridge, 849; Act postp to next legislative day as moved by Rep. Buxton of Tunbridge, 887; Rd 2nd Time, 973; Rep. Buxton of Tunbridge rep/d for the C on Edu, 973; Rep. Greshin of Warren, recommended for the C on W & M, 981; Rep. Johnson of South Hero, recommended for the C on Appr, 981; Rep/d of the C on Edu amend as recommended by the C on W & M, 981; Rep/d of the C on Edu amend as recommended by the C on Appr, 981; Rep. Buxton of Tunbridge moved to amend the rep/d of the C on Edu, which was agrd to, 982; R C Yeas, 97, Nays, 46, 983; Amend as offd by Rep. Browning of Arlington disaagr to, 985; Amend of C on Edu agrd to, 985; 3rd rdg Ordered, 986; R C Yeas, 97, Nays, 43, 986; Rep. Nuovo of Middlebury moved to amend the bill which was agrd to, 1022; Rd 3rd t, 1022; Passed, 1022; R C Yeas, 95, Nays, 43, 1022.

By Representatives Pearson of Burlington, Ram of Burlington, Bartholomew of Hartland, Burke of Brattleboro, Christie of Hartford, Clarkson of Woodstock, Evans of Essex, Gallivan of Chittenden, Haas of Rochester, Hooper of Montpelier, Johnson of South Hero, Lanpher of Vergennes, Lenes of Shelburne, Martin of Wolcott, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, Spengler of Colchester, Webb of Shelburne, Wilson of Manchester, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

H. 271. An act relating to divesting state retirement funds from companies that extract, produce, or refine fossil fuels.

Rd 1st t and ref to the C on G O, 138.

By Representative Wizowaty of Burlington,

H. 272. An act relating to telemedicine services delivered outside a health care facility.

Rd 1st t and ref to the C on H C, 139.

By Representatives French of Randolph, Davis of Washington, Donahue of Northfield, Frank of Underhill, Haas of Rochester, Kitzmiller of Montpelier, Krowinski of Burlington, Martin of Springfield, Miller of Shaftsbury, Mrowicki of Putney, Sharpe of Bristol, Spengler of Colchester, Taylor of Barre City, Townsend of South Burlington and Wizowaty of Burlington,

H. 273. An act relating to establishing and regulating licensed dental practitioners.

Rd 1st t and ref to the C on G O, 139.

By Representatives Botzow of Pownal, Cross of Winooski, Kitzmiller of Montpelier, Kupersmith of South Burlington and Marcotte of Coventry,

H. 274. An act relating to workers' compensation.

Rd 1st t and ref to the C on Comm and Economic Development, 139.

By Representatives Grad of Moretown, Canfield of Fair Haven and O'Sullivan of Burlington,

H. 275. An act relating to professional licensing of members of the Armed Forces.

Rd 1st t and ref to the C on G O, 139.

By Representative Klein of East Montpelier,

H. 276. An act relating to requiring margin over rack pricing for fuel assistance .

Rd 1st t and ref to the C on H S, 140; Rep. Pugh of South Burlington moved to commit bill to the C on N R & E which was agrd to., 154.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 277. An act relating to severe weather deductibles.

Rd 1st t and ref to the C on Comm and Economic Development, 155.

By Representatives Dickinson of St. Albans Town and Savage of Swanton,

H. 278. An act relating to exemptions to Vermont's prescribed product manufacturer gift ban.

Rd 1st t and ref to the C on H C, 156.

By Representatives Townsend of South Burlington, Burke of Brattleboro, Christie of Hartford, Cross of Winooski, Donovan of Burlington, French of Randolph, Haas of Rochester, Lenes of Shelburne, Macaig of Williston, McCarthy of St. Albans City, McFaun of Barre Town, Moran of Wardsboro, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Spengler of Colchester, Till of Jericho and Zagar of Barnard,

H. 279. An act relating to payment of wages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 156.

By Representatives Moran of Wardsboro, Botzow of Pownal, Consejo of Sheldon, O'Sullivan of Burlington, Stevens of Waterbury and Weed of Enosburgh,

H. 280. (No. 0015) An act relating to payment of wages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 156; Act postp to next legislative day as moved by Rep. O'Sullivan of Burlington, 412; Rd 2nd Time, 468; Rep. O'Sullivan of Burlington rep/d for the C on General, Housing and Military Affairs, 468; Rep. O'Sullivan of Burlington moved to subst/d an amend which was agrd to, 474; Amend of C on General, Housing and Military Affairs agrd to and 3rd rdg Ordered, 474; Rd 3rd t and Passed, 513; S pro of amend con in, 899; Signed by Gov on 5/3/2013.

By Representative Greshin of Warren,

H. 281. An act relating to cancellation periods for home solicitation sales and civil penalties for consumer protection violations against persons aged 62 or older.

Rd 1st t and ref to the C on Comm and Economic Development, 156.

By Representatives Marcotte of Coventry, Batchelor of Derby, Botzow of Pownal, Devereux of Mount Holly, Kupersmith of South Burlington, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, McFaun of Barre Town, Shaw of Derby, Strong of Albany, Winters of Williamstown and Young of Glover,

H. 282. An act relating to the use of cellphones and other portable electronic devices by public school students.

Rd 1st t and ref to the C on Edu, 161.

By Representative Scheuermann of Stowe,

H. 283. An act relating to methods of claims settlement for automobile total losses.

Rd 1st t and ref to the C on Comm and Economic Development, 162.

By Representatives Ralston of Middlebury, Burditt of West Rutland, Komline of Dorset, Pugh of South Burlington, Scheuermann of Stowe and Young of Glover,

H. 284. An act relating to consumer protections for customers of cellular services.

Rd 1st t and ref to the C on Comm and Economic Development, 162.

By Representative Cheney of Norwich,

H. 285. An act relating to regulation of the method of payment used by scrap metal processors.

Rd 1st t and ref to the C on Comm and Economic Development, 162.

By Representatives Scheuermann of Stowe, Carr of Brandon, Dickinson of St. Albans Town, Marcotte of Coventry, Ralston of Middlebury and Young of Glover,

H. 286. An act relating to supporting manufacturing and industry.

Rd 1st t and ref to the C on Comm and Economic Development, 162.

By Representatives Lanpher of Vergennes, Russell of Rutland City, Yantachka of Charlotte, Grad of Moretown, Nuovo of Middlebury, Ralston of Middlebury and Waite-Simpson of Essex,

H. 287. An act relating to modifying record retention and related requirements for pawnbrokers and precious metal dealers.

Rd 1st t and ref to the C on Comm and Economic Development, 162; Rep. Botzow of Pownal moved to commit bill to the C on Judic which was agrd to., 211.

By Representatives Burke of Brattleboro, Bartholomew of Hartland, Lanpher of Vergennes, Potter of Clarendon and Sharpe of Bristol,

H. 288. An act relating to prohibiting unnecessary idling by motor vehicles.

Rd 1st t and ref to the C on Trans, 163.

By Representatives Burke of Brattleboro, Clarkson of Woodstock, Davis of Washington, Ellis of Waterbury, Head of South Burlington, Hooper of Montpelier, Marek of Newfane, Martin of Springfield, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Pearson of Burlington, Ram of Burlington, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington and Woodward of Johnson,

H. 289. An act relating to expanding eligibility for driving and identification privileges in Vermont .

Rd 1st t and ref to the C on Trans, 163.

By Representative Browning of Arlington,

H. 290. An act relating to driving privileges for undocumented Vermont residents.

Rd 1st t and ref to the C on Trans, 163.

By Representative McCullough of Williston,

H. 291. An act relating to town road and bridge standards and water quality.

Rd 1st t and ref to the C on Trans, 163.

By Representatives Canfield of Fair Haven, Brennan of Colchester and Potter of Clarendon,

H. 292. An act relating to moose permits for veterans.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 164.

By Representatives Ram of Burlington, Cross of Winooski, Krowinski of Burlington, McCullough of Williston, Pearson of Burlington, Peltz of Woodbury, Pugh of South Burlington, Sharpe of Bristol and Wizowaty of Burlington,

H. 293. An act relating to the SerVermont Fund.

Rd 1st t and ref to the C on H S, 164.

By Representatives Terenzini of Rutland Town, Beyor of Highgate, Canfield of Fair Haven, Cupoli of Rutland City, Gage of Rutland City, Helm of Fair Haven, Larocque of Barnet, Marek of Newfane and Winters of Williamstown,

H. 294. An act relating to liability for skiing off trail.

Rd 1st t and ref to the C on Judic, 164.

By the Committee on Ways and Means,

H. 295. (No. 0073) An act relating to technical tax changes.

Pl on cal for Notice on 2/19/2013, 164; Rd 2nd Time, 237; Rep. Ram of Burlington spoke for the C on W & M, 237; 3rd rdg Ordered, 237; Rd 3rd t and Passed, 242; S pro of amend not con in and C of C req/d upon mo of Rep. Ancel of Calais, 1667; Speaker appt Ancel of Calais, Ram of Burlington and Wilson of Manchester as members of the C of C on the part of the H, 1683; C of C rep/d agrd to (HH bill), 1866; R C Yeas = 108, Nays = 28, 1892; Pass the H and S on 5/13/2013; Signed by Gov on 6/5/13.

By Representatives Johnson of South Hero, Fagan of Rutland City, Helm of Fair Haven, O'Brien of Richmond, Pearce of Richford and Winters of Williamstown,

H. 296. An act relating to requiring that the calculation of state employees' pensions shall be based upon the employees' regular salary and shall not include overtime.

Rd 1st t and ref to the C on G O, 164.

By Representatives Botzow of Pownal, Carr of Brandon, Cross of Winooski, Kitzmiller of Montpelier, Kupersmith of South Burlington and Marcotte of Coventry,

H. 297. An act relating to duties and functions of the Department of Public Service.

Rd 1st t and ref to the C on Comm and Economic Development, 165; Ref to C on W & M per Rule 35(a), 309; Rd 2nd Time, 647; Rep. Young of Glover rep/d for the C on Comm and Economic Development, 647; Rep. Wilson of Manchester rep/d for the C on W & M, 653; Rep/d of C on Comm and Economic Development agrd to., 653; 3rd rdg Ordered, 653; Rd 3rd t and Passed, 662.

By Representative Scheuermann of Stowe,

H. 298. An act relating to submetered electric service.

Rd 1st t and ref to the C on Comm and Economic Development, 165.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 299. (No. 0044) An act relating to amending consumer protection provisions for propane refunds, unsolicited demands for payment, bad faith assertions of patent infringement and failure to comply with civil investigations.

Rd 1st t and ref to the C on Comm and Economic Development, 165; Rd 2nd Time, 374; Rep. Marcotte of Coventry rep/d for the C on Comm and Economic Development, 374; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 381; Rd 3rd t and Passed, 452; S pro of amend con in; Signed by Gov on 5/22/13.

By Representatives Toleno of Brattleboro and Michelsen of Hardwick,

H. 300. An act relating to commercial catering licenses.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 211.

By Representatives Nuovo of Middlebury, Batchelor of Derby, Buxton of Tunbridge, Carr of Brandon, Cheney of Norwich, Cole of Burlington, Davis of Washington, Donahue of Northfield, Ellis of Waterbury, Fisher of Lincoln, French of Randolph, Gallivan of Chittenden, Haas of Rochester, Lanpher of Vergennes, Manwaring of Wilmington, Martin of Springfield, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Pearson of Burlington, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Sharpe of Bristol, Smith of New Haven, Stuart of Brattleboro, Till of Jericho, Townsend of South Burlington, Van Wyck of Ferrisburgh, Weed of Enosburgh and Wizowaty of Burlington,

H. 301. An act relating to a task force on direct care workers.

Rd 1st t and ref to the C on H S, 212.

By Representative Cross of Winooski,

H. 302. An act relating to establishing an F-35A Adverse Impacts Compensation Board and Compensation Fund.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 212.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 303. An act relating to the promotion of tourism and economic development in the Connecticut River Valley.

Rd 1st t and ref to the C on Comm and Economic Development, 212.

By Representatives Krowinski of Burlington, Cole of Burlington and Wizowaty of Burlington,

H. 304. An act relating to health insurance coverage for persons who are transgender.

Rd 1st t and ref to the C on H C, 212.

By Representative Cheney of Norwich,

H. 305. An act relating to requiring the installation of an ignition interlock device as a condition to license reinstatement.

Rd 1st t and ref to the C on Judic, 213.

By Representatives Burke of Brattleboro, Gallivan of Chittenden, Lanpher of Vergennes and Russell of Rutland City,

H. 306. An act relating to penalties for speeding in school zones.

Rd 1st t and ref to the C on Trans, 213.

By Representatives Bouchard of Colchester, Batchelor of Derby, Buxton of Tunbridge, Devereux of Mount Holly, Hebert of Vernon, Helm of Fair Haven and Myers of Essex,

H. 307. An act relating to abolishing adverse possession actions.

Rd 1st t and ref to the C on Judic, 213.

By Representatives Krowinski of Burlington, Burke of Brattleboro, Clarkson of Woodstock, Cupoli of Rutland City, Fagan of Rutland City, Gallivan of Chittenden, Lanpher of Vergennes, Ram of Burlington and Yantachka of Charlotte,

H. 308. An act relating to investigating cosmetics.

Rd 1st t and ref to the C on H S, 213.

By Representative Donahue of Northfield,

H. 309. An act relating to limiting the amount a custodian may charge for paperless copies of medical records.

Rd 1st t and ref to the C on H C, 213.

By Representatives Poirier of Barre City and Moran of Wardsboro,

H. 310. An act relating to health care coverage in existing collective bargaining agreements.

Rd 1st t and ref to the C on H C, 214.

By Representative Browning of Arlington,

H. 311. An act relating to health care professionals' rates and practice locations.

Rd 1st t and ref to the C on H C, 214.

By Representative Browning of Arlington,

H. 312. An act relating to siting of electric generation facilities.

Rd 1st t and ref to the C on N R & E, 214.

By Representative Browning of Arlington,

H. 313. An act relating to siting of electric generation facilities.

Rd 1st t and ref to the C on N R & E, 214.

By Representatives Stevens of Waterbury, Burke of Brattleboro, Buxton of Tunbridge, Krowinski of Burlington, McCullough of Williston, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Stuart of Brattleboro, Till of Jericho, Townsend of South Burlington, Weed of Enosburgh and Yantachka of Charlotte,

H. 314. An act relating to independent direct support providers.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 220.

By Representatives Komline of Dorset, Poirier of Barre City, Pearson of Burlington, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Fisher of Lincoln, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, Kitzmiller of Montpelier, Lippert of Hinesburg, Macaig of Williston, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Partridge of Windham, Pugh of South Burlington, Ram of Burlington, Stevens of Shoreham, Toleno of Brattleboro, Trieber of Rockingham and Wizowaty of Burlington,

H. 315. (No. 0035) An act relating to group health coverage for same-sex spouses.

Rd 1st t and ref to the C on H C, 220; Rd 2nd Time, 313; Rep. Poirier of Barre City rep/d for the C on H C, 313; Amend of C on H C agrd to, 313; 3rd rdg Ordered, 314; R C Yeas, 139, Nays, 5, 314; Rd 3rd t and Passed, 322; Pass the H and S on 5/3/2013; Signed by Gov on 5/20/2013.

By Representative Poirier of Barre City,

H. 316. An act relating to transitional assistance for recipients of public assistance.

Rd 1st t and ref to the C on H S, 221.

By Representatives McCullough of Williston and Webb of Shelburne,

H. 317. An act relating to the prohibition of pesticide application under right-of-way permits in proximity to surface waters, culverts, signage, and ditches.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 221.

By Representatives Wright of Burlington, Buxton of Tunbridge, Condon of Colchester and Komline of Dorset,

H. 318. An act relating to the requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with the collective bargaining for teachers' and school administrators' contracts.

Rd 1st t and ref to the C on Edu, 221.

By Representatives Wright of Burlington, Buxton of Tunbridge, Komline of Dorset, McCarthy of St. Albans City and Savage of Swanton,

H. 319. An act relating to campaign finance reporting and disclaimers.

Rd 1st t and ref to the C on G O, 221.

By Representative Wright of Burlington,

H. 320. An act relating to a citizens' initiative process.

Rd 1st t and ref to the C on G O, 222.

By Representatives Helm of Fair Haven, Beyor of Highgate, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Fagan of Rutland City, Gage of Rutland City, Higley of Lowell, Hubert of Milton, Pearce of Richford and Winters of Williamstown,

H. 321. An act relating to use of all-terrain vehicles on state lands for purposes of hunting by persons 65 years of age or older.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 222.

By Representatives Helm of Fair Haven, Beyor of Highgate, Pearce of Richford and Winters of Williamstown,

H. 322. An act relating to studying the siting of wind electric generation in lakes.

Rd 1st t and ref to the C on N R & E, 222.

By Representatives Masland of Thetford, Cheney of Norwich, Christie of Hartford, McCullough of Williston, Russell of Rutland City, Stevens of Shoreham and Yantachka of Charlotte,

H. 323. An act relating to shared parental rights and responsibilities.

Rd 1st t and ref to the C on Judic, 222.

By Representatives Masland of Thetford, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Connor of Fairfield, Conquest of Newbury, Dakin of Chester, Evans of Essex, French of Randolph, Goodwin of Weston, Keenan of St. Albans City, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, McCarthy of St. Albans City, O'Sullivan of Burlington, Till of Jericho, Townsend of South Burlington and Waite-Simpson of Essex,

H. 324. An act relating to fish and wildlife license agents' use of Internet connections provided by the state lottery.

Rd 1st t and ref to the C on G O, 222.

By Representatives Masland of Thetford, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Ellis of Waterbury, French of Randolph, McCormack of Burlington, Sharpe of Bristol, Spengler of Colchester, Stevens of Shoreham, Till of Jericho, Waite-Simpson of Essex, Webb of Shelburne, Yantachka of Charlotte and Zagar of Barnard,

H. 325. An act relating to a bill of rights for children of arrested and incarcerated parents.

Rd 1st t and ref to the C on Comm and Economic Development, 223.

By Representative Campion of Bennington,

H. 326. An act relating to the impacts of wind energy generation facilities on migratory birds.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 223.

By Representative Cheney of Norwich,

H. 327. An act relating to the adoption of rules to limit unnecessary idling of motor vehicles.

Rd 1st t and ref to the C on N R & E, 223.

By Representative Till of Jericho,

H. 328. An act relating to improving the oral health of Vermonters.

Rd 1st t and ref to the C on H S, 223; Cmt'd to C on H C by mo of Rep. Pugh of South Burlington, 617.

By Representatives Clarkson of Woodstock, Johnson of Canaan, Malcolm of Pawlet, Stevens of Shoreham, Webb of Shelburne and Winters of Williamstown,

H. 329. An act relating to use value appraisals.

Rd 1st t and ref to the C on W & M, 224; Ref to C on Appr per Rule 35(a), 264; Rd 2nd Time, 575; Rep. Clarkson of Woodstock rep/d for the C on W & M, 575; Amend of C on Appr agrd to, 576; Amend as offd by Rep. Clarkson of Woodstock agrd to, 577; 3rd rdg Ordered, 582; Amend as offd by Rep. McCullough of Williston agrd to, 584; Rd 3rd t and Passed, 585.

By Representatives Campion of Bennington, Buxton of Tunbridge and Miller of Shaftsbury,

H. 330. An act relating to an exemption from Vermont's meals tax for nonprofit institutions.

Rd 1st t and ref to the C on W & M, 224.

By Representatives Pugh of South Burlington, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney and Trieber of Rockingham,

H. 331. An act relating to a systemic response to opioid addiction.

Rd 1st t and ref to the C on H S, 224.

By Representative Campion of Bennington,

H. 332. An act relating to dental services in Green Mountain Care.

Rd 1st t and ref to the C on H C, 224.

By Representative Cheney of Norwich,

H. 333. An act relating to electric vehicles and air pollution control rules.

Rd 1st t and ref to the C on N R & E, 224.

By Representatives Townsend of Randolph, Consejo of Sheldon, Evans of Essex, Martin of Wolcott, Stevens of Waterbury and Townsend of South Burlington,

H. 334. An act relating to trespass for skiing off designated trails.

Rd 1st t and ref to the C on Judic, 225.

By Representative Till of Jericho,

H. 335. An act relating to procedures related to firearms.

Rd 1st t and ref to the C on Judic, 225.

By Representative Till of Jericho,

H. 336. An act relating to felony crimes involving firearms.

Rd 1st t and ref to the C on Judic, 225.

By Representative Botzow of Pownal,

H. 337. An act relating to adopting the Uniform Manufactured Housing Act.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 225.

By Representatives Wizowaty of Burlington, Ancel of Calais, Bissonnette of Winooski, Clarkson of Woodstock, Cole of Burlington, Connor of Fairfield, Cross of Winooski, Dakin of Chester, Evans of Essex, French of Randolph, Hooper of Montpelier, Marek of Newfane, McCarthy of St. Albans City, Miller of Shaftsbury, Moran of Wardsboro, O'Sullivan of Burlington, Ram of Burlington and Till of Jericho,

H. 338. An act relating to increasing efficiency in state government finance and lending operations.

Rd 1st t and ref to the C on G O, 225; Rep. Sweaney of Windsor moved to commit bill to the C on W & M which was agrd to., 241.

By Representatives Moran of Wardsboro, South of St. Johnsbury, Christie of Hartford, Consejo of Sheldon, Davis of Washington, Macaig of Williston and Pearson of Burlington,

H. 339. An act relating to requiring employment breaks.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 226.

By Representatives Sharpe of Bristol, Christie of Hartford, Cole of Burlington, Davis of Washington, Donovan of Burlington, Evans of Essex, Hooper of Montpelier, Lenex of Shelburne, Moran of Wardsboro, Poirier of Barre City, Till of Jericho and Townsend of South Burlington,

H. 340. An act relating to adjustment of unemployment compensation benefits.

Rd 1st t and ref to the C on Comm and Economic Development, 226.

By Representative Moran of Wardsboro,

H. 341. An act relating to gun silencers.

Rd 1st t and ref to the C on Judic, 226.

By Representative Moran of Wardsboro,

H. 342. An act relating to recovering noneconomic damages for an intentional killing of a pet.

Rd 1st t and ref to the C on Judic, 226.

By Representative Poirier of Barre City,

H. 343. An act relating to the creation of an Office of the Ratepayer Advocate.

Rd 1st t and ref to the C on Comm and Economic Development, 238.

By Representatives Moran of Wardsboro, Christie of Hartford, Cole of Burlington, Davis of Washington, Donovan of Burlington, Evans of Essex, Lenes of Shelburne, Macaig of Williston, O'Sullivan of Burlington, Till of Jericho and Townsend of South Burlington,

H. 344. An act relating to staff safety at inpatient psychiatric facilities.

Rd 1st t and ref to the C on H S, 238.

By Representatives Campion of Bennington, Christie of Hartford, Frank of Underhill, Juskiewicz of Cambridge and Stuart of Brattleboro,

H. 345. An act relating to selection of a Secretary of Education.

Rd 1st t and ref to the C on Edu, 239.

By Representatives Peltz of Woodbury, Buxton of Tunbridge, Christie of Hartford and Juskiewicz of Cambridge,

H. 346. An act relating to funding career technical education.

Rd 1st t and ref to the C on Edu, 239.

By Representative Bartholomew of Hartland,

H. 347. An act relating to veterinary dentistry.

Rd 1st t and ref to the C on Agri, 239.

By Representative Johnson of Canaan,

H. 348. An act relating to establishing an application fee for the siting of an in-state facility that requires a certificate of public good from the Public Service Board.

Rd 1st t and ref to the C on Comm and Economic Development, 239.

By Representatives Christie of Hartford, Browning of Arlington, Buxton of Tunbridge, Campion of Bennington, Cole of Burlington, Cupoli of Rutland City, Evans of Essex, Juskiewicz of Cambridge, Lenes of Shelburne, Martin of Springfield, Martin of Wolcott, Masland of Thetford, Mrowicki of Putney, O'Sullivan of Burlington, Poirier of Barre City, Townsend of South Burlington and Zagar of Barnard,

H. 349. An act relating to the timing of due process actions relating to the provision of special education.

Rd 1st t and ref to the C on Edu, 239.

By Representatives Webb of Shelburne and Till of Jericho,

H. 350. An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct.

Rd 1st t and ref to the C on G O, 240.

By Representatives Yantachka of Charlotte, Cole of Burlington, Lenes of Shelburne and Webb of Shelburne,

H. 351. An act relating to the housesite value for property tax adjustments.

Rd 1st t and ref to the C on W & M, 240.

By Representatives Moran of Wardsboro, Browning of Arlington and Davis of Washington,

H. 352. An act relating to increasing the amount of the General Fund transfer.

Rd 1st t and ref to the C on Appr, 240.

By Representative Browning of Arlington,

H. 353. An act relating to eliminating tax expenditures.

Rd 1st t and ref to the C on W & M, 240.

By Representative Deen of Westminster,

H. 354. An act relating to various amendments to Vermont's land use control law and related statutes.

Rd 1st t and ref to the C on N R & E, 240.

By Representatives Donovan of Burlington, Christie of Hartford, Cole of Burlington, Davis of Washington, Evans of Essex, Lenes of Shelburne, Lewis of Berlin, Moran of Wardsboro, Peltz of Woodbury and Townsend of South Burlington,

H. 355. An act relating to safe patient handling.

Rd 1st t and ref to the C on H C, 241.

By Representatives Townsend of South Burlington and Deen of Westminster,

H. 356. An act relating to prohibiting littering in or on the waters of the State.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 241.

By Representative O'Sullivan of Burlington,

H. 357. An act relating to execution of court judgments on personal property.

Rd 1st t and ref to the C on Judic, 244.

By Representatives Campion of Bennington, Christie of Hartford, Juskiewicz of Cambridge, Kupersmith of South Burlington, Lanpher of Vergennes, Mook of Bennington, O'Sullivan of Burlington, Rachelson of Burlington and Stuart of Brattleboro,

H. 358. An act relating to teacher education programs.

Rd 1st t and ref to the C on Edu, 244.

By Representatives Young of Glover, Botzow of Pownal, Carr of Brandon, Cross of Winooski, Kitzmiller of Montpelier, Kupersmith of South

Burlington, Marcotte of Coventry, Ralston of Middlebury and Scheuermann of Stowe,

H. 359. An act relating to limiting liability in the enhanced 911 system.

Rd 1st t and ref to the C on Judic, 245.

By Representative Kitzmiller of Montpelier,

H. 360. An act relating to the historic preservation of and curatorial requirements for the Vermont State House and historic state buildings.

Rd 1st t and ref to the C on Corrections and Insti, 245.

By Representative Buxton of Tunbridge,

H. 361. An act relating to utility reconnection and change of account fees.

Rd 1st t and ref to the C on Comm and Economic Development, 245.

By Representatives Botzow of Pownal and Marcotte of Coventry,

H. 362. An act relating to automobile insurance and aftermarket parts.

Rd 1st t and ref to the C on Comm and Economic Development, 245.

By Representative Poirier of Barre City,

H. 363. An act relating to VPharm premium adjustment.

Rd 1st t and ref to the C on H C, 245.

By Representative Buxton of Tunbridge,

H. 364. An act relating to replacement prescriptions for controlled substances.

Rd 1st t and ref to the C on H S, 246.

By Representative Cheney of Norwich,

H. 365. An act relating to Act 250 jurisdiction in flood hazard areas and river corridors.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 246.

By Representative Cheney of Norwich,

H. 366. An act relating to net metering systems serving industrial facilities and to solar electric generation.

Rd 1st t and ref to the C on N R & E, 246.

By Representatives Pearson of Burlington, Moran of Wardsboro, Christie of Hartford, Cole of Burlington, Connor of Fairfield, Cross of Winooski, Davis of Washington, Fay of St. Johnsbury, French of Randolph, Kitzmiller of Montpelier, Krowinski of Burlington, Macaig of Williston, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Peltz of Woodbury, Ram of Burlington, Spengler of Colchester, Stevens of Waterbury, Toleno of Brattleboro, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

H. 367. An act relating to making changes to Vermont's tax code.

Rd 1st t and ref to the C on W & M, 246.

By Representatives Partridge of Windham and Trieber of Rockingham,

H. 368. An act relating to creating a refundable tax credit for manufacturers and rectifiers of distilled spirits.

Rd 1st t and ref to the C on W & M, 247.

By Representative Zagar of Barnard,

H. 369. An act relating to actions against town residents who petition town government.

Rd 1st t and ref to the C on G O, 247.

By Representatives Evans of Essex, Buxton of Tunbridge, Christie of Hartford, Cole of Burlington, Davis of Washington, Donovan of Burlington, Haas of Rochester, Keenan of St. Albans City, Krowinski of Burlington, Lenex of Shelburne, Macaig of Williston, Martin of Wolcott, McCarthy of St. Albans City, McCormack of Burlington, McFaun of Barre Town, Mook of Bennington, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Ram of Burlington, South of St. Johnsbury, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Weed of Enosburgh and Wizowaty of Burlington,

H. 370. An act relating to collective bargaining for state's attorneys.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 247.

By Representatives Trieber of Rockingham, Burditt of West Rutland, Mitchell of Fairfax, Partridge of Windham and Pugh of South Burlington,

H. 371. An act relating to prohibiting the termination of probation before restitution is completed.

Rd 1st t and ref to the C on Corrections and Insti, 247.

By Representatives Campion of Bennington, Bartholomew of Hartland, Branagan of Georgia, Christie of Hartford, Conquest of Newbury, McCullough of Williston, O'Sullivan of Burlington, Strong of Albany and Stuart of Brattleboro,

H. 372. An act relating to a media campaign regarding the impact of feral and free-ranging cats on populations of migratory birds and other vulnerable species in Vermont.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 248.

By Representative Pugh of South Burlington,

H. 373. An act relating to updating and reorganizing Title 33.

Rd 1st t and ref to the C on H S, 248.

By Representative Zagar of Barnard,

H. 374. An act relating to the installation of satellite dishes on rental property.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 248.

By Representatives Weed of Enosburgh, Burke of Brattleboro, Buxton of Tunbridge, Christie of Hartford, Cole of Burlington, Connor of Fairfield, Davis of Washington, French of Randolph, Haas of Rochester, Krowinski of Burlington, Lenes of Shelburne, Macaig of Williston, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, Stevens of Waterbury, Till of Jericho and Wizowaty of Burlington,

H. 375. An act relating to the expansion of Vermont's bottle bill.

Rd 1st t and ref to the C on N R & E, 248.

By Representative Fisher of Lincoln,

H. 376. An act relating to the Vermont National Guard.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 249.

By Representatives Ralston of Middlebury, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Cross of Winooski, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington, Marcotte of Coventry, Scheuermann of Stowe and Young of Glover,

H. 377. (No. 0059) An act relating to neighborhood planning and development for municipalities with designated centers.

Rd 1st t and ref to the C on Comm and Economic Development, 249; Rd 2nd Time, 430; Rep. Dickinson of St. Albans Town rep/d for the C on Comm and Economic Development, 430; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 451; Rd 3rd t and Passed, 459; Cmt'd to C on Comm and Economic Development by mo of Rep. Dickinson of St. Albans Town, 1056; S pro of amend con in w further amend thereto, as off'd by Rep. Dickinson of St. Albans Town, 1363; pur to req of Sen, the Speaker appt Botzow of Pownal, Dickinson of St. Albans Town and Sharpe of Bristol as members of the C of C on the part of the H, 1636; C of C rep/d agrd to, 1796; Pass the H and S on 5/13/2013; Signed by Gov on 6/3/2013.

By Representatives Scheuermann of Stowe, Bouchard of Colchester, Brennan of Colchester, Donaghy of Poultney, Donahue of Northfield, Komline of Dorset, Morrissey of Bennington, Myers of Essex, Shaw of Pittsford and Strong of Albany,

H. 378. An act relating to changing the structure of education governance and funding.

Rd 1st t and ref to the C on Edu, 249.

By Representative Smith of New Haven,

H. 379. An act relating to distance learning opportunities for students enrolled in the University of Vermont and the Vermont State Colleges.

Rd 1st t and ref to the C on Edu, 249.

By Representative Smith of New Haven,

H. 380. An act relating to expanding school choice and authorizing the creation of charter schools.

Rd 1st t and ref to the C on Edu, 249.

By Representative Smith of New Haven,

H. 381. An act relating to creating elementary and middle school public school choice.

Rd 1st t and ref to the C on Edu, 250.

By Representatives Brennan of Colchester, Wright of Burlington, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Bouchard of Colchester, Burditt of West Rutland, Buxton of Tunbridge, Canfield of Fair Haven, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Corcoran of Bennington, Cupoli of Rutland City, Donaghy of Poultney, Evans of Essex, Fagan of Rutland City, Gage of Rutland City, Greshin of Warren, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Jerman of Essex, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Komline of Dorset, Lawrence of Lyndon, Lewis of Berlin, McCarthy of St. Albans City, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Peltz of Woodbury, Potter of Clarendon, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Stevens of Shoreham, Strong of Albany, Till of Jericho, Van Wyck of Ferrisburgh, Waite-Simpson of Essex, Wilson of Manchester and Woodward of Johnson,

H. 382. An act relating to the qualifications for candidates for Adjutant and Inspector General.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 250.

By Representative Smith of New Haven,

H. 383. An act relating to freezing appraisal values for taxpayers 65 years of age and older until subsequent transfer.

Rd 1st t and ref to the C on W & M, 250.

By Representative Hooper of Montpelier,

H. 384. An act relating to a downtown transportation management plan.

Rd 1st t and ref to the C on Comm and Economic Development, 251.

By Representative Clarkson of Woodstock,

H. 385. An act relating to service of malt and vinous beverages by libraries.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 251.

By Representative Clarkson of Woodstock,

H. 386. An act relating to the state native insect.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 251.

By Representative Buxton of Tunbridge,

H. 387. An act relating to prohibiting the operation of motor vehicles with snow and ice that obstruct the driver's view.

Rd 1st t and ref to the C on Trans, 251.

By Representative Smith of New Haven,

H. 388. An act relating to amending the required contents of driver's licenses and nondriver identification cards.

Rd 1st t and ref to the C on Trans, 251.

By Representative Trieber of Rockingham,

H. 389. An act relating to disbursement from the Petroleum Cleanup Fund.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 251.

By Representatives Lenes of Shelburne, Hooper of Montpelier, Macaig of Williston and South of St. Johnsbury,

H. 390. An act relating to elimination periods for long-term care insurance policies.

Rd 1st t and ref to the C on Comm and Economic Development, 252; Cmtd to C on H S by mo of Rep. Botzow of Pownal, 1486.

By Representative Copeland-Hanzas of Bradford,

H. 391. An act relating to evidence-based prescription drug information for Vermont consumers.

Rd 1st t and ref to the C on H C, 252.

By Representatives Kupersmith of South Burlington, Head of South Burlington, Pugh of South Burlington and Townsend of South Burlington,

H. 392. An act relating to approval of an amendment to the charter of the City of South Burlington regarding the Office of the City Clerk.

Rd 1st t and ref to the C on G O, 252.

By Representatives Kupersmith of South Burlington, Head of South Burlington, Pugh of South Burlington and Townsend of South Burlington,

H. 393. An act relating to approval of an amendment to the charter of the City of South Burlington regarding the Library Department.

Rd 1st t and ref to the C on G O, 252.

By Representative Deen of Westminster,

H. 394. An act relating to authorizing the Secretary of Natural Resources to make site-specific resource determinations.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 252.

By the Committee on Commerce and Economic Development,

H. 395. (No. 0087) An act relating to the establishment of the Vermont Clean Energy Loan Fund.

C Bill rd 1st t, 253; Act postp until 3/13/2013 as moved by Rep. Botzow of Pownal, 267; Rep. Botzow of Pownal moved to commit bill to the C on Comm and Economic Development

which was agrd to., 298; Pl on cal for Notice on 2/27/2013, 309; Ref to C on W & M per Rule 35(a), 309; Ref to C on Appr per Rule 35(a), 529; Rd 2nd Time, 662; Rep. Carr of Brandon spoke for the C on Comm and Economic Development, 662; Rep. Wilson of Manchester, recommended for the C on W & M, 668; Rep. Keenan of St. Albans City spoke for the C on Appr, 668; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 668; Rd 3rd t and Passed, 674; S pro of amend con in, 1526; Signed by Gov on 6/17/13.

By Representative Cheney of Norwich,

H. 396. An act relating to expungement of criminal records.

Rd 1st t and ref to the C on Judic, 254.

By Representative Buxton of Tunbridge,

H. 397. An act relating to allowing a taxpayer to claim a renter rebate for a portion of a taxable year.

Rd 1st t and ref to the C on W & M, 255.

By Representatives Martin of Springfield, Christie of Hartford, Emmons of Springfield, Krowinski of Burlington, Lenos of Shelburne, Mrowicki of Putney, Nuovo of Middlebury, Peltz of Woodbury, Potter of Clarendon and Till of Jericho,

H. 398. An act relating to the exemption of parent-child centers from municipal and education property taxes.

Rd 1st t and ref to the C on W & M, 255.

By Representative Stevens of Shoreham,

H. 399. An act relating to ensuring the portability of a deceased spouse's estate tax exemption.

Rd 1st t and ref to the C on W & M, 255.

By Representative Peltz of Woodbury,

H. 400. An act relating to allowing municipalities to adopt bylaws regulating commercial building facades.

Rd 1st t and ref to the C on G O, 255.

By the Committee on Fish, Wildlife & Water Resources,

H. 401. (No. 0016) An act relating to municipal and regional planning and flood resilience.

Pl on cal for Notice on 2/27/2013, 255; Rd 2nd Time, 284; Rep. Rep. Quimby of Concord spoke for the C on Fish, Wildlife & Water Resources, 284; 3rd rdg Ordered, 284; rd 3d t & pass, 294; S pro of amend con in, 900; Signed by Gov on 5/6/2013.

By Representative Browning of Arlington,

H. 402. An act relating to the use of smart meters.

Rd 1st t and ref to the C on N R & E, 256.

By Representatives Haas of Rochester, Batchelor of Derby, Davis of Washington, Donahue of Northfield, Hooper of Montpelier, Lenos of Shelburne and Waite-Simpson of Essex,

H. 403. (No. 0033) An act relating to community supports for persons with serious functional impairments.

Rd 1st t and ref to the C on H S, 256; Ref to C on Appr per Rule 35(a), 321; Act postp to next legislative day as moved by Rep. Haas of Rochester, 792; Rd 2nd Time, 830; Rep. Haas of Rochester rep/d for the C on H S, 830; Rep. Manwaring of Wilmington, recommended for the C on Appr, 833; Amend as offd by Rep. Batchelor of Derby agrd to, 833; Amend of C on H S agrd to and 3rd rdg Ordered, 834; Rd 3rd t and Passed, 849; Pass the H and S on 5/8/2013; Signed by Gov on 5/14/2013.

By Representative Till of Jericho,

H. 404. An act relating to requiring a notice of intent to file a claim for medical malpractice cases.

Rd 1st t and ref to the C on Judic, 258.

By Representative Cheney of Norwich,

H. 405. (No. 0088) An act relating to manure management and anaerobic digesters.

Rd 1st t and ref to the C on N R & E, 258; Rd 2nd Time, 411; Rep. Malcolm of Pawlet rep/d for the C on N R & E, 3rd rdg ord, 411; Rd 3rd t and Passed, 459; S pro of amend con in, 1484; Signed by Gov on 6/17/13.

By Representatives Devereux of Mount Holly, Higley of Lowell, Martin of Wolcott, Browning of Arlington, Consejo of Sheldon, Mook of Bennington, Townsend of South Burlington and Wilson of Manchester,

H. 406. (No. 0021) An act relating to town listers, assessors and auditors.

Rd 1st t and ref to the C on G O, 258; Rd 2nd Time, 451; Rep. Higley of Lowell rep/d for the C on G O, 451; Amend of C on G O agrd to and 3rd rdg Ordered, 452; Rd 3rd t and Passed, 459; S pro of amend con in, 901; Delv to the Gov on 5/8/2013; Signed by Gov on 5/8/2013.

By Representative Wizowaty of Burlington,

H. 407. An act relating to establishing state funding eligibility for for-profit and nonprofit organizations based on income ratios.

Rd 1st t and ref to the C on G O, 258.

By Representatives Buxton of Tunbridge, Krowinski of Burlington, McCarthy of St. Albans City, Ram of Burlington, Trieber of Rockingham, Young of Glover and Zagar of Barnard,

H. 408. An act relating to creating a Vermont Student Loan Consolidation and Forgiveness Program.

Rd 1st t and ref to the C on Edu, 258.

By Representatives McCarthy of St. Albans City, Bissonnette of Winooski, Botzow of Pownal, Campion of Bennington, Cole of Burlington, Connor of Fairfield, Consejo of Sheldon, Gallivan of Chittenden, Masland of Thetford, Potter of Clarendon, Rachelson of Burlington, Stevens of Waterbury, Till of Jericho, Toleno of Brattleboro, Townsend of Randolph, Weed of Enosburgh, Wright of Burlington and Zagar of Barnard,

H. 409. An act relating to stock supply and emergency administration of epinephrine auto-injectors in schools.

Rd 1st t and ref to the C on Edu, 259.

By Representatives Masland of Thetford, Cheney of Norwich, Botzow of Pownal, Branagan of Georgia, Christie of Hartford, Clarkson of Woodstock, Copeland-Hanzas of Bradford, Deen of Westminster, Emmons of Springfield, Jerman of Essex, Johnson of Canaan, Kitzmiller of Montpelier, Krowinski of Burlington, Lanpher of Vergennes, Macaig of Williston, Marek of Newfane, McCullough of Williston, Miller of Shaftsbury, Pearson of Burlington, Poirier of Barre City, Ram of Burlington, South of St. Johnsbury, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Wright of Burlington and Young of Glover,

H. 410. An act relating to brownfields.

Rd 1st t and ref to the C on N R & E, 259.

By Representatives Young of Glover, Buxton of Tunbridge, Christie of Hartford, Clarkson of Woodstock, Masland of Thetford, Ram of Burlington and Zagar of Barnard,

H. 411. An act relating to Vermont Telecommunications Authority revenue bonds.

Rd 1st t and ref to the C on W & M, 259.

By Representatives McCullough of Williston, Dakin of Chester, Frank of Underhill, Macaig of Williston, Masland of Thetford, McCormack of Burlington, Mrowicki of Putney, Poirier of Barre City, Sharpe of Bristol, Till of Jericho, Waite-Simpson of Essex and Yantachka of Charlotte,

H. 412. An act relating to shared parental rights and responsibilities and equal parent-child contact.

Rd 1st t and ref to the C on Judic, 260.

By Representatives Wizowaty of Burlington, Marek of Newfane and Waite-Simpson of Essex,

H. 413. An act relating to the Uniform Collateral Consequences of Conviction Act.

Rd 1st t and ref to the C on Judic, 260.

By Representatives Ralston of Middlebury, Browning of Arlington, Komline of Dorset and Pearson of Burlington,

H. 414. An act relating to a Director for Consumer Advocacy within the Department of Public Service.

Rd 1st t and ref to the C on Comm and Economic Development, 260.

By Representatives Young of Glover, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Cross of Winooski, Dickinson of St. Albans

Town, Kupersmith of South Burlington, Marcotte of Coventry, Ralston of Middlebury and Scheuermann of Stowe,

H. 415. An act relating to the continued mission of the Vermont Telecommunications Authority.

Rd 1st t and ref to the C on Comm and Economic Development, 260.

By Representatives Waite-Simpson of Essex, Conquest of Newbury, Goodwin of Weston and Marek of Newfane,

H. 416. An act relating to trespass liability for service of process.

Rd 1st t and ref to the C on Judic, 261.

By Representatives Russell of Rutland City, Cupoli of Rutland City, Fagan of Rutland City and Gage of Rutland City,

H. 417. An act relating to blighted property improvement programs.

Rd 1st t and ref to the C on W & M, 261.

By the Committee on Health Care,

H. 418. An act relating to establishing premium and cost-sharing assistance, a sugar-sweetened beverage tax, and a health care claims tax.

Pl on cal for Notice on 2/28/2013, 261; Ref to C on W & M per Rule 35(a), 278.

By Representative Marek of Newfane,

H. 419. An act relating to the taxation of mobile homes in a mobile home park.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 261.

By Representatives Keenan of St. Albans City and Branagan of Georgia,

H. 420. An act relating to the annual assessment for home health agencies.

Rd 1st t and ref to the C on H S, 261.

By Representatives Savage of Swanton and Hebert of Vernon,

H. 421. An act relating to establishing an aggravated DUI offense.

Rd 1st t and ref to the C on Judic, 261.

By Representatives Savage of Swanton, Beyor of Highgate, Branagan of Georgia, Canfield of Fair Haven, Cupoli of Rutland City, Dickinson of St. Albans Town, Goodwin of Weston, Hebert of Vernon, Juskiewicz of Cambridge, Terenzini of Rutland Town and Wright of Burlington,

H. 422. An act relating to aggravated murder for killing a firefighter or an emergency services provider.

Rd 1st t and ref to the C on Judic, 262.

By Representatives Hubert of Milton, Beyor of Highgate, Bouchard of Colchester, Brennan of Colchester, Burditt of West Rutland, Myers of Essex and Wright of Burlington,

H. 423. An act relating to retaining proof of work documents at state and municipal contract work sites.

Rd 1st t and ref to the C on G O, 262.

By Representative Botzow of Pownal,

H. 424. An act relating to consecutive public water systems.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 262.

By Representative Greshin of Warren,

H. 425. An act relating to workers' compensation.

Rd 1st t and ref to the C on Comm and Economic Development, 262.

By Representatives Donovan of Burlington, Christie of Hartford, Davis of Washington, Macaig of Williston, Moran of Wardsboro, Pearson of Burlington, Poirier of Barre City, South of St. Johnsbury and Zagar of Barnard,

H. 426. An act relating to unemployment compensation for certain school employees.

Rd 1st t and ref to the C on Comm and Economic Development, 262.

By Representatives Till of Jericho, Bouchard of Colchester and O'Sullivan of Burlington,

H. 427. An act relating to the Vermont Housing Finance Agency.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 263.

By Representative Waite-Simpson of Essex,

H. 428. An act relating to sheriffs and deputy sheriffs.

Rd 1st t and ref to the C on G O, 263.

By Representative Botzow of Pownal,

H. 429. An act relating to enhancing consumer cyber security.

Rd 1st t and ref to the C on Comm and Economic Development, 263.

By Representative Fisher of Lincoln,

H. 430. An act relating to requiring individuals providing child abuse education in a school to be mandatory reporters of abuse.

Rd 1st t and ref to the C on H S, 268.

By Representative Wizowaty of Burlington,

H. 431. (No. 0008) An act relating to mediation in foreclosure actions.

Rd 1st t and ref to the C on Judic, 269; Rep. Koch of Barre Town rep/d for the C on Judic, 325; Rd 2nd Time, 325; Amend of C on Judic agrd to and 3rd rdg Ordered, 332; Rd 3rd t and Passed, 413; S pro of amend con in, 750; Delv to the Gov on 4/25/2013; Signed by Gov on 4/26/2013.

By Representatives Davis of Washington, Christie of Hartford, Donovan of Burlington, Lenes of Shelburne, Macaig of Williston, McFaun of Barre Town, Moran of Wardsboro, Pearson of Burlington, Poirier of Barre City, South of St. Johnsbury and Zagar of Barnard,

H. 432. An act relating to prevailing wages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 269.

By Representatives Davis of Washington, Moran of Wardsboro, Cole of Burlington, Evans of Essex, Lenes of Shelburne, Macaig of Williston, McFaun

of Barre Town, Pearson of Burlington, Poirier of Barre City, South of St. Johnsbury, Till of Jericho and Townsend of South Burlington,

H. 433. An act relating to establishing a livable wage.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 269.

By Representatives Davis of Washington, Branagan of Georgia, Moran of Wardsboro, Strong of Albany and Zagar of Barnard,

H. 434. An act relating to local control of the public education system and to the relative powers of school districts and supervisory unions.

Rd 1st t and ref to the C on Edu, 269.

By Representatives Davis of Washington, Cole of Burlington, Lenes of Shelburne, Macaig of Williston, McFaun of Barre Town, Moran of Wardsboro, Pearson of Burlington, South of St. Johnsbury and Townsend of South Burlington,

H. 435. An act relating to teaching the history of organized labor and the collective bargaining process.

Rd 1st t and ref to the C on Edu, 269.

By Representatives Grad of Moretown and Fay of St. Johnsbury,

H. 436. An act relating to child victims of physical abuse and court procedural rules.

Rd 1st t and ref to the C on Judic, 270.

By Representative Cheney of Norwich,

H. 437. An act relating to renewable technologies for heating and cooling.

Rd 1st t and ref to the C on N R & E, 270.

By Representative Klein of East Montpelier,

H. 438. An act relating to prohibiting the use of gestational pig crates.

Rd 1st t and ref to the C on Agri and Forest Products, 270.

By Representatives Lanpher of Vergennes, Burke of Brattleboro, Bissonnette of Winooski, Gallivan of Chittenden, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, Potter of Clarendon, Russell of Rutland City and Yantachka of Charlotte,

H. 439. An act relating to reducing petroleum and overall energy use in the transportation sector.

Rd 1st t and ref to the C on Trans, 270.

By Representatives Pearson of Burlington, Consejo of Sheldon, Poirier of Barre City, Townsend of Randolph and Townsend of South Burlington,

H. 440. An act relating to extending the requirements of the Open Meeting Law.

Rd 1st t and ref to the C on G O, 270.

By Representatives Scheuermann of Stowe and Peltz of Woodbury,

H. 441. An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares.

Rd 1st t and ref to the C on Comm and Economic Development, 271; Rd 2nd Time, 1276; Rep. Scheuermann of Stowe rep/d for the C on Comm and Economic Development, 1276; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 1279; Amend as offd by Rep. Scheuermann of Stowe agrd to, 1299; Rd 3rd t and Passed, 1300.

By Representative Cheney of Norwich,

H. 442. An act relating to the development of microhydroelectric projects in Vermont.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 271.

By Representatives Fagan of Rutland City, Gage of Rutland City, Batchelor of Derby, Browning of Arlington, Christie of Hartford, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Juskiewicz of Cambridge, Koch of Barre Town, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Mitchell of Fairfax, Morrissey of Bennington, Myers of Essex, Potter of Clarendon, Quimby of Concord, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Strong of Albany, Terenzini of Rutland Town, Van Wyck of Ferrisburgh and Winters of Williamstown,

H. 443. An act relating to proof of Vermont residency for public benefits.

Rd 1st t and ref to the C on H S, 271.

By Representative Buxton of Tunbridge,

H. 444. An act relating to exempting vendors making less than \$1,000.00 in annual sales from collecting the sales tax.

Rd 1st t and ref to the C on W & M, 271.

By Representatives Macaig of Williston, Christie of Hartford, Kitzmiller of Montpelier, Lenes of Shelburne, Lippert of Hinesburg, Martin of Springfield, McCullough of Williston, McFaun of Barre Town, Partridge of Windham, Smith of New Haven, Spengler of Colchester, Stevens of Waterbury, Wizowaty of Burlington and Yantachka of Charlotte,

H. 445. An act relating to the repeal of the delinquent property tax penalty.

Rd 1st t and ref to the C on W & M, 272.

By Representative Johnson of Canaan,

H. 446. An act relating to the process for siting in-state electric generation facilities.

Rd 1st t and ref to the C on N R & E, 272.

By Representative Wizowaty of Burlington,

H. 447. An act relating to increased use of adult court diversion.

Rd 1st t and ref to the C on Judic, 272.

By Representative Cheney of Norwich,

H. 448. An act relating to Act 250 and primary agricultural soils.

Rd 1st t and ref to the C on Agri and Forest Products, 272.

By Representatives Jerman of Essex and Hebert of Vernon,

H. 449. An act relating to Act 250 and primary agricultural soils.

Rd 1st t and ref to the C on Agri and Forest Products, 272.

By Representative Sweaney of Windsor,

H. 450. (No. 0036) An act relating to expanding the powers of regional planning commissions.

Rd 1st t and ref to the C on G O, 273; Rd 2nd Time, 835; Rep. Townsend of Randolph rep/d for the C on G O, 835; Amend of C on G O agrd to and 3rd rdg Ordered, 836; Rd 3rd t and Passed, 850; S pro of amend con in, 1528; Signed by Gov on 5/20/2013.

By Representative Smith of New Haven,

H. 451. An act relating to appeals of pro se litigants in proceedings under Act 250 and under 24 V.S.A. chapter 117.

Rd 1st t and ref to the C on Judic, 273.

By Representatives Kupersmith of South Burlington, Marcotte of Coventry, Botzow of Pownal, Bouchard of Colchester and Kitzmiller of Montpelier,

H. 452. An act relating to gross misconduct.

Rd 1st t and ref to the C on Comm and Economic Development, 273.

By Representatives Manwaring of Wilmington and Moran of Wardsboro,

H. 453. An act relating to developing data systems to promote equitable educational opportunities.

Rd 1st t and ref to the C on Edu, 273.

By Representatives Ram of Burlington, Buxton of Tunbridge, Donovan of Burlington, Krowinski of Burlington, McCarthy of St. Albans City, Pearson of Burlington, Trieber of Rockingham and Young of Glover,

H. 454. An act relating to minimizing the fiscal impact of textbook purchases at public postsecondary institutions.

Rd 1st t and ref to the C on Edu, 273.

By Representatives Haas of Rochester, Batchelor of Derby, Donahue of Northfield, Krowinski of Burlington, Masland of Thetford and Mrowicki of Putney,

H. 455. An act relating to the impact of sentencing on minor children.

Rd 1st t and ref to the C on Judic, 274.

By Representatives Haas of Rochester, Donahue of Northfield, Krowinski of Burlington, Masland of Thetford and Mrowicki of Putney,

H. 456. An act relating to children of incarcerated fathers.

Rd 1st t and ref to the C on Corrections and Insti, 274.

By Representatives Haas of Rochester, Batchelor of Derby, Donahue of Northfield, Krowinski of Burlington, Masland of Thetford and Mrowicki of Putney,

H. 457. An act relating to a task force on children and families affected by the criminal justice system.

Rd 1st t and ref to the C on H S, 274.

By Representatives Ancel of Calais, Hooper of Montpelier and Young of Glover,

H. 458. An act relating to computer gaming and marketing Vermont.

Rd 1st t and ref to the C on Comm and Economic Development, 274.

By Representatives Kupersmith of South Burlington, Lenes of Shelburne and Webb of Shelburne,

H. 459. An act relating to highway-rail grade crossings.

Rd 1st t and ref to the C on Trans, 274.

By Representatives Buxton of Tunbridge, Beyor of Highgate, Branagan of Georgia, Canfield of Fair Haven, Dickinson of St. Albans Town, Hooper of Montpelier, McCarthy of St. Albans City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford and South of St. Johnsbury,

H. 460. An act relating to choice of providers for vision and eye care services.

Rd 1st t and ref to the C on H C, 275.

By Representative Donovan of Burlington,

H. 461. An act relating to closing a public school and reopening it as an independent school.

Rd 1st t and ref to the C on Edu, 275.

By Representative Hooper of Montpelier,

H. 462. An act relating to a Transportation Demand Management Pilot Program.

Rd 1st t and ref to the C on Trans, 275.

By Representatives Emmons of Springfield, Larocque of Barnet, Lenes of Shelburne and Macaig of Williston,

H. 463. An act relating to a Department of Corrections victim services program.

Rd 1st t and ref to the C on Corrections and Insti, 275.

By Representatives Emmons of Springfield, Larocque of Barnet, Lenes of Shelburne and Macaig of Williston,

H. 464. An act relating to health care reform and cost reductions in the Department of Corrections.

Rd 1st t and ref to the C on Corrections and Insti, 275.

By Representatives Gage of Rutland City, Cupoli of Rutland City, Fagan of Rutland City, Batchelor of Derby, Branagan of Georgia, Hebert of Vernon, Hubert of Milton, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Mitchell of Fairfax, Morrissey of Bennington, Myers of Essex, Quimby of Concord, Russell of Rutland City, Shaw of Derby, Strong of Albany, Terenzini of Rutland Town and Winters of Williamstown,

H. 465. An act relating to imposing a two-year minimum sentence for distribution, sale, and trafficking of heroin; depressant, stimulant, and narcotic drugs; and methamphetamine.

Rd 1st t and ref to the C on Judic, 276.

By Representatives Canfield of Fair Haven, Bouchard of Colchester, Cheney of Norwich, Cupoli of Rutland City, Evans of Essex, Gage of Rutland City, Hebert of Vernon, Hubert of Milton, Juskiewicz of Cambridge and Terenzini of Rutland Town,

H. 466. An act relating to exempting the first \$2,500.00 of retired military pay from state income taxation.

Rd 1st t and ref to the C on W & M, 276.

By Representatives Wright of Burlington, Brennan of Colchester, Hebert of Vernon and Myers of Essex,

H. 467. An act relating to reporting dangerous and mentally ill persons to the National Instant Criminal Background Check System.

Rd 1st t and ref to the C on Judic, 276.

By Representatives Moran of Wardsboro and Wright of Burlington,

H. 468. An act relating to making it easier for taxpayers who misfile a homestead declaration to seek relief from the Department of Taxes.

Rd 1st t and ref to the C on W & M, 276.

By Representatives Dickinson of St. Albans Town, Botzow of Pownal, Bouchard of Colchester, Buxton of Tunbridge, Carr of Brandon, Cupoli of Rutland City, Donovan of Burlington, Heath of Westford, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Lewis of Berlin, Marcotte of Coventry, Mitchell of Fairfax and Young of Glover,

H. 469. An act relating to increasing the prevalence and value of teacher advisory groups.

Rd 1st t and ref to the C on Edu, 277.

By Representatives McCormack of Burlington and McFaun of Barre Town,

H. 470. An act relating to Vermont's earned income tax credit.

Rd 1st t and ref to the C on W & M, 277.

By Representative Wizowaty of Burlington,

H. 471. An act relating to civil forfeiture proceedings in criminal cases of animal cruelty.

Rd 1st t and ref to the C on Judic, 277.

By Representatives Hebert of Vernon, Beyor of Highgate, Savage of Swanton and Terenzini of Rutland Town,

H. 472. An act relating to immediate examinations for threats to schools.

Rd 1st t and ref to the C on Judic, 277.

By Representatives Batchelor of Derby and Bouchard of Colchester,

H. 473. An act relating to increasing child to adult ratios in child care settings.

Rd 1st t and ref to the C on H S, 277.

By Representative Sweaney of Windsor,

H. 474. (No. 0028) An act relating to amending the membership and charge of the Government Accountability Committee.

Rd 1st t and ref to the C on G O, 278; Rd 2nd Time, 610; Rep. Townsend of South Burlington rep/d for the C on G O, 610; 3rd rdg Ordered, 610; Rd 3rd t and Passed, 615; S pro of amend con in, 1266; Delv to the Gov on 5/9/2013; Signed by Gov on 5/13/2013.

By Representative Martin of Wolcott,

H. 475. An act relating to the retirement plan options for county deputy sheriffs.

Rd 1st t and ref to the C on G O, 278.

By Representative Pearson of Burlington,

H. 476. An act relating to the monitoring of Vermont's motor fuel oil industry.

Rd 1st t and ref to the C on Comm and Economic Development, 278; Rep. Botzow of Pownal moved to commit bill to the C on Trans which was agrd to., 294.

By Representatives Krowinski of Burlington and Mrowicki of Putney,

H. 477. An act relating to banning temporary signs from highway and public rights-of-way.

Rd 1st t and ref to the C on Trans, 287.

By Representatives McCormack of Burlington and Larocque of Barnet,

H. 478. An act relating to regulating leaf blowers and leaf vacuums.

Rd 1st t and ref to the C on N R & E, 287.

By Representative Zagar of Barnard,

H. 479. An act relating to the design and operation of composting toilets.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 287.

By Representatives Bissonnette of Winooski, Cole of Burlington, Cross of Winooski, Donovan of Burlington, Hubert of Milton, Johnson of South Hero, Keenan of St. Albans City, Krowinski of Burlington, McCormack of

Burlington, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City, Savage of Swanton and Wright of Burlington,

H. 480. An act relating to tax increment financing districts.

Rd 1st t and ref to the C on W & M, 287.

By Representative Buxton of Tunbridge,

H. 481. An act relating to campaign finance.

Rd 1st t and ref to the C on G O, 287.

By Representatives Buxton of Tunbridge, Bouchard of Colchester, Burditt of West Rutland, French of Randolph, Ralston of Middlebury, Strong of Albany and Trieber of Rockingham,

H. 482. An act relating to creating an employer-assisted housing fund.

Rd 1st t and ref to the C on Comm and Economic Development, 288.

By Representatives Botzow of Pownal and Kupersmith of South Burlington,

H. 483. An act relating to adopting revisions to Article 9 of the Uniform Commercial Code.

Rd 1st t and ref to the C on Comm and Economic Development, 288; Rd 2nd Time, 928; Rep. Carr of Brandon rep/d for the C on Comm and Economic Development, 928; Amend of C on Comm and Economic Development agrd to and 3rd rdg Ordered, 956; Rd 3rd t and Passed, 1025.

By Representatives Krowinski of Burlington, Fisher of Lincoln, Haas of Rochester, Jerman of Essex, McCormack of Burlington, Mrowicki of Putney, O'Sullivan of Burlington, Pugh of South Burlington, Rachelson of Burlington, Ram of Burlington and Till of Jericho,

H. 484. An act relating to advertising and information provided by limited services pregnancy centers.

Rd 1st t and ref to the C on H S, 288.

By Representatives Masland of Thetford, Buxton of Tunbridge, Cheney of Norwich, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Davis of Washington, Deen of Westminster, French of Randolph, Goodwin of Weston, Mrowicki of Putney, Sharpe of Bristol, Spengler of Colchester, Stevens of Shoreham, Waite-Simpson of Essex, Wilson of Manchester and Woodward of Johnson,

H. 485. An act relating to the minimum technical service requirements for broadband.

Rd 1st t and ref to the C on Comm and Economic Development, 288.

By Representatives Stevens of Shoreham and Masland of Thetford,

H. 486. An act relating to a noncustodial parent's access to records and information.

Rd 1st t and ref to the C on Judic, 289.

By Representatives Woodward of Johnson, Bouchard of Colchester, Burditt of West Rutland, Burke of Brattleboro, Copeland-Hanzas of Bradford, French of Randolph, Gage of Rutland City, Haas of Rochester, Marek of Newfane, Martin of Wolcott, Masland of Thetford, Michelsen of Hardwick, Mrowicki of Putney, Partridge of Windham, Poirier of Barre City, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

H. 487. An act relating to chiropractic coverage in Medicaid.

Rd 1st t and ref to the C on H C, 289.

By Representatives Head of South Burlington, O'Sullivan of Burlington, Pugh of South Burlington, Stuart of Brattleboro and Townsend of South Burlington,

H. 488. An act relating to prohibiting public funding of independent schools.

Rd 1st t and ref to the C on Edu, 289.

By Representative Moran of Wardsboro,

H. 489. An act relating to a study committee concerning public participation in the budget process.

Rd 1st t and ref to the C on Apr, 289.

By Representatives Zagar of Barnard, Bartholomew of Hartland, Cheney of Norwich, Connor of Fairfield, Davis of Washington, Fisher of Lincoln, Klein of East Montpelier, Malcolm of Pawlet, Masland of Thetford, McCarthy of St. Albans City, Michelsen of Hardwick, Pearson of Burlington, Ram of Burlington, Stevens of Shoreham, Toleno of Brattleboro and Weed of Enosburgh,

H. 490. An act relating to authorizing industrial hemp licenses.

Rd 1st t and ref to the C on Agri and Forest Products, 290.

By Representative McCormack of Burlington,

H. 491. An act relating to the use of disposable carryout bags.

Rd 1st t and ref to the C on N R & E, 290.

By Representatives Michelsen of Hardwick, Connor of Fairfield, Moran of Wardsboro and Zagar of Barnard,

H. 492. An act relating to securities exemption for small businesses in the agriculture or forest products sector.

Rd 1st t and ref to the C on Agri and Forest Products, 290.

By Representatives Ram of Burlington, Buxton of Tunbridge, Moran of Wardsboro, O'Sullivan of Burlington, Pearson of Burlington, Stevens of Waterbury and Zagar of Barnard,

H. 493. An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 290.

By Representatives Ram of Burlington, Buxton of Tunbridge, Trieber of Rockingham and Zagar of Barnard,

H. 494. An act relating to Reach Up and postsecondary education.

Rd 1st t and ref to the C on H S, 290.

By Representative Mrowicki of Putney,

H. 495. An act relating to unclaimed beverage container redemption deposits.

Rd 1st t and ref to the C on N R & E, 291.

By Representatives McCormack of Burlington and Krowinski of Burlington,

H. 496. An act relating to highway roundabouts.

Rd 1st t and ref to the C on Trans, 291.

By Representative Sweaney of Windsor,

H. 497. An act relating to the open meeting law.

Rd 1st t and ref to the C on G O, 291.

By Representative Hubert of Milton,

H. 498. An act relating to legislative records.

Rd 1st t and ref to the C on G O, 291.

By Representatives Davis of Washington, Deen of Westminster, Masland of Thetford, Stevens of Shoreham and Zagar of Barnard,

H. 499. An act relating to regulation and taxation of marijuana.

Rd 1st t and ref to the C on Judic, 291.

By Representatives Spengler of Colchester, Burke of Brattleboro, Christie of Hartford, Cross of Winooski, French of Randolph, Macaig of Williston, Malcolm of Pawlet, Martin of Springfield, Masland of Thetford, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, O'Sullivan of Burlington, Townsend of South Burlington, Weed of Enosburgh, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

H. 500. An act relating to medical marijuana caregivers, eligible medical conditions, and dispensaries.

Rd 1st t and ref to the C on H S, 291.

By Representative Potter of Clarendon,

H. 501. An act relating to operating a motor vehicle under the influence of alcohol or drugs.

Rd 1st t and ref to the C on Judic, 292.

By Representatives Dakin of Chester, Fisher of Lincoln, Pearson of Burlington, Spengler of Colchester and Till of Jericho,

H. 502. An act relating to concussions in youth athletics.

Rd 1st t and ref to the C on H S, 292; Rep. Pugh of South Burlington moved to commit bill to the C on H C which was agrd to., 533.

By Representative Masland of Thetford,

H. 503. An act relating to abandoned swimming pools.

Rd 1st t and ref to the C on Judic, 292.

By Representative Ralston of Middlebury,

H. 504. An act relating to positioning Vermont as a preferred domicile for knowledge-based businesses.

Rd 1st t and ref to the C on Comm and Economic Development, 292.

By Representatives Spengler of Colchester, Burke of Brattleboro, Cross of Winooski, French of Randolph, Haas of Rochester, Macaig of Williston, McCullough of Williston, Mrowicki of Putney, Pearson of Burlington, Poirier of Barre City, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Woodward of Johnson and Yantachka of Charlotte,

H. 505. An act relating to creating additional income tax brackets and rates.

Rd 1st t and ref to the C on W & M, 293.

By Representatives Pearson of Burlington and Toleno of Brattleboro,

H. 506. An act relating to a tax on carbon content in fuels.

Rd 1st t and ref to the C on W & M, 293.

By Representatives Campion of Bennington and Christie of Hartford,

H. 507. An act relating to a memorial for the victims of slavery.

Rd 1st t and ref to the C on Corrections and Insti, 293.

By Representatives Mrowicki of Putney, Jerman of Essex, Krowinski of Burlington, Bartholomew of Hartland, Burke of Brattleboro, Copeland-Hanzas of Bradford, Cross of Winooski, Dakin of Chester, Fay of St. Johnsbury, McCormack of Burlington, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Sharpe of Bristol, Taylor of Barre City, Till of Jericho, Waite-Simpson of Essex, Wizowaty of Burlington and Young of Glover,

H. 508. An act relating to recognizing the right to have an abortion.

Rd 1st t and ref to the C on H S, 293.

By Representative Koch of Barre Town,

H. 509. An act relating to judicial proceedings for involuntary psychiatric treatment and medication.

Rd 1st t and ref to the C on Judic, 293.

By the Committee on Transportation,

H. 510. (No. 0012) An act relating to the State's transportation program and miscellaneous changes to the State's transportation laws.

C Bill rd 1st t, 308; Ref to C on Appr per Rule 35(a), 312; Ref to C on W & M per Rule 35(a), 308; Rd 2nd Time, 413; Rep. Brennan of Colchester spoke for the C on Trans, 413; Rep. Masland of Thetford, recommended for the C on W & M, 413; Rep. Heath of Westford, recommended for the C on Appr, 413; Amend as offd by Rep. Higley of Lowell disaagr'd to, 413; R C Yeas, 43, Nays, 99, 414; Amend as offd by Rep. Bouchard of Colchester disaagr'd to, 418; R C Yeas, 34, Nays, 106, 418; Amend as offd by Rep. Hubert of Milton disagr'd to, 422; R C Yeas, 15, Nays, 127, 422; Amend as offd by Rep. Shaw of Pittsford disaagr'd to, 424; Amend as offd by Rep. Hubert of Milton disaagr'd to, 425; R C Yeas, 35, Nays, 108, 424; Rep. Browning of Arlington moved to amend the bill, 427; Rep. Browning of Arlington asked and was granted lv to wdr amend, 427; 3rd rdg Ordered, 427; R C Yeas, 105, Nays, 37, 427; Amend as offd by Rep. Koch of Barre Town disaagr'd to, 460; R C Yeas, 49, Nays, 88, 461; Amend as offd by Rep. Browning of Arlington wdrn, 464; Rd 3rd t, 465; Passed, 465; S pro of amend con in w further amend thereto, as offd by Rep. Brennan of Colchester, 804; S pro of amend con in w further amend thereto, as offd by Rep. Brennan of Colchester, 824; R C Yeas, 107, Nays, 36, 827; Pass the H and S on 4/24/2013; Delv to the Gov on 4/26/2013; Signed by Gov on 4/29/2013.

By the Committee on Judiciary,

H. 511. (No. 0013) An act relating to automated sales suppression devices, also known as "zappers".

Pl on cal for Notice on 3/14/2013, 308; Rd 2nd Time, 322; Rep. Goodwin of Weston spoke for the C on Judic, 322; 3rd rdg Ordered, 322; Rd 3rd t and Passed, 453; S pro of amend con in, 768; Delv to the Gov on 4/25/2013; Signed by Gov on 4/29/2013.

By Representatives Poirier of Barre City and Taylor of Barre City,

H. 512. (No. M005) An act relating to approval of amendments to the charter of the City of Barre.

Rd 1st t and ref to the C on G O, 308; Act postp until 4/16/2013 as moved by Rep. Higley of Lowell, 703; Rd 2nd Time, 736; Rep. Higley of Lowell rep/d for the C on G O, 736; 3rd rdg Ordered, 737; Rd 3rd t and Passed, 759; Pass the H and S on 5/8/2013; Signed by Gov on 5/13/2013.

By the Committee on Commerce and Economic Development,

H. 513. (No. 0029) An act relating to the Department of Financial Regulation.

Pl on cal for Notice on 3/15/2013, 311; Ref to C on W & M per Rule 35(a), 312; Rd 2nd Time, 474; Rep. Botzow of Pownal spoke for the C on Comm and Economic Development, 475; Rep. Condon of Colchester, recommended for the C on W & M, 475; 3rd rdg Ordered, 475; Rd 3rd t and Passed, 513; S pro of amend con in, 1052; Delv to the Gov on 5/9/2013; Signed by Gov on 5/13/2013.

By the Committee on Agriculture and Forest Products,

H. 514. An act relating to the tax liability of certain agricultural workers and employers.

Pl on cal for Notice on 3/15/2013, 311; Ref to C on W & M per Rule 35(a), 312; Rd 2nd Time, 661; Rep. Stevens of Shoreham spoke for the C on Agri and Forest Products, 661; Rep.

Johnson of Canaan, recommended for the C on W & M, 661; 3rd rdg Ordered, 661; Rd 3rd t and Passed, 674.

By the Committee on Agriculture and Forest Products,

H. 515. (No. 0083) An act relating to miscellaneous agricultural subjects.

Pl on cal for Notice on 3/15/2013, 311; Rd 2nd Time, 373; Rep. Connor of Fairfield spoke for the C on Agri and Forest Products, 373; 3rd rdg Ordered, 373; Rd 3rd t and Passed, 413; S pro of amend con in w further amend thereto, as offd by Rep. Partridge of Windham, 1562; Pass the H and S on 5/13/2013; Signed by Gov on 6/10/2013.

By the Committee on Government Operations,

H. 516. An act relating to establishing the Vermont Center for Geographic Information as the Division of Geospatial Technologies under the Department of Information and Innovation.

C Bill rd 1st t, 318; Ref to C on Appr per Rule 35(a), 321; Rep. Sweaney of Windsor moved to commit bill to the C on G O which was agrd to., 701.

By Representatives Dickinson of St. Albans Town, Keenan of St. Albans City and McCarthy of St. Albans City,

H. 517. (No. M003) An act relating to approval of the adoption and the codification of the charter of the Town of St. Albans.

Rd 1st t and ref to the C on G O, 318; Ref to C on W & M per Rule 35(a), 672; Rd 2nd Time, 793; Rep. Consejo of Sheldon rep/d for the C on G O, 793; Rep. Wilson of Manchester, recommended for the C on W & M, 793; Amend of C on W & M agrd to, 793; Amend of C on G O agrd to and 3rd rdg Ordered, 793; Rd 3rd t and Passed, 834; Pass the H and S on 5/9/2013; Signed by Gov on 5/14/2013.

By the Committee on Government Operations,

H. 518. (No. 0022) An act relating to miscellaneous amendments to Vermont retirement laws.

C Bill rd 1st t, 318; Rd 2nd Time, 456; Rep. Devereux of Mount Holly spoke for the C on G O, 456; 3rd rdg Ordered, 457; Rd 3rd t and Passed, 459; Pass the H and S on 4/26/2013; Delv to the Gov on 5/3/2013; Signed by Gov on 5/8/2013.

By the Committee on Natural Resources and Energy,

H. 519. An act relating to electric vehicles, the fuel gross receipts tax, and supporting the Clean Energy Development Fund.

C Bill rd 1st t, 318; Ref to C on W & M per Rule 35(a), 321.

By the Committee on Natural Resources and Energy,

H. 520. (No. 0089) An act relating to reducing energy costs and greenhouse gas emissions.

C Bill rd 1st t, 319; Rd 2nd Time, 457; Rep. Cheney of Norwich spoke for the C on N R & E, 457; 3rd rdg Ordered, 457; Act postp until 3/22/2013 as moved by Rep. Christie of Hartford, 460; Amend as offd by Rep. Cheney of Norwich agrd to, 514; Amend as offd by Rep. Higley of Lowell agrd to, 517; Amend as offd by Rep. Donahue of Northfield wdrn, 517; Rd 3rd t, 518; R C Yeas, 109, Nays, 27, 518; Passed, 518; S pro of amend con in, 1539; Signed by Gov on 6/17/13.

By the Committee on Education,

H. 521. (No. 0056) An act relating to making miscellaneous amendments to education law.

C Bill rd 1st t, 319; Ref to C on Appr per Rule 35(a), 321; Act postp until 4/11/2013 as moved by Rep. Christie of Hartford, 699; Rd 2nd Time, 706; Rep. Stuart of Brattleboro spoke for the C on Edu, 706; Rep. Manwaring of Wilmington, recommended for the C on Appr, 707; Amend as offd by Rep. Branagan of Georgia wrdn, 707; Amend as offd by Rep. Donovan of Burlington agrd to, 708; 3rd rdg Ordered, 710; Rd 3rd t and Passed, 714; S pro of amend con in w further amend thereto, as offd by Rep. Donovan of Burlington, 1711; Pass the H and S on 5/14/2013; Signed by Gov on 5/30/13.

By the Committee on Human Services,

H. 522. (No. 0075) An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse.

C Bill rd 1st t, 319; Rep. Lippert of Hinesburg moved to postp act until 3/21/2013 which was agrd to, 457; Rd 2nd Time, 475; Rep. Pugh of South Burlington spoke for the C on H S, 475; Rep. Lippert of Hinesburg moved to amend the bill which was agrd to, 475; R C Yeas, 137, Nays, 1, 505; 3rd rdg Ordered, 506; Amend as offd by Rep. Marcotte of Coventry, Dickinson of St. Albans Town, and O'Sullivan of Burlington agrd to, 521; Amend as offd by Rep. Lippert of Hinesburg agrd to, 523; Amend as offd by Rep. Higley of Lowell agrd to, 524; Amend as offd by Rep. Poirier of Barre City and Till of Jericho agrd to, 524; Rd 3rd t and Passed, 526; S pro of amend con in w further amend thereto, as offd by Rep. Pugh of South Burlington, 1566; S pro of amend con in, 1667; Signed by Gov on 6/5/13.

By the Committee on Judiciary,

H. 523. (No. 0067) An act relating to court administration and procedure.

C Bill rd 1st t, 319; Rd 2nd Time, 457; Rep. Fay of St. Johnsbury spoke for the C on Judic, 457; 3rd rdg Ordered, 457; Rd 3rd t and Passed, 460; S pro of amend con in w further amend thereto, as offd by Rep. Lippert of Hinesburg, 1820; Pass the H and S on 5/14/2013; Signed by Gov on 6/4/13.

By the Committee on Education,

H. 524. An act relating to making technical amendments to education laws.

C Bill rd 1st t, 319; Rd 2nd Time, 457; Rep. Christie of Hartford spoke for the C on Edu, 457; 3rd rdg Ordered, 458; Rd 3rd t and Passed, 460.

By Representative Scheuermann of Stowe,

H. 525. (No. M004) An act relating to approval of amendments to the charter of the Town of Stowe.

Rd 1st t and ref to the C on G O, 458; Rd 2nd Time, 713; Rep. Cole of Burlington spoke for the C on G O, 713; 3rd rdg Ordered, 714; Rd 3rd t and Passed, 750; Pass the H and S on 5/1/2013; Delv to the Gov on 5/7/2013; Signed by Gov on 5/8/2013.

By the Committee on Fish, Wildlife & Water Resources,

H. 526. An act relating to the establishment of lake shoreland protection standards.

Pl on cal for Notice on 3/25/2013, 528; Rd 2nd Time, 537; Rep. Deen of Westminster spoke for the C on Fish, Wildlife & Water Resources, 537; Amend as offd by Rep. Deen of

Westminster agrd to, 537; Amend as offd by Rep. Helm of Fair Haven wdrn, 539; Amend as offd by Rep. Helm of Fair Haven disaagr to, 539; Amend as offd by Rep. Helm of Fair Haven disaagr to, 540; R C Yeas, 48, Nays, 99, 541; Rep. Fagan of Rutland City moved to commit the bill to the C on W & M which was disaagr to, 543; R C Yeas, 105, Nays, 42, 543; 3rd rdg Ordered, 543; Amend as offd by Rep. Krebs of South Hero agrd to, 555; Amend as offd by Rep. Helm of Fair Haven disaagr to, 556; Rd 3rd t and Passed, 557.

By Representatives Donahue of Northfield and Lewis of Berlin,

H. 527. (No. M002) An act relating to approval of the adoption and the codification of the charter of the Town of Northfield.

Rd 1st t and ref to the C on G O, 528; Rd 2nd Time, 698; Rep. Townsend of Randolph rep/d for the C on G O, 698; 3rd rdg Ordered, 698; Rd 3rd t and Passed, 703; Pass the H and S on 4/24/2013; Delv to the Gov on 5/1/2013; Signed by Gov on 5/7/2013.

By the Committee on Ways and Means,

H. 528. An act relating to revenue changes for fiscal year 2014 and fiscal year 2015.

Pl on cal for Notice on 3/25/2013, 528; Rd 2nd Time, 546; Rep. Ancel of Calais spoke for the C on W & M, 546; 3rd rdg Ordered, 546; R C Yeas, 85, Nays, 55, 546; Amend as offd by Rep. Burke of Brattleboro, Stuart of Brattleboro, and Toleno of Brattleboro disaagr to, 557; Amend as offd by Rep. Scheuermann of Stowe disaagr to, 557; R C Yeas, 53, Nays, 90, 558; Rd 3rd t and Passed, 560; S pro of amend not con in and C of C req/d upon mo of Rep. Ancel of Calais, 1060; Speaker appt Ancel of Calais, Condon of Colchester and Wilson of Manchester as members of the C of C on the part of the H, 1075.

By Representatives Bissonnette of Winooski and Cross of Winooski,

H. 529. (No. M001) An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer.

Rd 1st t and ref to the C on G O, 531; Rd 2nd Time, 703; Rep. Martin of Wolcott rep/d for the C on G O, 703; 3rd rdg Ordered, 703; Rd 3rd t and Passed, 710; Pass the H and S on 5/1/2013; Delv to the Gov on 5/7/2013; Signed by Gov on 5/7/2013.

By the Committee on Appropriations,

H. 530. (No. 0050) An act relating to making appropriations for the support of government.

Pl on cal for Notice on 3/26/2013, 531; Rd 2nd Time, 560; Rep. Heath of Westford spoke for the C on Appr, 560; Amend as offd by Rep. Donahue of Northfield disaagr to, 560; R C Yeas, 51, Nays, 88, 562; Amend as offd by Rep. Pearson of Burlington agrd to, 565; Rep. Ancel of Calais, Moran of Wardsboro, Campion of Bennington, Christie of Hartford, Davis of Washington, Fay of St. Johnsbury, Krowinski of Burlington, McCarthy of St. Albans City, McCormack of Burlington, Mrowicki of Putney, Pearson of Burlington, South of St. Johnsbury, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Weed of Enosburgh, Wizowaty of Burlington, Yantachka of Charlotte, and Zagar of Barnard moved to amend the bill which was disaagr to, 656; Rep. Higley of Lowell moved to commit the bill to the C on Appr which was disaagr to, 566; R C Yeas, 36, Nays, 97, 566; Amend as offd by Rep. Wizowaty of Burlington wdrn, 569; Amend as offd by Rep. Cross of Winooski wdrn, 572; 3rd rdg Ordered, 572; Amend as offd by Rep. Heath of Westford agrd to, 585; Rep. Till of Jericho, Martin of Wolcott, Woodward of Johnson, and Fisher of Lincoln moved to amend

the bill which was agrd to, 586; Rep. Klein of East Montpelier, Cheney of Norwich, Canfield of Fair Haven, Ellis of Waterbury, Feltus of Lyndon, Hebert of Vernon, Jerman of Essex, Malcolm of Pawlet, McCormack of Burlington, Nuovo of Middlebury, and Yantachka of Charlotte moved to amend the bill which was agrd to, 586; Rep. Kupersmith of South Burlington and Marcotte of Coventry moved to amend the bill which was agrd to, 587; Amend as offd by Rep. Hubert of Milton wdrn, 587; Rep. Poirier of Barre City, Komline of Dorset, and Pearson of Burlington moved to amend the bill which was disaagrd to, 597; R C Yeas, 29, Nays, 108, 598; Rd 3rd t, 600; Passed, 600; R C Yeas, 91, Nays, 49, 600; Rep. Turner of Milton moved to susp/d R and take up bill for immediate cons, 1090; S pro of amend not con in and C of C req/d upon mo of Rep. Heath of Westford, 1227; Speaker appt Heath of Westford, Johnson of South Hero and O'Brien of Richmond as members of the C of C on the part of the H, 1227; C of C rep/d agrd to, 2018; R C Yeas, 128, Nays, 9, 2018; Signed by Gov on 5/28/13.

By the Committee on Corrections and Institutions,

H. 531. (No. 0007) An act relating to Building 617 in Essex.

Pl on cal for Notice on 3/29/2013, 583; Rd 2nd Time, 615; Rep. South of St. Johnsbury spoke for the C on Corrections and Insti, 615; 3rd rdg Ordered, 615; Rd 3rd t and Passed, 617; Signed by Gov on 4/23/2013; Pass the H and S on 4/19/2013; Signed by Gov on 4/23/2013.

By Representative Peltz of Woodbury,

H. 532. An act relating to the downtown and village center tax credits.

Rd 1st t and ref to the C on W & M, 583.

By the Committee on Corrections and Institutions,

H. 533. (No. 0051) An act relating to capital construction and state bonding.

Rd 1st t and ref to the C on Appr, 606; Rd 2nd Time, 653; Rep. Emmons of Springfield spoke for the C on Corrections and Insti, 653; Rep. Winters of Williamstown, recommended for the C on Appr, 653; Rep. Emmons of Springfield moved to amend the bill which was agrd to, 654; Rep. Browning of Arlington moved to amend the bill, 654; Rep. Browning of Arlington asked and was granted lv to wdr amend, 656; Rep. Manwaring of Wilmington moved to amend the bill which was agrd to, 656; 3rd rdg Ordered, 656; R C Yeas, 135, Nays, 0, 656; Rd 3rd t and Passed, 658; Act postp to next legislative day as moved by Rep. Emmons of Springfield, 1019; Act postp to next legislative day as moved by Rep. Emmons of Springfield, 1056; Rep. Emmons of Springfield moved to postp act until the next legislative day which was agrd to, 1087; S pro of amend con in w further amend thereto, as offd by Rep. Emmons of Springfield, 1227; Pass the H and S on 5/8/2013; Signed by Gov on 5/29/13.

By Representatives Bissonnette of Winooski and Cross of Winooski,

H. 534. (No. M009) An act relating to approval of amendments to the charter of the City of Winooski.

Rd 1st t and ref to the C on G O, 616; Rd 2nd Time, 1300; Rep. Townsend of South Burlington rep/d for the C on G O, 1300; Rep. Ram of Burlington, recommended for the C on W & M, 1301; Amend of C on G O agrd to and 3rd rdg Ordered, 1301; Rd 3rd t and Passed, 1366; Pass the H and S on 5/13/2013; Signed by Gov on 6/4/13.

By Representative Botzow of Pownal,

H. 535. (No. M008) An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford.

Rd 1st t and ref to the C on G O, 699; Act postp until 4/30/2013 as moved by Rep. Mook of Bennington, 837; Act postp to next legislative day as moved by Rep. Mook of Bennington, 1019; Rd 2nd Time, 1021; Rep. Mook of Bennington rep/d for the C on G O, 1021; Amend as offd by Rep. Mook of Bennington agrd to, 1021; Rep/d of C on G O as amend agrd to, 1021; 3rd rdg Ordered, 1021; Rd 3rd t and Passed, 1077; Pass the H and S on 5/13/2013; Signed by Gov on 5/23/13.

By the Committee on General, Housing and Military Affairs,

H. 536. (No. 0053) An act relating to the National Guard.

Pl on cal for Notice on 4/11/2013, 704; Rd 1st t and ref to the C on Appr, 713; Rd 2nd Time, 759; Rep. Head of South Burlington spoke for the C on General, Housing and Military Affairs, 759; Rep. Fagan of Rutland City, recommended for the C on Appr, 760; Rep. Cross of Winooski, Cole of Burlington, French of Randolph, Krowinski of Burlington, McCormack of Burlington, and Townsend of South Burlington moved to amend the bill, 760; Amend of Rep. Cross of Winooski ruled not germane, 761; Rep Cross mot to susp rules disagree/d to, R C Yeas = 11, Nays = 126, 761; Rep. Cross of Winooski, Cole of Burlington, French of Randolph, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington, and Townsend of South Burlington moved to amend the bill, 763; Amend of Rep. Cross of Winooski ruled not germane, 764; Amend as offd by Rep. Cross of Winooski disaagr to, 764; R C Yeas, 7, Nays, 137, 764; Amend as offd by Rep. Head of South Burlington agrd to, 766; 3rd rdg Ordered, 767; Act postp to next legislative day as moved by Rep. Head of South Burlington, 767; Rep. Head of South Burlington moved to amend the bill which was agrd to, 771; Rd 3rd t and Passed, 774; R C Yeas, 140, Nays, 0, 774; S pro of amend con in, 1536; Signed by Gov on 5/29/13.

By Representatives Burke of Brattleboro, Stuart of Brattleboro and Toleno of Brattleboro,

H. 537. (No. M007) An act relating to approval of amendments to the charter of the Town of Brattleboro.

Rd 1st t and ref to the C on G O, 735; Rd 2nd Time, 1434; Rep. Rep. Higley of Lowell rep/d for the C on G O, 1434; 3rd rdg Ordered, 1434; Rd 3rd t and Passed, 1434; Pass the H and S on 5/14/2013; Signed by Gov on 5/24/13.

By the Committee on Ways and Means,

H. 538. (No. 0060) An act relating to making miscellaneous amendments to education funding laws.

C Bill rd 1st t, 736; Ref to C on Appr per Rule 35(a), 736; Rd 2nd Time, 841; Rep. Sharpe of Bristol spoke for the C on W & M, 841; Rep. Winters of Williamstown, recommended for the C on Appr, 841; Amend of C on Appr agrd to, 842; Rep. Donovan of Burlington, Juskiewicz of Cambridge, and Davis of Washington moved to amend the bill which was agrd to, 842; Amend as offd by Rep. Donovan of Burlington agrd to, 843; Amend as offd by Rep. Ellis of Waterbury and Stevens of Waterbury disaagr to, 844; Amend as offd by Rep. Sharpe of Bristol agrd to, 845; Amend as offd by Rep. Cross of Winooski disaagr to, 846; 3rd rdg Ordered, 846; R C Yeas, 110, Nays, 24, 846; Rep. McCormack of Burlington, Cross of Winooski, Krowinski of Burlington, Moran of Wardsboro, Pearson of Burlington, and Poirier of Barre City moved to amend the bill which was disaagr to, 850; Rep. McCormack of Burlington, Krowinski of Burlington, and Pearson of Burlington moved to amend the bill which was agrd to, 851; Rep. Donovan of Burlington and Cross of Winooski moved to amend

the bill which was disaagrd to, 851; Rd 3rd t and Passed, 852; S pro of amend con in, 1897; Signed by Gov on 6/3/2013.

By Representatives Stevens of Waterbury and Woodward of Johnson,

H. 539. An act relating to warning labels on beverages.

Rd 1st t and ref to the C on H S, 887.

By Representatives Christie of Hartford, Burditt of West Rutland, Deen of Westminster, Donahue of Northfield, Lippert of Hinesburg, Pearson of Burlington, Scheuermann of Stowe, Sweaney of Windsor, Botzow of Pownal, Brennan of Colchester, Campion of Bennington, Conquest of Newbury, Cupoli of Rutland City, Fisher of Lincoln, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Marek of Newfane, Martin of Springfield, Peltz of Woodbury, Ram of Burlington, Spengler of Colchester, Townsend of South Burlington, Wilson of Manchester and Zagar of Barnard,

H. 540. An act relating to regulating the use of drones.

Rd 1st t and ref to the C on R, 905.

By Representatives Jerman of Essex and Waite-Simpson of Essex,

H. 541. (No. M006) An act relating to approval of amendments to the charter of the Village of Essex Junction.

Rd 1st t and ref to the C on G O, 1020; Rd 2nd Time, 1434; Rep. Evans of Essex spoke for the C on G O, 1434; 3rd rdg Ordered, 1434; Rd 3rd t and Passed, 1435; Pass the H and S on 5/14/2013; Signed by Gov on 5/20/2013.

By the Committee on Agriculture and Forest Products,

H. 542. An act relating to the taxation of soil amendments.

Pl on cal for Notice on 5/6/2013, 1274; Cmtd to C on Agri and Forest Products by mo of Rep. Lawrence of Lyndon, 1274.

By the Committee on Government Operations,

H. 543. An act relating to records and reports of the Auditor of Accounts.

Pl on cal for Notice on 5/6/2013, 1274; Rd 2nd Time, 1387; Rep. Cole of Burlington spoke for the C on G O, 1387; 3rd rdg Ordered, 1387; Rd 3rd t and Passed, 1450.

By Representatives Donovan of Burlington and Peltz of Woodbury,

H. 544. An act relating to requiring the merger of all school districts into 30 new districts.

Rd 1st t and ref to the C on Edu, 1487.

HOUSE CONCURRENT RESOLUTIONS

By Representative Klein of East Montpelier,

By Senators Cummings, Doyle and Pollina,

H.C.R. 1. (No. R008) House concurrent resolution congratulating Food Works at Two Rivers Center of Montpelier on its 25th anniversary.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representative Head of South Burlington,

H.C.R. 2. (No. R009) House concurrent resolution recognizing January 10, 2013 as Homeless Awareness Day at the State House.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Ram of Burlington, Ancel of Calais, Bissonnette of Winooski, Branagan of Georgia, Buxton of Tunbridge, Campion of Bennington, Christie of Hartford, Condon of Colchester, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Deen of Westminster, Dickinson of St. Albans Town, Donovan of Burlington, Fay of St. Johnsbury, Grad of Moretown, Greshin of Warren, Jewett of Ripton, Krowinski of Burlington, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Moran of Wardsboro, Nuovo of Middlebury, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Pugh of South Burlington, Ralston of Middlebury, Sharpe of Bristol, Stuart of Brattleboro, Sweaney of Windsor, Townsend of South Burlington, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson and Yantachka of Charlotte,

By Senator Sears,

H.C.R. 3. (No. R010) House concurrent resolution recognizing the outstanding work of the Vermont Human Trafficking Task Force and designating January 11, 2013 as Human Trafficking Awareness Day in Vermont.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Wilson of Manchester, Browning of Arlington, Goodwin of Weston and Komline of Dorset,

H.C.R. 4. (No. R039) House concurrent resolution congratulating Nathaniel Boone on being named a recipient of the Congressional Gold Medal.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Macaig of Williston and McCullough of Williston,

By Senator Lyons,

H.C.R. 5. (No. R011) House concurrent resolution congratulating the 2012 9-10 Vermont State Little League championship Williston 9-10 All Stars baseball team.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Stevens of Waterbury, Ellis of Waterbury, Grad of Moretown and Greshin of Warren,

H.C.R. 6. (No. R012) House concurrent resolution congratulating the 2012 Harwood Union High School Highlanders Division II championship field hockey team.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Stevens of Waterbury, Ellis of Waterbury, Grad of Moretown and Greshin of Warren,

H.C.R. 7. (No. R013) House concurrent resolution congratulating the 2012 Harwood Union High School boys' and girls' Division II cross-country championship teams.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representatives Ancel of Calais, Pugh of South Burlington, Clarkson of Woodstock, Cole of Burlington, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Donahue of Northfield, Donovan of Burlington, Emmons of Springfield, Evans of Essex, Frank of Underhill, French of Randolph, Haas of Rochester, Head of South Burlington, Heath of Westford, Higley of Lowell, Hubert of Milton, Jerman of Essex, Keenan of St. Albans City, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Lippert of Hinesburg, Manwaring of Wilmington, Martin of Wolcott, McFaun of Barre Town, Nuovo of Middlebury, O'Brien of Richmond, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Smith of Morristown, Sweaney of Windsor, Till of Jericho, Townsend of Randolph, Townsend of South Burlington and Trieber of Rockingham,

By Senators Cummings, Doyle, Pollina, Ashe, Ayer, Baruth, Benning, Campbell, Collins, Flory, Fox, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Sears, Starr, Westman and White,

H.C.R. 8. (No. R014) House concurrent resolution congratulating Laura Ziegler of Plainfield on being named the recipient of the 30th annual David W. Curtis Civil Liberties Award.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representative Heath of Westford,

H.C.R. 9. (No. R015) House concurrent resolution honoring Donald Vickers for his career role assisting students to achieve their education goals beyond high school.

Pl on cal for Notice on 1/16/2013; Adptd in Concurrence.

By Representative O'Brien of Richmond,

H.C.R. 10. (No. R028) House concurrent resolution congratulating the Richmond Land Trust on its 25th anniversary.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Townsend of South Burlington,

H.C.R. 11. (No. R029) House concurrent resolution congratulating the 2011 South Burlington High School Division I championship boys' soccer team.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Campion of Bennington, Corcoran of Bennington and Mook of Bennington,

By Senators Hartwell and Sears,

H.C.R. 12. (No. R030) House concurrent resolution congratulating the Old First Church of Bennington on its 250th anniversary.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Poirier of Barre City, Koch of Barre Town, McFaun of Barre Town and Taylor of Barre City,

H.C.R. 13. (No. R031) House concurrent resolution honoring Sandra Barton on her outstanding career as a Vermont state employee and for her civic accomplishments.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Keenan of St. Albans City, Dakin of Chester, O'Brien of Richmond, Spengler of Colchester and Till of Jericho,

By Senators Ayer, Fox and Lyons,

H.C.R. 14. (No. R032) House concurrent resolution designating the week of January 20, 2013 as National Nurse Anesthetists Week in Vermont.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Poirier of Barre City, Taylor of Barre City, Koch of Barre Town and McFaun of Barre Town,

By Senators Doyle, Cummings and Pollina,

H.C.R. 15. (No. R033) House concurrent resolution in memory of former Representative Oreste Valsangiacomo Sr. of Barre City.

Pl on cal for Notice on 1/23/2013; Adptd in Concurrence.

By Representatives Webb of Shelburne, Macaig of Williston, McCullough of Williston, Lenes of Shelburne and Miller of Shaftsbury,

By Senator Lyons,

H.C.R. 16. (No. R040) House concurrent resolution in memory of Margaret Munt of Williston.

Adopted; Adptd in Concurrence.

By Representatives Deen of Westminster and Mrowicki of Putney,

By Senators Galbraith and White,

H.C.R. 17. (No. R041) House concurrent resolution honoring former Representative Randolph and Beverly Major for their civic and community service in the town of Westminster.

Adopted; Adptd in Concurrence.

By Representatives Deen of Westminster and Mrowicki of Putney,

By Senators Galbraith and White,

H.C.R. 18. (No. R042) House concurrent resolution honoring Winifred Vogt on her receipt of a 2012 Successful Aging Award from Senior Solutions.

Adopted; Adptd in Concurrence.

By Representatives Gallivan of Chittenden, Burke of Brattleboro, Carr of Brandon, Clarkson of Woodstock, Evans of Essex, Kitzmiller of Montpelier, Lanpher of Vergennes, Malcolm of Pawlet, Manwaring of Wilmington, McCarthy of St. Albans City, Potter of Clarendon, Russell of Rutland City and Vowinkel of Hartford,

H.C.R. 19. (No. R043) House concurrent resolution designating January as National Mentoring Month in Vermont.

Adopted; Adptd in Concurrence.

By Representatives Lanpher of Vergennes, Jewett of Ripton, Fisher of Lincoln, Nuovo of Middlebury, Ralston of Middlebury, Sharpe of Bristol, Smith of New Haven and Stevens of Shoreham,

By Senators Ayer and Bray,

H.C.R. 20. (No. R044) House concurrent resolution congratulating The Wake-up Crew with Bruce & Hobbes radio show on receipt of the Alan P. Noyes Community Service Award from the Vermont Association of Broadcasters.

Adopted; Adptd in Concurrence.

By Representatives Stevens of Waterbury and Ellis of Waterbury,

H.C.R. 21. (No. R045) House concurrent resolution recognizing the invaluable community contribution of ReBuild Waterbury to the post-Tropical Storm Irene recovery.

Adopted; Adptd in Concurrence.

By Representatives Clarkson of Woodstock, Bartholomew of Hartland, Gallivan of Chittenden and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 22. (No. R046) House concurrent resolution honoring former Woodstock Union High School teacher and athletic director and retiring football coach Jim McLaughlin.

Adopted; Adptd in Concurrence.

By Representatives Potter of Clarendon, Devereux of Mount Holly, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Higley of Lowell, Jerman of Essex, Koch of Barre Town, Komline of Dorset, Lenex of Shelburne, Malcolm of Pawlet,

McCormack of Burlington, Russell of Rutland City, Shaw of Pittsford, Stevens of Shoreham, Terenzini of Rutland Town, Webb of Shelburne and Winters of Williamstown,

By Senators Flory, French and Mullin,

H.C.R. 23. (No. R047) House concurrent resolution in memory of former Representative and Senator Sanborn Partridge of Proctor.

Adopted; Adptd in Concurrence.

By Representatives Ram of Burlington, Krowinski of Burlington, Batchelor of Derby, Burditt of West Rutland, Burke of Brattleboro, Cole of Burlington, Cross of Winooski, Evans of Essex, Fay of St. Johnsbury, Frank of Underhill, French of Randolph, Gallivan of Chittenden, Haas of Rochester, Lanpher of Vergennes, Lenex of Shelburne, Martin of Wolcott, McCarthy of St. Albans City, McFaun of Barre Town, Mook of Bennington, Mrowicki of Putney, O'Sullivan of Burlington, Pearson of Burlington, Pugh of South Burlington, Sweaney of Windsor, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Wilson of Manchester and Wizowaty of Burlington,

By Senators Lyons, Ashe, Ayer, Benning, Bray, Campbell, Cummings, Flory, Fox, Galbraith, Hartwell, Kitchel, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, White and Zuckerman,

H.C.R. 24. (No. R048) House concurrent resolution designating February 1, 2013 as Wear Red Day.

Adopted; Adptd in Concurrence.

By Representatives Clarkson of Woodstock, Bartholomew of Hartland, Gallivan of Chittenden and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 25. (No. R055) House concurrent resolution congratulating the 2012 Woodstock Union High School Wasps Division III championship football team.

Pl on cal for Notice on 2/6/2013; Adptd in Concurrence.

By Representatives Wizowaty of Burlington, Ancel of Calais, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Browning of Arlington, Burke of Brattleboro, Champion of Bennington, Canfield of Fair Haven, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Cross of Winooski, Dakin of Chester, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fay of St. Johnsbury, Fisher of Lincoln, Frank of Underhill, French of Randolph,

Gallivan of Chittenden, Goodwin of Weston, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Huntley of Cavendish, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Juskiewicz of Cambridge, Keenan of St. Albans City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Michelsen of Hardwick, Miller of Shaftsbury, Mitchell of Fairfax, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peltz of Woodbury, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Ralston of Middlebury, Ram of Burlington, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend of Randolph, Townsend of South Burlington, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wilson of Manchester, Winters of Williamstown, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 26. (No. R056) House concurrent resolution congratulating Vermont Works for Women on its 25th anniversary.

Pl on cal for Notice on 2/6/2013; Adptd in Concurrence.

By Representatives Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Christie of Hartford, Condon of Colchester, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Huntley of Cavendish, Komline of Dorset, Malcolm of Pawlet, Potter of Clarendon, Russell of Rutland City, Shaw of Pittsford, Stevens of Shoreham and Terenzini of Rutland Town,

H.C.R. 27. (No. R057) House concurrent resolution congratulating Jack Healey on winning his 20th Vermont Sportscaster of the Year award.

Pl on cal for Notice on 2/6/2013; Adptd in Concurrence.

By Representative Lanpher of Vergennes,

By Senators Ayer and Bray,

H.C.R. 28. (No. R157) House concurrent resolution congratulating the Vergennes Union High School 2012 Division II championship baseball team.

Pl on cal for Notice on 2/6/2013; Adptd in Concurrence.

By the Committee on Natural Resources and Energy,

By the Committee on Natural Resources and Energy,

H.C.R. 29. (No. R063) House concurrent resolution honoring Robert Klein for his contributions to land conservation and ecological diversity preservation in Vermont.

Pl on cal for Notice on 2/6/2013; Adptd in Concurrence.

By Representatives Ram of Burlington, Krowinski of Burlington, Buxton of Tunbridge, Clarkson of Woodstock, Cole of Burlington, Copeland-Hanzas of Bradford, Dakin of Chester, Donovan of Burlington, Evans of Essex, Fay of St. Johnsbury, Haas of Rochester, Head of South Burlington, Hooper of Montpelier, Keenan of St. Albans City, Lenex of Shelburne, Lippert of Hinesburg, Manwaring of Wilmington, Martin of Springfield, Masland of Thetford, McCarthy of St. Albans City, Miller of Shaftsbury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Pugh of South Burlington, Ralston of Middlebury, Spengler of Colchester, Stevens of Waterbury, Sweaney of Windsor, Townsend of South Burlington, Vowinkel of Hartford, Waite-Simpson of Essex, Weed of Enosburgh, Wilson of Manchester and Wizowaty of Burlington,

By Senators Ashe, Ayer, Baruth, Campbell, Cummings, Fox, Lyons, Pollina, Snelling, White and Zuckerman,

H.C.R. 30. (No. R058) House concurrent resolution commemorating the 20th anniversary of the federal Family and Medical Leave Act of 1993.

Adptd in Concurrence.

By Representatives South of St. Johnsbury and Masland of Thetford,

H.C.R. 31. (No. R059) House concurrent resolution honoring Vermont State Police Sergeant Todd A. Protzman.

Adptd in Concurrence.

By Representatives Koch of Barre Town, Batchelor of Derby, Bissonnette of Winooski, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Browning of Arlington, Canfield of Fair Haven, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Devereux of Mount Holly, Donahue of Northfield, Ellis of Waterbury, Emmons of Springfield, Fagan of Rutland City, Feltus of Lyndon, Frank of Underhill, Gage of Rutland City, Goodwin of Weston, Greshin of Warren, Haas of Rochester, Heath of Westford, Hebert of

Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Keenan of St. Albans City, Kilmartin of Newport City, Lanpher of Vergennes, Lawrence of Lyndon, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Moran of Wardsboro, Myers of Essex, O'Brien of Richmond, Quimby of Concord, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, South of St. Johnsbury, Spengler of Colchester, Stevens of Shoreham, Sweaney of Windsor, Terenzini of Rutland Town, Toll of Danville, Turner of Milton, Wilson of Manchester and Winters of Williamstown,

By Senators Benning, Cummings, Doyle, Flory, French, Galbraith, Kitchel, Mazza, Mullin, Nitka and Pollina,

H.C.R. 32. (No. R060) House concurrent resolution honoring the 2012 class of Vermont Boy Scouts awarded the rank of Eagle.

Adptd in Concurrence.

By Representatives Hooper of Montpelier, Fay of St. Johnsbury, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Christie of Hartford, Clarkson of Woodstock, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Davis of Washington, Donovan of Burlington, Ellis of Waterbury, Evans of Essex, Grad of Moretown, Haas of Rochester, Jerman of Essex, Krowinski of Burlington, Larocque of Barnet, Lenes of Shelburne, Macaig of Williston, Malcolm of Pawlet, Martin of Springfield, McCarthy of St. Albans City, Michelsen of Hardwick, Mrowicki of Putney, Nuovo of Middlebury, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Pugh of South Burlington, Rachelson of Burlington, Shaw of Pittsford, Shaw of Derby, Stevens of Waterbury, Sweaney of Windsor, Taylor of Barre City, Toleno of Brattleboro, Townsend of South Burlington, Waite-Simpson of Essex, Weed of Enosburgh, Wizowaty of Burlington and Zagar of Barnard,

H.C.R. 33. (No. R061) House concurrent resolution designating February 14 as One Billion Rising Day in Vermont.

Adptd in Concurrence.

By Representative Devereux of Mount Holly,

By Senators Nitka, Campbell and McCormack,

H.C.R. 34. (No. R064) House concurrent resolution congratulating the 2012 Black River High School Presidents' Division IV girls' championship soccer team.

Pl on cal for Notice on 2/20/2013; Adptd in Concurrence.

By Representatives Townsend of South Burlington and Deen of Westminster,

H.C.R. 35. (No. R065) House concurrent resolution commending watershed organizations for their role in river and lake cleanup activities in Vermont.

Pl on cal for Notice on 2/20/2013; Adptd in Concurrence.

By Representatives Jerman of Essex, Devereux of Mount Holly, Marek of Newfane, Koch of Barre Town, McFaun of Barre Town, Poirier of Barre City and Taylor of Barre City,

By Senators Cummings, Doyle and Pollina,

H.C.R. 36. (No. R066) House concurrent resolution congratulating the Vermont Historical Society on its 175th anniversary.

Pl on cal for Notice on 2/20/2013; Adptd in Concurrence.

By Representatives Poirier of Barre City and Taylor of Barre City,

H.C.R. 37. (No. R067) House concurrent resolution honoring Arthur A. Ristau of Barre.

Pl on cal for Notice on 2/20/2013; Adptd in Concurrence.

By Representatives Head of South Burlington, Moran of Wardsboro, O'Sullivan of Burlington, Savage of Swanton, Stevens of Waterbury, Van Wyck of Ferrisburgh, Vowinkel of Hartford and Weed of Enosburgh,

H.C.R. 38. (No. R068) House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 25th anniversary.

Pl on cal for Notice on 2/20/2013; Adptd in Concurrence.

By Representatives Shaw of Pittsford and Carr of Brandon,

By Senators Flory, French and Mullin,

H.C.R. 39. (No. R069) House concurrent resolution honoring Charles Rivers for 50 years of public service on behalf of the towns of Pittsford and Brandon.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 40. (No. R070) House concurrent resolution in memory of Representative Greg Clark.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives Davis of Washington, Cole of Burlington, Evans of Essex, French of Randolph, Haas of Rochester, Lenex of Shelburne, Macaig of Williston, Moran of Wardsboro, Pearson of Burlington, South of St. Johnsbury, Till of Jericho, Townsend of South Burlington and Weed of Enosburgh,

By Senators Doyle and McCormack,

H.C.R. 41. (No. R071) House concurrent resolution honoring the Vermont state employees for their exemplary public service during, and in the aftermath of, Tropical Storm Irene.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives Turner of Milton, Hubert of Milton, Johnson of South Hero and Krebs of South Hero,

H.C.R. 42. (No. R072) House concurrent resolution commemorating the sestercentennial anniversary of the town of Milton.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Clarkson of Woodstock,

By Senators Campbell, McCormack and Nitka,

H.C.R. 43. (No. R073) House concurrent resolution honoring Robert K. Allen for his public service in the town of Reading.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives Mrowicki of Putney, Batchelor of Derby, Davis of Washington, Deen of Westminster, Donovan of Burlington, Fisher of Lincoln, Frank of Underhill, Jerman of Essex, Krowinski of Burlington, Lenes of Shelburne, McCullough of Williston, McFaun of Barre Town, Moran of Wardsboro, Pearson of Burlington, Peltz of Woodbury, Pugh of South Burlington, Rachelson of Burlington, Wizowaty of Burlington and Yantachka of Charlotte,

H.C.R. 44. (No. R074) House concurrent resolution designating February 27, 2013 Afterschool & Summer Learning Day at the State House.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Quimby of Concord,

H.C.R. 45. (No. R075) House concurrent resolution commemorating the 70th anniversary of the heroic sacrifice of George Lansing Fox, one of the Four Immortal Chaplains.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives Goodwin of Weston, Komline of Dorset and Partridge of Windham,

By Senators Campbell, Galbraith, Hartwell, McCormack, Nitka, Sears and White,

H.C.R. 46. (No. R076) House concurrent resolution congratulating the Londonderry Volunteer Rescue Squad on a half-century of exemplary community service.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives McCormack of Burlington, Ancel of Calais, Deen of Westminster, Emmons of Springfield, Kitzmiller of Montpelier and Poirier of Barre City,

By Senators Doyle, Fox, MacDonald, McCormack and Pollina,

H.C.R. 47. (No. R077) House concurrent resolution in memory of Joan Mulhern.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Stevens of Shoreham,

By Senators Ayer and Bray,

H.C.R. 48. (No. R078) House concurrent resolution congratulating the town of Whiting on its sestercentennial anniversary.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representatives Campion of Bennington, Mook of Bennington, Botzow of Pownal, Corcoran of Bennington, Miller of Shaftsbury and Morrissey of Bennington,

By Senators Hartwell and Sears,

H.C.R. 49. (No. R079) House concurrent resolution congratulating the 2013 Mt. Anthony Union High School Patriots Berkshire Swim League championship boys' and girls' teams.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Smith of New Haven,

By Senators Ayer and Bray,

H.C.R. 50. (No. R080) House concurrent resolution honoring Art Bradley, Kelly James, and Bob Warner as founding members of the Weybridge Volunteer Fire Department.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Smith of New Haven,

By Senators Ayer and Bray,

H.C.R. 51. (No. R081) House concurrent resolution honoring Tom Charbonneau.

Pl on cal for Notice on 2/27/2013; Adopted; Adptd in Concurrence.

By Representative Stevens of Shoreham,

By Senators Ayer and Bray,

H.C.R. 52. (No. R084) House concurrent resolution commemorating the sestercentennial anniversary of the town of Orwell.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representative O'Brien of Richmond,

H.C.R. 53. (No. R085) House concurrent resolution commemorating the bicentennial anniversary of the Old Round Church in Richmond and the 40th anniversary of the Richmond Historical Society.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Goodwin of Weston and Miller of Shaftsbury,

By Senators Hartwell, Sears and White,

H.C.R. 54. (No. R086) House concurrent resolution honoring Dennis McCarthy for his exemplary municipal public service career.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Goodwin of Weston and Miller of Shaftsbury,

By Senators Galbraith and White,

H.C.R. 55. (No. R087) House concurrent resolution honoring Jamaica Village School principal Janet Hamilton.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Turner of Milton and Hubert of Milton,

H.C.R. 56. (No. R158) House concurrent resolution commending the heroic rescue efforts and sacrifice of Alton Lombard Sr. and also the Vermont State Police for its continuing search for his remains in Lake Champlain.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Stevens of Waterbury, Ellis of Waterbury, Frank of Underhill and Till of Jericho,

H.C.R. 57. (No. R088) House concurrent resolution commemorating the sestercentennial anniversary of the town of Bolton.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Brennan of Colchester, Bouchard of Colchester, Condon of Colchester and Spengler of Colchester,

By Senator Mazza,

H.C.R. 58. (No. R159) House concurrent resolution congratulating the town of Colchester on its sestercentennial anniversary.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Till of Jericho and Frank of Underhill,

H.C.R. 59. (No. R089) House concurrent resolution commemorating the 250th anniversary of the Town of Jericho.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representatives Frank of Underhill and Till of Jericho,

H.C.R. 60. (No. R090) House concurrent resolution commemorating the sestercentennial anniversary of the Town of Underhill.

Pl on cal for Notice on 3/13/2013; Adptd in Concurrence.

By Representative Miller of Shaftsbury,

H.C.R. 61. (No. R096) House concurrent resolution honoring the outstanding efforts of those who care for, educate, and advocate for our young children in Vermont.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Krebs of South Hero and Johnson of South Hero,

H.C.R. 62. (No. R097) House concurrent resolution designating March 11–17 as Multiple Sclerosis Week in Vermont.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representative Russell of Rutland City,

H.C.R. 63. (No. R098) House concurrent resolution commemorating Vermont Railway's gift of a 1913 rail car to the City of Rutland.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Stevens of Shoreham, Buxton of Tunbridge, Donovan of Burlington, Ellis of Waterbury, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Kupersmith of South Burlington, Manwaring of Wilmington, Partridge of Windham, Pugh of South Burlington, Stevens of Waterbury, Toleno of Brattleboro, Townsend of South Burlington and Yantachka of Charlotte,

H.C.R. 64. (No. R099) House concurrent resolution congratulating the winners of the sixth Annual Junior Iron Chef VT statewide youth culinary competition.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representative Russell of Rutland City,

H.C.R. 65. (No. R100) House concurrent resolution in memory of Tom Fagan and his role in the establishment of the Rutland Halloween Parade.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By All members of the House of Representatives,

By Senators Ayer, Doyle, Fox, McAllister, Pollina and Zuckerman,

H.C.R. 66. (No. R101) House concurrent resolution congratulating the American Veterinary Medical Association on its 150th anniversary.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Jerman of Essex, Buxton of Tunbridge, Christie of Hartford, Dickinson of St. Albans Town, Feltus of Lyndon, Juskiewicz of Cambridge, Lawrence of Lyndon, Lippert of Hinesburg, Masland of Thetford, Peltz of Woodbury, Pugh of South Burlington, Ram of Burlington, Woodward of Johnson and Yantachka of Charlotte,

By Senators Baruth, Benning, Cummings, Doyle, Fox, McCormack and White,

H.C.R. 67. (No. R102) House concurrent resolution honoring the federal TRIO programs in Vermont.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Ram of Burlington, Townsend of South Burlington, Donovan of Burlington, Frank of Underhill, French of Randolph, Head of South Burlington, Krowinski of Burlington, Macaig of Williston, Mrowicki of

Putney, O'Sullivan of Burlington, Pearson of Burlington and Pugh of South Burlington,

H.C.R. 68. (No. R103) House concurrent resolution recognizing the creative recreational proposal of Playgrounds for P.E.A.S.E.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Townsend of Randolph, French of Randolph, Buxton of Tunbridge, Conquest of Newbury, Masland of Thetford and Winters of Williamstown,

By Senator MacDonald,

H.C.R. 69. (No. R104) House concurrent resolution honoring the Playhouse Cooperative's creative effort to save and operate Randolph's Playhouse Movie Theatre.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Smith of New Haven, Lanpher of Vergennes, Fisher of Lincoln, Jewett of Ripton, Nuovo of Middlebury, Ralston of Middlebury, Sharpe of Bristol, Stevens of Shoreham and Van Wyck of Ferrisburgh,

By Senators Ayer and Bray,

H.C.R. 70. (No. R105) House concurrent resolution honoring Cheryl White and the Valley Voice newspaper for outstanding community service.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Potter of Clarendon, Burditt of West Rutland, Buxton of Tunbridge, Canfield of Fair Haven, Carr of Brandon, Cross of Winooski, Cupoli of Rutland City, Devereux of Mount Holly, Emmons of Springfield, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Heath of Westford, Helm of Fair Haven, Keenan of St. Albans City, Lippert of Hinesburg, Malcolm of Pawlet, McCormack of Burlington, Miller of Shaftsbury, Pugh of South Burlington, Russell of Rutland City, Shaw of Pittsford, Stevens of Shoreham, Sweaney of Windsor, Terenzini of Rutland Town and Woodward of Johnson,

H.C.R. 71. (No. R106) House concurrent resolution in memory of former Representative Daniel H. Deuel of West Rutland.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representatives Stevens of Waterbury, Ellis of Waterbury, Grad of Moretown and Greshin of Warren,

H.C.R. 72. (No. R107) House concurrent resolution congratulating the 2013 Harwood Union High School Highlanders Division II girls' ice hockey championship team.

Pl on cal for Notice on 3/20/2013; Adptd in Concurrence.

By Representative Buxton of Tunbridge,

H.C.R. 73. (No. R111) House concurrent resolution congratulating Townsend Swayze on his receipt of a special award from the Government of Bangladesh.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Campion of Bennington, Mook of Bennington, Morrissey of Bennington, Corcoran of Bennington, Botzow of Pownal and Miller of Shaftsbury,

By Senators Hartwell and Sears,

H.C.R. 74. (No. R112) House concurrent resolution congratulating the 2013 Mount Anthony Union High School Patriots' 25th consecutive state and seventh New England championship wrestling team.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representative Buxton of Tunbridge,

H.C.R. 75. (No. R113) House concurrent resolution congratulating the Vermont Law School 2013 National Environmental Law Moot Court Competition championship team.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representative Haas of Rochester,

H.C.R. 76. (No. R114) House concurrent resolution congratulating the 2013 Rochester High School Rockets Division IV boys' basketball championship team.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Mrowicki of Putney and Deen of Westminster,

By Senator White,

H.C.R. 77. (No. R115) House concurrent resolution congratulating Westminster Cares, Inc. on its 25th anniversary.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Van Wyck of Ferrisburgh and Lanpher of Vergennes,

H.C.R. 78. (No. R172) House concurrent resolution congratulating the 2013 Vergennes Union High School Division II championship boys' basketball team.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Frank of Underhill and Till of Jericho,

H.C.R. 79. (No. R116) House concurrent resolution congratulating the Underhill-Jericho Fire Department on its centennial anniversary.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Gage of Rutland City, Cupoli of Rutland City, Fagan of Rutland City, Russell of Rutland City, Gallivan of Chittenden, Myers of Essex, Potter of Clarendon and Terenzini of Rutland Town,

H.C.R. 80. (No. R117) House concurrent resolution congratulating the 2013 Rutland High School Raiders Division I championship cheerleading team.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Taylor of Barre City, Burke of Brattleboro, Buxton of Tunbridge, Copeland-Hanzas of Bradford, Dakin of Chester, Devereux of Mount Holly, Ellis of Waterbury, Evans of Essex, Gallivan of Chittenden, Grad of Moretown, Hooper of Montpelier, Jerman of Essex, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Lippert of Hinesburg, Marek of Newfane, Michelsen of Hardwick, Mook of Bennington, Myers of Essex, O'Sullivan of Burlington, Partridge of Windham, Rachelson of Burlington, Ram of Burlington, Stevens of Shoreham, Sweaney of Windsor, Townsend of South Burlington, Webb of Shelburne, Weed of Enosburgh and Wizowaty of Burlington,

H.C.R. 81. (No. R118) House concurrent resolution honoring the Vermont Women's History Project and its women in journalism panel's commemoration of Women's History Month.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Potter of Clarendon, Batchelor of Derby, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Christie of Hartford, Consejo of Sheldon, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Marek of Newfane, Quimby of Concord, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham, Terenzini of Rutland Town, Townsend of Randolph and Turner of Milton,

H.C.R. 82. (No. R119) House concurrent resolution congratulating the Clarendon Fire Association, Inc. on its 50th anniversary.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Sweaney of Windsor, Bartholomew of Hartland and Clarkson of Woodstock,

By Senators Campbell, McCormack and Nitka,

H.C.R. 83. (No. R120) House concurrent resolution in memory of Jeannette Lynch.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By Representatives Ancel of Calais, Bartholomew of Hartland, Branagan of Georgia, Cheney of Norwich, Clarkson of Woodstock, Conquest of Newbury, Deen of Westminster, Gage of Rutland City, Jerman of Essex, Johnson of Canaan, Klein of East Montpelier, Lawrence of Lyndon, Malcolm of Pawlet, Masland of Thetford, McCormack of Burlington, McCullough of

Williston, Partridge of Windham, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Smith of New Haven, Stevens of Shoreham, Stuart of Brattleboro, Webb of Shelburne, Wilson of Manchester and Zagar of Barnard,

By Senators Hartwell, Cummings, Doyle and Pollina,

H.C.R. 84. (No. R123) House concurrent resolution honoring Darby Bradley for his many exemplary contributions to land conservation in Vermont.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Bissonnette of Winooski and Cross of Winooski,

H.C.R. 85. (No. R124) House concurrent resolution congratulating the 2013 Winooski High School Spartans Division III championship girls' basketball team.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Keenan of St. Albans City, McCarthy of St. Albans City, Weed of Enosburgh, Beyor of Highgate, Branagan of Georgia, Buxton of Tunbridge, Connor of Fairfield, Consejo of Sheldon, Dickinson of St. Albans Town, Jerman of Essex, Mitchell of Fairfax, Pearce of Richford and Savage of Swanton,

H.C.R. 86. (No. R125) House concurrent resolution in memory of Enosburgh Town, Village, and School Moderator and Selectboard member Lloyd Touchette.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Christie of Hartford, Vowinkel of Hartford and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 87. (No. R126) House concurrent resolution congratulating the 2012 Hartford High School Hurricanes Division I championship football team.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Christie of Hartford, Vowinkel of Hartford and Zagar of Barnard,

By Senators Campbell, McCormack and Nitka,

H.C.R. 88. (No. R127) House concurrent resolution congratulating the Hartford High School Hurricanes on winning the first Vermont interscholastic team and individual state bowling championships.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Head of South Burlington, Cole of Burlington, Moran of Wardsboro, O'Sullivan of Burlington, Savage of Swanton, Stevens of Waterbury, Townsend of South Burlington, Van Wyck of Ferrisburgh, Vowinkel of Hartford and Weed of Enosburgh,

H.C.R. 89. (No. R128) House concurrent resolution honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the World War II U.S. Army Air Corps Hot as Hell aircraft crew and the work of Clayton Kuhles in locating missing in action World War II American military aircraft.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Jewett of Ripton, Nuovo of Middlebury and Ralston of Middlebury,

H.C.R. 90. (No. R129) House concurrent resolution congratulating the 2013 Middlebury College Panthers NCAA men's slalom champions.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Winters of Williamstown and Davis of Washington,

H.C.R. 91. (No. R130) House concurrent resolution congratulating the 2013 Williamstown High School Blue Devils Division III championship boys' basketball team.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Lenes of Shelburne, Cole of Burlington, Donovan of Burlington, Krowinski of Burlington, McCormack of Burlington, O'Sullivan of Burlington, Rachelson of Burlington, Webb of Shelburne, Wizowaty of Burlington and Wright of Burlington,

H.C.R. 92. (No. R131) House concurrent resolution in memory of Daniello G. Balón.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Klein of East Montpelier, Ancel of Calais, Lewis of Berlin, Peltz of Woodbury and Smith of Morristown,

By Senators Cummings, Doyle and Pollina,

H.C.R. 93. (No. R173) House concurrent resolution congratulating the 2013 U-32 Lake Division championship boys' ice hockey team.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Partridge of Windham and Trieber of Rockingham,

H.C.R. 94. (No. R132) House concurrent resolution congratulating Elizabeth Haggerty on her designation as the 2013 Vermont Mother of the Year.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representative Russell of Rutland City,

H.C.R. 95. (No. R133) House concurrent resolution commemorating the 50th anniversary of the Rutland Loyalty Day Parade.

Pl on cal for Notice on 4/3/2013; Adptd in Concurrence.

By Representatives Keenan of St. Albans City, Branagan of Georgia, Connor of Fairfield, Dickinson of St. Albans Town and McCarthy of St. Albans City,

H.C.R. 96. (No. R134) House concurrent resolution congratulating the 2013 BFA-St. Albans High School Comets Metro Division championship girls' ice hockey team.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence; Adptd in Concurrence.

By Representatives Stuart of Brattleboro, Ancel of Calais, Beyor of Highgate, Bissonnette of Winooski, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Champion of Bennington, Canfield of Fair Haven, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Copeland-Hanzas of Bradford, Cross of Winooski, Cupoli of Rutland City, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Fagan of Rutland City, Fay of St. Johnsbury, Fisher of Lincoln, French of Randolph, Gage of Rutland City, Gallivan of Chittenden, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Huntley of Cavendish, Jerman of Essex, Jewett of Ripton, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Klein of East Montpelier, Koch of Barre Town, Krebs of South Hero, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, Michelsen of Hardwick, Mitchell of Fairfax, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Quimby of Concord, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Sweaney of Windsor, Taylor of Barre City, Terenzini of Rutland Town, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Trieber of Rockingham, Turner of Milton, Van Wyck of Ferrisburgh, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wilson of Manchester, Winters of Williamstown, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

By Senators Ayer, Baruth, Bray, Campbell, Collins, Doyle, Flory, French, Galbraith, Hartwell, Lyons, MacDonald, McCormack, Nitka, Pollina, Rodgers, Snelling, White and Zuckerman,

H.C.R. 97. (No. R137) House concurrent resolution honoring Girls on the Run of Vermont, Inc.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives French of Randolph and Townsend of Randolph,

H.C.R. 98. (No. R174) House concurrent resolution congratulating the 2012 Randolph Union High School Galloping Ghosts Division III championship girls' cross-country team.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives Batchelor of Derby, Dickinson of St. Albans Town, Fay of St. Johnsbury, Feltus of Lyndon, Higley of Lowell, Jerman of Essex, Lawrence of Lyndon, Lippert of Hinesburg, Marcotte of Coventry, Masland of Thetford, Michelsen of Hardwick, Quimby of Concord, Shaw of Derby, South of St. Johnsbury, Strong of Albany, Toll of Danville and Young of Glover,

By Senators Kitchel, Benning, Baruth, Collins, Cummings, Doyle, Mullin, Rodgers and Starr,

H.C.R. 99. (No. R138) House concurrent resolution honoring Lyndon State College and designating April 17, 2013 as Green and Gold Day.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives Fisher of Lincoln, Sharpe of Bristol and Smith of New Haven,

H.C.R. 100. (No. R139) House concurrent resolution congratulating the 2013 Mt. Abraham Union High School Eagles Division II championship girls' basketball team.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives Dakin of Chester, Botzow of Pownal, Brennan of Colchester, Campion of Bennington, Carr of Brandon, Christie of Hartford, Cole of Burlington, Condon of Colchester, Connor of Fairfield, Consejo of Sheldon, Cupoli of Rutland City, Dickinson of St. Albans Town, Donahue of Northfield, Donovan of Burlington, Evans of Essex, Frank of Underhill, French of Randolph, Gallivan of Chittenden, Goodwin of Weston, Haas of Rochester, Heath of Westford, Higley of Lowell, Jewett of Ripton, Keenan of St. Albans City, Koch of Barre Town, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Macaig of Williston, Martin of Springfield, McCormack of Burlington, McCullough of Williston, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Pugh of South Burlington, Russell of Rutland City, Scheuermann of Stowe, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Stuart of

Brattleboro, Sweaney of Windsor, Taylor of Barre City, Townsend of Randolph, Townsend of South Burlington, Waite-Simpson of Essex, Webb of Shelburne, Yantachka of Charlotte and Young of Glover,

By All members of the Senate,

H.C.R. 101. (No. R160) House concurrent resolution congratulating Joel Najman on his 30th anniversary as Vermont Public Radio's rock and roll impresario.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representative Larocque of Barnet,

By Senators Benning and Kitchel,

H.C.R. 102. (No. R140) House concurrent resolution congratulating Gandin Brothers, Inc. of South Ryegate on its 100th anniversary.

Pl on cal for Notice on 4/2013; Adptd in Concurrence.

By Representative Heath of Westford,

H.C.R. 103. (No. R141) House concurrent resolution commemorating the semiquincentennial anniversary of the Town of Westford.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives Fay of St. Johnsbury, South of St. Johnsbury, Strong of Albany and Young of Glover,

By Senators Benning and Kitchel,

H.C.R. 104. (No. R142) House concurrent resolution congratulating Christian DeKett of St. Johnsbury Academy on winning the 2013 Vermont State Poetry Out Loud championship.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Representatives Potter of Clarendon, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Russell of Rutland City, Shaw of Pittsford and Stevens of Shoreham,

H.C.R. 105. (No. R146) House concurrent resolution congratulating the 2013 Proctor High School Phantoms Division IV championship girls' basketball team.

Adptd in Concurrence.

By Representatives Potter of Clarendon, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Russell of Rutland City, Shaw of Pittsford and Stevens of Shoreham,

H.C.R. 106. (No. R147) House concurrent resolution congratulating the 2012 Proctor High School Phantoms Division IV championship boys' soccer team.

Adptd in Concurrence.

By Representatives Russell of Rutland City, Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Potter of Clarendon, Shaw of Pittsford and Terenzini of Rutland Town,

By Senators Flory, French and Mullin,

H.C.R. 107. (No. R161) House concurrent resolution congratulating The Palms Restaurant on its 80th anniversary.

Adptd in Concurrence.

By Representatives Canfield of Fair Haven, Ancel of Calais, Bartholomew of Hartland, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Conquest of Newbury, Copeland-Hanzas of Bradford, Corcoran of Bennington, Cross of Winooski, Cupoli of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fay of St. Johnsbury, Feltus of Lyndon, Frank of Underhill, French of Randolph, Gage of Rutland City, Gallivan of Chittenden, Goodwin of Weston, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Huntley of Cavendish, Jerman of Essex, Johnson of South Hero, Johnson of Canaan, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Kupersmith of South Burlington, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Mitchell of Fairfax, Moran of Wardsboro, Morrissey of Bennington, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Partridge of Windham,

Pearce of Richford, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Quimby of Concord, Rachelson of Burlington, Ralston of Middlebury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Terenzini of Rutland Town, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend of Randolph, Townsend of South Burlington, Trieber of Rockingham, Turner of Milton, Van Wyck of Ferrisburgh, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Wright of Burlington, Yantachka of Charlotte and Young of Glover,

By Senators Ashe, Ayer, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman and White,

H.C.R. 108. (No. R148) House concurrent resolution commemorating the 60th anniversary of the Korean War Armistice Agreement.

Adptd in Concurrence.

By Representative Conquest of Newbury,

H.C.R. 109. (No. R149) House concurrent resolution commemorating the sestercentennial anniversary of the town of Newbury.

Adptd in Concurrence.

By Representatives Frank of Underhill, French of Randolph, McCullough of Williston, Mrowicki of Putney and Trieber of Rockingham,

H.C.R. 110. (No. R150) House concurrent resolution designating April 24, 2013 as National Walk@Lunch Day in Vermont.

Adptd in Concurrence.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 111. (No. R151) House concurrent resolution commemorating the sestercentennial anniversary of the Town of Essex.

Adptd in Concurrence.

By Representatives Pugh of South Burlington, Batchelor of Derby, Burditt of West Rutland, Donahue of Northfield, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Morrissey of Bennington and Trieber of Rockingham,

H.C.R. 112. (No. R152) House concurrent resolution designating April 26 as Long-Term Care Ombudsman Day in Vermont.

Adptd in Concurrence.

By Representatives Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, McCullough of Williston, Webb of Shelburne and Yantachka of Charlotte,

By Senators Fox, Lyons and Snelling,

H.C.R. 113. (No. R153) House concurrent resolution congratulating the 2013 Champlain Valley Union High School Redhawks Division I championship girls' basketball team.

Adptd in Concurrence.

By Representatives Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, McCullough of Williston, Webb of Shelburne and Yantachka of Charlotte,

By Senators Fox, Lyons and Snelling,

H.C.R. 114. (No. R154) House concurrent resolution congratulating the Vermont Debate and Forensics League State Tournament champions at Champlain Valley Union High School.

Adptd in Concurrence.

By Representatives Lenes of Shelburne, McCullough of Williston, Lippert of Hinesburg, Macaig of Williston, Webb of Shelburne and Yantachka of Charlotte,

By Senators Lyons, Fox and Snelling,

H.C.R. 115. (No. R155) House concurrent resolution congratulating the 2013 Champlain Valley Union High School Redhawks Division I championship girls' and boys' Nordic ski teams.

Adptd in Concurrence.

By Representatives Johnson of South Hero, Head of South Burlington, Pugh of South Burlington, Botzow of Pownal, Donovan of Burlington, Ram of Burlington and Yantachka of Charlotte,

H.C.R. 116. (No. R162) House concurrent resolution commemorating the second annual Turkic Cultural Day in Vermont.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 117. (No. R163) House concurrent resolution designating April 19, 2013 as Alzheimer's Awareness Day at the State House.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representatives Cole of Burlington, Batchelor of Derby, Botzow of Pownal, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Carr of Brandon, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford,

Corcoran of Bennington, Cross of Winooski, Cupoli of Rutland City, Dickinson of St. Albans Town, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fay of St. Johnsbury, Feltus of Lyndon, French of Randolph, Gage of Rutland City, Gallivan of Chittenden, Goodwin of Weston, Grad of Moretown, Greshin of Warren, Heath of Westford, Hebert of Vernon, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Johnson of South Hero, Johnson of Canaan, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lenes of Shelburne, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Marcotte of Coventry, Marek of Newfane, McCarthy of St. Albans City, McFaun of Barre Town, Michelsen of Hardwick, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Peltz of Woodbury, Potter of Clarendon, Rachelson of Burlington, Ralston of Middlebury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Spengler of Colchester, Stuart of Brattleboro, Sweaney of Windsor, Terenzini of Rutland Town, Toleno of Brattleboro, Townsend of South Burlington, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wizowaty of Burlington, Wright of Burlington, Yantachka of Charlotte and Zagar of Barnard,

By Senators Ashe, Baruth, Benning, Bray, Campbell, Cummings, Doyle, Flory, Fox, French, Galbraith, Hartwell, Kitchel, Lyons, Mazza, McCormack, Nitka, Rodgers, Starr, White and Zuckerman,

H.C.R. 118. (No. R164) House concurrent resolution designating April 2013 as the month of the military child in Vermont.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representatives Koch of Barre Town and McFaun of Barre Town,

H.C.R. 119. (No. R165) House concurrent resolution in memory of Richard Swift of Barre Town.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representative Scheuermann of Stowe,

By Senator Westman,

H.C.R. 120. (No. R166) House concurrent resolution commemorating the sestercentennial of the Town of Stowe.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representatives Stuart of Brattleboro, Burke of Brattleboro and Toleno of Brattleboro,

H.C.R. 121. (No. R167) House concurrent resolution celebrating Latchis Arts' 10th anniversary as the owner of the Latchis Hotel and Theatre.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representatives Savage of Swanton and Consejo of Sheldon,

H.C.R. 122. (No. R168) House concurrent resolution commemorating the sestercentennial of the Town of Swanton.

Pl on cal for Notice on 4/24/2013; Adptd in Concurrence.

By Representatives Fay of St. Johnsbury, Bartholomew of Hartland, Burke of Brattleboro, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Conquest of Newbury, Goodwin of Weston, Grad of Moretown, Heath of Westford, Hooper of Montpelier, Klein of East Montpelier, Krebs of South Hero, Krowinski of Burlington, Marek of Newfane, Masland of Thetford, McCarthy of St. Albans City, Michelsen of Hardwick, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Rachelson of Burlington, Ram of Burlington, South of St. Johnsbury, Stevens of Shoreham, Strong of Albany, Toleno of Brattleboro, Townsend of South Burlington, Vowinkel of Hartford, Waite-Simpson of Essex, Weed of Enosburgh, Wizowaty of Burlington and Zagar of Barnard,

H.C.R. 123. (No. R175) House concurrent resolution designating April 25, 2013 as Victims' Awareness Day.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representative Ancel of Calais,

By Senator Campbell,

H.C.R. 124. (No. R176) House concurrent resolution in memory of Vermont senior forensic chemist Marcia J. LaFountain.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Shaw of Pittsford and Carr of Brandon,

By Senators Flory, French and Mullin,

H.C.R. 125. (No. R177) House concurrent resolution commemorating the sestercentennial anniversary of the Town of Sudbury.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By All members of the House of Representatives,

By All members of the Senate,

H.C.R. 126. (No. R178) House concurrent resolution honoring Burlington Free Press reporter Candace Page for her outstanding journalism career.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Campion of Bennington, Corcoran of Bennington, Miller of Shaftsbury, Mook of Bennington and Morrissey of Bennington,

H.C.R. 127. (No. R179) House concurrent resolution designating April 27 as Vermont Youth Appreciation Day.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representative Nuovo of Middlebury,

H.C.R. 128. (No. R180) House concurrent resolution designating June 22, 2013 as Town Hall Theater Day in Vermont.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington, Macaig of Williston, McCullough of Williston and Townsend of South Burlington,

H.C.R. 129. (No. R181) House concurrent resolution congratulating the 2013 Vermont Prudential Spirit of Community Award Winners.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Bartholomew of Hartland and Sweaney of Windsor,

By Senators Campbell, McCormack and Nitka,

H.C.R. 130. (No. R182) House concurrent resolution congratulating Hartland Winter Trails on the 40th anniversary of its system of cross-country skiing and snowshoeing trails.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Partridge of Windham and Trieber of Rockingham,

H.C.R. 131. (No. R183) House concurrent resolution honoring the career and community service of Dr. Walter J. Griffiths of Bellows Falls.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Myers of Essex, Evans of Essex, Heath of Westford, Jerman of Essex and Waite-Simpson of Essex,

H.C.R. 132. (No. R184) House concurrent resolution congratulating the 2013 Essex Hornets' state gymnastics champions.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Martin of Springfield, Dakin of Chester and Emmons of Springfield,

By Senators Campbell, McCormack and Nitka,

H.C.R. 133. (No. R185) House concurrent resolution commemorating the designation of Birsky-Wyman Field in Springfield.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Rachelson of Burlington, Donovan of Burlington, Christie of Hartford, Goodwin of Weston, Grad of Moretown, Krowinski of Burlington, Pearson of Burlington, Ram of Burlington, Vowinkel of Hartford, Wilson of Manchester and Wizowaty of Burlington,

H.C.R. 134. (No. R186) House concurrent resolution congratulating the 2013 Hildene Lincoln Essay Competition Winners.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Burditt of West Rutland and Potter of Clarendon,

By Senators Flory, French and Mullin,

H.C.R. 135. (No. R187) House concurrent resolution honoring West Rutland municipal official Jayne Pratt.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Shaw of Pittsford and Carr of Brandon,

By Senators Flory, French and Mullin,

H.C.R. 136. (No. R188) House concurrent resolution commemorating the centennial anniversary of the Lothrop School.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Nuovo of Middlebury and Ralston of Middlebury,

By Senators Ayer and Bray,

H.C.R. 137. (No. R189) House concurrent resolution honoring David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Gallivan of Chittenden, Clarkson of Woodstock, Fagan of Rutland City, Gage of Rutland City, Kilmartin of Newport City, Marcotte of Coventry, Potter of Clarendon, Russell of Rutland City and Zagar of Barnard,

H.C.R. 138. (No. R190) House concurrent resolution honoring the 2013 winners of the Working Forests Essay Contest.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representative Poirier of Barre City,

H.C.R. 139. (No. R191) House concurrent resolution designating May as Older Americans Month in Vermont .

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Stuart of Brattleboro, Poirier of Barre City, Burke of Brattleboro, Donovan of Burlington, Fay of St. Johnsbury, Jerman of Essex, McCormack of Burlington, Miller of Shaftsbury, O'Sullivan of Burlington, Pearson of Burlington, South of St. Johnsbury, Spengler of Colchester, Till of Jericho, Toleno of Brattleboro, Webb of Shelburne and Weed of Enosburgh,

By Senators Pollina and White,

H.C.R. 140. (No. R192) House concurrent resolution designating May 1, 2013 as Poverty Awareness Day in Vermont.

Pl on cal for Notice on 5/1/2013; Adptd in Concurrence.

By Representatives Donahue of Northfield and Lewis of Berlin,

By Senators Doyle, Cummings and Pollina,

H.C.R. 141. (No. R193) House concurrent resolution honoring Dr. Kevin Daniel Crowley.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Campion of Bennington, Mook of Bennington, Botzow of Pownal, Browning of Arlington, Corcoran of Bennington, Donovan of Burlington and Wilson of Manchester,

By Senators Hartwell and Sears,

H.C.R. 142. (No. R194) House concurrent resolution honoring Bennington College President Elizabeth Coleman for her visionary academic leadership and scholarship.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Stuart of Brattleboro, Burke of Brattleboro, Deen of Westminster, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Moran of Wardsboro, Mrowicki of Putney, Partridge of Windham, Toleno of Brattleboro and Trieber of Rockingham,

H.C.R. 143. (No. R195) House concurrent resolution congratulating the Brattleboro Museum & Art Center on its 40th anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Quimby of Concord, Batchelor of Derby, Branagan of Georgia, Fay of St. Johnsbury, Feltus of Lyndon, Johnson of Canaan, Kilmartin of Newport City, Larocque of Barnet, Lawrence of Lyndon, Marcotte of Coventry, Michelsen of Hardwick, South of St. Johnsbury, Strong of Albany, Toll of Danville and Young of Glover,

By Senators Benning, Kitchel, Rodgers and Starr,

H.C.R. 144. (No. R196) House concurrent resolution honoring the military valor of the Shores brothers in defending the Union during the Civil War.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives O'Sullivan of Burlington, Bissonnette of Winooski, Cole of Burlington, Conquest of Newbury, Dakin of Chester, Emmons of Springfield, Evans of Essex, Gallivan of Chittenden, Goodwin of Weston, Head of South Burlington, Heath of Westford, Krowinski of Burlington, Lenos of Shelburne, Macaig of Williston, Martin of Springfield, Martin of Wolcott, McCarthy of St. Albans City, McCullough of Williston, Michelsen of Hardwick, Miller of Shaftsbury, Pugh of South Burlington, Savage of Swanton, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of South Burlington, Van Wyck of Ferrisburgh, Vowinkel of Hartford, Wizowaty of Burlington and Yantachka of Charlotte,

H.C.R. 145. (No. R197) House concurrent resolution recognizing the importance for U.S. military personnel of the award-winning documentary film The Invisible War.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representative Gallivan of Chittenden,

H.C.R. 146. (No. R198) House concurrent resolution honoring Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Cupoli of Rutland City, Burditt of West Rutland, Canfield of Fair Haven, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Fay of St. Johnsbury, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Potter of Clarendon, Russell of Rutland City, Shaw of Pittsford and Terenzini of Rutland Town,

By Senators Flory, French and Mullin,

H.C.R. 147. (No. R216) House concurrent resolution honoring Stafford Technical Center Director Lyle Jepson on being named the 2013 Technical Director of the Year.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Stuart of Brattleboro, Burke of Brattleboro, Deen of Westminster, Goodwin of Weston, Hebert of Vernon, Manwaring of Wilmington, Marek of Newfane, Mrowicki of Putney, Partridge of Windham, Toleno of Brattleboro and Trieber of Rockingham,

H.C.R. 148. (No. R199) House concurrent resolution commemorating the opening of the new Adult Intensive Unit at the Brattleboro Retreat in partnership with the Department of Mental Health.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Quimby of Concord, Fay of St. Johnsbury, Feltus of Lyndon, Higley of Lowell, Johnson of Canaan, Larocque of Barnet, Lawrence of Lyndon, South of St. Johnsbury, Strong of Albany, Terenzini of Rutland Town and Toll of Danville,

By Senators Benning, Kitchel, Rodgers and Starr,

H.C.R. 149. (No. R200) House concurrent resolution in memory of retired Vermont State Police Sgt. Harold Ackerman.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By All members of the House of Representatives,

H.C.R. 150. (No. R201) House concurrent resolution congratulating Mikaela Shiffrin on her international alpine ski racing achievements.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Morrissey of Bennington, Corcoran of Bennington, Campion of Bennington and Mook of Bennington,

By Senators Hartwell and Sears,

H.C.R. 151. (No. R202) House concurrent resolution congratulating the Bennington Rural Fire Department on its 60th anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Toleno of Brattleboro, Burke of Brattleboro and Stuart of Brattleboro,

H.C.R. 152. (No. R203) House concurrent resolution congratulating the Green Street School 2012 Vermont State Spelling Bee championship team.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Morrissey of Bennington, Corcoran of Bennington, Campion of Bennington and Mook of Bennington,

By Senators Hartwell and Sears,

H.C.R. 153. (No. R204) House concurrent resolution congratulating the Bennington Children's Chorus on its silver anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Pugh of South Burlington, Head of South Burlington, Kupersmith of South Burlington and Townsend of South Burlington,

H.C.R. 154. (No. R205) House concurrent resolution congratulating the 2013 South Burlington High School Rebels Division I championship boys' ice hockey team .

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Till of Jericho, Ellis of Waterbury, Head of South Burlington, Kupersmith of South Burlington, Lenes of Shelburne, Macaig of Williston, McCarthy of St. Albans City, McCullough of Williston, O'Brien of Richmond, Townsend of South Burlington, Webb of Shelburne and Yantachka of Charlotte,

H.C.R. 155. (No. R206) House concurrent resolution congratulating the Vermont Shamrocks on winning the New England and National 2013 USA Hockey Tier II-U16 championships.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Webb of Shelburne, Beyor of Highgate, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Buxton of Tunbridge, Cheney of Norwich, Cole of Burlington, Consejo of Sheldon, Copeland-Hanzas of Bradford, Dakin of Chester, Deen of Westminster, Ellis of Waterbury, Emmons of Springfield, Frank of Underhill, French of Randolph, Head of South Burlington, Hooper of Montpelier, Huntley of Cavendish, Jewett of Ripton, Krebs of South Hero, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Nuovo of Middlebury, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Savage of Swanton, Stevens of Waterbury, Stevens of Shoreham, Taylor of Barre City, Townsend of South Burlington, Wizowaty of Burlington, Wright of Burlington and Yantachka of Charlotte,

By Senators Lyons, Ashe, Ayer, Baruth, Benning, Bray, Doyle, Fox, French, Galbraith, Hartwell, MacDonald, Mazza, McAllister, Pollina, Rodgers, Snelling, Westman and Zuckerman,

H.C.R. 156. (No. R207) House concurrent resolution congratulating the Lake Champlain Committee on its 50th anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Carr of Brandon and Shaw of Pittsford,

By Senators Flory, French and Mullin,

H.C.R. 157. (No. R208) House concurrent resolution commemorating the bicentennial anniversary of the birth of Stephen A. Douglas, Brandon's most famous native son.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Partridge of Windham and Trieber of Rockingham,

H.C.R. 158. (No. R209) House concurrent resolution designating the week of May 5–11 as Vermont Organ Donor Awareness Week in honor of Jason Perry and Christian Stromberg.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Martin of Wolcott, Juskiewicz of Cambridge, Peltz of Woodbury, Smith of Morristown and Woodward of Johnson,

H.C.R. 159. (No. R210) House concurrent resolution congratulating the Puffer United Methodist Church of Morrisville on its bicentennial anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Deen of Westminster, Cheney of Norwich and Klein of East Montpelier,

By Senators Hartwell and Lyons,

H.C.R. 160. (No. R211) House concurrent resolution honoring John Hasen on his outstanding career as an attorney dedicated to serving the public.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representative Dickinson of St. Albans Town,

H.C.R. 161. (No. R212) House concurrent resolution honoring the civic and community leadership of the Montagne family of St. Albans.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Martin of Springfield, Dakin of Chester and Emmons of Springfield,

By Senators Campbell, McCormack and Nitka,

H.C.R. 162. (No. R213) House concurrent resolution designating May 13–19, 2013 as American Craft Beer Week in Vermont and celebrating Gregfest.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By the Committee on Corrections and Institutions,

By the Committee on Corrections and Institutions,

H.C.R. 163. (No. R214) House concurrent resolution honoring Patricia Rocheleau Harper for her outstanding work on the restoration of the House committee rooms.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representative Ancel of Calais,

H.C.R. 164. (No. R215) House concurrent resolution congratulating the Plainfield Fire Department on its centennial anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Mook of Bennington, Botzow of Pownal, Campion of Bennington, Corcoran of Bennington, Miller of Shaftsbury and Morrissey of Bennington,

By Senators Hartwell and Sears,

H.C.R. 165. (No. R217) House concurrent resolution honoring the retiring educators and support staff in the Southwest Vermont Supervisory Union.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Jewett of Ripton, Haas of Rochester, Hooper of Montpelier, Kitzmiller of Montpelier and Taylor of Barre City,

H.C.R. 166. (No. R218) House concurrent resolution honoring the Civil War-era musical drama Ransom on its professional premiere as the opening production of Lost Nation Theater's 25th anniversary season.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Jewett of Ripton and Taylor of Barre City,

H.C.R. 167. (No. R219) House concurrent resolution honoring Robert Stannard on his retirement as a legislative lobbyist.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representative Russell of Rutland City,

H.C.R. 168. (No. R220) House concurrent resolution commemorating the placement of an historic marker at the Rutland fairgrounds honoring aviation pioneer George Schmitt.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Shaw of Pittsford and Carr of Brandon,

By Senators Flory, French and Mullin,

H.C.R. 169. (No. R221) House concurrent resolution congratulating the Pittsford Fire Department on its 65th anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representative Russell of Rutland City,

H.C.R. 170. (No. R222) House concurrent resolution honoring the Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Sweaney of Windsor and Bartholomew of Hartland,
By Senators Campbell, McCormack and Nitka,

H.C.R. 171. (No. R223) `House concurrent resolution congratulating Windsor High School boys' Basketball Coach Harry Ladue on his induction into the New England Basketball Hall of Fame.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Representatives Greshin of Warren and Grad of Moretown,
By Senators Cummings, Doyle and Pollina,

H.C.R. 172. (No. R224) House concurrent resolution honoring the Joslin Memorial Library in Waitsfield on the occasion of its 100th anniversary.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

JOINT HOUSE RESOLUTION S

By Representatives Donahue of Northfield, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Christie of Hartford, Consejo of Sheldon, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Ellis of Waterbury, Emmons of Springfield, Frank of Underhill, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Hebert of Vernon, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Kitzmiller of Montpelier, Koch of Barre Town, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McFaun of Barre Town, Mrowicki of Putney, Myers of Essex, O'Brien of Richmond, O'Sullivan of Burlington, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Stevens of Waterbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Till of Jericho, Townsend of Randolph, Townsend of South Burlington, Trieber of Rockingham, Turner of Milton, Waite-Simpson of Essex and Wizowaty of Burlington,

J.R.H. 1. (No. R109) Joint resolution relating to the history and legacy of the Vermont State Hospital and the preservation of its cemetery.

Rd 1st t and pl on cal for act purs to Rule 52, 52; Adopted, 61; S pro of amend con in, 534.

By Representative McCullough of Williston,

J.R.H. 2. Joint resolution supporting the assignment of the F-35A aircraft to the Vermont Air National Guard.

Rd 1st t, treated as a bill and ref to C on General, Housing and Military Affairs, 106.

By the Committee on Commerce and Economic Development,

J.R.H. 3. (No. R110) Joint resolution supporting the Coalition for Captive Insurance Clarity.

Pl on cal for Notice on 2/8/2013, 121; Adopted, 129; Adptd in Concurrence.

By Representatives Cross of Winooski, Cole of Burlington, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington and Townsend of South Burlington,

J.R.H. 4. Joint resolution related to the conduct of collaborative hearings and the basing of the F-35A in Vermont.

Rd 1st t, treated as a bill and ref to C on General, Housing and Military Affairs, 132.

By Representatives Webb of Shelburne, Cheney of Norwich, Deen of Westminster, Klein of East Montpelier, McCullough of Williston and Ram of Burlington,

J.R.H. 5. Joint resolution opposing the transmission of oil derived from tar sands, also known as bitumen, through Vermont via the Portland-Montreal Pipe Line system.

Rd 1st t, treated as a bill and ref to C on N R & E, 165; Rep. Klein of East Montpelier moved to commit bill to the C on Fish, Wildlife & Water Resources which was agrd to., 219.

By Representatives Peltz of Woodbury and Buxton of Tunbridge,

J.R.H. 6. Joint resolution relating to the Sandy Hook shootings and the public education environment in Vermont.

Rd 1st t and pl on cal for act purs to Rule 52, 253; Adopted.

By Representatives Stevens of Shoreham, Young of Glover, Buxton of Tunbridge, Conquest of Newbury, Devereux of Mount Holly, Greshin of Warren, Martin of Springfield, Shaw of Pittsford, Toleno of Brattleboro and Zagar of Barnard,

J.R.H. 7. Joint resolution relating to the reliability of rural telephone service.

Rd 1st t and pl on cal for act purs to Rule 52, 278; Adopted, 295.

By Representatives Young of Glover, Higley of Lowell and Strong of Albany,

J.R.H. 8. Joint resolution requesting that, as soon as possible, the Federal Aviation Administration complete its review of, and issue approval for, the installation and use of Audio Visual Warning System nighttime lighting on wind turbines, including those turbines consisting of the Kingdom Community Wind Project located on the Lowell Mountain Range.

Rd 1st t, treated as a bill and ref to C on N R & E, 511.

By Representatives Lawrence of Lyndon, Gage of Rutland City, Koch of Barre Town and Marcotte of Coventry,

J.R.H. 9. (No. R171) Joint resolution authorizing the 2013 Green Mountain Boys' State educational program to use the State House.

Rd 1st t and pl on cal for act purs to Rule 52, 905; Rd and Adopted, 1056; Adptd in Concurrence.

By Representatives Pearson of Burlington, Turner of Milton and Jewett of Ripton,

J.R.H. 10. Joint resolution opposing the recalculation of Social Security benefits.

Rd 1st t and pl on cal for act purs to Rule 52, 1058; Adopted, 1268.

By the Committee on Corrections and Institutions,

J.R.H. 11. (No. R229) Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle.

Rd and adptd in Concurrence, 1090; S pro of amend con in, 1537.

By Representatives Keenan of St. Albans City, Yantachka of Charlotte, Botzow of Pownal, Christie of Hartford, Connor of Fairfield, Dakin of Chester, Emmons of Springfield, Evans of Essex, Gallivan of Chittenden, Head of South Burlington, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Krowinski of Burlington, Lenes of Shelburne, Macaig of Williston, Manwaring of Wilmington, Marcotte of Coventry, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, Michelsen of Hardwick, Miller of Shaftsbury, Peltz of Woodbury, Potter of Clarendon, Rachelson of Burlington, Ram of Burlington, Spengler of Colchester, Stevens of Shoreham, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of South Burlington and Zagar of Barnard,

J.R.H. 12. (No. R230) Joint resolution expressing concern regarding the public policy implications of the proposed Trans-Pacific Partnership Agreement.

Rd 1st t and pl on cal for act purs to Rule 52, 1380; Rd and adptd in Concurrence, 1451; Rd and adptd in Concurrence.

By Representative Head of South Burlington,

J.R.H. 13. Joint resolution relating to federal affordable housing policy.

Rd and adptd, 1683.

HOUSE RESOLUTIONS

By ,

H.R. 1. House resolution relating to House Rules.

Rd and Adopted, 13.

By ,

H.R. 2. House resolution relating to the organization of the House and informing the Senate thereof.

Rd and Adopted, 13.

H.R. 3. House resolution relating to the organization of the House and informing the Governor thereof.

Rd and Adopted, 14.

By Representatives Krowinski of Burlington, Bartholomew of Hartland, Clarkson of Woodstock, Connor of Fairfield, Conquest of Newbury, Copeland-Hanzas of Bradford, Dakin of Chester, Deen of Westminster, Emmons of Springfield, Fisher of Lincoln, Frank of Underhill, French of Randolph, Gallivan of Chittenden, Grad of Moretown, Haas of Rochester, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Jewett of Ripton, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Masland of Thetford, McCarthy of St. Albans City, McCullough of Williston, Michelsen of Hardwick, Miller of Shaftsbury, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pugh of South Burlington, Stevens of Waterbury, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toleno of Brattleboro, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wizowaty of Burlington, Woodward of Johnson and Zagar of Barnard,

H.R. 4. House resolution supporting a woman's right to decide her own reproductive choices and commemorating the 40th anniversary of the U.S. Supreme Court decision in *Roe v. Wade* .

Rd 1st t and ref to the C on H S, 48; Rep. Pugh of South Burlington raised a Point of Order, & ref to C on HS, 50; Rep. Krowinski of Burlington rep/d for the C on H S, 79; Adopted, 79.

By Representatives Sweaney of Windsor, Hubert of Milton and Martin of Wolcott,

H.R. 5. House resolution to amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the Committee on Government Operations.

Rd 1st t and ref to the C on R, 60; Rep. Deen of Westminster rep/d for the C on R, 167; Rep/d of C on R agrd to., 168; Adopted, 168.

By Representatives Sweaney of Windsor, Cole of Burlington, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Townsend of Randolph and Townsend of South Burlington,

H.R. 6. House resolution relating to amending Rule 25 of the Rules and Orders of the House of Representatives to grant jurisdiction relating to the policies of the State of Vermont's information technology systems to the Committee on Government Operations.

Rd 1st t and ref to the C on R, 87.

By Representatives Nuovo of Middlebury, Ancel of Calais, Burke of Brattleboro, Clarkson of Woodstock, Cole of Burlington, Deen of Westminster, Evans of Essex, French of Randolph, Gallivan of Chittenden,

Greshin of Warren, Lanpher of Vergennes, Martin of Springfield, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, O'Brien of Richmond, Rachelson of Burlington, Ram of Burlington, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester, Wizowaty of Burlington and Yantachka of Charlotte,

H.R. 7. House resolution supporting President Obama's appointment of a group to make recommendations to deter mass shootings in the United States.

Rd 1st t and ref to the C on G O, 140.

By the Committee on Rules,

H.R. 8. House resolution to amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the Committee on Agriculture.

Rd 1st t and pl on cal for act purs to Rule 52, 156; Rd and Adopted, 168.

By Representatives Jewett of Ripton, Turner of Milton and Pearson of Burlington,

H.R. 9. House resolution urgently requesting Congress and the President to work immediately to devise a more balanced alternative to the implementation of federal sequestration.

Rd and Adopted, 281.

By Representatives Young of Glover and Kupersmith of South Burlington,

H.R. 10. House resolution reaffirming the friendship between the Republic of China (Taiwan) and the State of Vermont; supporting the strengthening of the bilateral economic relationships between Taiwan and the United States and between Taiwan and the State of Vermont; and supporting the Republic of China's participation in international organizations.

Rd and Adopted, 613.

By Representatives Cheney of Norwich and Pearson of Burlington,

H.R. 11. House resolution to amend Rule 25 of the Rules of the House of Representatives pertaining to the jurisdiction of the Committee on Transportation.

Rd 1st t, treated as a bill and ref to C on R, 672.

By Representatives Sharpe of Bristol, Campion of Bennington, Christie of Hartford, Donovan of Burlington, Miller of Shaftsbury, Peltz of Woodbury and Stuart of Brattleboro,

H.R. 12. House resolution requesting Congress to restore fiscal year 2013 Head Start funding and to not reduce funding further in fiscal year 2014.

Rd and Adopted, 1800.

SENATE BILLS

By Senator Ashe,

S. 1. (No. 0061) An act relating to studies on classification of criminal offenses, development of a cost-benefit model for assessing criminal and juvenile justice programs, and the role of administrative hearing officers.

Rd 1st t and ref to the C on Judic, 128; Rd 2nd Time, 837; Rep. Wizowaty of Burlington rep/d for the C on Judic, 837; Pro of amend of the C on Judic agrd to, 839; 3rd rdg Ordered, 839; Rd 3rd t and pass in con w pro of Amendment, 850; Purs to req of the S, Speaker appt Lippert of Hinesburg, Grad of Moretown and Koch of Barre Town as members of the C of C on the part of the H, 1298; C of C rep/d agrd to (SS bill), 1835.

By Senator Sears,

S. 2. (No. 0004) An act relating to sentence calculations.

Ref to the C on Judic, 78; Rep. Wizowaty of Burlington moved to commit bill to the C on Corrections and Insti which was agrd to., 129; Rd 2nd Time, 254; Rep. Wizowaty of Burlington rep/d for the C on Judic, 254; 3rd rdg Ordered, 254; Rd 3rd t and pass in con w pro of Amendment, 256.

By Senator Sears,

S. 3. (No. 0009) An act relating to allowing participation in out-of-state contests requiring a fee to enter.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 128; Rd 2nd Time, 703; Rep. Savage of Swanton rep/d for the C on General, Housing and Military Affairs, 703; 3rd rdg Ordered, 703; Rd 3rd t and pass in Concurrence, 710.

By Senators Sears, Ashe and Campbell,

S. 4. (No. 0068) An act relating to health and schools.

Rd 1st t and ref to the C on Edu, 320; Rd 2nd Time, 1279; Rep. Rep. Christie of Hartford rep/d for the C on Edu, 1279; Pro of amend of the C on Edu agrd to, 1287; 3rd rdg Ordered, 1287; Rd 3rd t and pass in con w pro of Amendment, 1300; Purs to req of the S the Speaker appt Donovan of Burlington, Christie of Hartford and Rachelson of Burlington as members of the C of C on the part of the H, 1549; C of C rep/d agrd to (SS bill), 1711.

By Senator Sears,

S. 5. An act relating to issuance of a fraudulent arrest warrant by the parole board.

Rd 1st t and ref to the C on Judic, 320.

By Senator Sears,

S. 7. (No. 0047) An act relating to social networking privacy protection.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 531; Ref to the C on Comm and Economic Development, 705; Cmdt to C on Judic by mo of Rep. Ralston of Middlebury, 1086; Rd 2nd Time, 1366; Rep. Weed of Enosburgh rep/d for the C on General, Housing and Military Affairs, 1366; Rep. Ralston of Middlebury rep/d for the C on Comm and Economic Development, 1367; Rep. Koch of Barre Town rep/d for the C on Judic, 1373; Rep. Weed of Enosburgh asked lv to wdr the rep/d of the C on General, Housing and Military Affairs, 1373; Pro of amend of the C on Judic agrd to, 1373; Pro of amend of the C on Comm and Economic Development agrd to, 1373; 3rd rdg Ordered, 1373; Rd 3rd t, 1382; Pass in con w pro of Amendment, 1383; R C Yeas, 144, Nays, 0, 1383.

By Senator White,

S. 11. (No. 0045) An act relating to the Austine School.

Rd 1st t and ref to the C on Corrections and Insti, 606; Rd 2nd Time, 1288; Rep. Lenex of Shelburne rep/d for the C on Corrections and Insti, 1288; 3rd rdg Ordered, 1288; Rd 3rd t and pass in Concurrence, 1300.

By Senator Mullin,

S. 14. (No. 0037) An act relating to payment of agency fees and collective bargaining service fees.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 121; Rd 2nd Time, 852; Rep. Moran of Wardsboro rep/d for the C on General, Housing and Military Affairs, 852; Amend as offd by Rep. Townsend of Randolph disaagr to, 864; R C Yeas, 50, Nays, 89, 864; Amend as offd by Rep. Bouchard of Colchester disaagr to, 866; R C Yeas, 56, Nays, 78, 866; Amend as offd by Rep. Bouchard of Colchester disaagr to, 868; R C Yeas, 50, Nays, 86, 868; Amend as offd by Rep. Bouchard of Colchester disaagr to, 870; Amend as offd by Rep. Browning of Arlington disaagr to, 872; Amend as offd by Rep. Browning of Arlington disaagr to, 878; R C Yeas, 39, Nays, 99, 878; Amend as offd by Rep. Browning of Arlington wdrn, 879; Amend as offd by Rep. Campion of Bennington, South of St. Johnsbury, and Terenzini of Rutland Town agrd to, 880; R C Yeas, 133, Nays, 2, 882; Rep/d of C on General, Housing and Military Affairs agrd to., 882; 3rd rdg Ordered, 882; R C Yeas, 78, Nays, 51, 882; Amend as offd by Rep. Goodwin of Weston disaagr to, 891; Amend of Rep. Pearson of Burlington ruled not germane, 891; Amend as offd by Rep. Wright of Burlington wdrn, 891; Amend as offd by Rep. Marcotte of Coventry agrd to, 893; Rd 3rd t, 895; Pass in con w pro of Amendment, 895; R C Yeas, 84, Nays, 53, 895.

By Senators Ashe, Fox, Sears and Snelling,

S. 18. (No. 0069) An act relating to automated license plate recognition systems.

Rd 1st t and ref to the C on Trans, 612; Rd 2nd Time, 1628; Rep. McCarthy of St. Albans City rep/d for the C on Trans, 1628; Pro of amend of the C on Trans agrd to, 1632; 3rd rdg Ordered, 1632; R C Yeas, 132, Nays, 0, 1632; Rd 3rd t and pass in con w pro of Amendment, 1636.

By Senator Sears,

S. 19. An act relating to prohibiting intentionally accessing child pornography through the Internet.

Rd 1st t and ref to the C on Judic, 263.

By Senator Sears,

S. 20. (No. 0062) An act relating to increasing the statute of limitations for certain sex offenses against children.

Rd 1st t and ref to the C on Judic, 532; Rd 2nd Time, 1476; Rep. Rep. Grad of Moretown rep/d for the C on Judic, 1476; Pro of amend of the C on Judic agrd to, 1477; 3rd rdg Ordered, 1477; Rd 3rd t and pass in con w pro of Amendment, 1512; Purs to req of the S the Speaker appt Grad of Moretown, Wizowaty of Burlington and Waite-Simpson of Essex as members of the C of C on the part of the H, 1734; C of C rep/d agrd to (SS bill), 1837.

By Senator Hartwell,

S. 25. An act relating to public advocacy in utility matters.

Rd 1st t and ref to the C on Comm and Economic Development, 296.

By Senators Fox, Lyons, Pollina and Westman,

S. 26. An act relating to providing state financial support for school meals for children of low-income households.

Rd 1st t and ref to the C on Edu, 607.

By Senator Pollina,

S. 27. An act relating to respectful language in the Vermont Statutes Annotated.

Rd 1st t and ref to the C on G O, 612.

By Senators Benning, Hartwell, Flory, Galbraith, Kitchel, McAllister, Mullin, Rodgers and Starr,

S. 30. (No. 0038) An act relating to siting of electric generation plants.

Rd 1st t and ref to the C on N R & E, 607; Act postp to next legislative day as moved by Rep. Klein of East Montpelier, 886; Rd 2nd Time, 887; Rep. Klein of East Montpelier rep/d for the C on N R & E, 888; Rep/d of C on N R & E agrd to, 888; 3rd rdg Ordered, 888; R C Yeas, 140, Nays, 3, 888; Rd 3rd t and pass in con w pro of Amendment, 906.

By Senators Sears and Hartwell,

S. 31. (No. 0063) An act relating to consideration of interests in revocable estate planning instruments when making a property settlement in a divorce proceeding.

Rd 1st t and ref to the C on Judic, 264; Rd 2nd Time, 897; Rep. Koch of Barre Town rep/d for the C on Judic, 897; Amend of C on Judic agrd to and 3rd rdg Ordered, 899; Act postp to next legislative day as moved by Rep. Koch of Barre Town, 1018; Amend as offd by Rep. Kilmartin of Newport City agrd to, 1021; Rd 3rd t and pass in con w pro of Amendment, 1022; S pro of amend con in, 1484.

By Senators Ashe, Baruth, Fox, Lyons, Snelling and Zuckerman,

S. 37. (No. 0080) An act relating to tax increment financing districts.

Rd 1st t and ref to the C on Comm and Economic Development, 1089; Rep. Botzow of Pownal moved to commit bill to the C on W & M which was agrd to., 1275; Ref to C on Appr per Rule 35(a), 1512; Rd 2nd Time, 1529; Rep. Condon of Colchester, recommended for the C on W & M, 1529; Rep. Keenan of St. Albans City, recommended for the C on Appr, 1536; Pro of amend of the C on W & M agrd to, 1536; 3rd rdg Ordered, 1536; Rd 3rd t and pass in con w pro of Amendment, 1607; S pro of amend con in, 1838.

By Senators Baruth, Ashe, Ayer, Cummings, Fox, Lyons, McCormack, Pollina, White and Zuckerman,

S. 38. (No. 0074) An act relating to expanding eligibility for driving and identification privileges in Vermont.

Rd 1st t and ref to the C on Trans, 705; ref to the C on W & M, 1058; Rd 2nd Time, 1288; Rep. Rep. Burke of Brattleboro rep/d for the C on Trans, 1288; Rep. Ram of Burlington, recommended for the C on W & M, 1288; 3rd rdg Ordered, 1289; Amd as offd by Rep. Hubert of Milton disaagr to, 1341; R C Yeas, 41, Nays, 100, 1341; Amd as offd by Rep. Fagan of Rutland City disaagr to, 1342; Amd as offd by Rep. Higley of Lowell disagr to, 1344; Amend as offd by Rep. Bouchard of Colchester disaagr to, 1345; Amend as offd by Rep. Hubert of Milton disaagr to, 1345; Amend as offd by Rep. Fagan of Rutland City wrdn, 1346;

Amend as offd by Rep. Donahue of Northfield disaagr to, 1346; Amend as offd by Rep. Savage of Swanton wdrn, 1346; Rep. Fagan of Rutland City moved to commit the bill to the C on Trans which was disaagr to, 1347; R C Yeas, 37, Nays, 108, 1347; Rd 3rd t and pass in Concurrence, 1347; R C Yeas, 105, Nays, 39, 1350.

By Senators Pollina, Collins, Cummings, Doyle, Lyons, Westman and Zuckerman,

S. 40. An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable.

Rd 1st t and ref to the C on Edu, 612; Rep. Donovan of Burlington moved to recommit bill to the C on Edu which was agrd to., 1436.

By Senators Pollina, Cummings, Doyle, Fox and McCormack,

S. 41. An act relating to water and sewer service.

Rd 1st t and ref to the C on G O, 583; Rd 2nd Time, 1607; Rep. Higley of Lowell rep/d for the C on G O, 1607; Pro of amend of the C on G O agrd to, 1608; 3rd rdg Ordered, 1608; Rd 3rd t and pass in con w pro of Amendment, 1635; Purs to req of the S the Speaker appt Hubert of Milton, Martin of Wolcott and Mook of Bennington as members of the C of C on the part of the H, 1799.

By Senator Sears,

S. 47. (No. 0017) An act relating to protection orders and second degree domestic assault.

Rd 1st t and ref to the C on Judic, 532; Rd 2nd Time, 747; Rep. Fay of St. Johnsbury rep/d for the C on Judic, 747; Pro of amend of the C on Judic agrd to, 802; 3rd rdg Ordered, 802; Rd 3rd t and pass in Concurrence, 834.

By Senators Lyons, Ashe, Baruth, Cummings, Fox, Galbraith, MacDonald, McAllister, McCormack, Pollina, Rodgers, White and Zuckerman,

S. 58. An act relating to Act 250 and oil pipelines.

Rd 1st t and ref to the C on Fish, Wildlife & Water Resources, 583.

By Senators Campbell, Ashe, Ayer, Baruth, Fox, Galbraith, Lyons, MacDonald, McCormack, Pollina, Starr, White and Zuckerman,

S. 59. (No. 0048) An act relating to independent direct support providers.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 404; Rd 2nd Time, 1039; Rep. Stevens of Waterbury rep/d for the C on General, Housing and Military Affairs, 1039; Pro of amend of the C on General, Housing and Military Affairs agrd to, 1052; 3rd rdg Ordered, 1052; Rd 3rd t, 1078; Rep. Browning of Arlington moved to commit the bill to the C on H S; Rep. Browning of Arlington asked lv to wdr mo, 1078; Rep. Browning of Arlington moved to commit the bill to the C on H S which was disaagr to, 1078; R C Yeas, 40, Nays, 102, 1078; Amend as offd by Rep. Komline of Dorset wdrn, 1079; Amend as offd by Rep. Komline of Dorset disaagr to, 1080; R C Yeas, 36, Nays, 99, 1081; Pass in con w pro of Amendment, 1083; R C Yeas, 94, Nays, 41, 1083.

By Senators Mullin, Cummings, Flory, French, McAllister, Rodgers and Starr,

S. 61. (No. 0064) An act relating to alcoholic beverages.

Rd 1st t and ref to the C on General, Housing and Military Affairs, 607; Ref to C on W & M per Rule 35(a), 1275; Rd 2nd Time, 1478; Rep. O'Sullivan of Burlington rep/d for the C on General, Housing and Military Affairs, 1478; Rep. Ram of Burlington, recommended for the C on W & M, 1482; Pro of amend of the C on General, Housing and Military Affairs agrd to, 1482; 3rd rdg Ordered, 1482; Rd 3rd t and pass in con w pro of Amendment, 1485; Purs to req of the S the Speaker appt Head of South Burlington, Stevens of Waterbury and O'Sullivan of Burlington as members of the C of C on the part of the H, 1549; Speaker appt Moran of Wardsboro to replace Head of So. Burlington on the C of C, 1637; C of C rep/d agrd to, 1644.

By Senator Rodgers,

S. 70. An act relating to the delivery of raw milk at farmers' markets.

Rd 1st t and ref to the C on Agri and Forest Products, 510.

By Senators Ashe, Westman, Baruth, Cummings, Flory, Fox, Lyons, Mazza and Mullin,

S. 73. (No. 0065) An act relating to the moratorium on home health agency certificates of need.

Rd 1st t and ref to the C on H S, 532; Rep. Pugh of South Burlington moved that the bill be cmdt to the C on H C which was agrd to, 584; Rd 2nd Time, 759; Rep. Dakin of Chester rep/d for the C on H C, 759; Pro of amd of the C on H C agrd to, 759; 3rd rdg Ordered, 759; Rd 3rd t and pass in con w pro of Amendment, 768.

By Senator Sears,

S. 74. An act relating to immunity from liability for volunteer athletic coaches, managers, and officials.

Rd 1st t and ref to the C on Judic, 320.

By the Committee on Health and Welfare,

S. 77. (No. 0039) An act relating to patient choice and control at end of life.

Rd 1st t and ref to the C on H S, 165; Cmdt to C on Judic by mo of Rep. Pugh of South Burlington, 886; Rd 2nd Time, 988; Rep. Haas of Rochester rep/d for the C on H S, 988; Rep. Waite-Simpson of Essex rep/d for the C on Judic, 1001; Rep/d of the C on H S amend as recommended by the C on Judic, 1005; Rep. Koch of Barre Town moved to postp act indef, which was disaagr to, 1005; R C Yeas, 51, Nays, 90, 1005; Amend as offd by Rep. Morrissey of Bennington disaagr to, 1007; Amendment as offd by Rep. Gage of Rutland City disaagr to, 1007; Amend as offd by Rep. Bouchard of Colchester disaagr to, 1010; Amendment as offd by Rep. Poirier of Barre City disaagr to, 1010; R C Yeas, 42, Nays, 97, 1011; Amendment as offd by Rep. Donahue of Northfield disaagr to, 1012; R C Yeas, 44, Nays, 94, 1014; Rep/d of C on H S as amend agrd to, 1015; R C Yeas, 85, Nays, 53, 1016; 3rd rdg Ordered, 1017; R C Yeas, 80, Nays, 57, 1017; Amend as offd by Rep. Till of Jericho agrd to, 1025; Amend as offd by Rep. Till of Jericho disaagr to, 1025; R C Yeas, 35, Nays, 100, 1025; Amend as offd by Rep. Yantachka of Charlotte wdrn, 1028; Amendment as offd by Rep. Wright of Burlington disaagr to, 1028; R C Yeas, 50, Nays, 93, 1029; Amend as offd by Rep. Poirier of Barre City disaagr to, 1031; Amendment as offd by Rep. Kilmartin of Newport City disaagr to, 1031; R C Yeas, 41, Nays, 105, 1032; Amendment as offd by Rep. Waite-Simpson of Essex agrd to, 1033; Rd 3rd t, 1033; Pass in con w pro of Amendment, 1033; R C Yeas, 81, Nays, 64, 1034; Amendment as offd by Rep. Poirier of Barre City disaagr to, 1655; R C Yeas, 60, Nays, 79, 1657; Amend of Rep. Batchelor of Derby ruled not germane, 1659;

Amend as offd by Rep. Donahue of Northfield wrdn, 1660; Amend as offd by Rep. Kilmartin of Newport City disaagr to, 1663; S pro of amend con in, 1664; R C Yeas ,75, Nays, 65, 1664.

By Senators Lyons, Ashe, Campbell, Fox, Galbraith, MacDonald, McCormack, Mullin, Pollina and Zuckerman,

S. 81. (No. 0085) An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products .

Rd 1st t and ref to the C on H S, 612; Rd 2nd Time, 1301; Rep. Krowinski of Burlington rep/d for the C on H S, 1301; Pro of amend of the C on H S agrd to, 1309; 3rd rdg Ordered, 1309; Rd 3rd t, 1384; Pass in con w pro of Amendment, 1384; R C Yeas, 141, Nays, 0, 1384.

By Senators White, Ayer, Baruth, Kitchel, Lyons, MacDonald, Mazza, McCormack and Starr,

S. 82. An act relating to campaign finance law.

Rd 1st t and ref to the C on G O, 779; Ref to C on Appr per Rule 35(a), 1090; Rd 2nd Time, 1310; Rep. Evans of Essex rep/d for the C on G O, 1310; Rep. Keenan of St. Albans City, recommended for the C on Appr, 1340; Pro of amend of the C on G O agrd to, 1340; 3rd rdg Ordered, 1340; Rep. Davis of Washington moved that the H recons its vote, which was disaagr to., 1382; Amend as offd by Rep. Goodwin of Weston, Stevens of Shoreham, and Greshin of Warren disaagr to, 1387; Amend as offd by Rep. Koch of Barre Town wrdn, 1388; Amend as offd by Rep. Koch of Barre Town wrdn, 1388; Amend as offd by Rep. Shaw of Pittsford disaagr to, 1389; Amend as offd by Rep. Townsend of South Burlington agrd to, 1389; Amend as offd by Rep. Poirier of Barre City agrd to, 1390; Amend as offd by Rep. Wright of Burlington disaagr to, 1390; R C Yeas, 49, Nays, 95, 1391; Amend as offd by Rep. Koch of Barre Town agrd to, 1393; Rd 3rd t, 1393; Pass in con w pro of Amendment, 1394; R C Yeas, 96, Nays, 49, 1394; Purs to req of the S the Speaker appt Evans of Essex, Martin of Wolcott and Consejo of Sheldon as members of the C of C on the part of the H, 1549.

By Senators Ashe, Ayer, Baruth, Bray, Campbell, Fox, Galbraith, Hartwell, Kitchel, Lyons, McCormack, Mullin, Pollina, Rodgers, Sears, White and Zuckerman,

S. 85. (No. 0086) An act relating to workers' compensation for firefighters and rescue or ambulance workers.

Rd 1st t and ref to the C on Comm and Economic Development, 458; Rd 2nd Time, 1086; Rep. Kitzmiller of Montpelier rep/d for the C on Comm and Economic Development, 1086; Pro of amend of the C on Comm and Economic Development agrd to, 1087; 3rd rdg Ordered, 1087; Rep. Kitzmiller of Montpelier moved that the H pro to the S to amend the bill which was agrd to, 1262; Rd 3rd t and pass in con w pro of Amendment, 1262.

By Senator White,

S. 86. An act relating to miscellaneous changes to election laws.

Rd 1st t and ref to the C on G O, 736.

By Senators Lyons, Ashe, Baruth, Bray, Collins, Fox, McCormack, Mullin, Pollina and Zuckerman,

S. 88. (No. 0040) An act relating to telemedicine services delivered outside a health care facility.

Rd 1st t and ref to the C on H C, 532; Rd 2nd Time, 972; Rep. Till of Jericho rep/d for the C on H C, 972; Amend of C on H C agrd to and 3rd rdg Ordered, 973; Rd 3rd t and pass in con w pro of Amendment, 1038.

By Senator Sears,

S. 99. (No. 0041) An act relating to the standard measure of recidivism.

Rd 1st t and ref to the C on Corrections and Insti, 264; Rd 2nd Time, 1310; Rep. Myers of Essex rep/d for the C on Corrections and Insti, 1310; Pro of amend of the C on Comm and Economic Development agrd to, 1310; 3rd rdg Ordered, 1310; Rd 3rd t and pass in con w pro of Amendment, 1386.

By Senators Pollina, Ashe, Fox, Lyons and Zuckerman,

S. 104. (No. 0042) An act relating to expedited partner therapy.

Rd 1st t and ref to the C on H C, 532; Rd 2nd Time, 711; Rep. Till of Jericho rep/d for the C on H C, 711; Pro of amend of the C on H C agrd to, 711; 3rd rdg Ordered, 711; Rd 3rd t and pass in con w pro of Amendment, 713.

By Senator Hartwell,

S. 119. An act relating to amending perpetual conservation easements.

Rd 1st t and ref to the C on N R & E, 849.

By Senator Ayer,

S. 128. An act relating to updating mental health judicial proceedings.

Rd 1st t and ref to the C on H C, 583; Rep. Fisher of Lincoln moved to commit bill to the C on H S which was agrd to., 659.

By Senators Sears, Baruth, Doyle, Galbraith, MacDonald and White,

S. 129. An act relating to workers' compensation liens.

Rd 1st t and ref to the C on Comm and Economic Development, 616; Rd 2nd Time, 1437; Rep. Marcotte of Coventry rep/d for the C on Comm and Economic Development, 1437; Pro of amend of the C on Comm and Economic Development agrd to, 1450; 3rd rdg Ordered, 1450; Amend as offd by Rep. Stevens of Shoreham and Marcotte of Coventry agrd to, 1512; Rep. Pearson of Burlington, Moran of Wardsboro, McFaun of Barre Town, and Poirier of Barre City moved to amend the H pro of amend which was disaagr to, 1513; R C Yeas, 19, Nays, 118, 1514; Rd 3rd t, 1515; Pass in con w pro of Amendment, 1515; R C Yeas. 139, Nays, 1, 1515; Purs to req of the S the Speaker appt Marcotte of Coventry, Botzow of Pownal and Young of Glover as members of the C of C on the part of the H, 1666.

By the Committee on Education,

S. 130. (No. 0077) An act relating to encouraging flexible pathways to secondary school completion.

Rd 1st t and ref to C on Edu, 458; Ref to C on W & M per Rule 35(a), 1087; Ref to C on Appr per Rule 35(a), 1299; Rep. Peltz of Woodbury rep/d for the C on Edu, 1418; Rep. Ram of Burlington, recommended for the C on W & M, 1433; Rep. Manwaring of Wilmington, recommended for the C on Appr, 1433; Amend of C on W & M agrd to, 1434; Pro of amend of the C on Edu agrd to, 1434; 3rd rdg Ordered, 1434; Rd 3rd t and pass in con w pro of Amendment, 1451.

By Senators Sears and White,

S. 132. (No. 0049) An act relating to sheriffs, deputy sheriffs, and the service of process.

Rd 1st t and ref to the C on Judic, 607; Cmt'd to C on G O by mo of Rep. Lippert of Hinesburg, 848; Rd 2nd Time, 1354; Rep. Devereux of Mount Holly rep/d for the C on G O, 1354; Pro of amend of the C on G O agr'd to, 1355; 3rd rdg Ordered, 1355; Rd 3rd t and pass in con w pro of Amendment, 1386.

By the Committee on Institutions,

S. 144. (No. 0010) An act relating to the St. Albans state office building.

Rd 1st t and ref to the C on Corrections and Insti, 311; Rd 2nd Time, 668; Amend of C on Corrections and Insti agr'd to and 3rd rdg Ordered, 668; Rd 3rd t and pass in con w pro of Amendment, 674.

By the Committee on Judiciary,

S. 148. (No. 0070) An act relating to criminal investigation records and the Vermont Public Records Act.

Rd 1st t and ref to the C on Judic, 459; Rd 2nd Time, 1355; Rep. Grad of Moretown rep/d for the C on Judic, 1355; Pro of amend of the C on Judic agr'd to, 1357; 3rd rdg Ordered, 1357; Amend as off'd by Rep. Grad of Moretown agr'd to, 1386; Rd 3rd t and pass in con w pro of Amendment, 1387; Purs to req of the S the Speaker appt Lippert of Hinesburg, Grad of Moretown and Koch of Barre Town as members of the C of C on the part of the H, 1524; C of C rep/d agr'd to (SS bill), 1728.

By the Committee on Transportation,

S. 150. (No. 0057) An act relating to miscellaneous amendments to laws related to motor vehicles.

Rd 1st t and ref to the C on Trans, 511; Ref to C on W & M per Rule 35(a), 758; Rd 2nd Time, 906; Rep. Rep. Brennan of Colchester rep/d for the C on Trans, 906; Rep. Masland of Thetford, recommended for the C on W & M, 927; Rep/d of the C on Trans amend as recommended by the C on W & M, 928; Rep/d of C on Trans as amend agr'd to, 928; 3rd rdg Ordered, 928; Amend as off'd by Rep. McCarthy of St. Albans City agr'd to, 1038; Rd 3rd t and pass in con w pro of Amendment, 1039; Purs to req of the S the Speaker appt Brennan of Colchester, Potter of Clarendon and Koch of Barre Town as members of the C of C on the part of the H, 1551; C of C rep/d agr'd to (SS bill), 1799.

By the Committee on Transportation,

S. 151. (No. 0020) An act relating to miscellaneous changes to the laws governing commercial motor vehicle licensing and operation.

Rd 1st t and ref to the C on Trans, 511; Ref to the C on W & M, 758; Rd 2nd Time, 836; Rep. Kilmartin of Newport City rep/d for the C on Trans, 836; Pro of amend of the C on Trans agr'd to, 837; 3rd rdg Ordered, 837; Rd 3rd t and pass in con w pro of Amendment, 850.

By the Committee on Finance,

S. 152. (No. 0054) An act relating to health care financing.

Rd 1st t and ref to the C on H C, 607; Pl on cal for Notice on 4/25/2013, 849; Ref to C on W & M per Rule 35(a), 849; Ref to C on Appr per Rule 35(a), 1275; Rd 2nd Time, 1396; Rep. Fisher of Lincoln rep/d for the C on H C, 1396; Rep. Sharpe of Bristol, recommended for the C on W & M, 1415; Rep. Keenan of St. Albans City, recommended for the C on Appr, 1416; Pro

of amend of the C on H C agrd to, 1416; Amend as offd by Rep. Fisher of Lincoln agrd to, 1416; Pro of amend of the C on H C agrd to, 1417; 3rd rdg Ordered, 1417; Amend as offd by Rep. Till of Jericho wdrn, 1468; Amend as offd by Rep. Fisher of Lincoln agrd to, 1468; Amend of Rep. Browning of Arlington ruled not germane, 1469; R C Yeas, 39, Nays, 98, 1471; Amend as offd by Rep. Poirier of Barre City disaagr to, 1473; Rd 3rd t, 1474; Pass in con w pro of Amendment, 1474; R C Yeas, 95, Nays, 40, 1474; S pro of amend con in w further amend thereto, as offd by Rep. Ancel of Calais, 1794.

By the Committee on Judiciary,

S. 154. An act relating to classification of crimes.

Rd 1st t and ref to the C on Judic, 612.

By Senators Bray, Ayer, Baruth, Benning, Campbell, Collins, Cummings, Doyle, Flory, French, Lyons, MacDonald, McAllister, Mullin and Starr,

S. 155. (No. 0081) An act relating to creating a strategic workforce development needs assessment and strategic plan.

Rd 1st t and ref to the C on Comm and Economic Development, 780; Rd 2nd Time, 1263; Rep. Kupersmith of South Burlington rep/d for the C on Comm and Economic Development, 1263; Pro of amend of the C on Comm and Economic Development agrd to, 1265; 3rd rdg Ordered, 1265; Rd 3rd t and pass in con w pro of Amendment, 1275; Purs to req of the S the Speaker appt Kupersmith of South Burlington, Marcotte of Coventry and Young of Glover as members of the C of C on the part of the H, 1462; C of C rep/d agrd to, 1733.

By the Committee on Health and Welfare,

S. 156. (No. 0066) An act relating to home visiting standards.

Rd 1st t and ref to the C on H C, 532; Rep. Pugh of South Burlington moved to commit bill to the C on H S which was agrd to., 534; Rd 2nd Time, 1524; Rep. Mrowicki of Putney rep/d for the C on H S, 1524; Pro of amend of the C on H S agrd to, 1526; 3rd rdg Ordered, 1526; Rd 3rd t and pass in con w pro of Amendment, 1539.

By the Committee on Agriculture,

S. 157. (No. 0084) An act relating to modifying the requirements for hemp production in the State of Vermont.

Rd 1st t and ref to the C on Agri and Forest Products, 607; Rd 1st t and ref to the C on W & M, 905; Rd 2nd Time, 1517; Rep. Zagar of Barnard rep/d for the C on Agri and Forest Products, 1517; Rep/d of C on W & M agrd to., 1522; Pro of amend of the C on Agri and Forest Products agrd to, 1522; R C Yeas, 127, Nays, 4, 1522; 3rd rdg Ordered, 1523; Rd 3rd t and pass in con w pro of Amendment, 1539.

By the Committee on Natural Resources and Energy,

S. 159. (No. 0011) An act relating to various amendments to Vermont's land use control law and related statutes.

Rd 1st t and ref to the C on N R & E, 584; Act postp to next legislative day as moved by Rep. Klein of East Montpelier, 673; Rd 2nd Time, 702; Rep. McCormack of Burlington rep/d for the C on N R & E, 702; Pro of amend of the C on N R & E agrd to, 702; 3rd rdg Ordered, 702; Rd 3rd t and pass in con w pro of Amendment, 711.

By the Committee on Judiciary,

S. 161. (No. 0018) An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract.

Rd 1st t and ref to the C on Judic, 584; Rd 2nd Time, 793; Rep. Wizowaty of Burlington rep/d for the C on Judic, 794; Pro of amend of the C on Judic agrd to, 794; 3rd rdg Ordered, 794; Rd 3rd t and pass in Concurrence, 834.

JOINT SENATE RESOLUTIONS

By Senator Campbell,

J.R.S. 1. (No. R001) Joint resolution relating to joint rules.

Adptd in Concurrence, 15.

By Senator White,

J.R.S. 2. (No. R002) Joint resolution relating to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Adptd in Concurrence, 16.

By Senator Campbell,

J.R.S. 3. (No. R003) Joint resolution relating to provide for a Joint Assembly to hear the inaugural message of the Governor.

Adptd in Concurrence, 16.

By Senators Baruth and Flory,

J.R.S. 4. (No. R004) Joint resolution relating to Town Meeting adjournment.

Adptd in Concurrence, 25.

By Senator Campbell,

J.R.S. 5. (No. R005) Joint resolution relating to provide for a Joint Assembly to hear the budget message of the Governor.

Adptd in Concurrence, 25.

By Senators Baruth and Flory,

J.R.S. 6. (No. R006) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 28.

By Senators Baruth and Flory,

J.R.S. 7. (No. R007) Joint resolution relating to weekend adjournment.

Adptd in Concurrence, 37.

By Senators Baruth and Benning,

J.R.S. 8. (No. R016) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 54.

By Senators Baruth and Benning,

J.R.S. 9. (No. R034) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 79.

By Senator Campbell,

J.R.S. 10. (No. R036) Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Rd 1st t and pl on cal for act purs to Rule 52, 88; Adptd in Concurrence, 102.

By Senator Campbell,

J.R.S. 11. (No. R037) Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2013.

Rd 1st t and pl on cal for act purs to Rule 52, 89; Adptd in Concurrence, 102.

By the Committee on Institutions,

J.R.S. 12. (No. R038) Joint resolution supporting the return of the Battle of Winchester Memorial to its original battlefield location.

Rd 1st t and pl on cal for act purs to Rule 52, 89; Adptd in Concurrence, 102.

By Senators Baruth and Benning,

J.R.S. 13. (No. R049) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 108.

By the Committee on Agriculture,

J.R.S. 14. (No. R231) Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont.

Rd 1st t, treated as a bill and ref to C on Agri, 214; Rd 2nd Time, 956; Rep. Toleno of Brattleboro rep/d for the C on Agri and Forest Products, 956; Amend of C on Agri and Forest Products agrd to and 3rd rdg Ordered, 956; Rd 3rd t and pass in con w pro of Amendment, 1039.

By Senators Baruth and Benning,

J.R.S. 15. (No. R053) Joint resolution relating to weekend adjournment.

Adptd in Concurrence, 135.

By Senators Baruth and Benning,

J.R.S. 16. (No. R062) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 216.

By Senator Nitka,

J.R.S. 17. (No. R083) Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate.

Rd 1st t and pl on cal for act purs to Rule 52, 296; Adptd in Concurrence, 310.

By Senators Baruth and Benning,

J.R.S. 18. (No. R082) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 297.

By Senators Baruth and Benning,

J.R.S. 20. (No. R091) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 404.

By Senators Baruth and Benning,

J.R.S. 21. (No. R095) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 537.

By Senator Nitka,

J.R.S. 22. (No. R094) Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate.

Rd and adptd in Concurrence, 533.

By Senators Baruth and Benning,

J.R.S. 23. (No. R121) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 613.

By Senators Baruth and Benning,

J.R.S. 25. (No. R135) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 699.

By Senators Baruth and Benning,

J.R.S. 26. (No. R143) Joint resolution relating weekend adjournment.

Rd and Adopted, 759.

By Senators Baruth and Benning,

J.R.S. 28. (No. R156) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 830.

By Senators Baruth and Benning,

J.R.S. 29. (No. R169) Joint resolution relating to weekend adjournment.

Rd and adptd in Concurrence, 1020.

By Senator Campbell,

J.R.S. 32. (No. R228) Joint resolution relating to final adjournment of the General Assembly in 2013.

Rd and adptd in Concurrence, 2020.

SENATE CONCURRENT RESOLUTIONS

By Senators Doyle, Cummings and Pollina,

By Representative Klein of East Montpelier,

S.C.R. 1. (No. R017) Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Middlesex.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

S.C.R. 2. (No. R018) Senate concurrent resolution congratulating Angeleno's Pizza on its 30th anniversary.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

S.C.R. 3. (No. R019) Senate concurrent resolution honoring the professional and civic contributions of Dr. David Butsch.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue of Northfield and Lewis of Berlin,

S.C.R. 4. (No. R020) Senate concurrent resolution congratulating the 2012 Northfield High School Marauders Division III championship baseball team and its illustrious retiring head coach, Frank Pecora.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Donahue of Northfield and Lewis of Berlin,

S.C.R. 5. (No. R021) Senate concurrent resolution congratulating the town of Berlin on its sestercentennial (250th) anniversary.

Adptd in Concurrence.

By Senators Cummings, Doyle and Pollina,

S.C.R. 6. (No. R022) Senate concurrent resolution honoring Rosemary Miller for her three decades of outstanding work at the Vermont Center for Independent Living.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Ellis of Waterbury and Stevens of Waterbury,

S.C.R. 7. (No. R023) Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Waterbury.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representative Ancel of Calais,

S.C.R. 8. (No. R024) Senate concurrent resolution commemorating the 150th anniversary of the original chartering of Goddard College.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Peltz of Woodbury and Smith of Morristown,

S.C.R. 9. (No. R025) Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Worcester.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Grad of Moretown and Greshin of Warren,

S.C.R. 10. (No. R026) Senate concurrent resolution commemorating the sestercentennial anniversary of the town of Moretown.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Grad of Moretown, Greshin of Warren, Ellis of Waterbury and Stevens of Waterbury,

S.C.R. 11. (No. R027) Senate concurrent resolution commemorating the sestercentennial anniversary of the Town of Duxbury.

Adptd in Concurrence.

By Senator McCormack,

S.C.R. 12. (No. R035) Senate concurrent resolution honoring Amelia Boynton Robinson, the Matriarch of the Voting Rights Movement.

Adptd in Concurrence.

By All members of the Senate,

By Representatives Ancel of Calais, Bartholomew of Hartland, Batchelor of Derby, Beyor of Highgate, Bissonnette of Winooski, Botzow of Pownal, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Canfield of Fair Haven, Carr of Brandon, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Connor of Fairfield, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Corcoran of Bennington, Cross of Winooski, Cupoli of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fay of St. Johnsbury, Feltus of Lyndon, Fisher of Lincoln, Frank of Underhill, French of Randolph, Gage of Rutland City, Gallivan of Chittenden, Goodwin of Weston, Grad of Moretown, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hooper of Montpelier, Hubert of Milton, Huntley of Cavendish, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Johnson of Canaan, Juskiewicz of Cambridge, Keenan of St. Albans City, Kilmartin of Newport City, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Krebs of South Hero, Krowinski of Burlington, Kupersmith of South Burlington, Lanpher of Vergennes, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Michelsen of Hardwick, Miller of Shaftsbury, Mitchell of Fairfax, Mook of Bennington, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex,

Nuovo of Middlebury, O'Brien of Richmond, O'Sullivan of Burlington, Partridge of Windham, Pearce of Richford, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Quimby of Concord, Rachelson of Burlington, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Smith of Morristown, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Terenzini of Rutland Town, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend of Randolph, Townsend of South Burlington, Trieber of Rockingham, Turner of Milton, Vowinkel of Hartford, Waite-Simpson of Essex, Webb of Shelburne, Weed of Enosburgh, Wilson of Manchester, Winters of Williamstown, Wizowaty of Burlington, Woodward of Johnson, Wright of Burlington, Yantachka of Charlotte, Young of Glover and Zagar of Barnard,

S.C.R. 13. (No. R050) Senate concurrent resolution in memory of former Representative and Senator Edgar May of Springfield.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Hooper of Montpelier and Kitzmiller of Montpelier,

S.C.R. 14. (No. R051) Senate concurrent resolution congratulating the 2012 Montpelier High School Division II championship girls' tennis team.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

By Representatives Davis of Washington and Winters of Williamstown,

S.C.R. 15. (No. R052) Senate concurrent resolution congratulating Lotus Lake Camp on its 60th anniversary.

Adptd in Concurrence.

By Senators Mullin, Flory, French, Baruth, Benning, Collins, Cummings, Doyle, Kitchel, Mazza, McCormack and Pollina,

S.C.R. 16. (No. R054) Senate concurrent resolution congratulating Fabian Earth Moving, Inc. and Edward A. Fabian on the company's 75th anniversary.

Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

S.C.R. 17. (No. R092) Senate concurrent resolution congratulating the Beth Jacob Synagogue in Montpelier on its centennial anniversary.

Adptd in Concurrence.

By Senators French, Flory and Mullin,

By Representatives Burditt of West Rutland, Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Helm of Fair Haven, Malcolm of Pawlet, Russell of Rutland City, Shaw of Pittsford and Terenzini of Rutland Town,

S.C.R. 18. (No. R093) Senate concurrent resolution in memory of former Shrewsbury Selectboard Chair Donald Parrish.

Adptd in Concurrence.

By Senators Flory, French and Mullin,

By Representatives Canfield of Fair Haven, Carr of Brandon, Cupoli of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Gage of Rutland City, Gallivan of Chittenden, Haas of Rochester, Helm of Fair Haven, Malcolm of Pawlet, Potter of Clarendon, Shaw of Pittsford, Stevens of Shoreham and Terenzini of Rutland Town,

S.C.R. 19. (No. R108) Senate concurrent resolution in memory of Roy Jacobsen, cofounder of the first chapter of Vietnam Veterans of America.

Pl on cal for Notice on 3/27/2013; Adptd in Concurrence.

By All members of the Senate,

By Representatives Macaig of Williston, Fisher of Lincoln, Sharpe of Bristol, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Cole of Burlington, Condon of Colchester, Cross of Winooski, Dakin of Chester, Devereux of Mount Holly, Donovan of Burlington, Fay of St. Johnsbury, Frank of Underhill, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Jerman of Essex, Krebs of South Hero, Krowinski of Burlington, Lanpher of Vergennes, Lenes of Shelburne, Marek of Newfane, Martin of Springfield, McCormack of Burlington, McCullough of Williston, Myers of Essex, O'Brien of Richmond, O'Sullivan of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Rachelson of Burlington, Ram of Burlington, Russell of Rutland City, Spengler of Colchester, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Townsend of South Burlington, Turner of Milton, Van Wyck of Ferrisburgh, Webb of Shelburne, Wright of Burlington and Yantachka of Charlotte,

S.C.R. 20. (No. R122) Senate concurrent resolution honoring University of Vermont Professor Frank Bryan for his extraordinary contributions to Vermont as a scholar and citizen proponent of Vermont democracy.

Adptd in Concurrence.

By Senator White,

S.C.R. 21. (No. R136) Senate concurrent resolution congratulating iBrattleboro on its tenth anniversary.

Pl on cal for Notice on 4/10/2013; Adptd in Concurrence.

By Senators Doyle, Cummings and Pollina,

S.C.R. 22. (No. R144) Senate concurrent resolution congratulating Margaret Jane Kelly of Barre on her 90th birthday.

Adptd in Concurrence.

By Senators Campbell and Mullin,

S.C.R. 23. (No. R145) Senate concurrent resolution designating April 19, 2013 as Vermont Golf Day.

Adptd in Concurrence.

By Senators Collins and McAllister,

By Representative Consejo of Sheldon,

S.C.R. 25. (No. R225) Senate concurrent resolution designating May 7, 2013 as Senior Center Awareness Day.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Senators Kitchel and Benning,

By Representatives Fay of St. Johnsbury, Feltus of Lyndon, Larocque of Barnet, Lawrence of Lyndon, Michelsen of Hardwick, Quimby of Concord, South of St. Johnsbury and Toll of Danville,

S.C.R. 26. (No. R227) Senate concurrent resolution honoring Charles Browne for his extraordinary leadership of the Fairbanks Museum & Planetarium.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

By Senators Rodgers and Starr,

By Representative Johnson of Canaan,

S.C.R. 27. (No. R226) Senate concurrent resolution honoring Hanford Biron for exemplary public service in the town of Norton.

Pl on cal for Notice on 5/8/2013; Adptd in Concurrence.

GENERAL INDEX

2013

The following is a list of abbreviations and their meanings:

H.	House Bill
H.R.	House Resolution
J.R.H.	Joint Resolution of the House
S.	Senate Bill
J.R.S.	Joint Resolution of the Senate
Table	Appendix B
Introduced	See Table for other sponsors
Offered	See Table for other sponsors

For information on House and Senate Concurrent Resolutions, please see Table of Bills and Resolutions and the Acts and Resolves of 2013. "See table and page #" under bill categories refers to the Table of Bills.

A.

Abortion

Abortion rights. See table H. 508.....	2105
Limited services pregnancy centers. See table H. 484.....	2102

Administration

Public school teachers; statewide contract. See table H. 90.....	2044

Agriculture

Agricultural workers and employers; tax liability. See table H. 514	2106
Agriculture or forest products sector; exemption. See table H. 492	2103
Capital construction and state bonding. See table H. 533.....	2110
Commercial poultry feed; arsenic. See table H. 263.....	2071
Food labeling; genetic engineering. See table H. 112.....	2049
Industrial hemp licenses; authorization. See table H. 490	2103
Manure management; anaerobic digesters. See table H. 405.....	2092
Miscellaneous agricultural subjects. See table H. 515.....	2107
Pesticide application under right-of-way permits. See table H. 317	2080
Secretary of Natural Resources. See table H. 394	2090
Stormwater offset projects; agricultural soils. See table H. 250	2070
Use Value Program; farming. See table H. 202.....	2062
Use of gestational pig crates. See table H. 438.....	2096
Water quality; application of manure. See table H. 145	2054

Agriculture and Forest Products Committee

H. 514. Introduced.....	311
H. 515. Introduced.....	311
H. 542. Introduced.....	1274

Alcoholic Beverages

Malt beverages; shipment of. See table H. 174.....	2058
Alcoholic beverage sampling. See table H. 91	2044

Alcoholic beverage wholesale dealers; employees. See table H. 191.....	2060
Alcoholic beverages. See table H. 176	2058
Commercial catering licenses. See table H. 300.....	2078
Driving under the influence of alcohol or drugs. See table H. 501.....	2104
Fourth class licenses. See table H. 249.....	2070
Licensed alcohol & drug abuse counselors; Medicaid. See table H. 69	2041
Limited first class licenses. See table H. 40.....	2037
Liquor control investigations; enforcement. See table H. 14.....	2033
Malt or vinous beverages; sale to retail dealers. See table H. 180.....	2059
Service of malt and vinous beverages; libraries. See table H. 385	2089

Anatomical Gifts

Anatomical gifts. See table H. 178	2058

Ancel, Janet

Member from Calais (District Washington-6)

Committee:

Joint Fiscal Committee

Joint Transportation Oversight

Ways and Means, Chair

Conference on H. 295..... 1683

Conference on H. 528..... 1075

Motions, etc.

H. 60 Introduced 47

H. 94 Introduced 70

H. 107 Moved committee be relieved 309

H. 122 Introduced 77

H. 124 Introduced 78

H. 243 Introduced 120

H. 267 Introduced 137

H. 295 Requested Committee of Conference 1667

H. 338 Introduced 225

H. 458 Introduced 274

H. 528 Spoke for committee 546

Requested Committee of Conference 1060

H. 530 Moved to amend..... 656

S. 152 Moved to concur with further amend..... 1794

H.R. 7 Offered..... 140

Animal cruelty

Animal cruelty; criminal cases. See table H. 471	2101

Animal welfare

Animal cruelty; criminal cases. See table H. 471	2101

Intentional killing of a pet; damages. See table H. 342	2083

Pets; sale, transfer or importation of. See table H. 50.....	2038

State dog; recognition. See table H. 171.....	2058

Use of gestational pig crates. See table H. 438.....	2096

Appraisal

- Freezing appraisal values; taxpayers 65 and older. See table H. 383 2089
- Use value appraisals. See table H. 329 2082
- Use Value Program; tiered benefit structure. See table H. 162.....2056

Appropriations

- 2013 Budget Adjustment. See table H. 47 2037
- Appropriations for the support of government. See table H. 530 2109
- Unified budget. See table H. 207 2063

Appropriations Committee

- H. 47. Introduced 42
- H. 530. Introduced.....531

Arbitration

- Collective bargaining; teachers/school admin. See table H. 318 2080

Athletics

- Youth athletics; concussions. See table H. 502 2105

Authorization

- Health insurance prior authorizations. See table H. 77 2042

B.**Banking and Insurance**

- Department of Financial Regulation. See table H. 203.....2062

Bartholomew, John L.

Member from Hartland (District Windsor-1)

Committee:

Agriculture and Forest Products, Clerk

Motions, etc.

- H. 23 Introduced 30
- H. 50 Introduced 46
 - Reported for committee.....617
 - Moved to amend.....631
- H. 60 Introduced 47
- H. 112 Introduced 74
 - Moved to commit 299
 - Explained vote.....1502
- H. 171 Introduced 94
- H. 209 Introduced 111
- H. 236 Introduced 119
- H. 271 Introduced 138
- H. 288 Introduced 163
- H. 347 Introduced 239
- H. 372 Introduced 248
- H. 490 Introduced 290
- H. 508 Introduced 293
- H.R. 4 Offered.....48

Batchelor, Lynn D.

Member from Derby (District Orleans-1)

Committee:

Human Services

Motions, etc.

H. 43 Introduced	41
H. 76 Introduced	57
H. 97 Introduced	70
H. 105 Introduced	73
H. 112 Explained vote.....	1502
H. 118 Introduced	76
H. 129 Introduced	80
H. 133 Introduced	81
H. 140 Introduced	83
H. 200 Explained vote.....	729
Explained vote.....	747
H. 201 Introduced	101
H. 211 Introduced	112
H. 217 Introduced	113
H. 225 Introduced	116
H. 245 Introduced	125
H. 267 Introduced	137
H. 282 Introduced	161
H. 301 Introduced	212
H. 307 Introduced	213
H. 331 Introduced	224
H. 382 Introduced	250
H. 403 Introduced	256
Moved to amend.....	833
H. 443 Introduced	271
H. 455 Introduced	274
H. 457 Introduced	274
H. 465 Introduced	276
H. 473 Introduced	277
H. 528 Explained vote.....	546
H. 530 Explained vote.....	562
S. 77 Explained vote	1034
Moved to concur with a further proposal of amend	1659
J.R.H. 1 Offered	52

Beverages

Warning labels on beverages. See table H. 539..... 2112

Beyor, Stephen C.

Member from Highgate (District Franklin-5)

Committee:

Fish, Wildlife & Water Resources, Ranking Member

Motions, etc.

H. 97 Introduced	70
H. 118 Introduced	76
H. 129 Introduced	80

Beyor, Stephen C., (continued)

H. 166 Introduced	93
H. 184 Introduced	97
H. 209 Introduced	111
H. 245 Introduced	125
H. 255 Introduced	128
H. 267 Introduced	137
H. 294 Introduced	164
H. 321 Introduced	222
H. 322 Introduced	222
H. 382 Introduced	250
H. 422 Introduced	262
H. 423 Introduced	262
H. 460 Introduced	275
H. 472 Introduced	277
J.R.H. 1 Offered	52

Bissonnette, Clement J.

Member from Winooski (District Chittenden-6-7)

Committee:

Transportation

Motions, etc.

H. 32 Introduced	38
H. 76 Introduced	57
H. 112 Introduced	74
H. 118 Introduced	76
H. 121 Introduced	77
H. 132 Introduced	81
H. 137 Introduced	82
H. 138 Introduced	83
H. 155 Introduced	86
H. 186 Introduced	98
H. 187 Introduced	98
H. 267 Introduced	137
H. 338 Introduced	225
H. 382 Introduced	250
H. 409 Introduced	259
H. 439 Introduced	270
H. 480 Introduced	287
H. 529 Introduced	531
H. 534 Introduced	616
J.R.H. 1 Offered	52

Bond

VT Telecommunications Authority bonds. See table H. 411 2093

Bottle Bill

Vermont's bottle bill; expansion of. See table H. 375.....2088

Botzow, William G. F.

Member from Pownal (District Bennington-1)

Committee:

Commerce and Economic Development, Chair

Conference on H. 169..... 1462

Conference on H. 377..... 1636

Conference on H. 39..... 972

Conference on S. 129 1666

Motions, etc.

H. 39 Introduced 40

H. 51 Introduced 46

H. 76 Introduced 57

H. 95 Introduced 70

H. 106 Introduced 73

H. 122 Introduced 77

H. 123 Introduced 77

H. 136 Introduced 82

H. 161 Introduced 92

H. 169 Moved to postpone action 574

Moved to concur with further amend 1294

H. 174 Introduced 95

H. 190 Introduced 98

H. 198 Introduced 100

H. 203 Introduced 105

H. 215 Introduced 113

H. 239 Introduced 119

H. 242 Introduced 120

H. 260 Introduced 131

H. 261 Introduced 131

H. 274 Introduced 139

H. 277 Introduced 155

H. 280 Introduced 156

H. 282 Introduced 161

H. 287 Moved to commit 211

H. 297 Introduced 165

H. 299 Introduced 165

H. 337 Introduced 225

H. 359 Introduced 245

H. 362 Introduced 245

H. 377 Introduced 249

H. 390 Moved to commit 1486

H. 395 Moved to postpone action 267

Moved to commit 298

H. 409 Introduced 259

H. 410 Introduced 259

H. 415 Introduced 260

H. 424 Introduced 262

H. 429 Introduced 263

H. 452 Introduced 273

H. 469 Introduced 277

H. 476 Moved to commit 294

Botzow, William G. F., (continued)

H. 483 Introduced	288
H. 513 Spoke for committee	475
H. 535 Introduced	699
H. 540 Introduced	905
S. 37 Moved to commit.....	1275
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Bouchard, Robert A.

Member from Colchester (District Chittenden-9-1)

Committee:

Commerce and Economic Development

Motions, etc.

H. 49 Introduced	45
H. 51 Introduced	46
H. 58 Introduced	47
H. 82 Introduced	59
H. 97 Introduced	70
H. 99 Moved to amend.....	454
H. 109 Introduced	73
H. 112 Explained vote.....	1502
H. 118 Introduced	76
H. 133 Introduced	81
H. 169 Reported for committee.....	608
H. 170 Introduced	94
H. 200 Explained vote.....	729
H. 208 Introduced	111
H. 211 Introduced	112
H. 214 Introduced	112
H. 245 Introduced	125
H. 260 Introduced	131
H. 267 Introduced	137
H. 270 Explained vote.....	986
H. 307 Introduced	213
H. 321 Introduced	222
H. 377 Introduced	249
H. 378 Introduced	249
H. 382 Introduced	250
H. 415 Introduced	260
H. 423 Introduced	262
H. 427 Introduced	263
H. 452 Introduced	273
H. 466 Introduced	276
H. 469 Introduced	277
H. 473 Introduced	277
H. 482 Introduced	288
H. 487 Introduced	289

Bouchard, Robert A., (continued)

H. 510 Moved to amend.....	418
Demanded Yeas and Nays.....	418
S. 14 Moved to amend	866
Moved to amend.....	868
Demanded Yeas and Nays.....	868
Moved to amend.....	870
S. 38 Moved to amend	1345
S. 77 Moved to amend	1010

Branagan, Carolyn W.

Member from Georgia (District Franklin-1)

Committee:

Joint Fiscal Committee

Ways and Means, Vice Chair

Conference on H. 240..... 1666

Motions, etc.

H. 76 Introduced	57
H. 150 Introduced	85
H. 200 Moved to postpone action	727
Explained vote.....	729
Explained vote.....	747
H. 225 Introduced	116
H. 240 Reported for committee.....	135
Moved to concur with further amend	1494
H. 242 Introduced	120
H. 245 Introduced	125
H. 267 Introduced	137
H. 268 Introduced	138
H. 269 Introduced	138
H. 372 Introduced	248
H. 410 Introduced	259
H. 420 Introduced	261
H. 422 Introduced	262
H. 434 Introduced	269
H. 460 Introduced	275
H. 465 Introduced	276
H. 521 Asked leave to withdraw amend	707
H. 530 Explained vote.....	562
J.R.H. 1 Offered	52

Brennan, Patrick M.

Member from Colchester (District Chittenden-9-2)

Committee:

Joint Transportation Oversight

Transportation, Chair

Conference on S. 150 1551

Motions, etc.

H. 47 Moved to amend.....	55
H. 128 Introduced	80

Brennan, Patrick M., (continued)

H. 129 Introduced	80
H. 133 Introduced	81
H. 255 Introduced	128
H. 292 Introduced	164
H. 378 Introduced	249
H. 382 Introduced	250
H. 423 Introduced	262
H. 467 Introduced	276
H. 510 Spoke for committee	413
Moved to concur with further amend	804
Moved to concur with further amend	824
H. 540 Introduced	905
S. 150 Reported for committee	906

Bridges

Culvert replacement; uniform statewide standard. See table H. 32	2036

Browning, Cynthia M.

Member from Arlington (District Bennington-4)

Committee:

Corrections and Institutions

Motions, etc.

H. 23 Introduced	30
H. 44 Introduced	41
H. 48 Introduced	45
H. 49 Introduced	45
H. 87 Introduced	62
H. 99 Explained vote.....	401
H. 107 Moved to amend.....	366
Demanded Yeas and Nays.....	368
Explained vote.....	368
H. 123 Introduced	77
H. 147 Introduced	84
H. 166 Introduced	93
H. 180 Introduced	96
H. 194 Introduced	99
H. 200 Explained vote.....	729
Asked leave to withdraw amend.....	737
Moved to amend.....	738
Demanded Yeas and Nays.....	738
Explained vote.....	738
Asked leave to withdraw amend.....	740
H. 207 Introduced	110
H. 214 Introduced	112
H. 225 Introduced	116
H. 232 Introduced	118
H. 245 Introduced	125
H. 265 Moved to amend.....	227

Browning, Cynthia M., (continued)

Demanded Yeas and Nays.....	228
Explained vote.....	228
H. 267 Introduced	137
H. 270 Moved to amend.....	985
H. 290 Introduced	163
H. 311 Introduced	214
H. 312 Introduced	214
H. 313 Introduced	214
H. 349 Introduced	239
H. 352 Introduced	240
H. 353 Introduced	240
H. 402 Introduced	256
H. 406 Introduced	258
H. 414 Introduced	260
H. 443 Introduced	271
H. 510 Demanded Yeas and Nays.....	414
Moved to amend.....	427
Asked leave to withdraw amend.....	427
Explained vote.....	427
Asked leave to withdraw amend.....	464
H. 528 Explained vote.....	546
H. 530 Explained vote.....	600
H. 533 Moved to amend.....	654
Asked leave to withdraw amend.....	656
S. 14 Moved to amend	872
Moved to amend.....	878
Asked leave to withdraw amend.....	879
Explained vote.....	895
S. 59 Moved to commit.....	1078
Moved to withdraw motion	1078
Moved to commit	1078
S. 152 Moved to amend House prop of amend	1469
Demanded Yeas and Nays.....	1471
Explained vote.....	1471

Burditt, Thomas B.

Member from West Rutland (District Rutland-2)

Committee:

Human Services

Motions, etc.

H. 34 Introduced	38
H. 70 Introduced	56
H. 76 Introduced	57
H. 92 Introduced	63
H. 93 Introduced	64
H. 97 Introduced	70
H. 103 Introduced	72
H. 105 Introduced	73
H. 112 Explained vote.....	1502
H. 113 Introduced	75

Burditt, Thomas B., (continued)

H. 115 Introduced	75
H. 118 Introduced	76
H. 121 Introduced	77
H. 133 Introduced	81
H. 140 Introduced	83
H. 180 Introduced	96
H. 200 Introduced	100
H. 201 Introduced	101
H. 245 Introduced	125
H. 267 Introduced	137
H. 268 Introduced	138
H. 284 Introduced	162
H. 321 Introduced	222
H. 331 Introduced	224
H. 371 Introduced	247
H. 382 Introduced	250
H. 423 Introduced	262
H. 482 Introduced	288
H. 487 Introduced	289
H. 522 Explained vote.....	505
H. 528 Explained vote.....	546
H. 530 Explained vote.....	562
H. 540 Introduced	905
S. 18 Explained vote	1632

Burial Sites

Green burials. See table H. 83	2043

Burke, Mollie Sullivan

Member from Brattleboro (District Windham-2-2)

Committee:

Migrant Worker Access to Driver's Licenses and Non-Driver Identification Cards
Transportation

Motions, etc.

H. 23 Introduced	30
H. 32 Introduced	38
H. 76 Introduced	57
H. 97 Introduced	70
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 165 Introduced	93
H. 196 Introduced	100
H. 200 Introduced	100
H. 209 Introduced	111
H. 224 Introduced	116
H. 234 Introduced	118
H. 242 Introduced	120
H. 267 Introduced	137

Burke, Mollie Sullivan, (continued)

H. 271 Introduced	138
H. 279 Introduced	156
H. 288 Introduced	163
H. 289 Introduced	163
H. 306 Introduced	213
H. 308 Introduced	213
H. 314 Introduced	220
H. 375 Introduced	248
H. 439 Introduced	270
H. 487 Introduced	289
H. 500 Introduced	291
H. 505 Introduced	293
H. 508 Introduced	293
H. 528 Moved to amend.....	557
H. 537 Introduced	735
S. 38 Reported for committee	1288
H.R. 7 Offered.....	140
J.R.H. 1 Offered	52

Buxton, Sarah E.

Member from Tunbridge (District Windsor-Orange-1)

Committee:

Education, Clerk

Motions, etc.

H. 19 Introduced	30
H. 60 Introduced	47
H. 76 Introduced	57
H. 85 Introduced	60
H. 88 Introduced	62
H. 99 Introduced	71
Explained vote.....	401
H. 104 Introduced	72
H. 109 Introduced	73
H. 112 Introduced	74
H. 114 Introduced	75
H. 118 Introduced	76
H. 147 Introduced	84
H. 194 Introduced	99
H. 196 Introduced	100
H. 197 Introduced	100
H. 200 Explained vote.....	729
H. 211 Introduced	112
H. 214 Introduced	112
H. 227 Introduced	117
H. 232 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120
H. 255 Introduced	128
H. 267 Introduced	137
H. 270 Introduced	138

Buxton, Sarah E., (continued)

Moved to postpone action	840
Moved to postpone action	849
Moved to postpone action	887
Reported for committee	973
Moved to amend Education report	982
H. 301 Introduced	212
H. 307 Introduced	213
H. 314 Introduced	220
H. 318 Introduced	221
H. 319 Introduced	221
H. 325 Introduced	223
H. 330 Introduced	224
H. 346 Introduced	239
H. 349 Introduced	239
H. 361 Introduced	245
H. 364 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 382 Introduced	250
H. 387 Introduced (By Request)	251
H. 397 Introduced	255
H. 408 Introduced	258
H. 411 Introduced	259
H. 444 Introduced (By Request)	271
H. 454 Introduced	273
H. 460 Introduced	275
H. 469 Introduced	277
H. 481 Introduced	287
H. 482 Introduced	288
H. 485 Introduced	288
H. 493 Introduced	290
H. 494 Introduced	290
J.R.H. 1 Offered	52
J.R.H. 6 Offered	253
J.R.H. 7 Offered	278

C.**Cameron, Cathleen M.**

Appointed Journal Clerk of the House.....	13

Campaign Finance

Campaign finance reports and disclaimers. See table H. 319	2080
Campaign finance. See table H. 481	2102
Robotic telephone calls; written permission. See table H. 168	2057
Vermont's campaign finance laws. See table H. 104	2047

Campion, Brian A.

Member from Bennington (District Bennington-2-1)

Committee:

Education

Motions, etc.

H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 109 Introduced	73
H. 118 Introduced	76
H. 123 Introduced	77
H. 315 Introduced	220
H. 326 Introduced	223
H. 330 Introduced	224
H. 332 Introduced	224
H. 345 Introduced	239
H. 349 Introduced	239
H. 358 Introduced	244
H. 372 Introduced	248
H. 409 Introduced	259
H. 507 Introduced	293
H. 530 Moved to amend.....	656
H. 540 Introduced	905
S. 14 Moved to amend	880
H.R. 12 Offered.....	1800

Canfield, William P.

Member from Fair Haven (District Rutland-3)

Committee:

Natural Resources and Energy, Ranking Member

Conference on H. 131..... 712

Motions, etc.

H. 23 Introduced	30
H. 34 Introduced	38
H. 44 Introduced	41
H. 48 Introduced	45
H. 49 Introduced	45
H. 59 Introduced	47
H. 97 Introduced	70
H. 131 Introduced	81
H. 133 Introduced	81
H. 180 Introduced	96
H. 200 Demanded Yeas and Nays.....	727
H. 245 Introduced	125
H. 251 Introduced	127
H. 252 Introduced	127
H. 257 Introduced	130
H. 267 Introduced	137
H. 275 Introduced	139
H. 292 Introduced	164
H. 294 Introduced	164

Canfield, William P., (continued)

H. 321 Introduced	222
H. 382 Introduced	250
H. 422 Introduced	262
H. 460 Introduced	275
H. 466 Introduced	276
H. 530 Moved to amend.....	586
S. 38 Explained vote	1350

Capital Construction

Capital construction and state bonding. See table H. 533.....	2110

Carr, Stephen A.

Member from Brandon (District Rutland-6)

Committee:

Commerce and Economic Development

Motions, etc.

H. 34 Introduced	38
H. 39 Reported for committee.....	142
Requested Committee of Conference	956
H. 51 Introduced	46
H. 76 Introduced	57
H. 112 Introduced	74
H. 123 Introduced	77
H. 133 Introduced	81
H. 171 Introduced	94
H. 180 Introduced	96
H. 190 Introduced	98
H. 242 Introduced	120
H. 260 Introduced	131
H. 267 Introduced	137
H. 286 Introduced	162
H. 297 Introduced	165
H. 301 Introduced	212
H. 324 Introduced	222
H. 359 Introduced	245
H. 377 Introduced	249
H. 395 Spoke for committee	662
H. 415 Introduced	260
H. 469 Introduced	277
H. 483 Reported for committee.....	928
S. 77 Explained vote	1034
J.R.H. 1 Offered	52

Cheney, Margaret R.

Member from Norwich (District Windsor-Orange-2)

Committee:

Electric Generation Advisory Committee

Joint Energy

Natural Resources and Energy, Vice Chair

Cheney, Margaret R., (continued)

Conference on H. 39.....	972
Motions, etc.	
H. 70 Introduced	56
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
H. 139 Introduced	83
H. 148 Introduced	85
H. 150 Introduced	85
H. 151 Introduced	85
H. 154 Introduced	86
H. 171 Introduced	94
H. 192 Introduced	0
H. 193 Introduced	99
H. 194 Introduced	99
H. 195 Introduced	99
H. 196 Introduced	100
H. 197 Introduced	100
H. 213 Introduced	112
H. 214 Introduced	112
H. 216 Introduced	113
H. 231 Introduced	117
H. 244 Introduced	125
H. 252 Introduced	127
H. 267 Introduced	137
H. 285 Introduced	162
H. 301 Introduced	212
H. 305 Introduced	213
H. 323 Introduced	222
H. 324 Introduced	222
H. 325 Introduced	223
H. 327 Introduced	223
H. 333 Introduced	224
H. 365 Introduced	246
H. 366 Introduced	246
H. 396 Introduced	254
H. 405 Introduced	258
H. 410 Introduced	259
H. 437 Introduced	270
H. 442 Introduced	271
H. 448 Introduced	272
H. 466 Introduced	276
H. 485 Introduced	288
H. 490 Introduced	290
H. 520 Spoke for committee	457
Moved to amend.....	514
Explained vote.....	518
H. 530 Moved to amend.....	586
H.R. 11 Offered.....	672
J.R.H. 5 Offered	165

Child abuse

- Child abuse or neglect; substantiation standard. See table H. 266.....2072
- Child restraint system law; penalties. See table H. 135 2053

Child abuse, (continued)

- Child victims of physical abuse; court procedure . See table H. 436.....2096
- Mandatory reporters of abuse. See table H. 430 2095

Christie, Kevin B.

Member from Hartford (District Windsor-4-2)

Committee:

Education

Special Education Advisory Council.....403

Conference on S. 4 1549

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 62 Introduced	51
H. 76 Introduced	57
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
H. 123 Introduced	77
H. 169 Introduced	94
H. 171 Introduced	94
H. 173 Introduced	95
H. 194 Introduced	99
H. 195 Introduced	99
H. 196 Introduced	100
H. 197 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 214 Introduced	112
H. 227 Introduced	117
H. 241 Introduced	120
H. 242 Introduced	120
H. 243 Introduced	120
H. 267 Introduced	137
H. 270 Introduced	138
H. 271 Introduced	138
H. 279 Introduced	156
H. 315 Introduced	220
H. 323 Introduced	222
H. 324 Introduced	222
H. 325 Introduced	223
H. 339 Introduced	226
H. 340 Introduced	226
H. 344 Introduced	238
H. 345 Introduced	239
H. 346 Introduced	239
H. 349 Introduced	239

Christie, Kevin B., (continued)

H. 355 Introduced	241
H. 358 Introduced	244
H. 367 Introduced	246
H. 370 Introduced	247
H. 372 Introduced	248
H. 375 Introduced	248
H. 382 Introduced	250
H. 398 Introduced	255
H. 410 Introduced	259
H. 411 Introduced	259
H. 426 Introduced	262
H. 432 Introduced	269
H. 443 Introduced	271
H. 445 Introduced	272
H. 500 Introduced	291
H. 507 Introduced	293
H. 520 Moved to postpone action	460
H. 521 Moved to postpone action	699
H. 524 Spoke for committee	457
H. 530 Moved to amend.....	656
Explained vote.....	598
H. 540 Introduced	905
S. 4 Reported for committee	1279
H.R. 12 Offered.....	1800
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Clarkson, Alison H.

Member from Woodstock (District Windsor-5)

Committee:

Legislative Council, Vice Chair

Property Tax Exemption Study Committee

Ways and Means, Clerk

Conference on H. 240..... 1666

Motions, etc.

H. 45 Introduced	41
H. 46 Introduced	42
H. 60 Introduced	47
H. 75 Introduced	57
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 117 Introduced	76
H. 123 Introduced	77
H. 124 Introduced	78
H. 132 Introduced	81
H. 138 Introduced	83
H. 148 Introduced	85
H. 150 Introduced	85
H. 151 Introduced	85

Clarkson, Alison H., (continued)

H. 154 Introduced	86
H. 168 Introduced	94
H. 169 Introduced	94
Explained vote.....	1297
H. 183 Introduced	97
H. 200 Introduced	100
H. 213 Introduced	112
H. 225 Introduced	116
H. 234 Introduced	118
H. 243 Introduced	120
H. 267 Introduced	137
H. 271 Introduced	138
H. 289 Introduced	163
H. 308 Introduced	213
H. 315 Introduced	220
H. 324 Introduced	222
H. 325 Introduced	223
H. 329 Introduced	224
Reported for committee.....	575
Moved to amend.....	577
H. 338 Introduced	225
H. 385 Introduced	251
H. 386 Introduced	251
H. 410 Introduced	259
H. 411 Introduced	259
H. 485 Introduced	288
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140

Cole, Joanna E.

Member from Burlington (District Chittenden-6-1)

Committee:

Government Operations

Motions, etc.

H. 13 Introduced	28
Reported for committee.....	237
H. 22 Introduced	30
H. 67 Introduced	56
H. 99 Introduced	71
H. 109 Introduced	73
H. 114 Introduced	75
H. 121 Introduced	77
H. 124 Introduced	78
H. 132 Introduced	81
H. 149 Introduced	85
H. 200 Introduced	100
H. 208 Introduced	111
H. 213 Introduced	112
H. 214 Introduced	112

Cole, Joanna E., (continued)

H. 267 Introduced	137
H. 301 Introduced	212
H. 304 Introduced	212
H. 325 Introduced	223
H. 338 Introduced	225
H. 340 Introduced	226
H. 344 Introduced	238
H. 349 Introduced	239
H. 351 Introduced	240
H. 355 Introduced	241
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 409 Introduced	259
H. 433 Introduced	269
H. 435 Introduced	269
H. 480 Introduced	287
H. 525 Spoke for committee	713
H. 536 Moved to amend.....	760
Moved to amend.....	763
H. 543 Spoke for committee	1387
S. 77 Explained vote	1034
H.R. 6 Offered.....	87
H.R. 7 Offered.....	140
J.R.H. 4 Offered	132

Collective Bargaining

Collective bargaining agreements; health care. See table H. 310.....	2079
Fair-share fees. See table H. 64	2040
State's attorneys; collective bargaining. See table H. 370.....	2087

Colors Presented

Eagle Class of 2012; Boy Scout Troop 353 from Bennington.....	115

Commerce and Economic Development Committee

H. 395. Introduced.....	253
H. 395. Introduced.....	309
H. 513. Introduced.....	311
J.R.H. 3. Introduced.....	121

Commerce and Trade

Aftermarket parts; automobile insurance. See table H. 362.....	2086
Enhancing consumer cyber security. See table H. 429	2095
Heating fuel prices; reporting and disclosure. See table H. 94	2045
Knowledge-based businesses. See table H. 504	2105
Manufacturing and industry; support of. See table H. 286	2076
Pawnbrokers and precious metal dealers. See table H. 287	2076
Scrap metal processors; method of payment used. See table H. 285	2075
Supplier and machinery dealerships; warranties. See table H. 58	2039
Termination of tenancy; expedited. See table H. 172	2058
Vermont's motor fuel oil industry. See table H. 476.....	2101

Common Interest

VT Common Interest Ownership Act/time shares. See table H. 441.....2097

Communication from Governor

Appointment of Warren VanWyck to fill Greg Clark's seat 110

Condon, James O.

Member from Colchester (District Chittenden-9-1)

Committee:

Ways and Means

Conference on H. 528.....1075

Motions, etc.

H. 23 Introduced 30

H. 66 Introduced 56

H. 93 Introduced 64

H. 133 Introduced 81

H. 150 Introduced 85

H. 162 Introduced 92

H. 163 Introduced 92

H. 164 Introduced 93

H. 168 Introduced 94

H. 200 Introduced 100

H. 247 Introduced 126

H. 318 Introduced 221

H. 382 Introduced 250

H. 485 Introduced 288

H. 513 Recommended for committee 475

S. 37 Recommended for committee 1529

Confidentiality

Public Records Act exemptions. See table H. 54.....2039

Connor, Daniel F.

Member from Fairfield (District Franklin-6)

Committee:

Agriculture and Forest Products

Motions, etc.

H. 109 Introduced 73

H. 121 Introduced 77

H. 123 Introduced 77

H. 171 Introduced 94

H. 255 Introduced 128

H. 324 Introduced 222

H. 338 Introduced 225

H. 367 Introduced 246

H. 375 Introduced 248

H. 409 Introduced 259

H. 490 Introduced 290

H. 492 Introduced 290

H. 515 Spoke for committee 373

Connor, Daniel F. (continued)

S. 38 Explained vote	1350
H.R. 4 Offered.....	48
J.R.H. 12 Offered	1451

Conquest, Charles W.

Member from Newbury (District Orange-Caledonia)

Committee:

Judicial Retention

Judiciary

Motions, etc.

H. 2 Introduced	23
H. 16 Introduced	29
H. 23 Introduced	30
H. 60 Introduced	47
H. 65 Introduced	52
H. 84 Introduced	59
H. 88 Introduced	62
H. 112 Recommended for committee	1459
Explained vote.....	1500
H. 118 Introduced	76
H. 121 Introduced	77
H. 122 Introduced	77
H. 158 Introduced	91
H. 167 Introduced	93
H. 174 Introduced	95
H. 177 Introduced	96
H. 209 Introduced	111
H. 254 Introduced	127
H. 255 Introduced	128
H. 264 Introduced	132
H. 267 Introduced	137
H. 315 Introduced	220
H. 324 Introduced	222
H. 372 Introduced	248
H. 382 Introduced	250
H. 416 Introduced	261
H. 485 Introduced	288
H. 540 Introduced	905
H.R. 4 Offered.....	48
J.R.H. 7 Offered	278

Consejo, Michel A.

Member from Sheldon (District Franklin-4)

Committee:

Government Operations

Regulation of Precious Metal Dealers

Conference on S. 82

1549

Motions, etc.

H. 13 Introduced	28
H. 22 Introduced	30

Consejo, Michel A., (continued)

H. 23 Introduced	30
H. 37 Introduced	40
H. 49 Introduced	45
H. 60 Introduced	47
H. 63 Spoke for committee	66
H. 67 Introduced	56
H. 76 Introduced	57
H. 84 Introduced	59
H. 88 Introduced	62
H. 166 Introduced	93
H. 171 Introduced	94
H. 225 Introduced	116
H. 249 Introduced	127
H. 258 Introduced	131
H. 280 Introduced	156
H. 315 Introduced	220
H. 334 Introduced	225
H. 339 Introduced	226
H. 382 Introduced	250
H. 406 Introduced	258
H. 409 Introduced	259
H. 440 Introduced	270
H. 517 Reported for committee.....	793
H.R. 6 Offered.....	87
J.R.H. 1 Offered.....	52

Conservation and Development**Act 250**

Act 250; jurisdiction in flood hazard areas. See table H. 365	2086
Act 250; appeals; pro se litigants. See table H. 451	2098
Act 250; oil pipelines. See table H. 27	2035
Act 250; primary agricultural soils. See table H. 448	2098
Act 250; primary agricultural soils. See table H. 449	2098
District environmental commissions; appeals. See table H. 144.....	2054
District environmental commissions; compensation . See table H. 141.....	2054

Miscellaneous

All-terrain vehicles; state lands; hunting. See table H. 321	2081
ANR costs; reimbursement. See table H. 4.....	2032
Brownfields. See table H. 410.....	2093
Consecutive public water systems. See table H. 424	2095
Culvert replacement; uniform statewide standard. See table H. 32.....	2036
Downtown management plan. See table H. 384	2089
Electric generation plants; siting of. See table H. 245	2069
Electric vehicles; air pollution control rules. See table H. 333	2082
Energy costs; reduction of; greenhouse gas. See table H. 520.....	2107
Harvesting guidelines; procurement standards. See table H. 131	2052
Hunting, fishing and trapping. See table H. 101	2046
Idling of motor vehicles; limits. See table H. 327.....	2082
Lake shoreland protection standards. See table H. 526.....	2108

Miscellaneous (continued)

Littering in or on the waters of the State. See table H. 356.....	2085
Microhydroelectric projects in Vermont. See table H. 442.....	2097
Migratory birds; wind energy generation. See table H. 326.....	2081
Miscellaneous agricultural subjects. See table H. 515	2107
Motor vehicles; unnecessary idling. See table H. 288.....	2076
Municipal plans and flood resilience. See table H. 52	2039
Municipal/regional planning and flood resilience. See table H. 401.....	2091
Perpetual conservation easements; amending. See table H. 185.....	2060
Pesticide application under right-of-way permits. See table H. 317	2080
Petroleum Cleanup Fund; disbursements. See table H. 389.....	2090
Petroleum Cleanup Fund; storage tanks. See table H. 111.....	2048
Public trust doctrine; rivers and streams. See table H. 218	2065
RBES & CBES certificates when property is conveyed. See table H. 24.....	2035
Recycling paint; collection program. See table H. 262	2071
Regional planning commissions; powers. See table H. 450.....	2098
Residential care/ group homes; muni land use. See table H. 143.....	2054
Roll-off dumpsters; labeling of. See table H. 98.....	2046
Shoreland protection requirements; lakes. See table H. 223	2065
Statewide land use plan. See table H. 9.....	2033
Stormwater permits; telecom facilities. See table H. 134	2053
Stream alteration; regulation. See table H. 159.....	2056
Timber harvesting; management practices. See table H. 33	2036
Unclaimed beverage container redemption deposits. See table H. 495.....	2104
Underground storage tanks; regulation of. See table H. 226.....	2066
Use Value Appraisal Program; forestlands. See table H. 142.....	2054
Use Value Program; tiered benefit structure. See table H. 162.....	2056
Vermont's bottle bill; expansion of. See table H. 375.....	2088
Vermont's land use control law; related statutes. See table H. 354.....	2085
Wastewater system permits. See table H. 3.....	2032

Solid Waste

Disposable carryout bags. See table H. 491	2103
Petroleum Cleanup Fund; disbursements. See table H. 389.....	2090
Recycling paint; collection program. See table H. 262	2071
Roll-off dumpsters; labeling of. See table H. 98.....	2046

Construction Sites

Portable electric devices in work zones. See table H. 161.....	2056

Consumer Protection

Amending consumer protection provisions. See table H. 299	2078
Consumer protection; cancellation periods. See table H. 281.....	2075
Consumer protection; motor vehicles. See table H. 165.....	2056
Consumer protections; cellular services. See table H. 284	2075
Enhancing consumer cyber security. See table H. 429	2095
Flame retardants; regulation of. See table H. 241.....	2068
Food labeling; genetic engineering. See table H. 112.....	2049
Investigating cosmetics. See table H. 308	2079
Limited services pregnancy centers. See table H. 484.....	2102
Mediation in foreclosure actions. See table H. 431	2095
Office of Ratepayer Advocate; creation of. See table H. 343.....	2084

Consumer Protection (continued)

Satellite dishes on rental property. See table H. 374.....	2088
Zappers. See table H. 511	2106

Copeland-Hanzas, Sarah L.

Member from Bradford (District Orange-2)

Committee:

Health Care, Vice Chair

Copeland-Hanzas, Sarah L., (continued)

Motions, etc.	
H. 60 Introduced	47
H. 107 Explained vote.....	368
H. 315 Introduced	220
H. 391 Introduced	252
H. 410 Introduced	259
H. 487 Introduced	289
H. 508 Introduced	293
H.R. 4 Offered.....	48

Corcoran, Timothy R.

Member from Bennington (District Bennington-2-1)

Committee:

Transportation, Ranking Member

Motions, etc.

H. 161 Introduced	92
H. 382 Introduced	250

Corrections

Bill of rights for children; incarcerated parents. See table H. 325	2081
Children of incarcerated fathers. See table H. 456.....	2098
Department of Corrections victim services program. See table H. 463	2099
Dept. of Corrections; health care reform. See table H. 464	2099
Minor children; impact of sentencing. See table H. 455.....	2098
Out-of-state correctional facilities. See table H. 28	2035
Parole eligibility and day-for-a-day credit. See table H. 29.....	2035
Termination of probation; restitution. See table H. 371.....	2087

Corrections**Parole**

Parole eligibility and day-for-a-day credit. See table H. 29	2035

Corrections and Institutions Committee

H. 531. Introduced.....	583
H. 533. Introduced.....	606
J.R.H. 11. Introduced.....	1090
H.C.R. 163. Introduced	0

Courts; Court Procedure

Adverse possession actions; abolishing. See table H. 307	2079
Court administration and procedure. See table H. 523	2108

Courts; Court Procedure (continued)

Court judgments on personal property; execution of. See table H. 357.....	2085
Independent contractors. See table H. 170.....	2057
Involuntary psychiatric treatment and medication. See table H. 509.....	2105
Superior Court clerks; separate book of judgments. See table H. 1.....	2032
Termination of tenancy; expedited. See table H. 172	2058

Crimes; Criminal Procedure

Adult court diversion; increased use of. See table H. 447	2097
Aggravated murder; firefighter/ emergency service . See table H. 422	2094

Crimes; Criminal Procedure, (continued)

Animal cruelty; criminal cases. See table H. 471	2101
Criminal records; expungement. See table H. 396.....	2091
Criminal threatening. See table H. 16.....	2034
Disorderly conduct. See table H. 158	2056
Electronic control devices; law enforcement. See table H. 126.....	2051
Electronic control devices; statewide policy. See table H. 225	2066
Establishing an aggravated DUI offense. See table H. 421	2094
firearms regulation. See table H. 124.....	2051
Firearms; felony crimes. See table H. 336.....	2083
Forfeiture of retirement payments; crimes. See table H. 41.....	2037
Forgery and counterfeiting. See table H. 53	2039
illegal wiretapping. See table H. 157	2055
National Instant Criminal Background Check System. See table H. 467	2100
Photograph; taking without permission. See table H. 233	2067
Possession of dangerous or deadly weapon; bail. See table H. 78.....	2043
Protection orders; second degree domestic assault. See table H. 199	2061
Skiing off designated trails; trespass. See table H. 334	2082
Threats to schools. See table H. 472	2101
Trespass liability for service of process. See table H. 416.....	2094
Two-year minimum sentence; drug trafficking. See table H. 465	2100
Unexpected Intoxication by medical prescription. See table H. 106	2047
Uniform Collateral Consequences of Conviction Act. See table H. 413	2093

Cross, George C.

Member from Winooski (District Chittenden-6-7)

Committee:

Commerce and Economic Development

Motions, etc.

H. 51 Introduced	46
H. 57 Introduced	47
Reported for committee.....	151
H. 60 Introduced	47
H. 88 Introduced	62
H. 112 Introduced	74
H. 118 Introduced	76
H. 121 Introduced	77
H. 122 Introduced	77
H. 124 Introduced	78
H. 133 Introduced	81
H. 184 Introduced	97

H. 190 Introduced	98
Cross, George C., (continued)	
H. 200 Introduced	100
H. 208 Introduced	111
H. 232 Introduced	118
H. 242 Introduced	120
H. 243 Introduced	120
H. 267 Introduced	137
H. 270 Introduced	138
H. 274 Introduced	139
H. 279 Introduced	156
H. 293 Introduced	164
H. 297 Introduced	165
H. 302 Introduced	212
H. 338 Introduced	225
H. 359 Introduced	245
H. 367 Introduced	246
H. 377 Introduced	249
H. 415 Introduced	260
H. 480 Introduced	287
H. 500 Introduced	291
H. 505 Introduced	293
H. 508 Introduced	293
H. 529 Introduced	531
H. 530 Asked leave to withdraw amend	572
H. 534 Introduced	616
H. 536 Moved to amend.....	760
Moved to suspend rules.....	761
Moved to amend.....	763
Moved to amend.....	764
H. 538 Moved to amend.....	846
Moved to amend.....	850
Moved to amend.....	851
J.R.H. 4 Offered	132

Cupoli, Lawrence P.

Member from Rutland City (District Rutland-5-2)

Committee:

Education

Motions, etc.

H. 22 Introduced	30
H. 34 Introduced	38
H. 36 Introduced	40
H. 44 Introduced	41
H. 48 Introduced	45
H. 49 Introduced	45
H. 78 Introduced	58
H. 79 Introduced	58
H. 92 Introduced	63
H. 93 Introduced	64

Cupoli, Lawrence P., (continued)

H. 97 Introduced	70
H. 103 Introduced	72
H. 118 Introduced	76
H. 133 Introduced	81
H. 160 Introduced	92
H. 180 Introduced	96
H. 245 Introduced	125
H. 267 Introduced	137
H. 268 Introduced	138
H. 269 Introduced	138
H. 294 Introduced	164
H. 308 Introduced	213
H. 349 Introduced	239
H. 382 Introduced	250
H. 417 Introduced	261
H. 422 Introduced	262
H. 443 Introduced	271
H. 465 Introduced	276
H. 466 Introduced	276
H. 469 Introduced	277
H. 528 Explained vote.....	546
H. 540 Introduced	905

D.**Dakin, Leigh J.**

Member from Chester (District Windsor-3-1)

Committee:

Health Care, Clerk

Motions, etc.

H. 43 Introduced	41
H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 98 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 114 Introduced	75
H. 121 Introduced	77
H. 132 Introduced	81
H. 137 Introduced	82
H. 138 Introduced	83
H. 147 Introduced	84
H. 171 Introduced	94
H. 232 Introduced	118
H. 234 Introduced	118
H. 315 Introduced	220
H. 324 Introduced	222
H. 338 Introduced	225
H. 412 Introduced	260

Dakin, Leigh J. (continued)

H. 502 Introduced	292
H. 508 Introduced	293
S. 73 Reported for committee	759
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Davis, Susan Hatch

Member from Washington (District Orange-1)

Committee:

Corrections and Institutions

Legislative Information Technology, Chair

Motions, etc.

H. 64 Introduced	52
H. 76 Introduced	57
H. 96 Introduced	70
H. 99 Explained vote.....	401
H. 109 Introduced	73
H. 118 Introduced	76
H. 147 Introduced	84
H. 200 Introduced	100
Explained vote.....	729
H. 208 Introduced	111
H. 225 Introduced	116
H. 232 Introduced	118
H. 267 Introduced	137
H. 273 Introduced	139
H. 289 Introduced	163
H. 301 Introduced	212
H. 339 Introduced	226
H. 340 Introduced	226
H. 344 Introduced	238
H. 352 Introduced	240
H. 355 Introduced	241
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 403 Introduced	256
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 434 Introduced	269
H. 435 Introduced	269
H. 485 Introduced	288
H. 490 Introduced	290
H. 499 Introduced	291
H. 530 Moved to amend.....	656
H. 538 Moved to amend.....	842
S. 14 Explained vote	882

Davis, Susan Hatch, (continued)

S. 82 Moved to reconsider House vote	1382
S. 129 Demanded Yeas and Nays	1514

Death with Dignity

Life insurance benefits; unclaimed. See table H. 95	2045

Deen, David L.

Member from Westminster (District Windham-4)

Committee:

Fish, Wildlife & Water Resources, Chair
 Lake Shoreland Protection Commission Working Group
 Lake Shoreland Protection Commission
 Rules

Motions, etc.

H. 27 Introduced	37
H. 33 Introduced	38
H. 49 Introduced	45
H. 52 Introduced	46
H. 76 Introduced	57
H. 88 Introduced	62
H. 97 Introduced	70
H. 101 Introduced	72
H. 102 Introduced	72
H. 112 Introduced	74
H. 124 Introduced	78
H. 125 Introduced	78
H. 152 Moved to commit	771
H. 159 Introduced	92
H. 171 Introduced	94
H. 189 Introduced	98
H. 200 Introduced	100
H. 209 Introduced	111
H. 223 Introduced	116
H. 227 Introduced	117
H. 241 Introduced	120
H. 243 Introduced	120
H. 354 Introduced	240
H. 356 Introduced	241
H. 394 Introduced	252
H. 410 Introduced	259
H. 485 Introduced	288
H. 499 Introduced	291
H. 526 Spoke for committee	537
Moved to amend	537
Demanded Yeas and Nays	543
H. 540 Introduced	905
H.R. 4 Offered	48
H.R. 5 Reported for committee	167
H.R. 7 Offered	140

Deen, David L., (continued)

J.R.H. 1 Offered	52
J.R.H. 5 Offered	165

Dentistry

Green Mountain Care; dental services. See table H. 332.....	2082
Licensed dental practitioners; regulating. See table H. 273.....	2074
Oral health of Vermonters; improving. See table H. 328	2082
Veterinary dentistry. See table H. 347	2084

Devereux, Dennis J.

Member from Mount Holly (District Rutland-Windsor-2)

Committee:

Government Operations, Ranking Member

Motions, etc.

H. 13 Introduced	28
H. 14 Introduced	29
H. 21 Introduced	30
H. 22 Introduced	30
H. 23 Introduced	30
H. 34 Introduced	38
H. 49 Introduced	45
H. 76 Introduced	57
H. 82 Introduced	59
H. 93 Introduced	64
H. 97 Introduced	70
H. 112 Introduced	74
H. 115 Introduced	75
H. 118 Introduced	76
H. 133 Introduced	81
H. 160 Introduced	92
H. 166 Introduced	93
H. 171 Introduced	94
H. 180 Introduced	96
H. 184 Introduced	97
H. 188 Introduced	98
H. 209 Introduced	111
H. 225 Introduced	116
H. 227 Introduced	117
H. 245 Introduced	125
H. 267 Introduced	137
H. 282 Introduced	161
H. 307 Introduced	213
H. 406 Introduced	258
H. 443 Introduced	271
H. 518 Spoke for committee	456
S. 132 Reported for committee	1354
H.R. 6 Offered.....	87
J.R.H. 1 Offered	52
J.R.H. 7 Offered	278

Devotional Exercises

Pastor Caleb Abetti	39, 91, 611
Pastor Deidra Ashton	320
Rev. Michael Augustinowicz	26, 220, 670
Rep. Sarah Buxton	1019
Rev. Laura Cadmus	238
Rep. Bill Canfield	1606
Pastor Glenn Carter	268
Rep. Kevin Christie	115, 606
Currier Memorial Elementary School, Danby	28
Cut, Split & Delivered Trio	296
Christian DeKett, Poetry Out Loud	735
Rep. Douglas Gage	254
Rev. Rebecca Girrell-Clark	37, 136
Rev. Paul Habersang	244
Poet, Geoff Hewitt	62
Rep. Timothy Jerman	155
Rev. Elissa Johnk	43, 658
Pastor Brad Keller	554, 713
Jim Knapp	404
Rep. Tom Koch	583
Rev. Earl Kooperkamp	105, 458
Grady McIntyre, violinist	758
Pastor Richard Merrill	161
Fabiola Mujomba	1088
Rep. Carolyn Partridge	130
Rev. Amy Pitton	1, 531, 886
Rev. Mark Pitton	51, 211, 310
Rev. Peter Plagge	36, 308, 1058
Rearranged, Barbershop Quartet	849
Hon. Stephen Reynes	802
Rabbi Jan Salzman	125, 904
Rev. Paul Sawyer	257
State House Singers	767
Writer, Julia Shipley	110
Rep. Tom Stevens	777
Pastor Rebecca Strader	69
Rev. Carol Hilton VanOsdall	55, 510
Rev. Auburn Watersong	699
Rabbi Tobie Weisman	23
Wrensong	770
Zack's Place	616

Dickinson, Eileen "Lynn" G.

Member from St. Albans Town (District Franklin-3-2)

Committee:

Commerce and Economic Development

Regulation of Precious Metal Dealers

Conference on H. 377

1636

Motions, etc.

H. 22 Introduced

30

Dickinson, Eileen "Lynn" G., (continued)

H. 51 Introduced	46
H. 69 Introduced	56
H. 76 Introduced	57
H. 82 Introduced	59
H. 90 Introduced	63
H. 93 Introduced	64
H. 97 Introduced	70
H. 99 Moved to amend.....	454
H. 109 Introduced	73
H. 114 Introduced	75
H. 115 Introduced	75
H. 118 Introduced	76
H. 123 Introduced	77
H. 153 Introduced	86
H. 180 Introduced	96
H. 200 Explained vote.....	729
H. 211 Introduced	112
H. 242 Introduced	120
H. 245 Introduced	125
H. 260 Introduced	131
H. 267 Introduced	137
H. 278 Introduced	156
H. 286 Introduced	162
H. 377 Introduced	249
Reported for committee.....	430
Moved to commit	1056
Moved to concur with further amend	1363
H. 415 Introduced	260
H. 422 Introduced	262
H. 460 Introduced	275
H. 469 Introduced	277
H. 517 Introduced	318
H. 522 Moved to amend.....	521
H. 528 Explained vote.....	546
J.R.H. 1 Offered.....	52

Disclosure

Disclosure; right-of-way proposals; real estate. See table H. 248	2069

Discrimination

Health insurance coverage; transgender persons. See table H. 304.....	2078
Homeless bill of rights; discrimination. See table H. 493.....	2104

Ditmeyer, Christine

Appointed Clerk Assistant of the House.....	13

Divorce

Parental rights and responsibilities; shared. See table H. 323.....	2081

Domestic Relations

Child support orders past the age of majority. See table H. 127.....	2051
Domestic and Sexual violence survivors. See table H. 19.....	2034
Noncustodial parent's access to records. See table H. 486.....	2102
Parental rights and responsibilities; sexual assau. See table H. 88.....	2044
Protection orders; second degree domestic assault. See table H. 199.....	2061
Shared parental rights; equal parent-child contact. See table H. 412.....	2093
Unemployment compensation. See table H. 190.....	2060
Work absence for health care and safety. See table H. 208.....	2063

Donaghy, Andrew P.

Member from Poultney (District Rutland-1)

Committee:

Judiciary

Motions, etc.

H. 38 Introduced	40
H. 76 Introduced	57
H. 91 Introduced	63
H. 97 Introduced	70
H. 133 Introduced	81
H. 184 Introduced	97
H. 200 Demanded Yeas and Nays.....	747
Explained vote.....	747
H. 211 Introduced	112
H. 267 Introduced	137
H. 378 Introduced	249
H. 382 Introduced	250
H. 443 Introduced	271
H. 526 Explained vote.....	543
S. 14 Demanded Yeas and Nays	866
J.R.H. 1 Offered	52

Donahue, Anne B.

Member from Northfield (District Washington-1)

Committee:

Human Services, Ranking Member

Mental Health Oversight

Motions, etc.

H. 11 Introduced	25
H. 15 Introduced	29
H. 43 Introduced	41
H. 61 Introduced	51
H. 65 Moved to amend.....	526
H. 76 Introduced	57
H. 85 Introduced	60
H. 97 Introduced	70
H. 99 Explained vote.....	455
H. 104 Introduced	72
H. 105 Introduced	73
H. 107 Moved to amend.....	452
H. 112 Introduced	74

Donahue, Anne B., (continued)

Moved to amend.....	1495
Explained vote.....	1502
H. 113 Introduced	75
H. 115 Introduced	75
H. 118 Introduced	76
H. 121 Introduced	77
H. 133 Introduced	81
H. 140 Introduced	83
H. 165 Introduced	93
H. 178 Introduced	96
Reported for committee.....	408
H. 200 Asked leave to withdraw amend	722
Asked leave to withdraw amend.....	725
Moved to amend.....	740
Demanded Yeas and Nays.....	741
Moved to amend.....	743
Asked leave to withdraw amend.....	743
Explained vote.....	747
H. 201 Introduced	101
H. 211 Introduced	112
H. 225 Introduced	116
H. 245 Introduced	125
H. 262 Explained vote.....	697
H. 265 Moved to amend.....	230
H. 273 Introduced	139
H. 301 Introduced	212
H. 309 Introduced	213
H. 315 Explained vote.....	314
H. 331 Introduced	224
H. 378 Introduced	249
H. 403 Introduced	256
H. 443 Introduced	271
H. 455 Introduced	274
H. 456 Introduced	274
H. 457 Introduced	274
H. 510 Explained vote.....	427
Explained vote.....	461
H. 520 Asked leave to withdraw amend	517
H. 527 Introduced	528
H. 530 Moved to amend.....	560
Demanded Yeas and Nays.....	562
Explained vote.....	598
H. 540 Introduced	905
S. 14 Explained vote	895
S. 38 Moved to amend	1346
Explained vote.....	1350
S. 77 Moved to amend	1012
Demanded Yeas and Nays.....	1014
Demanded Yeas and Nays.....	1016

Donahue, Anne B., (continued)

Explained vote.....	1034
Asked leave to withdraw amend.....	1660
S. 152 Explained vote	1474
J.R.H. 1 Offered	52

Donovan, Johannah L.

Member from Burlington (District Chittenden-6-5)

Committee:

Education, Chair

Vermont Child Poverty Council

Conference on S. 4 1549

Motions, etc.

H. 60 Introduced	47
Spoke for committee	572
Demanded Yeas and Nays.....	573
H. 76 Introduced	57
H. 88 Introduced	62
H. 107 Moved to amend.....	452
H. 112 Introduced	74
H. 173 Introduced	95
H. 184 Introduced	97
H. 200 Introduced	100
H. 204 Introduced	105
H. 208 Introduced	111
H. 209 Introduced	111
H. 234 Introduced	118
H. 267 Introduced	137
H. 270 Introduced	138
Demanded Yeas and Nays.....	986
H. 279 Introduced	156
H. 340 Introduced	226
H. 344 Introduced	238
H. 355 Introduced	241
H. 370 Introduced	247
H. 426 Introduced	262
H. 432 Introduced	269
H. 454 Introduced	273
H. 461 Introduced	275
H. 469 Introduced	277
H. 480 Introduced	287
H. 521 Moved to amend.....	708
Moved to concur with further amend	1711
H. 536 Explained vote.....	761
H. 538 Moved to amend.....	842
Moved to amend.....	843
Moved to amend.....	851
H. 544 Introduced	1487
S. 40 Moved to commit.....	1436
H.R. 12 Offered.....	1800

Drones

Drones; use of. See table H. 540.....2112

Drugs

Driving under the influence of alcohol or drugs. See table H. 501.....2104

Drugs, (continued)

Drug or alcohol overdose; reporting immunity. See table H. 65 2041

Licensed alcohol & drug abuse counselors; Medicaid. See table H. 69 2041

Methamphetamine; precursor drugs. See table H. 211 2064

Opioid addiction; methamphetamine abuse. See table H. 522.....2108

Sale of regulated drugs in a dwelling; penalties. See table H. 79 2043

Substance abuse testing; public assistance. See table H. 160 2056

Two-year minimum sentence; drug trafficking. See table H. 465 2100

DUI, DWI

Driver's license reinstatement; ignition interlock. See table H. 305 2078

Establishing an aggravated DUI offense. See table H. 421 2094

E.**Economic Development**

Connecticut River Valley; promotion of tourism. See table H. 303 2078

Employer-assisted housing fund. See table H. 482.....2102

Knowledge-based businesses. See table H. 504 2105

Manufacturing and industry; support of. See table H. 286 2076

Underground storage tanks; regulation of. See table H. 226 2066

Education

Career technical education; funding of. See table H. 346.....2084

Collective bargaining; teachers/school admin. See table H. 318 2080

Continuing medical education requirements. See table H. 68 2041

Distance learning opportunities. See table H. 379 2088

Education funding laws. See table H. 538 2111

Education law; amendments. See table H. 521 2108

Education laws; technical amendments. See table H. 524 2108

Education property tax rates; FY 2014. See table H. 265 2072

Epinephrine auto-injectors in schools. See table H. 409.....2093

Equitable educational opportunities; data systems. See table H. 453 2098

Expanding school choice; charter schools. See table H. 380 2089

General Fund transfer. See table H. 352 2085

Housesite value for property tax adjustments. See table H. 351 2085

Independent schools; public funding. See table H. 488 2103

Local power; public education system. See table H. 434 2096

Low-income households; school meals. See table H. 60 2040

Mental health services; Vermont public schools. See table H. 89 2044

Merger of all school districts; 30 new districts. See table H. 544.....2112

Organized labor/ collective bargaining process. See table H. 435.....2096

Prekindergarten education; public funding. See table H. 270.....2073

Public funding; independent schools. See table H. 56 2039

Public school choice. See table H. 381 2089

Education, (continued)

Public school teachers; statewide contract. See table H. 90.....	2044
Public school; independent school. See table H. 461.....	2099
Public schools; adopting a statewide calendar. See table H. 82.....	2043
Reach Up; postsecondary education. See table H. 494.....	2104
School district's financial statements; audit of. See table H. 236.....	2067
School district/supervisory union budgets. See table H. 258.....	2071
School districts; reserve fund creation. See table H. 235.....	2067
Secondary school; standards-based assessment. See table H. 149.....	2055
Secretary of Education. See table H. 345	2084
Special education; timing of due process actions. See table H. 349	2084
Special education services; in-state facilities. See table H. 5.....	2032
Supervisory union boundary adjustments. See table H. 192.....	2060
Supervisory unions; duties performed by unions. See table H. 193	2060
Tax increment financing district; creation of. See table H. 80.....	2043
Teacher advisory groups. See table H. 469.....	2100
Teacher education programs. See table H. 358.....	2085
Technical school attendance in another state. See table H. 108.....	2047
Textbook purchases; public postsecondary . See table H. 454	2098
Threats to schools. See table H. 472	2101
Tuition payment; out-of-state independent schools. See table H. 150.....	2055
Tuition payments; public high school choice. See table H. 269	2073
Use of public school property. See table H. 122.....	2051
Vermont Strong Scholars Program. See table H. 242.....	2068
VT Student Loan Consolidation & Forgiveness Progra. See table H. 408.....	2092

Education Committee

H. 521. Introduced.....	319
H. 524. Introduced.....	319

Education Finance

Career technical education; funding of. See table H. 346.....	2084
Education funding laws. See table H. 538	2111
Education governance and funding. See table H. 378	2088
Statewide education property tax. See table H. 164.....	2056
Unused property tax adjustment funds. See table H. 75	2042

Elections

Absentee ballot; early voter. See table H. 21	2034
Adjutant General. See table H. 264	2071
Australian ballot; reconsideration of votes. See table H. 81	2043
Ballots; standardized and vote tabulators. See table H. 22	2034
Campaign finance reports and disclaimers. See table H. 319	2080
Citizens' initiative process. See table H. 320	2080
Election ballots; transport after recount. See table H. 67.....	2041
Elections; register to vote. See table H. 42	2037
Petition town government; action; town residents. See table H. 369.....	2087
Robotic telephone calls; written permission. See table H. 168.....	2057
Write-in candidate; primary election. See table H. 23	2035

Electronic Documents

- Auditor of Accounts; records and reports. See table H. 543.....2112
 Medical records; paperless copies; charges. See table H. 309.....2079

Electronic notification

- Insurance notices; electronic means. See table H. 260 2071

Electronics; Handheld

- Portable electronic device; prohibiting use of. See table H. 62 2040

Ellis, Rebecca M.

Member from Waterbury (District Washington-Chittenden)

Committee:

Natural Resources and Energy

Motions, etc.

- H. 60 Introduced 47
 H. 76 Introduced 57
 H. 112 Introduced 74
 Explained vote.....1463
 H. 151 Introduced 85
 H. 169 Introduced 94
 H. 171 Introduced 94
 H. 185 Introduced 97
 H. 234 Introduced 118
 H. 262 Reported for committee.....689
 H. 289 Introduced 163
 H. 301 Introduced 212
 H. 325 Introduced 223
 H. 530 Moved to amend.....586
 H. 538 Moved to amend.....844
 J.R.H. 1 Offered.....52

Emergency management

- Community emergency shelters; public schools. See table H. 151 2055
 Emergency management; municipalities. See table H. 195.....2061

Emergency responder

- Aggravated murder; firefighter/ emergency service . See table H. 422 2094
 Enforcement and emergency vehicles; colored lights. See table H. 31 2035

Emmons, Alice M.

Member from Springfield (District Windsor-3-2)

Committee:

Corrections and Institutions, Chair

Corrections Oversight, Chair

Motions, etc.

- H. 76 Introduced 57
 H. 98 Introduced 71
 H. 112 Introduced 74
 H. 130 Introduced 81

Emmons, Alice M., (continued)

H. 227 Introduced	117
H. 398 Introduced	255
H. 410 Introduced	259
H. 463 Introduced	275
H. 464 Introduced	275
H. 533 Spoke for committee	653
Moved to amend.....	654
Moved to postpone action	1019
Moved to postpone action	1056
Moved to postpone action	1087
Moved to concur with further amend	1227
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Employment

Self-employment assistance. See table H. 57	2039

Employment**Self Employment**

Self-employment assistance. See table H. 57.....	2039

Energy

Electric generation facilities; siting of. See table H. 312	2079
Electric vehicles. See table H. 231.....	2066
Electric vehicles. See table H. 519.....	2107
Electric vehicles; air pollution control rules. See table H. 333	2082
Energy costs; reduction of; greenhouse gas. See table H. 520.....	2107
Energy facilities; construction proposals. See table H. 220.....	2065
Greenhouse gas emissions; reducing energy costs. See table H. 216	2065
In-state electric generation facilities. See table H. 246.....	2069
Microhydroelectric projects in Vermont. See table H. 442	2097
Migratory birds; wind energy generation. See table H. 326	2081
Net metering systems. See table H. 366	2086
Nuclear energy plants; funding postclosure . See table H. 139.....	2053
RBES & CBES certificates when property is conveyed. See table H. 24.....	2035
Renewable technologies for heating and cooling. See table H. 437	2096
Siting in-state electric generation facilities. See table H. 446.....	2097
Statewide land use plan. See table H. 9	2033
Submetered electric service. See table H. 298	2077
Use Value Appraisal Program; forestlands. See table H. 142.....	2054
Vermont Clean Energy Loan Fund. See table H. 395.....	2090
Vermont electric industry; public ownership. See table H. 259.....	2071
Wind electric generation in lakes; siting of. See table H. 322	2081
Wind energy generation plants. See table H. 179	2059

Enforcement

Amending consumer protection provisions. See table H. 299	2078
Portable electronic devices; driving; seat belts. See table H. 187.....	2060

Environment

Utility poles; wood preservatives. See table H. 194 2061

Equal Pay

Commission on Women; expanding; Progressive Party. See table H. 100.....2046

Estates

Deceased spouse's estate tax exemption. See table H. 399 2091

Guardianship of minors. See table H. 256 2070

Evans, Debbie G.

Member from Essex (District Chittenden-8-1)

Committee:

Government Accountability Committee

Government Operations, Vice Chair

Conference on S. 82 1549

Motions, etc.

H. 13 Introduced 28

H. 21 Introduced 30

H. 23 Introduced 30

H. 37 Introduced 40

H. 41 Reported for committee.....142

H. 44 Introduced 41

H. 48 Introduced 45

H. 49 Introduced 45

H. 82 Introduced 59

H. 87 Introduced 62

H. 88 Introduced 62

H. 93 Introduced 64

H. 109 Introduced 73

H. 114 Introduced 75

H. 132 Introduced 81

H. 137 Introduced 82

H. 148 Introduced 85

H. 150 Introduced 85

H. 154 Introduced 86

H. 173 Introduced 95

H. 205 Reported for committee.....267

H. 208 Introduced 111

H. 225 Introduced 116

H. 242 Introduced 120

H. 243 Introduced 120

H. 249 Introduced 127

H. 258 Introduced 131

H. 271 Introduced 138

H. 324 Introduced 222

H. 334 Introduced 225

H. 338 Introduced 225

H. 340 Introduced 226

H. 344 Introduced 238

Evans, Debbie G., (continued)

H. 349 Introduced	239
H. 355 Introduced	241
H. 370 Introduced	247
H. 382 Introduced	250
H. 433 Introduced	269
H. 466 Introduced	276
H. 541 Spoke for committee	1434
S. 82 Reported for committee	1310
H.R. 6 Offered.....	87
H.R. 7 Offered.....	140
J.R.H. 12 Offered	1451

Executive Branch

State employee's pension; last ten years of salary. See table H. 247.....	2069
Agency of Controlled Substances. See table H. 206.....	2063
Commission on Women; expanding; Progressive Party. See table H. 100.....	2046
Executive Branch fees. See table H. 240	2068
Executive Branch leaves public office; employment. See table H. 267.....	2072
State's attorneys; collective bargaining. See table H. 370.....	2087

Executive Orders

Renaming the Dept. of Housing and Community Affairs.....	31
Transfer of certain technology positions.....	32

Exemptions

Blighted property improvement programs. See table H. 417.....	2094
Prewritten software; remotely accessed; taxation; . See table H. 163.....	2056
Property tax exemption; trailers in storage. See table H. 181	2059
Vendors; less than \$1,000 annual sales; taxation. See table H. 444	2097

F.**Fagan, Peter J.**

Member from Rutland City (District Rutland-5-1)

Committee:

Appropriations

Future Funding for the Vermont Center for Crime Victims Services

Motions, etc.

H. 34 Introduced	38
H. 36 Introduced	40
H. 49 Introduced	45
H. 78 Introduced	58
H. 79 Introduced	58
H. 92 Introduced	63
H. 97 Introduced	70
H. 103 Introduced	72
H. 118 Introduced	76
H. 133 Introduced	81
H. 166 Introduced	93
H. 180 Introduced	96

H. 184 Introduced	97
Fagan, Peter J., (continued)	
H. 200 Explained vote.....	729
H. 209 Introduced	111
H. 245 Introduced	125
H. 257 Introduced	130
H. 267 Introduced	137
H. 268 Introduced	138
H. 269 Introduced	138
H. 296 Introduced	164
H. 308 Introduced	213
H. 321 Introduced	222
H. 382 Introduced	250
H. 417 Introduced	261
H. 443 Introduced	271
H. 465 Introduced	276
H. 526 Moved to commit	543
H. 536 Recommended for committee	760
S. 38 Moved to amend	1342
Asked leave to withdraw amend.....	1346
Moved to recommit	1347
Demanded Yeas and Nays.....	1347
Explained vote.....	1350
Family Court	
Bill of rights for children; incarcerated parents. See table H. 325.....	2081
Fay, Michelle B.	
Member from St. Johnsbury (District Caledonia-3)	
Committee:	
Future Funding for the Vermont Center for Crime Victims Services	
Judiciary	
Motions, etc.	
H. 19 Introduced	30
H. 38 Introduced	40
H. 60 Introduced	47
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Explained vote.....	1463
H. 199 Introduced	100
H. 208 Introduced	111
H. 267 Introduced	137
H. 367 Introduced	246
H. 436 Introduced	270
H. 508 Introduced	293
H. 523 Spoke for committee	457
H. 530 Moved to amend.....	656
S. 47 Reported for committee	747

Fees

- Executive Branch fees. See table H. 240 2068
- Radioactive waste disposal fees; small generators. See table H. 97 2046

Feltus, Martha A.

Member from Lyndon (District Caledonia-4)

Committee:

Joint Energy

Natural Resources and Energy

Motions, etc.

- H. 97 Introduced 70
- H. 112 Explained vote.....1502
- H. 118 Introduced 76
- H. 184 Introduced 97
- H. 200 Explained vote.....747
- H. 242 Introduced 120
- H. 245 Introduced 125
- H. 255 Introduced 128
- H. 267 Introduced 137
- H. 528 Explained vote.....546
- H. 530 Moved to amend.....586

Finance

- State government finance and lending operations. See table H. 338 2083

Financial Regulation

- Department of Financial Regulation. See table H. 513.....2106

Firearms

- Firearm storage; negligence. See table H. 243.....2069
- Firearms; felony crimes. See table H. 336.....2083
- Firearms; procedures. See table H. 335 2083
- Gun silencers. See table H. 341 2083
- Handgun while hunting and training hunting dogs. See table H. 129.....2052
- Unlawful firearm disposition; unlawful disposition. See table H. 125 2051

Fish and Wildlife

- All-terrain vehicles; state lands; hunting. See table H. 321 2081
- Endangered or threatened species; permit. See table H. 210 2064
- Fish and Wildlife license agents; use of internet . See table H. 324 2081
- Handgun while hunting and training hunting dogs. See table H. 129.....2052
- Media campaign; feral and free-ranging cats. See table H. 372 2087
- Moose permits; veterans. See table H. 292.....2076
- Official sign for posting land; hunting. See table H. 146.....2054
- Route 102 resurfacing project. See table H. 152.....2055
- Therapeutic fishing license. See table H. 110 2048

Fish, Wildlife & Water Resources Committee

- H. 401. Introduced.....255
- H. 526. Introduced.....528

Fisher, Michael

Member from Lincoln (District Addison-4)

Committee:

Health Care, Chair

Motions, etc.

H. 76 Introduced	57
H. 107 Introduced	73
H. 116 Introduced	75
H. 121 Introduced	77
H. 200 Introduced	100
H. 225 Introduced	116
H. 230 Introduced	117
H. 267 Introduced	137
H. 301 Introduced	212
H. 315 Introduced	220
H. 376 Introduced	249
H. 430 Introduced	268
H. 484 Introduced	288
H. 490 Introduced	290
H. 502 Introduced	292
H. 528 Explained vote.....	546
H. 530 Moved to amend.....	586
H. 540 Introduced	905
S. 128 Moved to commit.....	659
S. 152 Reported for committee	1396
Moved to amend.....	1416
Moved to amend.....	1468
H.R. 4 Offered.....	48

Flood

Flood hazard areas; accessory dwellings. See table H. 72	2042
Municipal plans and flood resilience. See table H. 52	2039
Municipal/regional planning and flood resilience. See table H. 401	2091

Foreclosure

Mediation in foreclosure actions. See table H. 431	2095
Vermont Housing Finance Agency. See table H. 427	2095

Forest Parks and Recreation

Governor's Snowmobile Council. See table H. 2.....	2032
Harvesting guidelines; procurement standards. See table H. 131	2052
Timber harvesting; management practices. See table H. 33	2036
Vermont Clean Energy Loan Fund. See table H. 395.....	2090

Frank, William R.

Member from Underhill (District Chittenden-3)

Committee:

Human Services

Motions, etc.

H. 43 Introduced	41

Frank, William R., (continued)

H. 49 Introduced	45
H. 60 Introduced	47
H. 70 Introduced	56
H. 71 Introduced	57
H. 105 Introduced	73
H. 112 Introduced	74
H. 117 Introduced	76
H. 121 Introduced	77
H. 123 Introduced	77
H. 140 Introduced	83
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 217 Introduced	113
H. 227 Introduced	117
H. 230 Introduced	117
H. 237 Introduced	119
H. 242 Introduced	120
H. 273 Introduced	139
H. 331 Introduced	224
H. 345 Introduced	239
H. 412 Introduced	260
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52

Fraud

Consumer protection; cancellation periods. See table H. 281.....	2075

French, Patsy T.

Member from Randolph (District Orange-Washington-Addison)

Committee:

Administrative Rules

Human Services

Motions, etc.

H. 43 Introduced	41
H. 70 Introduced	56
H. 76 Introduced	57
H. 85 Introduced	60
H. 88 Introduced	62
H. 99 Introduced	71
H. 105 Introduced	73
H. 109 Introduced	73
H. 112 Introduced	74
H. 115 Introduced	75
H. 121 Introduced	77
H. 123 Introduced	77
H. 135 Introduced	82
H. 140 Introduced	83
H. 171 Introduced	94
H. 200 Introduced	100

French, Patsy T., (continued)

H. 201 Introduced	101
H. 208 Introduced	111
H. 213 Introduced	112
H. 232 Introduced	118
H. 234 Introduced	118
H. 273 Introduced	139
H. 279 Introduced	156
H. 301 Introduced	212
H. 324 Introduced	222
H. 325 Introduced	223
H. 331 Introduced	224
H. 338 Introduced	225
H. 367 Introduced	246
H. 375 Introduced	248
H. 482 Introduced	288
H. 485 Introduced	288
H. 487 Introduced	289
H. 500 Introduced	291
H. 505 Introduced	293
H. 530 Explained vote.....	566
H. 536 Moved to amend.....	760
Moved to amend.....	763
S. 77 Explained vote	1034
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered	52

Fuel assistance

Fuel assistance; margin over rack pricing. See table H. 276.....	2074
Home heating fuel assistance benefits. See table H. 254.....	2070

Fuel; fuel emissions

Carbon content in fuels; tax on. See table H. 506.....	2105
Electric vehicles. See table H. 519.....	2107

G.**Gage, Douglas A.**

Member from Rutland City (District Rutland-5-4)

Committee:

Health Care

Motions, etc.

H. 36 Introduced	40
H. 49 Introduced	45
H. 78 Introduced	58
H. 79 Introduced	58
H. 82 Introduced	59
H. 92 Introduced	63
H. 97 Introduced	70

Gage, Douglas A., (continued)

H. 103 Introduced	72
H. 113 Introduced	75
H. 118 Introduced	76
H. 123 Introduced	77
H. 133 Introduced	81
H. 160 Introduced	92
H. 257 Introduced	130
H. 268 Introduced	138
H. 269 Introduced	138
H. 294 Introduced	164
H. 321 Introduced	222
H. 382 Introduced	250
H. 417 Introduced	261
H. 443 Introduced	271
H. 465 Introduced	276
H. 466 Introduced	276
H. 487 Introduced	289
H. 528 Explained vote.....	546
S. 14 Demanded Yeas and Nays	878
S. 77 Moved to amend	1007
S. 82 Explained vote	1391
J.R.H. 9 Offered	905

Gallivan, Anne L.

Member from Chittenden (District Rutland-Windsor-1)

Committee:

Transportation

Motions, etc.

H. 169 Introduced	94
H. 171 Introduced	94
H. 187 Introduced	98
H. 267 Introduced	137
H. 271 Introduced	138
H. 301 Introduced	212
H. 306 Introduced	213
H. 308 Introduced	213
H. 409 Introduced	259
H. 439 Introduced	270
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 12 Offered	1451

Gambling

Break-open tickets; allocation of revenue. See table H. 66	2041
Casino gaming. See table H. 93	2045
Computer gaming and marketing Vermont. See table H. 458	2099
Fish and Wildlife license agents; use of internet . See table H. 324	2081
Gambling; gaming house. See table H. 155.....	2055
Vermont Gaming Commission. See table H. 186.....	2060

General Provisions

Office of Native American Affairs. See table H. 84	2043
Official state terrestrial fossil. See table H. 188	2060
Service of malt and vinous beverages; libraries. See table H. 385	2089
State dog; recognition. See table H. 171	2058
State fly-fishing fly. See table H. 189	2060
State native insect. See table H. 386	2089
State reptile. See table H. 37	2036

General, Housing and Military Affairs Committee

H. 536. Introduced	713
H. 536. Introduced	704

Goodwin, Charles M.

Member from Weston (District Windham-Bennington-Windsor)

Committee:

Judiciary

Motions, etc.

H. 49 Introduced	45
H. 65 Introduced	52
H. 97 Introduced	70
H. 112 Explained vote	1463
H. 169 Introduced	94
H. 180 Introduced	96
H. 257 Introduced	130
H. 267 Introduced	137
H. 324 Introduced	222
H. 416 Introduced	261
H. 422 Introduced	262
H. 485 Introduced	288
H. 511 Spoke for committee	322
S. 14 Moved to amend	891
S. 38 Explained vote	1350
S. 82 Moved to amend	1387

Government Accountability

Government Accountability Committee. See table H. 474	2101
Tax expenditures; elimination of. See table H. 353	2085

Government Operations

Legislative records. See table H. 498	2104
Open meeting law. See table H. 497	2104
Petition town government; action; town residents. See table H. 369	2087
Retirement funds; divesting; fossil fuels. See table H. 271	2073
State employee mileage reimbursement; limiting. See table H. 244	2069
State government finance and lending operations. See table H. 338	2083

Government Operations Committee

H. 516. Introduced	318
H. 518. Introduced	318
H. 543. Introduced	1274

Governor

Secretary of Education. See table H. 345 2084

Grad, Maxine Jo

Member from Moretown (District Washington-7)

Committee:

Judiciary, Vice Chair

Conference on S. 1 1298

Conference on S. 148 1524

Conference on S. 20 1734

Motions, etc.

H. 19 Introduced 30

H. 38 Introduced 40

H. 44 Introduced 41

H. 48 Introduced 45

H. 49 Introduced 45

H. 59 Introduced 47

H. 65 Introduced 52

H. 74 Introduced 57

H. 76 Introduced 57

H. 85 Introduced 60

H. 88 Introduced 62

H. 112 Explained vote.....1463

H. 113 Introduced 75

H. 132 Introduced 81

H. 174 Introduced 95

H. 187 Introduced 98

H. 199 Introduced 100

H. 267 Introduced 137

H. 275 Introduced 139

H. 287 Introduced 162

H. 436 Introduced 270

S. 20 Reported for committee 1476

S. 148 Reported for committee 1355

Moved to amend.....1386

H.R. 4 Offered.....48

J.R.H. 1 Offered 52

Green Mountain Care

Green Mountain Care; acupuncture coverage. See table H. 224.....2065

Green Mountain Care; dental services. See table H. 332.....2082

Health care administration. See table H. 116.....2049

Health care professionals' rates/practice location. See table H. 311 2079

Medicaid; VHBE; Green Mountain Care Board. See table H. 107.....2047

Office of Health Care Consumer Protection. See table H. 147.....2054

Green Mountain Passport

Green Mountain passport; veteran eligibility. See table H. 48 2038

Greshin, Adam M.

Member from Warren (District Washington-7)

Committee:

Ways and Means

Motions, etc.

H. 23 Introduced	30
H. 117 Introduced	76
H. 118 Introduced	76
H. 124 Introduced	78
H. 165 Introduced	93
H. 174 Introduced	95
H. 180 Introduced	96
H. 209 Introduced	111
H. 243 Introduced	120
H. 245 Introduced	125
H. 253 Introduced	127
H. 270 Recommended for committee	981
H. 281 Introduced	156
H. 382 Introduced	250
H. 425 Introduced	262
H. 538 Demanded Yeas and Nays.....	846
S. 82 Moved to amend	1387
H.R. 7 Offered.....	140
J.R.H. 7 Offered.....	278

H.**Haas, Sandy J.**

Member from Rochester (District Windsor-Rutland)

Committee:

Corrections Oversight

Human Services, Vice Chair

Judicial Rules

Serious Functional Impairments, Co-Chair

Motions, etc.

H. 43 Introduced	41
H. 76 Introduced	57
H. 88 Introduced	62
H. 105 Introduced	73
Reported for committee.....	404
Moved to postpone action	1055
H. 109 Introduced	73
H. 140 Introduced	83
H. 161 Introduced	92
H. 169 Introduced	94
H. 225 Introduced	116
H. 237 Introduced	119
H. 256 Introduced	128
Moved to commit	158
H. 267 Introduced	137

Haas, Sandy J., (continued)

H. 271 Introduced	138
H. 273 Introduced	139
H. 279 Introduced	156
H. 301 Introduced	212
H. 331 Introduced	224
H. 370 Introduced	247
H. 375 Introduced	248
H. 403 Introduced	256
Moved to postpone action	792
Reported for committee	830
H. 455 Introduced	274
H. 456 Introduced	274
H. 457 Introduced	274
H. 484 Introduced	288
H. 487 Introduced	289
H. 505 Introduced	293
S. 77 Reported for committee	988
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52

Head, Helen J.

Member from South Burlington (District Chittenden-7-3)

Committee:

General, Housing and Military Affairs, Chair

Conference on S. 61 1549

Motions, etc.

H. 60 Introduced	47
H. 76 Introduced	57
H. 80 Introduced	59
H. 88 Introduced	62
H. 99 Moved to commit	158
H. 112 Introduced	74
H. 187 Introduced	98
H. 200 Introduced	100
H. 209 Introduced	111
H. 255 Moved to commit	141
H. 289 Introduced	163
H. 392 Introduced	252
H. 393 Introduced	252
H. 488 Introduced	289
H. 536 Spoke for committee	759
Moved to amend.....	766
Moved to postpone action	767
Moved to amend.....	771
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451
J.R.H. 13 Offered	1683

Health

Drug or alcohol overdose; reporting immunity. See table H. 65	2041
Establishing premium and cost-sharing assistance. See table H. 418	2094
Health insurance prior authorizations. See table H. 77	2042
Hearing aids; insurance coverage. See table H. 10	2033
Investigating cosmetics. See table H. 308	2079
Lyme disease; tick-borne illnesses. See table H. 123	2051
Smoking location restrictions. See table H. 217	2065
Telemedicine services. See table H. 272	2074
Tobacco products. See table H. 71.....	2041

Health care

Anatomical gifts. See table H. 178	2058
Bone marrow testing; insurance coverage. See table H. 251	2070
Collective bargaining agreements; health care. See table H. 310	2079
Controlled substances; replacement prescriptions. See table H. 364.....	2086
Dental and vision coverage. See table H. 148.....	2054
Dept. of Corrections; health care reform. See table H. 464	2099
Direct care workers; task force. See table H. 301	2078
Employment assessment; repeal. See table H. 118.....	2050
Epinephrine auto-injectors in schools. See table H. 409.....	2093
Health care facility discharge prescriptions. See table H. 252.....	2070
Health care professional transparency. See table H. 25	2035
Health care services; coverage. See table H. 12	2033
Home health agencies; annual assessment. See table H. 420.....	2094
Immunization rates; public school students. See table H. 138.....	2053
Medicaid; VHBE; Green Mountain Care Board. See table H. 107.....	2047
Mental Health Care Ombudsman; office of. See table H. 201.....	2062
Mental health services; reorganization of . See table H. 15.....	2033
Methamphetamine; precursor drugs. See table H. 211	2064
Monitoring drugs. See table H. 212	2064
Office of Health Care Consumer Protection. See table H. 147.....	2054
Opioid addiction; systemic response to. See table H. 331.....	2082
Palliative care; pain management. See table H. 237	2068
Pertussis; immunization. See table H. 114.....	2049
Preventative services; cost-sharing. See table H. 136.....	2053
Primary care physicians; malpractice claims. See table H. 35.....	2036
Safe patient handling. See table H. 355	2085
Same-sex spouses; group health coverage. See table H. 315.....	2080
Selling regulated drugs near schools, child care. See table H. 268.....	2073
Tobacco licensees; compliance testing. See table H. 173.....	2058
Vision and eye care services; providers; choice. See table H. 460	2099
VPharm premium adjustment. See table H. 363.....	2086

Health Care Committee

H. 418. Introduced.....	261

Heath, Martha P.

Member from Westford (District Chittenden-8-3)

Committee:

Appropriations, Chair

Corrections Oversight

Joint Fiscal Committee

Joint Transportation Oversight

Conference on H. 530..... 1227

Motions, etc.

H. 47 Spoke for committee 50

Moved to amend..... 55

Moved to concur with further amend 169

H. 62 Introduced 51

H. 89 Introduced 63

H. 94 Introduced 70

H. 109 Introduced 73

H. 117 Introduced 76

H. 136 Introduced 82

H. 154 Introduced 86

H. 209 Introduced 111

H. 236 Introduced 119

H. 243 Introduced 120

H. 469 Introduced 277

H. 510 Recommended for committee 413

H. 530 Spoke for committee 560

Moved to amend..... 585

Requested Committee of Conference 1227

Demanded Yeas and Nays..... 2018

H.R. 4 Offered..... 48

Hebert, Michael J.

Member from Vernon (District Windham-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 34 Introduced 38

H. 44 Introduced 41

H. 48 Introduced 45

H. 49 Introduced 45

H. 76 Introduced 57

H. 82 Introduced 59

H. 93 Introduced 64

H. 97 Introduced 70

H. 118 Introduced 76

H. 123 Introduced 77

H. 133 Introduced 81

H. 184 Introduced 97

H. 227 Introduced 117

H. 252 Introduced 127

H. 255 Introduced 128

H. 268 Introduced 138

Hebert, Michael J., (continued)

H. 270 Demanded Yeas and Nays.....	1022
H. 307 Introduced	213
H. 382 Introduced	250
H. 421 Introduced	261
H. 422 Introduced	262
H. 443 Introduced	271
H. 449 Introduced	272
H. 465 Introduced	276
H. 466 Introduced	276
H. 467 Introduced	276
H. 472 Introduced	277
H. 510 Explained vote.....	427
H. 528 Explained vote.....	546
H. 530 Moved to amend.....	586
S. 14 Explained vote	882
S. 59 Explained vote	1083
J.R.H. 1 Offered	52

Helm, Robert G.

Member from Fair Haven (District Rutland-3)

Committee:

Appropriations, Ranking Member

Motions, etc.

H. 49 Introduced	45
H. 97 Introduced	70
H. 118 Introduced	76
H. 200 Asked leave to withdraw amend	744
Moved to amend.....	745
H. 227 Introduced	117
H. 245 Introduced	125
H. 257 Introduced	130
H. 268 Introduced	138
H. 294 Introduced	164
H. 296 Introduced	164
H. 307 Introduced	213
H. 321 Introduced	222
H. 322 Introduced	222
H. 443 Introduced	271
H. 526 Asked leave to withdraw amend	539
Moved to amend.....	539
Moved to amend.....	540
Demanded Yeas and Nays.....	541
Moved to amend.....	556

Highways

Closed highways; emergency services. See table H. 8	2033
Highway roundabouts. See table H. 496.....	2104
Passing and yielding to vulnerable users. See table H. 209	2064
Town road and bridge standards; water quality. See table H. 291.....	2076
VT route 132; state highway system. See table H. 197	2061

Higley, Mark A.

Member from Lowell (District Orleans-Lamoille)

Committee:

Government Operations

Motions, etc.

H. 13 Introduced	28
H. 14 Introduced	29
H. 21 Introduced	30
H. 22 Introduced	30
H. 23 Introduced	30
H. 49 Introduced	45
H. 60 Explained vote.....	573
H. 97 Introduced	70
H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 133 Introduced	81
H. 166 Introduced	93
H. 245 Introduced	125
H. 255 Introduced	128
H. 257 Introduced	130
H. 267 Introduced	137
H. 268 Introduced	138
H. 321 Introduced	222
H. 382 Introduced	250
H. 406 Introduced	258
Reported for committee.....	451
H. 443 Introduced	271
H. 510 Moved to amend.....	413
H. 512 Moved to postpone action	703
Reported for committee.....	736
H. 520 Moved to amend.....	517
H. 522 Moved to amend.....	524
H. 528 Explained vote.....	546
H. 530 Moved to recommit the bill	566
H. 537 Reported for committee.....	1434
S. 14 Demanded Yeas and Nays	882
S. 38 Moved to amend	1344
S. 41 Reported for committee	1607
H.R. 6 Offered.....	87
J.R.H. 8 Offered	511

Historic Preservation

Municipalities with designated centers. See table H. 377.....2088

Vermont State Hospital cemetery; preservation of. See table H. 76.....2042

Home Health

Home health agencies; annual assessment. See table H. 420.....2094

Homestead

Homestead declaration; Dept. of Taxes. See table H. 468.....2100

Hooper, Mary S.

Member from Montpelier (District Washington-4)

Committee:

Corrections and Institutions

Mental Health Oversight

Motions, etc.

H. 112 Introduced	74
H. 121 Introduced	77
H. 171 Introduced	94
H. 180 Introduced	96
H. 200 Introduced	100
H. 204 Introduced	105
H. 225 Introduced	116
H. 234 Introduced	118
H. 267 Introduced	137
H. 271 Introduced	138
H. 289 Introduced	163
H. 338 Introduced	225
H. 340 Introduced	226
H. 384 Introduced	251
H. 390 Introduced	252
H. 403 Introduced	256
H. 458 Introduced	274
H. 460 Introduced	275
H. 462 Introduced	275
H.R. 4 Offered.....	48
J.R.H. 1 Offered.....	52
J.R.H. 12 Offered.....	1451

Housing

Electrical installations. See table H. 175	2058
Employer-assisted housing fund. See table H. 482.....	2102
Homeless bill of rights; discrimination. See table H. 493.....	2104
Powers of municipalities. See table H. 92	2045
Uniform Manufactured Housing Act; adoption of. See table H. 337.....	2083
Vermont Housing Finance Agency. See table H. 427	2095

Hubert, Ronald E.

Member from Milton (District Chittenden-10)

Committee:

Government Operations

Public Records Legislative Study Committee

Conference on S. 41 1799

Motions, etc.

H. 13 Introduced	28
H. 14 Introduced	29
H. 21 Introduced	30
H. 22 Introduced	30
H. 23 Introduced	30

Hubert, Ronald E., (continued)

H. 26 Reported for committee.....	61
H. 37 Introduced	40
H. 49 Introduced	45
H. 54 Reported for committee.....	782
H. 82 Introduced	59
H. 90 Introduced	63
H. 93 Introduced	64
H. 97 Introduced	70
H. 107 Moved to amend.....	370
Demanded Yeas and Nays.....	371
H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 129 Introduced	80
H. 166 Introduced	93
H. 182 Reported for committee.....	299
Moved to amend committee report.....	307
H. 245 Introduced	125
H. 257 Introduced	130
H. 268 Introduced	138
H. 321 Introduced	222
H. 382 Introduced	250
H. 423 Introduced	262
H. 443 Introduced	271
H. 465 Introduced	276
H. 466 Introduced	276
H. 480 Introduced	287
H. 498 Introduced	291
H. 510 Asked leave to withdraw amend	422
Demanded Yeas and Nays.....	422
Explained vote.....	422
Moved to amend.....	425
H. 528 Explained vote.....	546
H. 530 Asked leave to withdraw amend	587
S. 38 Moved to amend	1341
Demanded Yeas and Nays.....	1341
Moved to amend.....	1345
H.R. 5 Offered.....	60
H.R. 6 Offered.....	87

Human Services

Adult protective services; reporting requirements. See table H. 105.....	2047
Child abuse or neglect; substantiation standard. See table H. 266.....	2072
Child to adult ratios; child care settings. See table H. 473	2101
Children and families; criminal justice system. See table H. 457.....	2099
Choices for Care. See table H. 140	2054
Commission on Fatherhood. See table H. 43.....	2037
Community supports; serious functional impairments. See table H. 403	2092
Direct care workers; task force. See table H. 301	2078
Family caps for public benefits. See table H. 55.....	2039
Fuel assistance; margin over rack pricing. See table H. 276.....	2074

Human Services, (continued)

Home visiting standards. See table H. 230	2066
Mandatory reporters of abuse. See table H. 430	2095
Medicaid benefits for U visa holders. See table H. 85	2043
Office of the Child Advocate. See table H. 73	2042
Opioid addition; systemic response to. See table H. 331	2082
Public assistance; transitional assistance. See table H. 316	2080
Reach Up; postsecondary education. See table H. 494	2104
SerVermont Fund. See table H. 293	2077
Title 33; updating and reorganizing. See table H. 373	2087
VT residency for public benefits; proof. See table H. 443	2097

Human Services Committee

H. 522. Introduced	319

Hunting

Hunting. See table H. 102	2047
Official sign for posting land; hunting. See table H. 146	2054

Huntley, Mark A.

Member from Cavendish (District Windsor-2)	
Committee:	
Fish, Wildlife & Water Resources, Clerk	
Motions, etc.	
H. 267 Introduced	137

I.**Identification**

Driver's licenses/nondriver identification cards. See table H. 388	2090

Immunizations

Immunization rates; public school students. See table H. 138	2053
Pertussis; immunization. See table H. 114	2049

Information Technology

VT Center for Geographic Information. See table H. 516	2107

Insurance

Automobile total losses; claims settlement. See table H. 283	2075
Bone marrow testing; insurance coverage. See table H. 251	2070
Employment assessment; repeal. See table H. 118	2050
Health insurance coverage; transgender persons. See table H. 304	2078
Hearing aids; insurance coverage. See table H. 10	2033
Insurance notices; electronic means. See table H. 260	2071
Legacy Insurance Management Act. See table H. 198	2061
Life insurance benefits; unclaimed. See table H. 95	2045
Same-sex spouses; group health coverage. See table H. 315	2080
Severe weather deductibles. See table H. 277	2074
Telemedicine services. See table H. 272	2074

Internal Security

adjutant and Inspector General. See table H. 382	2089
Adjutant General. See table H. 264	2071
Agency of Controlled Substances. See table H. 206.....	2063

J.**Jerman, Timothy**

Member from Essex (District Chittenden-8-2)

Committee:

Joint Energy

Natural Resources and Energy, Clerk

Motions, etc.

H. 23 Introduced	30
H. 31 Introduced	38
H. 49 Introduced	45
H. 55 Introduced (By Request)	46
H. 60 Introduced	47
H. 76 Introduced	57
H. 87 Introduced	62
H. 88 Introduced	62
H. 97 Introduced	70
H. 109 Introduced	73
H. 114 Introduced	75
H. 119 Introduced	76
H. 137 Introduced	82
H. 138 Introduced	83
H. 139 Introduced	83
H. 173 Introduced	95
H. 184 Introduced	97
H. 188 Introduced	98
H. 209 Introduced	111
H. 227 Introduced	117
H. 234 Introduced	118
H. 242 Introduced	120
H. 243 Introduced	120
H. 267 Introduced	137
H. 315 Introduced	220
H. 382 Introduced	250
H. 410 Introduced	259
H. 449 Introduced	272
H. 484 Introduced	288
H. 508 Introduced	293
H. 530 Moved to amend.....	586
H. 536 Demanded Yeas and Nays.....	774
H. 541 Introduced	1020
S. 38 Demanded Yeas and Nays	1350
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Jewett, Willem W.

Member from Ripton (District Addison-2)

Committee:

Fish, Wildlife & Water Resources

Joint Rules

Rules

Motions, etc.

H. 533 Demanded Yeas and Nays.....	656
S. 30 Demanded Yeas and Nays	888
S. 81 Demanded Yeas and Nays	1384
H.R. 4 Offered.....	48
H.R. 9 Offered.....	281
J.R.H. 1 Offered	52
J.R.H. 10 Offered	1058
J.R.H. 12 Offered	1451

Johnson, Mitzi

Member from South Hero (District Grand Isle-Chittenden)

Committee:

Appropriations, Vice Chair

Joint Fiscal Committee

Conference on H. 530..... 1227

Motions, etc.

H. 86 Introduced	62
H. 270 Recommended for committee	981
H. 271 Introduced	138
H. 296 Introduced	164
H. 315 Introduced	220
H. 480 Introduced	287
H. 530 Explained vote.....	600

Johnson, William F.

Member from Canaan (District Essex-Caledonia-Orleans)

Committee:

Ways and Means

Motions, etc.

H. 50 Reported for committee.....	631
H. 101 Moved to amend committee report	646
Moved to amend.....	661
H. 112 Moved to amend.....	1497
H. 129 Introduced	80
H. 141 Introduced	0
H. 142 Introduced	83
H. 143 Introduced	84
H. 144 Introduced	84
H. 145 Introduced	84
H. 152 Introduced	85
H. 179 Introduced	96
H. 180 Introduced	96
H. 181 Introduced	97

Johnson, William F., (continued)

H. 219 Introduced	113
H. 220 Introduced	114
H. 221 Introduced	114
H. 222 Introduced	114
H. 245 Introduced	125
H. 246 Introduced	126
H. 250 Introduced	127
H. 329 Introduced	224
H. 348 Introduced	239
H. 410 Introduced	259
H. 446 Introduced	272
H. 514 Recommended for committee	661

Judicial Proceedings

Superior Court clerks; separate book of judgments. See table H. 1	2032

Judiciary

Court judgments on personal property; execution of. See table H. 357	2085
Involuntary psychiatric treatment and medication. See table H. 509	2105

Judiciary Committee

H. 511. Introduced	308
H. 523. Introduced	319

Juskiewicz, Bernard C.

Member from Cambridge (District Lamoille-3)

Committee:

Education

Motions, etc.

H. 22 Introduced	30
H. 44 Introduced	41
H. 48 Introduced	45
H. 49 Introduced	45
H. 82 Introduced	59
H. 93 Introduced	64
H. 97 Introduced	70
H. 118 Introduced	76
H. 129 Introduced	80
H. 133 Introduced	81
H. 180 Introduced	96
H. 200 Introduced	100
H. 245 Introduced	125
H. 267 Introduced	137
H. 345 Introduced	239
H. 346 Introduced	239
H. 349 Introduced	239
H. 358 Introduced	244
H. 382 Introduced	250
H. 422 Introduced	262
H. 443 Introduced	271

Juskiewicz, Bernard C. (continued)

H. 466 Introduced	276
H. 469 Introduced	277
H. 528 Explained vote.....	546
H. 538 Moved to amend.....	842

Juveniles

Juvenile Study Committee; extending for one year. See table H. 30.....	2035

K.**Keenan, Kathleen C.**

Member from St. Albans City (District Franklin-3-1)

Committee:

Appropriations

Commission on International Trade & State Sovereignty, Co-Chair

Motions, etc.

H. 62 Introduced	51
H. 65 Introduced	52
H. 76 Introduced	57
H. 109 Introduced	73
H. 112 Introduced	74
H. 121 Introduced	77
H. 136 Introduced	82
H. 168 Introduced	94
H. 169 Recommended for committee	610
H. 171 Introduced	94
H. 226 Recommended for committee	792
H. 252 Introduced	127
H. 315 Introduced	220
H. 324 Introduced	222
H. 370 Introduced	247
H. 382 Introduced	250
H. 395 Spoke for committee	668
H. 420 Introduced	261
H. 480 Introduced	287
H. 517 Introduced	318
S. 37 Recommended for committee	1536
S. 82 Recommended for committee	1340
S. 152 Recommended for committee	1416
J.R.H. 12 Offered	1451

Kilmartin, Duncan F.

Member from Newport City (District Orleans-2)

Committee:

Judicial Rules

Transportation

Motions, etc.

H. 32 Introduced	38
H. 76 Introduced	57

Kilmartin, Duncan F., (continued)

H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 200 Explained vote.....	729
H. 245 Introduced	125
H. 265 Demanded Yeas and Nays.....	232
Demanded Yeas and Nays.....	235
H. 382 Introduced	250
H. 510 Explained vote.....	827
H. 528 Explained vote.....	546
H. 536 Explained vote.....	764
H. 540 Introduced	905
S. 31 Moved to amend	1021
S. 38 Explained vote	1347
Explained vote	1350
S. 77 Moved to amend	1031
Demanded Yeas and Nays.....	1032
Moved to amend.....	1663
S. 82 Explained vote	1394
S. 151 Reported for committee	836

Kitzmiller, Warren F.

Member from Montpelier (District Washington-4)

Committee:

Commerce and Economic Development, Ranking Member

Conference on H. 169..... 1462

Motions, etc.

H. 51 Introduced	46
H. 60 Introduced	47
H. 76 Introduced	57
H. 95 Introduced	70
Moved to postpone action	382
H. 165 Introduced	93
H. 171 Introduced	94
H. 173 Introduced	95
H. 190 Introduced	98
H. 198 Introduced	100
Reported for committee.....	674
H. 200 Introduced	100
H. 204 Introduced	105
H. 208 Introduced	111
H. 209 Introduced	111
H. 234 Introduced	118
H. 243 Introduced	120
H. 260 Introduced	131
H. 261 Introduced	131
H. 273 Introduced	139
H. 274 Introduced	139
H. 297 Introduced	165
H. 315 Introduced	220
H. 359 Introduced	245

Kitzmiller, Warren F., (continued)

H. 360 Introduced	245
H. 367 Introduced	246
H. 377 Introduced	249
H. 410 Introduced	259
H. 445 Introduced	272
H. 452 Introduced	273
H. 469 Introduced	277
S. 85 Reported for committee	1086
Moved proposal of amendment	1262
J.R.H. 1 Offered	52

Klein, Anthony W.

Member from East Montpelier (District Washington-5)

Committee:

Electric Generation Advisory Committee

Joint Energy

Natural Resources and Energy, Chair

Conference on H. 131..... 712

Motions, etc.

H. 9 Introduced	25
H. 24 Introduced	31
H. 25 Introduced	36
H. 49 Introduced	45
H. 60 Introduced	47
H. 76 Introduced	57
H. 244 Introduced	125
H. 252 Introduced	127
H. 262 Introduced	131
Demanded Yeas and Nays.....	697
H. 267 Introduced	137
H. 270 Explained vote.....	1022
H. 276 Introduced	140
H. 438 Introduced	270
H. 490 Introduced	290
H. 520 Demanded Yeas and Nays.....	518
Explained vote.....	518
H. 530 Moved to amend.....	586
S. 30 Moved to postpone action.....	886
Reported for committee.....	888
S. 159 Moved to postpone action.....	673
J.R.H. 5 Offered	165
Moved to commit	219

Koch, Thomas F.

Member from Barre Town (District Washington-2)

Committee:

Administrative Hearing Officers Study Committee

Judicial Retention, Chair

Judiciary, Ranking Member

Koch, Thomas F., (continued)

Regulation of Precious Metal Dealers	
Rules	
Conference on S. 1	1298
Conference on S. 148	1524
Conference on S. 150	1551
Motions, etc.	
H. 49 Introduced	45
H. 69 Introduced	56
H. 70 Introduced	56
H. 76 Introduced	57
H. 104 Introduced	72
H. 112 Explained vote.....	1463
Explained vote.....	1500
H. 113 Introduced	75
H. 115 Introduced	75
H. 118 Introduced	76
H. 173 Introduced	95
H. 201 Introduced	101
H. 245 Introduced	125
H. 267 Introduced	137
H. 431 Reported for committee.....	325
H. 443 Introduced	271
H. 509 Introduced	293
H. 510 Moved to amend.....	460
Demanded Yeas and Nays.....	461
H. 526 Explained vote.....	543
H. 540 Introduced	905
S. 7 Reported for committee	1373
S. 31 Reported for committee	897
Moved to postpone action	1018
S. 59 Explained vote	1083
S. 77 Moved to postpone action.....	1005
Demanded Yeas and Nays.....	1005
S. 82 Asked leave to withdraw amend	1388
Asked leave to withdraw amend.....	1388
Explained vote.....	1391
Moved to amend.....	1393
Explained vote.....	1394
J.R.H. 1 Offered	52
J.R.H. 9 Offered	905

Komline, Patricia C.

Member from Dorset (District Bennington-Rutland)

Committee:

Property Tax Exemption Study Committee

Rules

Ways and Means

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47

Komline, Patricia C., (continued)

H. 76 Introduced	57
H. 118 Introduced	76
H. 149 Introduced	85
H. 169 Introduced	94
H. 200 Introduced	100
H. 242 Introduced	120
H. 245 Introduced	125
H. 253 Introduced	127
H. 262 Recommended for committee	696
H. 267 Introduced	137
H. 284 Introduced	162
H. 315 Introduced	220
H. 318 Introduced	221
H. 319 Introduced	221
H. 378 Introduced	249
H. 382 Introduced	250
H. 414 Introduced	260
H. 528 Explained vote.....	546
H. 530 Moved to amend.....	597
H. 540 Introduced	905
S. 30 Explained vote	888
S. 59 Asked leave to withdraw amend	1079
Moved to amend.....	1080
Explained vote.....	1083

Krebs, Robert C.

Member from South Hero (District Grand Isle-Chittenden)

Committee:

Administrative Rules

Fish, Wildlife & Water Resources

Motions, etc.

H. 3 Introduced	24
H. 4 Introduced	24
H. 86 Introduced	62
H. 109 Introduced	73
H. 123 Introduced	77
H. 134 Introduced	82
H. 171 Introduced	94
H. 209 Introduced	111
H. 210 Introduced	111
H. 226 Reported for committee.....	783
H. 227 Introduced	117
H. 242 Introduced	120
H. 245 Introduced	125
H. 526 Moved to amend.....	555
S. 14 Explained vote	882

Krowinski, Jill L.

Member from Burlington (District Chittenden-6-3)

Committee:

Health Care Oversight Committee, Vice Chair

Human Services, Clerk

Vermont Child Poverty Council

Motions, etc.

H. 19 Introduced	30
H. 40 Introduced	40
H. 43 Introduced	41
H. 60 Introduced	47
H. 70 Introduced	56
H. 71 Introduced	57
Reported for committee	264
Moved to amend	282
H. 76 Introduced	57
H. 85 Introduced	60
H. 88 Introduced	62
H. 99 Introduced	71
Demanded Yeas and Nays	401
H. 105 Introduced	73
H. 109 Introduced	73
H. 112 Introduced	74
H. 121 Introduced	77
H. 140 Introduced	83
H. 156 Introduced	86
H. 200 Introduced	100
H. 208 Introduced	111
H. 217 Introduced	113
H. 232 Introduced	118
H. 234 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120
H. 267 Introduced	137
H. 273 Introduced	139
H. 293 Introduced	164
H. 304 Introduced	212
H. 308 Introduced	213
H. 314 Introduced	220
H. 331 Introduced	224
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 398 Introduced	255
H. 408 Introduced	258
H. 410 Introduced	259
H. 454 Introduced	273
H. 455 Introduced	274
H. 456 Introduced	274
H. 457 Introduced	274
H. 477 Introduced	287

Krowinski, Jill L., (continued)

H. 480 Introduced	287
H. 484 Introduced	288
H. 496 Introduced	291
H. 508 Introduced	293
H. 530 Moved to amend.....	656
H. 536 Moved to amend.....	760
Moved to amend.....	763
H. 538 Moved to amend.....	850
Moved to amend.....	851
S. 81 Reported for committee	1301
H.R. 4 Offered.....	48
Reported for committee.....	79
J.R.H. 4 Offered.....	132
J.R.H. 12 Offered	1451

Kupersmith, Michele F.

Member from South Burlington (District Chittenden-7-1)

Committee:

Commerce and Economic Development, Clerk

Workforce Development Work Group, Co-Chair

Conference on S. 155 1462

Motions, etc.

H. 51 Introduced	46
H. 80 Introduced	59
H. 95 Reported for committee.....	465
Moved to concur with further amend	1054
H. 149 Introduced	85
H. 166 Introduced	93
H. 190 Introduced	98
H. 198 Introduced	100
H. 209 Introduced	111
H. 225 Introduced	116
H. 234 Introduced	118
H. 243 Introduced	120
H. 260 Introduced	131
H. 267 Introduced	137
H. 274 Introduced	139
H. 282 Introduced	161
H. 297 Introduced	165
H. 358 Introduced	244
H. 359 Introduced	245
H. 377 Introduced	249
H. 392 Introduced	252
H. 393 Introduced	252
H. 415 Introduced	260
H. 452 Introduced	273
H. 459 Introduced	274
H. 483 Introduced	288
H. 530 Moved to amend.....	587

Kupersmith, Michele F. (continued)

S. 155 Reported for committee	1263
H.R. 10 Offered.....	613

L.**Labeling**

Alcoholic beverages. See table H. 176	2058
Warning labels on beverages. See table H. 539.....	2112

Labor

Certified contractors. See table H. 177	2058
Criminal history record inquiries; by employer. See table H. 204.....	2063
Electronic payroll card; workers' compensation. See table H. 51.....	2038
Employment breaks; requirements. See table H. 339	2083
Employers' experience-rating records. See table H. 169.....	2057
Equal pay. See table H. 99.....	2046
Establishing a livable wage. See table H. 433	2096
Fair-share fees. See table H. 64	2040
Funeral expenses; workers' compensation. See table H. 214.....	2064
Gross misconduct. See table H. 452	2098
Independent contractors. See table H. 170.....	2057
Independent direct support providers. See table H. 314	2080
Organized labor/ collective bargaining process. See table H. 435.....	2096
Payment of wages. See table H. 279.....	2075
Payment of wages. See table H. 280.....	2075
Prevailing wages. See table H. 432.....	2095
Proof of work documents. See table H. 423	2095
Unemployment compensation benefits; adjustment of. See table H. 340.....	2083
Unemployment compensation; certain school employee. See table H. 426.....	2095
Work absence for health care and safety. See table H. 208	2063
Worker's compensation statutes; mental injuries. See table H. 6.....	2032
Worker's compensation. See table H. 425	2095
Workers' compensation. See table H. 274	2074

Land Use

Act 250; oil pipelines. See table H. 27.....	2035
Commercial building faces. See table H. 400.....	2091
District environmental commissions; appeals. See table H. 144	2054
Electric generation facilities; applications for . See table H. 219	2065
Electric generation facilities; siting of. See table H. 313.....	2079
Hunting, fishing and trapping. See table H. 101.....	2046
Lake shoreland protection standards. See table H. 526	2108
Microhydroelectric projects in Vermont. See table H. 442	2097
Municipalities with designated centers. See table H. 377.....	2088
Stormwater offset projects; agricultural soils. See table H. 250	2070

Landlord and tenant

Home heating fuel assistance benefits. See table H. 254.....	2070
Landlords and tenants; rights. See table H. 239.....	2068
Overdue rent; wage withholding orders. See table H. 20.....	2034

Landlord and tenant (continued)

Rental assistance. See table H. 36.....	2036
Sale of regulated drugs in a dwelling; penalties. See table H. 79	2043
Satellite dishes on rental property. See table H. 374.....	2088
Termination of tenancy; expedited. See table H. 172	2058
Termination of tenancy; expedited. See table H. 215	2064
Water and sewer service. See table H. 228.....	2066

Lanpher, Diane M.

Member from Vergennes (District Addison-3)

Committee:

Transportation, Clerk

Motions, etc.

H. 32 Introduced	38
H. 60 Introduced	47
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 161 Introduced	92
H. 187 Introduced	98
H. 191 Introduced	99
H. 208 Introduced	111
H. 225 Introduced	116
H. 227 Introduced	117
H. 234 Introduced	118
H. 242 Introduced	120
H. 271 Introduced	138
H. 287 Introduced	162
H. 288 Introduced	163
H. 301 Introduced	212
H. 306 Introduced	213
H. 308 Introduced	213
H. 324 Introduced	222
H. 358 Introduced	244
H. 410 Introduced	259
H. 439 Introduced	270
H. 510 Explained vote.....	427
Explained vote.....	461
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140

Larocque, Leigh B.

Member from Barnet (District Caledonia-1)

Committee:

Corrections and Institutions

Motions, etc.

H. 49 Introduced	45
H. 97 Introduced	70
H. 112 Demanded Yeas and Nays.....	1500

Larocque, Leigh B., (continued)

H. 118 Introduced	76
H. 129 Introduced	80
H. 133 Introduced	81
H. 180 Introduced	96
H. 245 Introduced	125
H. 255 Introduced	128
H. 282 Introduced	161
H. 294 Introduced	164
H. 443 Introduced	271
H. 463 Introduced	275
H. 464 Introduced	275
H. 465 Introduced	276
H. 478 Introduced	287
H. 528 Explained vote.....	546

Law Enforcement

Driving privileges; undocumented VT residents. See table H. 290	2076
Law enforcement officer; licensing/regulation. See table H. 61	2040
Location information; wireless telecommunications. See table H. 132	2052
Prescription records at pharmacies; access. See table H. 121	2050
Residential service homes; placement of. See table H. 221	2065
Snowmobile registration proceeds; law enforcement. See table H. 167	2057

Lawrence, Richard H.

Member from Lyndon (District Caledonia-4)

Committee:

Agriculture and Forest Products, Vice Chair

Motions, etc.

H. 23 Introduced	30
H. 49 Introduced	45
H. 97 Introduced	70
H. 133 Introduced	81
H. 245 Introduced	125
H. 255 Introduced	128
H. 267 Introduced	137
H. 282 Introduced	161
H. 382 Introduced	250
H. 443 Introduced	271
H. 465 Introduced	276
H. 528 Explained vote.....	546
H. 542 Moved to commit	1274
S. 157 Demanded Yeas and Nays	1522
J.R.H. 9 Offered	905

Legislature

Broadband; minimum technical service. See table H. 485	2102
Charter changes; legislative approval. See table H. 184	2059
Government Accountability Committee. See table H. 474	2101
Legislative records. See table H. 498	2104
Statutory revision. See table H. 13	2033
Technical corrections. See table H. 26	2035

Lenes, Joan G.

Member from Shelburne (District Chittenden-5-2)

Committee:

Corrections and Institutions, Clerk

Serious Functional Impairments

Motions, etc.

H. 76 Introduced	57
H. 85 Introduced	60
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 121 Introduced	77
H. 123 Introduced	77
H. 132 Introduced	81
H. 135 Introduced	82
H. 137 Introduced	82
H. 173 Introduced	95
H. 202 Introduced	105
H. 208 Introduced	111
H. 209 Introduced	111
H. 225 Introduced	116
H. 238 Introduced	119
H. 242 Introduced	120
H. 267 Introduced	137
H. 271 Introduced	138
H. 279 Introduced	156
H. 324 Introduced	222
H. 340 Introduced	226
H. 344 Introduced	238
H. 349 Introduced	239
H. 351 Introduced	240
H. 355 Introduced	241
H. 370 Introduced	247
H. 375 Introduced	248
H. 390 Introduced	252
H. 398 Introduced	255
H. 403 Introduced	256
H. 432 Introduced	269
H. 433 Introduced	269
H. 435 Introduced	269
H. 445 Introduced	272
H. 459 Introduced	274
H. 463 Introduced	275
H. 464 Introduced	275
H. 526 Explained vote.....	543
S. 11 Reported for committee	1288
H.R. 4 Offered.....	48
J.R.H. 1 Offered.....	52
J.R.H. 12 Offered.....	1451

Lewis, Patti J.

Member from Berlin (District Washington-1)

Committee:

Education, Ranking Member

Motions, etc.

H. 11 Introduced	25
H. 60 Introduced	47
H. 76 Introduced	57
H. 82 Introduced	59
H. 97 Introduced	70
H. 118 Introduced	76
H. 133 Introduced	81
H. 225 Introduced	116
H. 245 Introduced	125
H. 267 Introduced	137
H. 282 Introduced	161
H. 355 Introduced	241
H. 382 Introduced	250
H. 443 Introduced	271
H. 465 Introduced	276
H. 469 Introduced	277
H. 527 Introduced	528
H. 528 Explained vote.....	546
S. 14 Explained vote	882
S. 77 Explained vote	1017
J.R.H. 1 Offered	52

Liability

Agricultural workers and employers; tax liability. See table H. 514	2106
Enhanced 911 system; limiting liability. See table H. 359	2086
Skiing off trail, liability. See table H. 294	2077

Licensing Requirements

Veteran designation; motor vehicle licenses. See table H. 49	2038

Licensure

Alcoholic beverage wholesale dealers; employees. See table H. 191	2060
Commercial catering licenses. See table H. 300	2078
Designated residential service homes. See table H. 222	2065
Fourth class licenses. See table H. 249	2070
Industrial hemp licenses; authorization. See table H. 490	2103
Limited first class licenses. See table H. 40	2037
Malt or vinous beverages; sale to retail dealers. See table H. 180	2059
Therapeutic fishing license. See table H. 110	2048

Lippert, William J.

Member from Hinesburg (District Chittenden-4-2)

Committee:

Administrative Hearing Officers Study Committee, Chair

Corrections Oversight

Judicial Rules

Lippert, William J., (continued)

Judiciary, Chair	
Conference on S. 1	1298
Conference on S. 148	1524

Motions, etc.

H. 1 Introduced	23
H. 7 Introduced	24
Moved to commit	91
H. 14 Moved to amend	298
H. 30 Introduced	38
H. 38 Introduced	40
H. 41 Introduced	41
H. 60 Introduced	47
H. 65 Introduced	52
Moved to postpone action	373
Reported for committee	508
H. 76 Introduced	57
H. 109 Introduced	73
H. 112 Explained vote	1463
H. 123 Introduced	77
H. 126 Introduced	78
H. 153 Introduced	86
H. 173 Introduced	95
H. 209 Introduced	111
H. 242 Introduced	120
H. 248 Introduced	126
H. 265 Moved to substitute amend	232
Moved to amend	235
H. 315 Introduced	220
H. 445 Introduced	272
H. 522 Moved to postpone action	457
Moved to amend	475
Moved to amend	523
H. 523 Moved to concur with further amend	1820
H. 540 Introduced	905
S. 132 Moved to commit	848
J.R.H. 1 Offered	52

Liquor Control

Alcoholic beverage sampling. See table H. 91	2044
Liquor control investigations; enforcement. See table H. 14	2033

Long-term Care

Long-term care policies; elimination periods. See table H. 390	2090

Low Income

Low-income households; school meals. See table H. 60	2040

M.**Macaig, Terence D.**

Member from Williston (District Chittenden-2)

Committee:

Corrections and Institutions

Motions, etc.

H. 31 Introduced	38
H. 60 Introduced	47
H. 87 Introduced	62
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 136 Introduced	82
H. 173 Introduced	95
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 225 Introduced	116
H. 232 Introduced	118
H. 242 Introduced	120
H. 279 Introduced	156
H. 315 Introduced	220
H. 324 Introduced	222
H. 339 Introduced	226
H. 344 Introduced	238
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 390 Introduced	252
H. 410 Introduced	259
H. 412 Introduced	260
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 435 Introduced	269
H. 445 Introduced	272
H. 463 Introduced	275
H. 464 Introduced	275
H. 500 Introduced	291
H. 505 Introduced	293
H.R. 4 Offered.....	48
J.R.H. 12 Offered	1451

MaGill, William

Appointed First Assistant Clerk of the House 13

Malcolm, John W.

Member from Pawlet (District Rutland-Bennington)

Committee:

Natural Resources and Energy

Conference on H. 131.....712

Motions, etc.

H. 17 Introduced 29

H. 23 Introduced 30

H. 34 Introduced 38

H. 49 Introduced 45

H. 76 Introduced 57

H. 101 Moved to amend the committee report.....646

H. 121 Introduced 77

H. 131 Introduced 81

Reported for committee.....129

Requested Committee of Conference.....711

H. 171 Introduced 94

H. 180 Introduced 96

H. 187 Introduced 98

H. 213 Introduced 112

H. 234 Introduced 118

H. 242 Introduced 120

H. 329 Introduced 224

H. 405 Reported for committee.....411

H. 490 Introduced 290

H. 500 Introduced 291

H. 522 Demanded Yeas and Nays.....505

H. 530 Moved to amend.....586

S. 18 Explained vote 1632

Malpractice

Medical malpractice cases; notice of intent. See table H. 404.....2092

Medical unprofessional conduct; posting of. See table H. 350.....2084

Manwaring, Ann P.

Member from Wilmington (District Windham-6)

Committee:

Appropriations

Serious Functional Impairments

Motions, etc.

H. 62 Introduced 51

H. 88 Introduced 62

H. 97 Introduced 70

H. 108 Introduced 73

H. 109 Introduced 73

H. 149 Introduced 85

H. 169 Introduced 94

H. 171 Introduced 94

H. 182 Recommended for committee 307

H. 234 Introduced 118

Manwaring, Ann P. (continued)

H. 265 Recommended for committee	217
H. 270 Explained vote.....	1022
H. 301 Introduced	212
H. 403 Recommended for committee	833
H. 453 Introduced	273
H. 521 Recommended for committee	707
H. 533 Moved to amend.....	656
S. 130 Recommended for committee	1433
J.R.H. 12 Offered	1451

Marcotte, Michael J.

Member from Coventry (District Orleans-2)

Committee:

Commerce and Economic Development, Vice Chair

Conference on H. 169.....	1462
Conference on H. 39.....	972
Conference on S. 129	1666
Conference on S. 155	1462

Motions, etc.

H. 23 Introduced	30
H. 39 Introduced	40
H. 51 Introduced	46
Reported for committee.....	108
Moved to amend.....	114
H. 95 Introduced	70
H. 149 Introduced	85
H. 161 Introduced	92
H. 169 Moved to concur with further amend	1294
Demanded Yeas and Nays.....	1297
H. 171 Introduced	94
H. 190 Introduced	98
H. 198 Introduced	100
H. 209 Introduced	111
H. 225 Introduced	116
H. 226 Introduced	116
H. 245 Introduced	125
H. 255 Introduced	128
H. 260 Introduced	131
H. 261 Introduced	131
H. 274 Introduced	139
H. 277 Introduced	155
H. 282 Introduced	161
H. 286 Introduced	162
H. 297 Introduced	165
H. 299 Introduced	165
Reported for committee.....	374
H. 359 Introduced	245
H. 362 Introduced	245
H. 377 Introduced	249
H. 415 Introduced	260

Marcotte, Michael J., (continued)

H. 452 Introduced	273
H. 469 Introduced	277
H. 522 Moved to amend	521
H. 530 Moved to amend	587
S. 14 Moved to amend	893
S. 129 Reported for committee	1437
Moved to amend	1512
H.R. 4 Offered	48
J.R.H. 9 Offered	905
J.R.H. 12 Offered	1451

Marek, Richard J.

Member from Newfane (District Windham-5)

Committee:

Administrative Rules, Vice Chair

Judiciary

Motions, etc.

H. 38 Introduced	40
H. 60 Introduced	47
H. 65 Introduced	52
H. 76 Introduced	57
H. 88 Introduced	62
H. 97 Introduced	70
H. 112 Introduced	74
Explained vote	1502
H. 121 Introduced	77
H. 169 Introduced	94
H. 181 Introduced	97
H. 200 Introduced	100
Explained vote	747
H. 265 Explained vote	217
H. 289 Introduced	163
H. 294 Introduced	164
H. 338 Introduced	225
H. 410 Introduced	259
H. 413 Introduced	260
H. 416 Introduced	261
H. 419 Introduced	261
H. 487 Introduced	289
H. 510 Explained vote	422
H. 530 Explained vote	562
H. 540 Introduced	905
S. 38 Explained vote	1347
Explained vote	1350
S. 59 Explained vote	1083
S. 77 Explained vote	1029
H.R. 4 Offered	48

Marijuana

Marijuana; regulation and taxation. See table H. 499.....	2104
Medical marijuana caregivers. See table H. 500.....	2104
Possession of marijuana; civil penalties. See table H. 200	2062
PTSD; use of marijuana. See table H. 213.....	2064

Martin, Cynthia T.

Member from Springfield (District Windsor-3-2)

Committee:

Agriculture and Forest Products

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 98 Introduced	71
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 124 Introduced	78
H. 130 Introduced	81
H. 138 Introduced	83
H. 174 Introduced	95
H. 209 Introduced	111
H. 213 Introduced	112
H. 225 Introduced	116
H. 273 Introduced	139
H. 289 Introduced	163
H. 301 Introduced	212
H. 349 Introduced	239
H. 398 Introduced	255
H. 445 Introduced	272
H. 500 Introduced	291
H. 540 Introduced	905
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered	52
J.R.H. 7 Offered	278
J.R.H. 12 Offered	1451

Martin, Linda J.

Member from Wolcott (District Lamoille-2)

Committee:

Government Operations, Clerk

Legislative Council

Public Records Legislative Study Committee

Conference on S. 41

Conference on S. 82

Motions, etc.

H. 13 Introduced	28
H. 21 Introduced	30

Martin, Linda J., (continued)

H. 23 Introduced	30
H. 37 Introduced	40
H. 60 Introduced	47
H. 76 Introduced	57
H. 82 Introduced	59
H. 109 Introduced	73
H. 112 Introduced	74
H. 146 Introduced	84
H. 171 Introduced	94
H. 172 Introduced	95
H. 208 Introduced	111
H. 214 Introduced	112
H. 245 Introduced	125
H. 249 Introduced	127
H. 255 Introduced	128
H. 258 Introduced	131
H. 266 Introduced	137
H. 267 Introduced	137
H. 271 Introduced	138
H. 334 Introduced	225
H. 349 Introduced	239
H. 370 Introduced	247
H. 375 Introduced	248
H. 406 Introduced	258
H. 475 Introduced	278
H. 487 Introduced	289
H. 510 Explained vote.....	827
H. 529 Reported for committee.....	703
H. 530 Moved to amend.....	586
H.R. 5 Offered.....	60
J.R.H. 1 Offered.....	52
J.R.H. 12 Offered	1451

Masland, James W.

Member from Thetford (District Windsor-Orange-2)

Committee:

Future Funding for the Vermont Center for Crime Victims Services

Ways and Means

Motions, etc.

H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 101 Reported for committee.....	656
H. 112 Introduced	74
H. 117 Introduced	76
H. 121 Introduced	77
H. 149 Introduced	85
H. 151 Introduced	85
H. 154 Introduced	86

Masland, James W., (continued)

H. 165 Introduced	93
H. 166 Introduced	93
H. 173 Introduced	95
H. 174 Introduced	95
H. 192 Introduced	0
H. 193 Introduced	99
H. 194 Introduced	99
H. 195 Introduced	99
H. 196 Introduced	100
H. 197 Introduced	100
H. 200 Introduced	100
H. 209 Introduced	111
H. 213 Introduced	112
H. 214 Introduced	112
H. 225 Introduced	116
H. 226 Recommended for committee	791
H. 242 Introduced	120
H. 267 Introduced	137
H. 271 Introduced	138
H. 323 Introduced	222
H. 324 Introduced	222
H. 325 Introduced	223
H. 349 Introduced	239
H. 375 Introduced	248
H. 409 Introduced	259
H. 410 Introduced	259
H. 411 Introduced	259
H. 412 Introduced	260
H. 439 Introduced	270
H. 455 Introduced	274
H. 456 Introduced	274
H. 457 Introduced	274
H. 485 Introduced	288
H. 486 Introduced	289
H. 487 Introduced	289
H. 490 Introduced	290
H. 499 Introduced	291
H. 500 Introduced	291
H. 503 Introduced	292
H. 510 Recommended for committee	413
Explained vote	461
S. 150 Recommended for committee	927
H.R. 4 Offered	48
H.R. 7 Offered	140
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

McCarthy, Michael D.

Member from St. Albans City (District Franklin-3-1)

Committee:

Transportation

Motions, etc.

H. 2 Reported for committee.....	333
H. 17 Introduced	29
H. 32 Introduced	38
H. 84 Introduced	59
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
H. 135 Introduced	82
H. 166 Introduced	93
H. 200 Introduced	100
H. 267 Introduced	137
H. 279 Introduced	156
H. 289 Introduced	163
H. 315 Introduced	220
H. 319 Introduced	221
H. 324 Introduced	222
H. 338 Introduced	225
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 382 Introduced	250
H. 408 Introduced	258
H. 409 Introduced	259
H. 439 Introduced	270
H. 454 Introduced	273
H. 460 Introduced	275
H. 490 Introduced	290
H. 517 Introduced	318
H. 530 Moved to amend.....	656
S. 18 Reported for committee	1628
S. 150 Moved to amend	1038
H.R. 4 Offered.....	48
J.R.H. 12 Offered	1451

McCormack, Curtis A.

Member from Burlington (District Chittenden-6-3)

Committee:

Natural Resources and Energy

Motions, etc.

H. 40 Introduced	40
H. 49 Introduced	45
H. 60 Introduced	47
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74

McCormack, Curtis A., (continued)

H. 118 Introduced	76
H. 147 Introduced	84
H. 173 Introduced	95
H. 184 Introduced	97
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 232 Introduced	118
H. 242 Introduced	120
H. 252 Introduced	127
H. 271 Introduced	138
H. 289 Introduced	163
H. 315 Introduced	220
H. 325 Introduced	223
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 412 Introduced	260
H. 439 Introduced	270
H. 470 Introduced	277
H. 478 Introduced	287
H. 480 Introduced	287
H. 484 Introduced	288
H. 491 Introduced	290
H. 496 Introduced	291
H. 508 Introduced	293
H. 530 Moved to amend.....	656
Moved to amend.....	586
Explained vote.....	598
H. 536 Moved to amend.....	760
Moved to amend.....	763
H. 538 Moved to amend.....	850
Moved to amend.....	851
S. 159 Reported for committee	702
J.R.H. 4 Offered	132
J.R.H. 12 Offered	1451

McCullough, James M.

Member from Williston (District Chittenden-2)

Committee:

Fish, Wildlife & Water Resources, Vice Chair
 Lake Shoreland Protection Commission Working Group
 Lake Shoreland Protection Commission

Motions, etc.

H. 60 Introduced	47
H. 83 Introduced	59
H. 86 Introduced	62
H. 101 Reported for committee.....	632
Moved to amend.....	661
Moved to concur with further amend	1374

McCullough, James M., (continued)

H. 109 Introduced	73
H. 110 Introduced	74
H. 111 Introduced	74
H. 112 Introduced	74
H. 121 Introduced	77
H. 157 Introduced	91
H. 159 Introduced	92
H. 171 Introduced	94
H. 173 Introduced	95
H. 175 Introduced	95
H. 176 Introduced	96
H. 196 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 213 Introduced	112
H. 232 Introduced	118
H. 241 Introduced	120
H. 271 Introduced	138
H. 289 Introduced	163
H. 291 Introduced	163
H. 293 Introduced	164
H. 301 Introduced	212
H. 314 Introduced	220
H. 315 Introduced	220
H. 317 Introduced	221
H. 323 Introduced	222
H. 329 Moved to amend.....	584
H. 367 Introduced	246
H. 372 Introduced	248
H. 375 Introduced	248
H. 410 Introduced	259
H. 412 Introduced	260
H. 445 Introduced	272
H. 500 Introduced	291
H. 505 Introduced	293
H. 526 Explained vote.....	543
H. 536 Explained vote.....	761
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 2 Offered	106
J.R.H. 5 Offered	165
J.R.H. 12 Offered	1451

McFaun, Francis M.

Member from Barre Town (District Washington-2)

Committee:

Health Care Oversight Committee
Human Services

McFaun, Francis M., (continued)

Motions, etc.

H. 43 Introduced	41
H. 64 Introduced	52
H. 70 Introduced	56
H. 76 Introduced	57
H. 104 Introduced	72
H. 105 Introduced	73
H. 118 Introduced	76
H. 133 Introduced	81
H. 140 Introduced	83
H. 165 Introduced	93
H. 173 Introduced	95
H. 200 Explained vote.....	738
H. 201 Introduced	101
H. 211 Introduced	112
H. 212 Introduced	112
H. 245 Introduced	125
H. 267 Introduced	137
H. 279 Introduced	156
H. 282 Introduced	161
H. 331 Introduced	224
H. 370 Introduced	247
H. 382 Introduced	250
H. 432 Introduced	269
H. 433 Introduced	269
H. 435 Introduced	269
H. 445 Introduced	272
H. 470 Introduced	277
H. 528 Explained vote.....	546
S. 59 Explained vote	1083
S. 129 Moved to amend House prop of amend	1513
J.R.H. 1 Offered	52

Medicaid

Dental and vision coverage. See table H. 148.....	2054
Establishing premium and cost-sharing assistance. See table H. 418	2094
Health care services; coverage. See table H. 12	2033
Medicaid benefits for U visa holders. See table H. 85.....	2043
Medicaid; chiropractic coverage. See table H. 487.....	2103
Medicaid; VHBE; Green Mountain Care Board. See table H. 107.....	2047

Medical Records

Medical records; paperless copies; charges. See table H. 309.....	2079

Memorial Services

Gregory Clark	1
Peter F. Allendorf	26
Harold Edward Billings	26
Gregory S. Clark	27
William H. Cleland	27

Memorial Services (continued)

Robert T. Gannett	27
Chester S. Ketcham.....	27
Althea P. Kroger	27
Edgar May	27
Arthur B. Sanborn.....	27
Chester P. Scott Jr.....	27
Leland James Simpson.....	27
Leo M. Valliere.....	27
Oreste V. Valsangiacomo	28
Sanborn Partridge	39
Daniel H. Deuel	238

Mental Health

Designated residential service homes. See table H. 222	2065
firearms regulation. See table H. 124.....	2051
Inpatient psychiatric facilities; staff safety. See table H. 344	2084
Mental health admissions; probable cause. See table H. 113.....	2049
Mental Health Care Ombudsman; office of. See table H. 201.....	2062
Mental Health Resource \$ Referral Registry. See table H. 115.....	2049
Mental health services; reorganization of . See table H. 15.....	2033
Mental health services; Vermont public schools. See table H. 89	2044
National Instant Criminal Background Check System. See table H. 467	2100
Residential care/ group homes; muni land use. See table H. 143	2054
Residential service homes; placement of. See table H. 221.....	2065

Michelsen, Kristina I.

Member from Hardwick (District Caledonia-2)

Committee:

Agriculture and Forest Products

Judicial Rules

Motions, etc.

H. 99 Introduced	71
H. 112 Moved to amend.....	1460
H. 200 Introduced	100
H. 300 Introduced	211
H. 315 Introduced	220
H. 375 Introduced	248
H. 487 Introduced	289
H. 490 Introduced	290
H. 492 Introduced	290
H.R. 4 Offered.....	48
J.R.H. 12 Offered.....	1451

Military

Armed forces members; professional licensing. See table H. 275.....	2074
Nonjudicial discipline. See table H. 74.....	2042
Retired military pay; exemption from income tax. See table H. 466.....	2100
Sexual assault; National Guard. See table H. 109.....	2048
Vermont Veterans' Medal. See table H. 59.....	2039

Miller, Alice

Member from Shaftsbury (District Bennington-3)

Committee:

Appropriations

Motions, etc.

H. 60 Introduced	47
H. 65 Introduced	52
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
H. 132 Introduced	81
H. 148 Introduced	85
H. 234 Introduced	118
H. 242 Introduced	120
H. 267 Introduced	137
H. 273 Introduced	139
H. 330 Introduced	224
H. 338 Introduced	225
H. 410 Introduced	259
H.R. 4 Offered.....	48
H.R. 12 Offered.....	1800
J.R.H. 12 Offered	1451

Milne, Donald G.

Elected Clerk of the House 12

Oath administered by grandson, Alex Frey 12

Minors

Child victims of physical abuse; court procedure . See table H. 436.....	2096
Children and families; criminal justice system. See table H. 457.....	2099
Children of incarcerated fathers. See table H. 456.....	2098
Guardianship of minors. See table H. 256.....	2070
Minor children; impact of sentencing. See table H. 455.....	2098
Noncustodial parent's access to records. See table H. 486.....	2102
Parental rights and responsibilities; shared. See table H. 323.....	2081

Mitchell, John I.

Member from Fairfax (District Franklin-2)

Committee:

Health Care

Motions, etc.

H. 82 Introduced	59
H. 97 Introduced	70
H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 147 Introduced	84
H. 180 Introduced	96
H. 200 Introduced	100
H. 245 Introduced	125
H. 371 Introduced	247
H. 443 Introduced	271

Mitchell, John I., (continued)

H. 465 Introduced	276
H. 469 Introduced	277

Mobile Homes

Taxation of mobile homes; mobile home parks. See table H. 419.....	2094

Mook, Anne H.

Member from Bennington (District Bennington-2-2)

Committee:

Administrative Hearing Officers Study Committee

Government Operations

Conference on S. 41	1799

Motions, etc.

H. 5 Introduced	24
H. 10 Introduced	25
H. 18 Reported for committee.....	237
H. 37 Introduced	40
H. 56 Introduced	47
H. 67 Introduced	56
H. 82 Introduced	59
H. 99 Introduced	71
H. 109 Introduced	73
H. 114 Introduced	75
H. 121 Introduced	77
H. 234 Introduced	118
H. 242 Introduced	120
H. 358 Introduced	244
H. 370 Introduced	247
H. 406 Introduced	258
H. 535 Moved to postpone action	837
Moved to postpone action	1019
Reported for committee.....	1021
Moved to amend.....	1021
H.R. 4 Offered.....	48

Moran, John T.

Member from Wardsboro (District Windham-Bennington)

Committee:

General, Housing and Military Affairs, Vice Chair

Conference Committee on S. 61.....	1637

Motions, etc.

H. 23 Introduced	30
H. 49 Introduced	45
H. 69 Introduced	56
H. 74 Introduced	57
H. 85 Introduced	60
H. 97 Introduced	70
H. 99 Introduced	71
H. 109 Introduced	73

Moran, John T., (continued)

H. 115 Introduced	75
H. 121 Introduced	77
H. 169 Introduced	94
H. 171 Introduced	94
H. 207 Introduced	110
H. 208 Introduced	111
H. 214 Introduced	112
H. 225 Introduced	116
H. 232 Introduced	118
H. 235 Introduced	119
H. 236 Introduced	119
H. 242 Introduced	120
H. 279 Introduced	156
H. 280 Introduced	156
H. 289 Introduced	163
H. 301 Introduced	212
H. 310 Introduced	214
H. 314 Introduced	220
H. 338 Introduced	225
H. 339 Introduced	226
H. 340 Introduced	226
H. 341 Introduced	226
H. 342 Introduced	226
H. 344 Introduced	238
H. 352 Introduced	240
H. 355 Introduced	241
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 434 Introduced	269
H. 435 Introduced	269
H. 453 Introduced	273
H. 468 Introduced	276
H. 489 Introduced	289
H. 492 Introduced	290
H. 493 Introduced	290
H. 500 Introduced	291
H. 530 Moved to amend.....	656
H. 538 Moved to amend.....	850
S. 14 Reported for committee	852
S. 129 Moved to amend House prop of amend	1513
H.R. 4 Offered.....	48

Morrissey, Mary A.

Member from Bennington (District Bennington-2-2)

Committee:

Health Care

Morrissey, Mary A. (continued)

Motions, etc.

H. 378 Introduced	249
H. 382 Introduced	250
H. 443 Introduced	271
H. 465 Introduced	276
H. 520 Explained vote.....	518
H. 530 Explained vote.....	566
H. 536 Demanded Yeas and Nays.....	761
Explained vote.....	761
S. 14 Explained vote	882
S. 59 Demanded Yeas and Nays	1078
Explained vote.....	1078
S. 77 Moved to amend	1007

Motor Vehicles

"I Support Veterans" license plate. See table H. 44.....	2037
Aftermarket parts; automobile insurance. See table H. 362.....	2086
Branding titles; flooded motor vehicles. See table H. 153.....	2055
Child restraint system law; penalties. See table H. 135	2053
Consumer protection; motor vehicles. See table H. 165	2056
Driver's license reinstatement; ignition interlock. See table H. 305	2078
Driving and identification privileges in Vermont. See table H. 289.....	2076
Driving under the influence of alcohol or drugs. See table H. 501.....	2104
Fuel pilot programs; school bus alternative. See table H. 196.....	2061
Illuminating vehicle lights; windshield wipers. See table H. 46.....	2037
Motor vehicle excessive noise; prohibiting. See table H. 45	2037
Motor vehicles; unnecessary idling. See table H. 288	2076
Operation of motor vehicles; snow/ice obstruction. See table H. 387	2090
Operator's licenses; older drivers; requirements. See table H. 154.....	2055
Passing and yielding to vulnerable users. See table H. 209	2064
Portable electric devices in work zones. See table H. 161.....	2056
Portable electronic devices; driving; seat belts. See table H. 187.....	2060
Portable electronic device; prohibiting use of. See table H. 62	2040
Primary seat belt enforcement. See table H. 38.....	2036
Smoking in vehicle; children in car. See table H. 70	2041
Snowmobile registration proceeds; law enforcement. See table H. 167.....	2057
Speeding in school zones. See table H. 306.....	2079
Texting while driving; penalties. See table H. 17	2034
Titling vehicles more than 15 years old. See table H. 261.....	2071
Town highways; speed limits. See table H. 183	2059
Veteran designation; motor vehicle licenses. See table H. 49	2038

Motorboats

Motorboat registration periods. See table H. 238	2068
Motorboats; noise levels. See table H. 86.....	2044

Mrowicki, Michael

Member from Putney (District Windham-4)

Committee:

Human Services

Motions, etc.

H. 23 Introduced	30
H. 43 Introduced	41
H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 97 Introduced	70
H. 105 Introduced	73
H. 107 Explained vote.....	368
H. 109 Introduced	73
H. 112 Introduced	74
Explained vote.....	1463
H. 117 Introduced	76
H. 121 Introduced	77
H. 123 Introduced	77
H. 124 Introduced	78
H. 125 Introduced	78
H. 135 Introduced	82
H. 140 Introduced	83
H. 166 Introduced	93
H. 171 Introduced	94
H. 200 Introduced	100
Explained vote.....	747
H. 208 Introduced	111
H. 209 Introduced	111
H. 217 Introduced	113
H. 230 Introduced	117
H. 234 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120
H. 267 Introduced	137
H. 271 Introduced	138
H. 273 Introduced	139
H. 289 Introduced	163
H. 301 Introduced	212
H. 331 Introduced	224
H. 349 Introduced	239
H. 367 Introduced	246
H. 398 Introduced	255
H. 412 Introduced	260
H. 455 Introduced	274
H. 456 Introduced	274
H. 457 Introduced	274
H. 477 Introduced	287
H. 484 Introduced	288
H. 485 Introduced	288
H. 487 Introduced	289

Mrowicki, Michael, (continued)

H. 495 Introduced	291
H. 500 Introduced	291
H. 505 Introduced	293
H. 508 Introduced	293
H. 510 Explained vote.....	427
Explained vote.....	827
H. 520 Explained vote.....	518
H. 530 Moved to amend.....	656
S. 38 Explained vote	1350
S. 59 Explained vote	1083
S. 156 Reported for committee	1524
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered.....	52

Municipal and County Government**Charter Amendments**

Charter amendment; Winooski Incorporated School . See table H. 529.....	2109
Charter changes; legislative approval. See table H. 184	2059
Charter of the City of Barre. See table H. 512	2106
Charter of the City of Winooski. See table H. 534.....	2110
Charter of the Town of Brattleboro. See table H. 537.....	2111
Charter of the Town of Northfield. See table H. 527	2109
Charter of the Town of St. Albans. See table H. 517	2107
Charter of the Town of Stowe. See table H. 525.....	2108
Charter of the Town of Woodford. See table H. 535	2111
Charter of the Village of Essex Junction. See table H. 541	2112
City of South Burlington; charter amendment. See table H. 392.....	2090
City of South Burlington; charter change. See table H. 393	2090

Miscellaneous

Annual survey of municipalities; repealing. See table H. 63	2040
Certificate of public good; Public Service Board. See table H. 348	2084
Commercial building faces. See table H. 400	2091
County deputy sheriffs; retirement. See table H. 475	2101
Electric generation plants; siting of. See table H. 245	2069
Electric vehicles. See table H. 231.....	2066
In-state electric generation facilities. See table H. 246	2069
Powers of municipalities. See table H. 92.....	2045
Regional planning commissions; powers. See table H. 450.....	2098

Municipal and County Government, (continued)

Sheriffs and deputy sheriffs. See table H. 428	2095
the manufacture of knives; regulation. See table H. 128.....	2052
Town highways; speed limits. See table H. 183.....	2059
Town listers, assessors and auditors. See table H. 406	2092
Town records; digital format. See table H. 253	2070
Water and sewer service. See table H. 228	2066

Myers, Linda K.

Member from Essex (District Chittenden-8-1)

Committee:

Administrative Rules

Corrections and Institutions, Vice Chair

Motions, etc.

H. 23 Introduced	30
H. 76 Introduced	57
H. 82 Introduced	59
H. 87 Introduced	62
H. 97 Introduced	70
H. 99 Introduced	71
H. 118 Introduced	76
H. 133 Introduced	81
H. 243 Introduced	120
H. 245 Introduced	125
H. 267 Introduced	137
H. 307 Introduced	213
H. 378 Introduced	249
H. 382 Introduced	250
H. 423 Introduced	262
H. 443 Introduced	271
H. 465 Introduced	276
H. 467 Introduced	276
H. 510 Explained vote.....	427
S. 99 Reported for committee	1310
J.R.H. 1 Offered	52

N.**National Guard**

adjutant and Inspector General. See table H. 382	2089
National Guard. See table H. 536	2111
Vermont National Guard. See table H. 376	2088

Native Americans

Office of Native American Affairs. See table H. 84	2043

Natural Resources

Act 250; primary agricultural soils. See table H. 449	2098
ANR costs; reimbursement. See table H. 4.....	2032
Harvesting guidelines; procurement standards. See table H. 131.....	2052
Idling of motor vehicles; limits. See table H. 327	2082

Natural Resources, (continued)

Manure management; anaerobic digesters. See table H. 405.....	2092
Perpetual conservation easements; amending. See table H. 185.....	2060
Vermont's land use control law; related statutes. See table H. 354.....	2085
Wind energy generation plants. See table H. 179	2059

Natural Resources and Energy Committee

H. 519. Introduced.....	318
H. 520. Introduced.....	319

Nonprofits

Establishing state funding eligibility; nonprofits. See table H. 407.....	2092

Notary Public

Notary public services. See table H. 18.....	2034

Nuovo, Betty A.

Member from Middlebury (District Addison-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 88 Introduced	62
H. 112 Introduced	74
H. 137 Introduced	82
H. 149 Introduced	85
H. 233 Introduced (By Request)	118
H. 234 Introduced	118
H. 235 Introduced	119
H. 241 Introduced	120
H. 242 Introduced	120
H. 243 Introduced	120
H. 267 Introduced	137
H. 270 Moved to amend.....	1022
H. 271 Introduced	138
H. 287 Introduced	162
H. 301 Introduced	212
H. 367 Introduced	246
H. 398 Introduced	255
H. 530 Moved to amend.....	586
H. 536 Explained vote.....	761
H.R. 7 Offered.....	140

O.**O'Brien, Anne T.**

Member from Richmond (District Chittenden-1)

Committee:

Appropriations

Government Accountability Committee, Co-Chair

Health Care Oversight Committee

Conference on H. 530..... 1227

Motions, etc.

H. 62 Introduced	51
H. 65 Introduced	52

O'Brien, Anne T., (continued)

H. 72 Introduced	57
H. 76 Introduced	57
H. 109 Introduced	73
H. 234 Introduced	118
H. 267 Introduced	137
H. 296 Introduced	164
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered	52

Olson, Jean

Appointed Resolution Clerk of the House	13

O'Sullivan, Jean D.

Member from Burlington (District Chittenden-6-2)

Committee:

General, Housing and Military Affairs

Conference on S. 61	1549

Motions, etc.

H. 40 Introduced	40
H. 60 Introduced	47
H. 76 Introduced	57
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 114 Introduced	75
H. 118 Introduced	76
H. 123 Introduced	77
H. 166 Introduced	93
H. 200 Introduced	100
Moved to amend.....	744
H. 204 Introduced	105
H. 206 Introduced	106
H. 208 Introduced	111
H. 234 Introduced	118
H. 242 Introduced	120
H. 243 Introduced	120
H. 275 Introduced	139
H. 280 Introduced	156
Moved to postpone action	412
Reported for committee.....	468
Moved to substitute amendment for committee report.....	469
H. 314 Introduced	220
H. 324 Introduced	222
H. 338 Introduced	225
H. 344 Introduced	238
H. 349 Introduced	239
H. 357 Introduced	244
H. 358 Introduced	244
H. 367 Introduced	246

O'Sullivan, Jean D., (continued)

H. 370 Introduced	247
H. 372 Introduced	248
H. 375 Introduced	248
H. 427 Introduced	263
H. 480 Introduced	287
H. 484 Introduced	288
H. 488 Introduced	289
H. 493 Introduced	290
H. 500 Introduced	291
H. 508 Introduced	293
H. 522 Moved to amend.....	521
S. 14 Explained vote	895
S. 61 Reported for committee	1478
H.R. 4 Offered.....	48
J.R.H. 1 Offered.....	52

Open Meetings

Open Meeting Law. See table H. 440	2096
Open meeting law. See table H. 497	2104

P.**Pages Honored**

Pages honored	155, 658, 1487

Parking; Parking Meters

Transportation Demand Management Pilot Program. See table H. 462	2099

Partridge, Carolyn W.

Member from Windham (District Windham-3)

Committee:

Agriculture and Forest Products, Chair

Motions, etc.

H. 60 Introduced	47
H. 88 Introduced	62
H. 97 Introduced	70
H. 109 Introduced	73
H. 112 Introduced	74
Demanded Yeas and Nays.....	1463
Demanded Yeas and Nays.....	1502
H. 131 Moved to commit	101
H. 161 Introduced	92
H. 215 Introduced	113
H. 218 Introduced	113
H. 235 Introduced	119
H. 236 Introduced	119
H. 239 Introduced	119
H. 255 Introduced	128
H. 303 Introduced	212

Partridge, Carolyn W., (continued)

H. 315 Introduced	220
H. 368 Introduced	247
H. 371 Introduced	247
H. 445 Introduced	272
H. 487 Introduced	289
H. 508 Introduced	293
H. 515 Moved to concur with further amend	1562
H. 526 Explained vote.....	543
H.R. 4 Offered.....	48

Pearce, Albert E.

Member from Richford (District Franklin-5)

Committee:

Appropriations

Motions, etc.

H. 23 Introduced	30
H. 62 Introduced	51
H. 97 Introduced	70
H. 166 Introduced	93
H. 255 Introduced	128
H. 267 Introduced	137
H. 296 Introduced	164
H. 321 Introduced	222
H. 322 Introduced	222

Pearson, Christopher A.

Member from Burlington (District Chittenden-6-4)

Committee:

Health Care Oversight Committee

Health Care

Motions, etc.

H. 40 Introduced	40
H. 60 Introduced	47
H. 76 Introduced	57
H. 99 Introduced	71
Explained vote.....	455
H. 109 Introduced	73
H. 112 Introduced	74
H. 147 Introduced	84
H. 200 Introduced	100
H. 204 Introduced	105
H. 208 Introduced	111
H. 209 Introduced	111
H. 213 Introduced	112
H. 225 Introduced	116
H. 227 Introduced	117
H. 232 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120

Pearson, Christopher A., (continued)

H. 259 Introduced	131
H. 263 Introduced	132
H. 270 Explained vote.....	1022
H. 271 Introduced	138
H. 279 Introduced	156
H. 289 Introduced	163
H. 293 Introduced	164
H. 301 Introduced	212
H. 314 Introduced	220
H. 315 Introduced	220
H. 339 Introduced	226
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 410 Introduced	259
H. 414 Introduced	260
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 435 Introduced	269
H. 440 Introduced	270
H. 454 Introduced	273
H. 476 Introduced	278
H. 480 Introduced	287
H. 490 Introduced	290
H. 493 Introduced	290
H. 502 Introduced	292
H. 505 Introduced	293
H. 506 Introduced	293
H. 520 Explained vote.....	518
H. 528 Explained vote.....	546
H. 530 Moved to amend.....	565
Moved to amend.....	656
Demanded Yeas and Nays.....	566
Moved to amend.....	597
Demanded Yeas and Nays.....	598
H. 536 Moved to amend.....	763
H. 538 Moved to amend.....	850
Moved to amend.....	851
H. 540 Introduced	905
S. 14 Moved to amend House prop of amend	891
Explained vote.....	895
S. 82 Demanded Yeas and Nays	1394
Explained vote.....	1394
S. 129 Moved to amend House prop of amend	1513
H.R. 9 Offered.....	281
H.R. 11 Offered.....	672
J.R.H. 4 Offered	132
J.R.H. 10 Offered	1058

Peltz, Philip

Member from Woodbury (District Lamoille-Washington)

Committee:

Education, Vice Chair

PreKindergarten-16 Council, Chair

Motions, etc.

H. 24 Introduced	31
H. 60 Introduced	47
H. 112 Introduced	74
H. 200 Introduced	100
H. 204 Introduced	105
H. 209 Introduced	111
H. 234 Introduced	118
H. 242 Introduced	120
H. 267 Introduced	137
H. 270 Introduced	138
H. 293 Introduced	164
H. 346 Introduced	239
H. 355 Introduced	241
H. 367 Introduced	246
H. 370 Introduced	247
H. 382 Introduced	250
H. 398 Introduced	255
H. 400 Introduced	255
H. 441 Introduced	271
H. 532 Introduced	583
H. 540 Introduced	905
H. 544 Introduced	1487
S. 130 Reported for committee	1418
H.R. 12 Offered.....	1800
J.R.H. 6 Offered	253
J.R.H. 12 Offered	1451

Planning

Downtown management plan. See table H. 384	2089
Regional planning commissions; powers. See table H. 450	2098

Pledge of Allegiance

Page Leah Sagan-Dworsky of Montpelier	1
Page Adam Isaacs-Falbel of Montpelier	28
Page McKenzie Lattimore of Middlesex	43
Page Stephan Brecher of Waterbury	69
Page Abigail Brewer of Berlin.....	91
Page Gianna Somarriba of Barre City.....	125
Page Abigail Mihaly of Montpelier	161
Page Samuel Carpenter of Cabot	244
Page Keegan McKenna of Warren.....	285
Page Cheyenne Steventon of Barre City.....	320
Page Emma Cosgrove of Waterbury.....	531
Page Madison Mooney of Milton	606
Page Laughlin Neuert of Richmond.....	671

Pledge of Allegiance (continued)

Page Emma Curchin of East Montpelier.....	735
Page Lauren Morse of East Montpelier	777
Page Emma Pearson of North Hero	904
Page Antonia Farrell of Norwich.....	1274
Page Elizabeth O'Hara of Ferrisburgh.....	1606

Points of Order**H. 112 (Food labeling GMO).....1500**

Objection to amendment regarding Country of origin labeling.
 For lack of germaness to the subject matter of the bill
 Ruled not well taken by the Speaker
 (Sec. 402 of Mason's)

H. 536 (Selection of Adjutant & Inspector General).....761

Objection to amendment regarding F35 fighter jet impact study.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

H. 536 (Selection of Adjutant & Inspector General).....763

Objection to amendment regarding F35 fighter jet placement.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

S. 14 (Payment of fair share fees).....891

Objection to amendment regarding school employee livable wage.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

S. 77(End of life choice)... ..1659

Objection to amendment regarding Surrogate for hospital admission.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

S. 152 (Green Mountain Care rate review authority).....1471

Objection to amendment regarding health care reform.
 For lack of germaness to the subject matter of the bill
 Ruled well taken by the Speaker
 (Sec. 402 of Mason's)

Poirier, Paul N.

Member from Barre City (District Washington-3)

Committee:

Health Care, Ranking Member

Poirier, Paul N., (continued)

Motions, etc.

H. 6 Introduced	24
H. 64 Introduced	52
H. 76 Introduced	57
H. 96 Introduced	70
H. 99 Introduced	71
H. 118 Introduced	76
H. 121 Introduced	77
H. 123 Introduced	77
H. 147 Introduced	84
H. 169 Introduced	94
Explained vote	1297
H. 171 Introduced	94
H. 173 Introduced	95
H. 201 Introduced	101
H. 208 Introduced	111
H. 209 Introduced	111
H. 232 Introduced	118
H. 279 Introduced	156
H. 310 Introduced	214
H. 314 Introduced	220
H. 315 Introduced	220
Reported for committee	313
Demanded Yeas and Nays	314
H. 316 Introduced	221
H. 340 Introduced	226
H. 343 Introduced	238
H. 349 Introduced	239
H. 363 Introduced	245
H. 370 Introduced	247
H. 375 Introduced	248
H. 410 Introduced	259
H. 412 Introduced	260
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 440 Introduced	270
H. 480 Introduced	287
H. 487 Introduced	289
H. 505 Introduced	293
H. 512 Introduced	308
H. 522 Moved to amend	524
H. 530 Moved to amend	597
Explained vote	598
Explained vote	600
H. 538 Moved to amend	850
S. 59 Demanded Yeas and Nays	1081
Explained vote	1081
S. 77 Moved to amend	1010
Demanded Yeas and Nays	1011

Poirier, Paul N., (continued)

Explained vote.....	1011
Moved to amend.....	1031
Moved to amend.....	1655
Demanded Yeas and Nays.....	1657
Demanded Yeas and Nays.....	1664
S. 82 Moved to amend	1390
Explained vote.....	1394
S. 129 Moved to amend House prop of amend	1513
Demanded Yeas and Nays.....	1515
Explained vote.....	1515
S. 152 Moved to amend	1473
Explained vote.....	1474
J.R.H. 1 Offered.....	52

Pollution; pollution control

Leaf blowers and leaf vacuums. See table H. 478	2101

Potter, David E.

Member from Clarendon (District Rutland-2)

Committee:

Transportation, Vice Chair

Conference on S. 150	1551

Motions, etc.

H. 17 Introduced	29
H. 23 Introduced	30
H. 32 Introduced	38
H. 34 Introduced	38
H. 38 Introduced	40
H. 59 Introduced	47
H. 60 Introduced	47
H. 76 Introduced	57
H. 121 Introduced	77
H. 131 Introduced	81
H. 151 Introduced	85
H. 165 Introduced	93
H. 180 Introduced	96
H. 187 Introduced	98
H. 242 Introduced	120
H. 245 Introduced	125
H. 257 Introduced	130
H. 268 Introduced	138
H. 288 Introduced	163
H. 292 Introduced	164
H. 382 Introduced	250
H. 398 Introduced	255
H. 409 Introduced	259
H. 439 Introduced	270
H. 443 Introduced	271
H. 501 Introduced	292

Potter, David E. (continued)

J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Prescription drugs

Evidence-based prescription drug information. See table H. 391.....	2090
Controlled substances; replacement prescriptions. See table H. 364.....	2086
Health care facility discharge prescriptions. See table H. 252.....	2070
Lyme disease; tick-borne illnesses. See table H. 123	2051
Prescription drug gift ban; exemptions. See table H. 278.....	2074
Prescription records at pharmacies; access. See table H. 121	2050
VPharm premium adjustment. See table H. 363.....	2086

Professions and Occupations

Armed forces members; professional licensing. See table H. 275.....	2074
Continuing medical education requirements. See table H. 68	2041
Health care professional transparency. See table H. 25	2035
Licensed dental practitioners; regulating. See table H. 273.....	2074
Medical unprofessional conduct; posting of. See table H. 350.....	2084
Office of Professional Regulation. See table H. 205	2063
Property inspectors; licensing and regulating. See table H. 227	2066
Veterinary dentistry. See table H. 347	2084

Property

Building 617 in Essex. See table H. 531.....	2110
Condos & common interest communities; arbitration. See table H. 7.....	2033
Court judgments on personal property; execution of. See table H. 357.....	2085
Disclosure; right-of-way proposals; real estate. See table H. 248	2069
Unlawful trespass. See table H. 156	2055

Public Health

Flame retardants; regulation of. See table H. 241.....	2068
Green burials. See table H. 83	2043

Public Oversight

Budget process; public participation. See table H. 489	2103

Public Records

Annual survey of municipalities; repealing. See table H. 63.....	2040
Public Records Act exemptions. See table H. 54.....	2039

Public Safety

Amusement rides; safety inspections. See table H. 255.....	2070
Criminal history record inquiries; by employer. See table H. 204.....	2063
Electronic control devices; law enforcement. See table H. 126.....	2051
Emergency management; municipalities. See table H. 195.....	2061
F-35 adverse Impacts Compensation Board. See table H. 302	2078
Nonjudicial discipline. See table H. 74.....	2042
Property inspectors; licensing and regulating. See table H. 227	2066
Search and rescue. See table H. 182	2059
Swimming pools; abandoned. See table H. 503.....	2105
Unlawful firearm disposition; unlawful disposition. See table H. 125	2051

Public schools

Community emergency shelters; public schools. See table H. 151	2055
Electronic devices; use by public school students. See table H. 282	2075
Immunization rates; public school students. See table H. 138.....	2053
Public schools; adopting a statewide calendar. See table H. 82.....	2043

Public Service

Certificate of public good; Public Service Board. See table H. 348	2084
Consumer protections; cellular services. See table H. 284	2075
Department of Public Service. See table H. 297.....	2077
Dept. of Public Service; Public Service Board. See table H. 39.....	2036
Director for Consumer Advocacy. See table H. 414.....	2093
Electric generation facilities; applications for . See table H. 219	2065
Electric generation facilities; siting of. See table H. 313.....	2079
Electric vehicles; air pollution control rules. See table H. 333.....	2082
Enhanced 911 system; limiting liability. See table H. 359	2086
Net metering systems. See table H. 366	2086
Nuclear energy plants; funding postclosure . See table H. 139.....	2053
Prevailing wages. See table H. 432.....	2095
Rail propane industry; regulation of. See table H. 117	2050
Renewable technologies for heating and cooling. See table H. 437	2096
Siting in-state electric generation facilities. See table H. 446.....	2097
Statewide land use plan. See table H. 9	2033
Vermont electric industry; public ownership. See table H. 259.....	2071

Public Transportation

Reducing petroleum; energy use; transportation. See table H. 439	2096

Public works

Consecutive public water systems. See table H. 424.....	2095

Pugh, Ann D.

Member from South Burlington (District Chittenden-7-2)

Committee:

Human Services, Chair

Mental Health Oversight, Vice Chair

Motions, etc.

H. 19 Introduced	30
H. 43 Introduced	41
H. 60 Introduced	47
H. 71 Moved to postpone action	256
H. 73 Introduced	57
H. 76 Introduced	57
H. 80 Introduced	59
H. 99 Introduced	71
H. 105 Introduced	73
H. 115 Moved to commit	617
H. 122 Introduced	77
H. 140 Introduced	83
H. 241 Introduced	120

Pugh, Ann D., (continued)

H. 276 Moved to commit	154
H. 284 Introduced	162
H. 293 Introduced	164
H. 315 Introduced	220
H. 328 Moved to commit	617
H. 331 Introduced	224
H. 371 Introduced	247
H. 373 Introduced	248
H. 392 Introduced	252
H. 393 Introduced	252
H. 484 Introduced	288
H. 488 Introduced	289
H. 502 Moved to commit	533
H. 508 Introduced	293
H. 522 Spoke for committee	475
Moved to concur with further amend	1566
S. 73 Moved to commit	584
S. 77 Moved to commit	886
S. 156 Moved to commit	534
H.R. 4 Offered	48
Raised a Point of Order	50
J.R.H. 1 Offered	52

Q.**Quimby, Constance N.**

Member from Concord (District Essex-Caledonia)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 49 Introduced	45
H. 118 Introduced	76
H. 133 Introduced	81
H. 245 Introduced	125
H. 401 Spoke for committee	284
H. 443 Introduced	271
H. 465 Introduced	276
H. 528 Explained vote	546

R.**Rachelson, Barbara**

Member from Burlington (District Chittenden-6-6)

Committee:

Education

Conference on S. 4 1549

Motions, etc.

H. 60 Introduced	47
H. 88 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
H. 200 Introduced	100

Rachelson, Barbara (continued)

H. 208 Introduced	111
H. 227 Introduced	117
H. 234 Introduced	118
H. 242 Introduced	120
H. 267 Introduced	137
H. 358 Introduced	244
H. 409 Introduced	259
H. 484 Introduced	288
H. 538 Explained vote.....	846
H.R. 7 Offered.....	140
J.R.H. 1 Offered.....	52
J.R.H. 12 Offered	1451

Railroad

Highway-rail grade crossings. See table H. 459	2099
State-owned railbanked rail property. See table H. 166.....	2057
West Rutland; rail crossing projects. See table H. 34.....	2036

Ralston, Paul D.

Member from Middlebury (District Addison-1)

Committee:

Commerce and Economic Development

Motions, etc.

H. 51 Introduced	46
H. 174 Introduced	95
H. 190 Introduced	98
H. 245 Introduced	125
H. 255 Introduced	128
H. 284 Introduced	162
H. 286 Introduced	162
H. 287 Introduced	162
H. 301 Introduced	212
H. 359 Introduced	245
H. 377 Introduced	249
H. 414 Introduced	260
H. 415 Introduced	260
H. 482 Introduced	288
H. 504 Introduced	292

Ralston, Paul D. (continued)

S. 7 Moved to commit.....	1086
Reported for committee.....	1367
Demanded Yeas and Nays.....	1383

Ram, Kesha K.

Member from Burlington (District Chittenden-6-4)

Committee:

Legislative Information Technology

Ways and Means

Conference on H. 295.....	1683

Ram, Kesha K., (continued)

Motions, etc.

H. 19 Introduced	30
H. 40 Introduced	40
H. 60 Introduced	47
H. 62 Introduced	51
H. 85 Introduced	60
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 122 Introduced	77
H. 124 Introduced	78
H. 125 Introduced	78
H. 127 Introduced	80
H. 132 Introduced	81
H. 150 Introduced	85
H. 174 Introduced	95
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 224 Introduced	116
H. 225 Introduced	116
H. 234 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120
H. 267 Introduced	137
H. 271 Introduced	138
H. 279 Introduced	156
H. 289 Introduced	163
H. 293 Introduced	164
H. 295 Spoke for committee	237
H. 301 Introduced	212
H. 308 Introduced	213
H. 314 Introduced	220
H. 315 Introduced	220
H. 338 Introduced	225
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 408 Introduced	258
H. 410 Introduced	259
H. 411 Introduced	259
H. 454 Introduced	273
H. 484 Introduced	288
H. 487 Introduced	289
H. 490 Introduced	290
H. 493 Introduced	290
H. 494 Introduced	290
H. 534 Recommended for committee	1301
H. 540 Introduced	905

Ram, Kesha K., (continued)

S. 38 Recommended for committee	1288
S. 61 Recommended for committee	1482
S. 130 Recommended for committee	1433
H.R. 7 Offered.....	140
J.R.H. 5 Offered	165
J.R.H. 12 Offered	1451

Real Estate

Energy facilities; construction proposals. See table H. 220.....	2065
Scope of pious property; property taxes; exemption. See table H. 119	2050

Recreation

Amusement rides; safety inspections. See table H. 255.....	2070
Skiing off designated trails; trespass. See table H. 334	2082
Use of public school property. See table H. 122.....	2051
Vermont Gaming Commission. See table H. 186.....	2060

Regulated Drugs

Selling regulated drugs near schools, child care. See table H. 268.....	2073

Regulations

Department of Financial Regulation. See table H. 203.....	2062
Electrical installations. See table H. 175	2058
Law enforcement officer; licensing/regulation. See table H. 61.....	2040
Retail propane industry; state regulation. See table H. 96	2045
the manufacture of knives; regulation. See table H. 128	2052
Vermont's motor fuel oil industry. See table H. 476.....	2101

Rental Housing

Rental housing. See table H. 229	2066
Taxpayer to claim a renter rebate. See table H. 397	2091

Reorganization

Title 33; updating and reorganizing. See table H. 373.....	2087

Reporting

Adult protective services; reporting requirements. See table H. 105.....	2047

Resolutions**ADJOURNMENT**

Final adjournment, R-228	1117
Town meeting adjournment, R-4	873
Weekend adjournment.	
January 11, R-6	875
January 18, R-7	876
January 25, R-16.....	887
February 1, R-34	905
February 8, R-49	921

February 19, R-53	925
February 26, R-62	938
March 15, R-82	958
March 22, R-91	967
March 29, R-95	972
April 5, R-121	1001
April 12, R-135	1017
April 19, R-143	1026
April 26, R-156	1040
May 3, R-169	1055

APPROVING OF

Land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle, R-229	1118

AUTHORIZING

Green Mountain Boys' State, authorizing 2013 program to use the State House, R-171	1057

CELEBRATING

Beer.	
Designating American craft beer week and celebrating Gregfest, R-213	1102
Bennington.	
Old First Church of Bennington, 250th anniversary, R-30	901
Berlin, sestercentennial anniversary, R-21	p 892
Bolton, sestercentennial anniversary, R-88	p 964
Brattleboro.	
Celebrating the Latchis Arts' 10th anniversary as the owner of the Latchis Hotel and Theatre, R-167	1053
Duxbury, sestercentennial anniversary, R-27	898
Goddard college, 150th anniversary of original chartering, R-24	895
Gregfest.	
Designating American craft beer week and celebrating Gregfest, R-213	1102
Historical society.	
Richmond historical society, celebrating 40th anniversary, R-85	961
Jericho, 250th anniversary, R-89	965
Middlesex, sestercentennial anniversary, R-17	888
Milton, sestercentennial anniversary, R-72	948
Montpelier.	
Angeleno's Pizza, 30th anniversary, R-18	889
Beth Jacob Synagogue, centennial anniversary, R-92	968
Food Works at Two Rivers Center, 25th anniversary, R-8	877
Moretown, sestercentennial anniversary, R-26	897
Noonan, Greg.	
Designating American craft beer week and celebrating Gregfest, R-213	1102
Nurses, celebrating national nurse anesthetists week, R-32	903
Orwell, sestercentennial anniversary, R-84	960
Richmond historical society, 40th anniversary, R-85	961
Richmond land trust, 25th anniversary, R-28	899
Richmond Old Round Church, bicentennial anniversary, R-85	961

Rutland.	
Loyalty day parade, 50th anniversary, R-133	1015
Underhill, sestercentennial anniversary, R-90	966
Waterbury, sestercentennial anniversary, R-23	894
Whiting, sestercentennial anniversary, R-78	954
Worcester, sestercentennial anniversary, R-25	896

COMMEMORATING

Birsky-Wyman field, commemorating designation, R-185	1072
Brandon.	
Commemorating the bicentennial anniversary of the birth of	
Stephen A. Douglas, Brandon's most famous native son, R-208	1097
Brattleboro Retreat.	
Commemorating the opening of the new Adult Intensive Unit at the	
Brattleboro Retreat in partnership with the dept. of mental health, R-199	1087
Douglas, Stephen A.	
Commemorating the bicentennial anniversary of the birth of	
Stephen A. Douglas, Brandon's most famous native son, R-208	1097
Essex.	
Commemorating sestercentennial anniversary, R-151	1035
Family and medical leave act of 1993.	
Commemorating 20th anniversary, R-58	932
Fox, George Lansing.	
Four Immortal Chaplains.	
Commemorating 70th anniversary of heroic sacrifice, R-75	951
Korean war.	
Commemorating 60th anniversary of Armistice Agreement, R-148	1031
Lothrop school.	
Commemorating centennial anniversary, R-188	1075
Mental health department.	
Commemorating the opening of the new Adult Intensive Unit at the	
Brattleboro Retreat in partnership with the dept. of mental health, R-199	1087
Newbury.	
Commemorating sestercentennial anniversary, R-149	1033
Rutland.	
Commemorating Vermont railway's gift of a 1913 rail car to the city, R-98	975
Fairgrounds, commemorating placement of historic marker honoring	
aviation pioneer George Schmitt, R-220	1109
Schmitt, George.	
Commemorating placement of historic marker at Rutland Fairgrounds honoring aviation	
pioneer George Schmitt, R-220 p 1109	
Springfield.	
Birsky-Wyman field, commemorating designation, R-185	1072
Stowe.	
Commemorating the sestercentennial anniversary, R-166	1052
Sudbury.	
Commemorating sestercentennial anniversary, R-177	1064
Swanton.	
Commemorating the sestercentennial anniversary, R-168	1054

- Turkey cultural day.
 Commemorating second annual, R-162..... 1047
 Westford.
 Commemorating the semiquincentennial anniversary, R-141 1024
 World War II.
 Fox, George Lansing.
 Four Immortal Chaplains, commemorating 70th anniversary of heroic
 sacrifice, R-75..... 951

COMMENDING

- Lombard, Alton, Sr.
 Commending his heroic rescue efforts and sacrifice and also the VT state police
 for is continuing search for his remains in Lake Champlain, R-158 1042
 Watershed organizations.
 Commending for role in river and lake cleanup activities, R-65 941

CONGRATULATING

- Barre.
 Kelly, Margaret Jane.
 Congratulating on 90th birthday, R-144 1027
 Baseball.
 Northfield high school Marauders 2012 Division III championship team
 and retiring head coach Frank Pecora, R-20 891
 Vergennes union high school 2012 Division II championship baseball
 team, R-157 1041
 Williston 9-10 all stars.
 2012 9-10 Vermont state Little League championship, R-11 881
 Basketball.
 Champlain Valley Union high school Redhawks.
 Congratulating 2013 Division I championship girls'
 basketball team, R-153 1037
 Mt. Abraham Union high school Eagles.
 Congratulating 2013 Division II championship girls'
 basketball team, R-139.....1022
 Proctor high school Phantoms.
 Congratulating 2013 Division IV championship girls'
 basketball team, R-146 1029
 Rochester high school Rockets.
 Congratulating 2013 Division IV boys' basketball championship
 team, R-114 992
 Vergennes Union high school.
 Congratulating 2013 Division II championship basketball team, R-172 1058
 Williamstown high school Blue Devils.
 Congratulating 2013 Division III championship boys' basketball
 team, R-130 1012
 Windsor high school.
 Congratulating boys' basketball coach Larry Ladue on his induction
 into the New England Basketball Hall of Fame, R-223 1112
 Winooski high school Spartans.
 Congratulating 2013 Division III championship girls'
 basketball team, R-124 1006

Bennington.	
Congratulating Bennington children's chorus on its silver anniversary, R-204	1092
Bennington rural fire department.	
Congratulating on its 60th anniversary, R-202	1090
BFA-St. Albans high school comets.	
Congratulating 2013 Metro Division championship girls' ice hockey team, R-134	1016
Black river high school presidents.	
Congratulating 2012 Division IV girls' championship soccer team, R-64	940
Boone, Nathaniel.	
Congratulating on receiving Congressional Gold Medal, R-39	910
Bowling.	
Hartford high school Hurricanes.	
Congratulating on winning first Vermont interscholastic team and individual state bowling championships, R-127	1009
Brattleboro.	
Congratulating the Brattleboro Museum & Art Center on its 40th anniversary, R-195	1082
Champlain Valley Union high school Redhawks.	
Congratulating 2013 Division I championship girls' and boys' Nordic ski teams, R-155	1039
Congratulating 2013 Division I championship girls' basketball team, R-153	1037
Congratulating debate and forensics league state tournament champions, R-154	1038
Cheerleading.	
Rutland high school Raiders.	
Congratulating 2013 Division I championship cheerleading team, R-117	995
Clarendon fire association, Inc.	
Congratulating on 50th anniversary, R-119	998
Colchester.	
Congratulating on its sestercentennial anniversary, R-159	1043
Cross-country.	
Harwood Union high school Highlanders boys' and girls' 2012 Division II cross-country championship team, R-13	883
Randolph Union high school Galloping Ghosts.	
Congratulating 2013 Division III championship girls' cross-country team, R-174	1060
Debate and forensics.	
Champlain Valley Union high school Redhawks.	
Congratulating debate and forensics league state tournament champions, R-154	1038
Dekett, Christian.	
Congratulating Christian DeKett of St. Johnsbury Academy on winning the 2013 Vermont State Poetry Out Loud championship, R-142	1025
Essex high school Hornets.	
Congratulating 2013 state gymnastics champions, R-184	1071
Fabian Earth Moving, Inc.	
Congratulating on 75th anniversary, R-54	926

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- Field hockey.
 Harwood Union high school Highlanders 2012 Div. II championship, R-12 882
- Fire departments and firefighters.
 Bennington rural fire department, congratulating on its 60th anniversary, R-202 1090
 Clarendon fire association, Inc., congratulating on 50th anniversary, R-119 998
 Pittsford fire department, congratulating on 65th anniversary, R-221 1110
 Plainfield fire department, congratulating; centennial anniversary, R-215 1104
 Underhill-Jericho fire department, congratulating on centennial anniversary, R-116 994
- Football.
 Hartford high school Hurricanes.
 Congratulating 2013 Division I championship football team, R-126 1008
- Woodstock Union high school Wasps.
 Congratulating 2012 Division III championship football team, R-55 927
- Gandin Brothers, Inc.
 South Ryegate.
 Congratulating on 100th anniversary, R-140 1023
- Green Street school.
 Congratulating 2012 Vermont state spelling bee championship team, R-203 1091
- Gymnastics.
 Essex high school Hornets.
 Congratulating 2013 state gymnastics champions, R-184 1071
- Haggerty, Elizabeth.
 Congratulating; designation as 2013 Vermont Mother of the Year, R-132 1014
- Hartford high school Hurricanes.
 Congratulating 2013 Division I championship football team, R-126 1008
 Congratulating on winning first Vermont interscholastic team and individual state bowling championships, R-127 1009
- Hartland winter trails.
 Congratulating on 40th anniversary on system of cross-country skiing and snowshoeing trails, R-182 1069
- Harwood Union high school Highlanders.
 Field hockey, 2012 Division II championship team, R-12 882
 Ice hockey, 2013 Division II girls' championship team, R-107 984
 Track and field, boys' and girls' 2012 Division II cross-country championship team, R-13 883
- Healey, Jack.
 Congratulating on winning 20th Vermont Sportscaster of the Year award, R-57 ..930
- Hildene, the Lincoln family home.
 Congratulating the 2013 Lincoln essay competition winners, R-186 1073
- Historical society.
 Congratulating on 175th anniversary, R-66 942
- Housing.
 Congratulating Vermont housing and conservation board on 25th anniversary, R-68 944
- Brattleboro.
 Congratulating on 10th anniversary, R-136 1018
- Ice hockey.
 BFA-St. Albans high school Comets.
 Congratulating 2013 Metro Div. championship girls' ice hockey team, R-134 1016

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- Harwood Union high school Highlanders.
 Congratulating 2013 Division II girls' championship team, R-107 984
- South Burlington high school Rebels.
 Congratulating 2013 Div. I championship boys' ice hockey team, R-205 1093
- U-32 Lake Division.
 Congratulating 2013 championship boys' ice hockey team, R-173 1059
- Vermont Shamrocks.
 Congratulating on winning the new England and National 2013 USA hockey
 tier II-U16 championships, R-206 1094
- Interscholastic teams.
 Hartford high school Hurricanes.
 Congratulating on winning first Vermont interscholastic team and individual
 state bowling championships, R-127 1009
- Iron Chef.
 Congratulating winners of the sixth annual Junior Iron Chef VT statewide
 youth culinary competition, R-99 976
- Junior Iron Chef VT.
 Congratulating winners of the sixth annual Junior Iron Chef VT statewide youth
 culinary competition, R-99 976
- Kelly, Margaret Jane.
 Barre.
 Congratulating on 90th birthday, R-144 1027
- Ladue, Larry.
 Congratulating Windsor high school boys' basketball coach Larry Ladue on his
 induction into the New England Basketball Hall of Fame, R-223 1112
- Lake Champlain.
 Congratulating committee on 50th anniversary, R-207 1095
- Laura Ziegler, Plainfield.
 Recipient of the 30th annual David W. Curtis civil liberties award, R-14 884
- Lincoln essay competition.
 Congratulating the 2013 Hildene, the Lincoln family home, Lincoln essay
 competition winners, R-186 1073
- Londonderry volunteer rescue squad.
 Congratulating on half-century of exemplary community service, R-76 952
- Lotus Lake Camp.
 Congratulating on 60th anniversary, R-52 924
- Middlebury College.
 Congratulating 2013 Panthers NCAA men's slalom champions, R-129 1011
- Montpelier high school.
 Congratulating 2012 Division II championship girls' tennis team, R-51 923
- Morrisville.
 Congratulating the Puffer United Methodist church of Morrisville on its
 bicentennial anniversary, R-210 1099
- Mount Anthony Union high school Patriots.
 Congratulating 25th consecutive state and 7th New England championship
 wrestling team, R-112 990
- Congratulating 2013 Berkshire swim league championship boys' and girls'
 teams, R-79 955
- Mt. Abraham Union high school Eagles.
 Congratulating 2013 Division II championship girls' basketball team, R-139 1022

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- Museums.
 Congratulating the Brattleboro Museum & Art Center on its 40th anniversary,
 R-195 1082
- Najman, Joel.
 Congratulating on 30th anniversary as Vermont Public Radio's rock and roll
 impresario, R-160.....1044
- Northfield high school Marauders.
 Congratulating 2012 Division III championship team and retiring head
 coach Frank Pecora, R-20 891
- Pecora, Frank.
 Northfield high school Marauders 2012 Division III championship team
 and retiring head coach Frank Pecora, R-19 890
- Pittsford.
 Congratulating Pittsford fire department on its 65th anniversary, R-221 1110
- Plainfield.
 Congratulating Plainfield fire department on its centennial anniversary, R-215 ..1104
- Ziegler, Laura.
 Recipient of the 30th annual David W. Curtis civil liberties award, R-14 884
- Poetry.
 Congratulating Christian DeKett of St. Johnsbury Academy on winning
 the 2013 Vermont State Poetry Out Loud championship, R-142 1025
- Proctor high school Phantoms.
 Congratulating 2013 Division IV championship boys' soccer team, R-147 1030
 Congratulating 2013 Division IV championship girls' basketball team, R-146 1029
- Prudential spirit of community award.
 Congratulating 2013 winners, R-181 1068
- Public radio.
 Najman, Joel.
 Congratulating on 30th anniversary as Vermont Public Radio's rock
 and roll impresario, R-160 1044
- Radio.
 Congratulating "The Wake-up Crew with Bruce & Hobbes" for receipt of the
 Alan P. Noyes community service award, R-44 915
- Randolph Union high school Galloping Ghosts.
 Congratulating 2013 Division III championship girls' cross-country
 team, R-174 1060
- Rescue squads.
 Londonderry volunteer rescue squad.
 Congratulating on half-century of exemplary community service, R-76..... 952
- Rochester high school Rockets.
 Congratulating 2013 Div. IV boys' basketball championship team, R-114..... 992
- Rutland.
 The Palms restaurant, congratulating on 80th anniversary, R-161 1046
- Rutland high school Raiders.
 Congratulating 2013 Division I championship cheerleading team, R-117 995
- Shiffirin, Mikaela.
 Congratulating on her international alpine ski racing achievements,
 R-201 1089
- Skiing.
 Champlain Valley Union high school Redhawks.

Congratulating 2013 Division I championship girls' and boys' Nordic ski teams, R-155	1039
Hartland Winter Trails.	
Congratulating on 40th anniversary on system of cross-country skiing and snowshoeing trails, R-182	1069
Middlebury college.	
Congratulating 2013 Panthers NCAA men's slalom champions, R-129	1011
Shiffrin, Mikaela.	
Congratulating on her international alpine ski racing achievements, R-201	1089
Snowshoeing.	
Hartland Winter Trails.	
Congratulating on 40th anniversary on system of cross-country skiing and snowshoeing trails, R-182	1069
Soccer.	
Black River high school Presidents.	
Congratulating 2012 Division IV girls' championship soccer team, R-64	940
Proctor high school Phantoms.	
Congratulating 2013 Division IV championship boys' soccer team, R-147	1030
South Burlington high school.	
Congratulating 2011 Division I championship boys' soccer team, R-29	900
South Burlington high school Rebels.	
Congratulating 2013 Division I championship boys' ice hockey team, R-205	1093
South Ryegate.	
Gandin Brothers, Inc.	
Congratulating on 100th anniversary, R-140	1023
Spelling bee.	
Green Street school.	
Congratulating 2012 Vermont state spelling bee championship team, R-203	1091
Swayze, Townsend.	
Congratulating on receipt of special award from the government of Bangladesh, R-111	989
Swimming.	
Mt. Anthony Union high school Patriots.	
Congratulating 2013 Berkshire swim league championship boys' and girls' teams, R-79	955
Tennis.	
Montpelier high school.	
Congratulating 2012 Division II championship girls' tennis team, R-51	923
Track and field.	
Harwood Union high school Highlanders.	
Boys' and girls' 2012 Division II cross-country championship team, R-13	883
Randolph Union high school Galloping Ghosts.	
Congratulating 2013 Division III championship girls' cross-country team, R-174	1060
U-32 lake division.	
Congratulating 2013 championship boys' ice hockey team, R-173	1059
Underhill-Jericho fire department.	
Congratulating on centennial anniversary, R-116	994
Vergennes union high school.	
Congratulating 2012 Division II championship baseball team, R-157	1041

Congratulating 2013 Division II championship basketball team, R-172	1058
Vermont historical society.	
Congratulating on 175th anniversary, R-66	942
Vermont law school.	
Congratulating 2013 national environmental law moot court competition championship team, R-113	991
Vermont Shamrocks.	
Congratulating on winning the new England and National 2013 USA hockey tier II-U16 championships, R-206	1094
Veterinarians.	
Congratulating the American veterinary medical association on its 150th anniversary, R-101.....	978
Westminster Cares, Inc.	
Congratulating on 25th anniversary, R-115	993
Williamstown high school Blue Devils.	
Congratulating 2013 Div. III championship boys' basketball team, R-130	1012
Williston 9-10 All Stars.	
2012 9-10 Vermont state Little League championship, R-11	881
Windsor high school.	
Congratulating boys' basketball coach Larry Ladue on his induction into the New England Basketball Hall of Fame, R-223	1112
Winooski high school Spartans.	
Congratulating 2013 Division III championship girls' basketball team, R-124	1006
Women and girls.	
Vermont Works for Women.	
Congratulating on 25th anniversary, R-56	928
Woodstock Union high school Wasps.	
Congratulating 2012 Division III championship football team, R-55	927
Wrestling.	
Congratulating 2013 Mount Anthony Union high school Patriots' 25th Consecutive state & 7th New England championship wrestling team, R-112	990
Ziegler, Laura.	
Plainfield.	
Recipient of the 30th annual David W. Curtis civil liberties award, R-14	884

DESIGNATING

Afterschool and summer learning day.	
State House, designation, R-74	950
Alzheimer's awareness day, R-163	1048
American craft beer week and celebrating Gregfest, R-213	1102
American heart association.	
Wear Red day, designating, R-48	920
Anatomical gifts.	
Designating Vermont organ donor awareness week in honor of Jason Perry and Christian Stromberg, R-209	1098
Birsky-Wyman field.	
Commemorating designation, R-185	1072
Colleges and universities.	
Lyndon state college, honoring/designating Green and Gold day, R-138	1021

Exercise.	
National Walk@Lunch day, designating, R-150	1034
Golf.	
Vermont golf day, designating, R-145	1028
Gregfest.	
Designating American craft beer week and celebrating Gregfest, R-213	1102
Human trafficking awareness day, R-10	879
Long-term care ombudsman day, R-152	1036
Lyndon state college.	
Honoring, and designating Green and Gold day, R-138	1021
Military affairs.	
Designating April 2013 as the month of the military child, R-164.....	1049
Multiple sclerosis week, R-97	974
National mentoring month, R-43	914
National walk@lunch day, R-150	1034
Noonan, Greg.	
Designating American craft beer week and celebrating Gregfest, R-213.....	1102
Older Americans month, R-191.....	1078
One Billion Rising day, R-61	937
Organ donation.	
Designating Vermont organ donor awareness week in honor of Jason Perry and Christian Stromberg, R-209	1098
Perry, Jason.	
Designating Vermont organ donor awareness week in honor of Jason Perry and Christian Stromberg, R-209	1098
Poverty awareness day, R-192	1079
River Green Up month, R-170.....	1056
Senior center awareness day, R-225	1114
Senior citizens.	
Older Americans month, designating, R-191	1078
Springfield.	
Birsky-Wyman field, commemorating designation, R-185	1072
State house.	
Afterschool and summer learning day, designation, R-74.....	950
Stromberg, Christian.	
Designating Vermont organ donor awareness week in honor of Jason Perry and Christian Stromberg, R-209	1098
Town Hall Theater day, R-180	1067
Vermont golf day, R-145	1028
Victims' awareness day, R-175	1061
Wear Red day, R-48	920
Women and girls.	
One Billion Rising day, designating, R-61	937
Youth appreciation day, R-179	1066

ELECTION

University of Vermont and State Agricultural College.	
Election of Sergeant at Arms, an Adjutant and Inspector General, and three trustees, R-36	907
Election of trustees, procedure, R-37	908

EXPRESSING CONCERN REGARDING

- Trans-Pacific partnership agreement and public policy implications of proposed agreement, R-230 1120

HONORING

- Allen, Robert K.
 Reading, honoring for public service, R-73 949
- Barre City.
 Former Rep. Oreste Valsangiacomo, Sr, R-33 904
 Ristau, Arthur, R-67 943
 Barstow memorial school.
 Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden, R-198 1086
- Barton, Sandra.
 Outstanding career as Vermont state employee and for her civic accomplishments, R-31 902
- Bellows Falls.
 Career and community service of Dr. Walter J. Griffiths of Bellows Falls, R-183 1070
- Bennington College.
 President Elizabeth Coleman, for her visionary academic leadership and scholarship, R-194 1081
- Biron, Hanford.
 Hanford Biron for exemplary public service in the town of Norton, R-226 1115
- Boy Scouts.
 2012 class of Vermont Boy Scouts awarded the rank of Eagle, R-60 935
- Bradley, Darby.
 For many exemplary contributions to land conservation in VT, R-123 1004
- Brandon.
 Rivers, Charles, for 50 years of public service, R-69 945
- Browne, Charles.
 Fairbanks Museum & Planetarium, for extraordinary leadership, R-227 1116
- Bryan, Prof. Frank.
 University of Vermont, for his extraordinary contributions to Vt., R-122 1002
 Butsch, Dr. David, professional and civic contributions, R-19 890
 Charbonneau, Tom, R-81 957
- Children and minors.
 Outstanding efforts of those who care for, educate, and advocate for our young children in Vermont, R-96 973
- Chittenden.
 Dianne Jaquith for her exemplary career at the Barstow Memorial School in Chittenden, R-198 1086
- Civil War.
 Honoring the Civil War-era musical drama Ransom on its professional premiere as the opening production of the Lost Nation Theater's 25th anniversary season, R-218 1107
 Military valor of the Shores brothers in defending the Union, R-196 1083
- Clark, David.
 For his outstanding leadership as Director of the Ilsley Library in Middlebury, R-189 1076

Coleman, Elizabeth.	
Bennington College President, for her visionary academic leadership and scholarship, R-194.....	1081
Colleges and universities.	
Federal TRIO program, R-102	979
Lyndon state college, honoring/designating Green and Gold day, R-138	1021
Crowley, Dr. Kevin Daniel, R-193	1080
Disasters.	
Vermont state employees for exemplary public service during and after Tropical Storm Irene, R-71	947
Eagle Scouts.	
2012 class of Vermont Boy Scouts awarded the rank of Eagle, R-60	935
Fairbanks Museum & Planetarium.	
Charles Browne for his extraordinary leadership, R-227	1116
General Assembly, former members.	
Major, Rep. Randolph and Beverly of Westminster, R-41	912
Valsangiacomo, Oreste, Sr. of Barre City, R-33	904
Giancola family.	
For their foresight in the transformation of the Howe Scale Company to the Howe Center, R-222	1111
Girls On The Run Of Vermont, Inc, R-137	1019
Griffith, Walter J.	
Career and community service of, Bellows Falls, R-183	1070
Hamilton, Janet.	
Jamaica Village School, principal, R-87	963
Harper, Patricia Rocheleau.	
Outstanding work on the restoration of the House committee rooms, R-214	1103
Hasen, John.	
Outstanding career as an attorney dedicated to serving the public, R-211	1100
Howe Center.	
The Giancola family for their foresight in the transformation of the Howe Scale Company to the Howe Center, R-222	1111
Jamaica village school.	
Principal Janet Hamilton, R-87	963
Jaquith, Dianne.	
Exemplary career at the Barstow Memorial School in Chittenden, R-198	1086
Jepson, Lyle.	
Stafford Technical Center Director, on being named the 2013 Technical Director of the Year, R-216	1105
Klein, Robert.	
Contributions to land conservation/ ecological diversity preservation, R-63	939
Kuhles, Clayton.	
Locating missing in action World War II American military aircraft, R-128.....	1010
Libraries.	
Middlebury.	
David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury, R-189	1076
Waitsfield.	
Joslin Memorial Library on the occasion of its 100th anniversary, R-224	1113
Lost Nation Theater.	

-
- Civil War-era musical drama Ransom on its professional premiere as the opening production of the Lost Nation Theater's 25th anniversary season, R-218 1107
 - Lyndon state college.
 - Honoring, and designating Green and Gold day, R-138 1021
 - Major, Rep. Randolph And Beverly.
 - Westminster, for their civic and community service, R-41 912
 - McCarthy, Dennis.
 - Exemplary municipal public service career, R-86 962
 - McLaughlin, Jim.
 - Woodstock Union high school, former teacher, athletic director and retiring football coach, R-46 917
 - Middlebury.
 - David Clark for his outstanding leadership as Director of the Ilsley Library in Middlebury, R-189 1076
 - Miller, Rosemary.
 - Three decades of outstanding work at the Vermont center for independent living, R-22 893
 - Montagne family.
 - St. Albans, civic and community leadership, R-212 1101
 - Norton.
 - Hanford Biron, for exemplary public service in the town of Norton, R-226 1115
 - Page, Candace.
 - Burlington Free Press reporter, for outstanding journalism career, R-178 1065
 - Pittsford.
 - Rivers, Charles, for 50 years of public service, R-69 945
 - Pratt, Jayne.
 - West Rutland municipal official Jayne Pratt, R-187 1074
 - Protzman, Todd A.
 - Vermont State Police Sergeant Todd A. Protzman, R-59 934
 - Randolph's Playhouse Movie Theatre.
 - Playhouse Cooperative's creative effort to save and operate, R-104 981
 - Reading.
 - Allen, Robert K, for public service, R-73 949
 - Ristau, Arthur.
 - Barre City, R-67 943
 - Rivers, Charles.
 - Pittsford and Brandon, for 50 years of public service, R-69 945
 - Robinson, Amelia Boynton.
 - Matriarch of the voting rights movement, R-35 906
 - Rutland.
 - Fairgrounds, commemorating placement of historic marker honoring aviation pioneer George Schmitt, R-220 1109
 - St. Albans.
 - Montagne family, civic and community leadership, R-212 1101
 - Schmitt, George.
 - Commemorating placement of historic marker at Rutland Fairgrounds honoring aviation pioneer George Schmitt, R-220 1109
 - Schools and education.
 - Outstanding efforts of those who care for, educate, and advocate for our young children in Vermont, R-96 973

Shores brothers.	
Military valor of the Shores brothers in defending the Union during the Civil War, R-196	1083
Southwest Vermont Supervisory Union.	
Retiring educators and support staff, R-217	1106
Stafford technical center.	
Director Lyle Jepson on being named the 2013 Technical Director of the Year, R-216	1105
Stannard, Robert.	
Retirement as a legislative lobbyist, R-219	1108
University of Vermont and State Agricultural College.	
Bryan, Prof. Frank, for his extraordinary contributions to Vermont, R-122.....	1002
Valley Voice newspaper, for outstanding community service, R-105	982
Vermont state employees, for exemplary public service during and after Tropical Storm Irene, R-71	947
Vickers, Donald.	
Career role assisting students achieve education goals beyond high school, R-15	886
Vogt, Winifred.	
Receipt of 2012 successful aging award from Senior Solutions, R-42	913
Waitsfield.	
Joslin Memorial Library on the occasion of its 100th anniversary, R-224	1113
Westminster.	
Major, Rep. Randolph and Beverly, for their civic/community service, R-41	912
West Rutland.	
Municipal official Jayne Pratt, R-187	1074
Weybridge.	
Art Bradley, Kelly James and Bob Warner as founding members of the Weybridge volunteer fire department, R-80	956
White, Cheryl.	
Outstanding community service, R-105	982
Women and girls.	
Girls on the Run of Vermont, Inc, R-137	1019
Vermont women's history project and its women in journalism panel's commemoration of women's history month, R-118	996
Woodstock Union high school Wasps.	
Former teacher, athletic director and retiring football coach Jim McLaughlin, R-46	917
Working forests essay contest, 2013 winners, R-190	1077
World War II.	
Clayton Kuhles, in locating missing in action World War II American military aircraft, R-128	1010

IN MEMORY OF

Ackerman, Harold.	
Retired Vermont State Police Sgt. Harold Ackerman, R-200	1088
Balon, Daniello G, R-131	1013
Barre.	
Swift, Richard, R-165	1051
Deuel, Rep. Daniel H.	

Rutland, R-106	983
Enosburgh.	
Touchette, Lloyd, R-125	1007
Fagan, Tom, in the establishment of the Rutland Halloween Parade, R-100	977
1st Lieutenant Irwin Zaetz and Captain William Swanson of the WWII US Army Air Corps Hot as Hell aircraft crew, R-128	1010
General assembly.	
Former members.	
Clark, Rep. Greg, R-70	946
Deuel, Rep. Daniel H. of Rutland, R-106	983
May, Sen. Edgar of Springfield, R-50	922
Partridge, Rep. and Sen. Sanborn of Proctor, R-47	98
Jacobsen, Roy, cofounder of the first chapter of Vietnam Veterans of America, R-108	985
LaFountain, Marcia J, Vermont senior forensic chemist, R-176	1063
Lynch, Jeannette, R-120	1000
Mulhern, Joan, R-77	953
Munt, Margaret of Williston, R-40	911
Parrish, Donald.	
Shrewsbury, selectboard chair, R-93	969
Partridge, Sanborn.	
Proctor, former Representative and Senator, R-47	918
Rutland.	
Deuel, Rep. Daniel H, R-106	983
Fagan, Tom, in the establishment of the Rutland Halloween Parade, R-100	977
Shrewsbury.	
Parrish, Donald, selectboard chair, R-93	969
Swanson, William.	
Honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the WWII US Army Air Corps Hot as Hell aircraft crew, R-128	1010
Swift, Richard.	
Barre Town, R-165	1051
Touchette, Lloyd.	
Enosburgh town, village & school moderator & selectboard member, R-125	1007
Valsangiacomo, Oreste, Sr.	
Barre City, former Representative, R-33	904
Williston.	
Munt, Margaret, R-40	911
World War II.	
Honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the WWII US Army Air Corps Hot as Hell aircraft crew, R-128	1010
Zaetz, Irwin.	
Honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the WWII US Army Air Corps Hot as Hell aircraft crew, R-128	1010

JOINT ASSEMBLIES

Budget.	
Joint assembly to hear budget message of Governor, R-5	874

Governor.	
Joint assembly to hear budget message of Governor, R-5	874
Joint Assembly to hear inaugural message, R-3.....	872
Governor's inauguration.	
Joint Assembly to hear inaugural message, R-3.....	872
Joint canvassing committee.	
Receiving report, R-2.....	871
Joint rules, R-1	870
Judges.	
Joint Assembly vote on the retention of seven superior judges and one magistrate, R-83 p 959; R-94.....	971
Magistrates.	
Joint Assembly vote on the retention of seven superior judges and one magistrate, R-83 p 959; R-94	971
PROVIDING FOR	
Joint canvassing committee to receiving report of committee appointed to canvass votes for state officers, R-2	871
RECOGNIZING	
Film and movies.	
Recognizing the importance for the US military personnel of the award-winning documentary film The Invisible War, R-197	1084
Homeless awareness day, R-9.....	878
Playgrounds for P.E.A.S.E.	
Recognizing creative recreational proposal, R-103	980
Waterbury.	
Rebuild Waterbury, recognizing invaluable community contribution in the post- Tropical Storm Irene recovery, R-45	916
RELATING TO	
Joint rules, R-1	870
Vermont state hospital, history & legacy, preservation of cemetery, R-109	986
SUPPORTING	
Civil War.	
Battle of Winchester Memorial in Winchester, VA.	
Joint resolution supporting return to its original battlefield location, R-38	909
Coalition for captive insurance clarity, R-110	988
Maple grading.	
Supporting proposal, R-231	1122
Retirement	
State employee's pension; based on last ten years. See table H. 247.....	2069
Calculation of household income. See table H. 120	2050
Calculation of state employees' pensions. See table H. 296	2077
County deputy sheriffs; retirement. See table H. 475	2101
Forfeiture of retirement payments; crimes. See table H. 41.....	2037
Military pension income tax exemption. See table H. 11	2033
Sheriffs and deputy sheriffs. See table H. 428.....	2095
Vermont retirement laws. See table H. 518	2107

Revenue Changes

Revenue changes; 2014 and 2015. See table H. 528.....2109

Roll Calls

- H. 60 An act relating to providing state financial support for school meals for children of low-income households**
 Shall the bill be read a third time? 573
- H. 99 An act relating to equal pay**
 Shall the bill be read a third time? 401
 Shall the bill pass? 455
- H. 107 An act relating to health insurance, Medicaid, the Vermont Health Benefit Exchange, and the Green Mountain Care Board**
 Shall the report of the committee be amended by
 Rep. Browning of Arlington?.....368
 Shall the report of the committee be amended as recommended by
 Rep. Hubert of Milton? 371
- H. 112 An act relating to the labeling of food produced with genetic engineering**
 Shall the bill be read a third time? 1463
 Shall the bill be amended by Rep. Johnson of Canaan? 1500
 Shall the bill pass? 1502
- H. 169 An act relating to relieving employers' experience-rating records**
 Shall the House concur in the Senate proposal of amendment with a
 further amendment thereto? 1297
- H. 200 An act relating to civil penalties for possession of marijuana**
 Shall the report of the committee be amended as recommended by
 Rep. Wright of Burlington? 725
 Shall action on the bill be postponed until April 16, 2013?.....727
 Shall the bill be read a third time? 729
 Shall the bill be amended by Rep. Browning of Arlington? 738
 Shall the bill be amended by Rep. Donahue of Northfield? 741
 Shall the bill be amended by Rep. Wright of Burlington? 745
 Shall the bill pass? 747
- H. 262 An act relating to establishing a program for the collection and Recycling of paint**
 Shall the bill be read a third time? 697
- H. 265 An act relating to the education property tax rates and base education Amount for fiscal year 2014**
 Shall the bill be read a third time? 217
 Shall the bill be amended by Rep. Browning of Arlington? 228
 Shall the bill be amended by Rep. Lippert of Hinesburg? 232
 Shall the bill be amended by Rep. Lippert of Hinesburg? 235

H. 270	An act relating to providing access to publicly funded prekindergarten education	
	Shall the bill be amended by Rep. Buxton of Tunbridge?	983
	Shall the bill be read a third time?	986
	Shall the bill pass?	1022
H. 295	An act relating to technical tax changes	
	Shall the report of the Committee of Conference be adopted?	1892
H. 315	An act relating to group health coverage for same-sex spouses	
	Shall the bill be read a third time?	314
H. 510	An act relating to the State's transportation program and miscellaneous changes to the State's transportation laws	
	Shall the bill be amended by Rep. Higley of Lowell?	414
	Shall the bill be amended by Rep. Bouchard of Colchester?	418
	Shall the bill be amended by Rep. Hubert of Milton?	422
	Shall the bill be amended by Rep. Shaw of Pittsford?	424
	Shall the bill be read a third time?	427
	Shall the bill be amended by Rep. Koch of Barre Town?	461
	Shall the House concur with the Senate proposal of amendment with a further proposal of amendment thereto?	827
H. 520	An act relating to reducing energy costs and greenhouse gas emissions	
	Shall the bill pass?	518
H. 522	An act relating to strengthening Vermont's response to opioid addiction and methamphetamine abuse	
	Shall the bill be amended by Rep. Lippert of Hinesburg?	505
H. 526	An act relating to the establishment of lake shoreland protection standards	
	Shall the bill amended by Rep. Helm of Fair Haven?	541
	Shall the bill be read a third time?	543
H. 528	An act relating to revenue changes for fiscal year 2014 and fiscal year 2015	
	Shall the bill be read a third time?	546
	Shall the bill be amended by Rep. Scheuermann of Stowe?	558
H. 530	An act relating to making appropriations for the support of government	
	Shall the bill be amended by Rep. Donahue of Northfield?	562
	Shall the bill amended by Reps. Moran of Wardsboro, et al?	566
	Shall the bill be amended by Rep. Poirier of Barre City?	598
	Shall the bill pass?	600
	Shall the House adopt the report of the Committee of Conference?	2018
H. 533	An act relating to capital construction and state bonding	
	Shall the bill be read a third time?	656
H. 536	An act relating to the National Guard	

	Shall the House suspend its rules to permit consideration of a nongermane question?	761
	Shall the bill be amended by Rep. Cross of Winooski?	764
	Shall the bill pass?	774
H. 538	An act relating to making miscellaneous amendments to education funding laws	
	Shall the bill be read a third time?	846
S. 7	An act relating to social networking privacy protection	
	Shall the bill pass in concurrence with proposal of amendment?	1383
S. 14	An act relating to payment of agency fees and collective bargaining service fees	
	Shall the Report of the General, Military and Housing Committee be amended by Rep. Townsend of Randolph?	864
	Shall the Report of the General, Military and Housing Committee be Amended by Rep. Bouchard of Colchester?	866
	Shall the Report of the General, Military and Housing Committee be amended by Rep. Bouchard of Colchester?	868
	Shall the Report of the General, Military and Housing Committee be amended by Rep. Browning of Arlington?	878
	Shall the Report of the General, Military and Housing Committee be amended as recommended by Reps. Campion of Bennington, et al?	882
	Shall the bill be read a third time?	882
	Shall the bill pass in concurrence with proposal of amendment?	895
S. 18	An act relating to automated license plate recognition systems	
	Shall the bill be read a third time?	1632
S. 30	An act relating to siting of electric generation plants	
	Shall the bill be read a third time?	888
S. 38	An act relating to expanding eligibility for driving and identification privileges in Vermont	
	Shall the House propose to the Senate to amend the bill as recommended by Rep. Hubert of Milton?	1341
	Shall the bill be recommitted to the Committee on Transportation?	1347
	Shall the bill pass in concurrence with proposal of amendment?	1350
S. 59	An act relating to independent direct support providers	
	Shall the bill be committed to the Committee on Human Services?	1078
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Komline of Dorset?	1081
	Shall the bill pass in concurrence with proposal of amendment?	1083
S. 77	An act relating to patient choice and control at end of life	
	Shall the House postpone action on the bill indefinitely?	1005
	Shall the House propose to the Senate to amend the bill as recommended by Rep. Poirier of Barre City?	1011
	Shall the House propose to the Senate to amend the bill as recommended by Rep. Donahue of Northfield?	1014

	Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as further amended?	1016
	Shall the bill be read a third time?	1017
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Till of Jericho?	1025
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Wright of Burlington?	1029
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Kilmartin on Newport City? ..	1032
	Shall the bill pass in concurrence with proposal of amendment?	1034
	Shall the House concur with the Senate proposal of amendment to the House proposal of amendment with a further proposal of amendment as recommended by Rep. Poirier of Barre City?	1657
	Shall the House concur with the Senate proposal of amendment to the House proposal of amendment?	1664
S. 81	An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and the flame retardant known as Tris in consumer products	
	Shall the bill pass in concurrence with proposal of amendment?	1384
S. 82	An act relating to campaign finance law	
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Wright of Burlington?	1391
	Shall the bill pass in concurrence with proposal of amendment?	1394
S. 129	An act relating to workers' compensation liens	
	Shall the House propose to the Senate to amend the House proposal of amendment as recommended by Rep. Pearson of Burlington?	1514
	Shall the bill pass in concurrence with proposal of amendment?	1515
S. 152	An act relating to health care financing	
	Shall the House suspend its rules to take up consideration of a non-germane question?	1471
	Shall the bill pass in concurrence with proposal of amendment?	1474
S. 157	An act relating to modifying the requirements for hemp production in the State of Vermont	
	Shall the House propose to the Senate to amend the bill as recommended by the Committee on Agriculture & Forest Products? ...	1522
Rules Committee		
	H.R. 8. Introduced.....	156
	H.R. 8. Introduced.....	168
Russell, Herbert A.		
Member from Rutland City (District Rutland-5-3)		
Committee:		
Transportation		
Motions, etc.		

Russell, Herbert A. (continued)

H. 17 Introduced	29
H. 23 Introduced	30
H. 32 Introduced	38
H. 34 Introduced	38
H. 36 Introduced	40
H. 60 Introduced	47
H. 76 Introduced	57
H. 78 Introduced	58
H. 79 Introduced	58
H. 92 Introduced	63
H. 103 Introduced	72
H. 112 Explained vote.....	1463
H. 117 Introduced	76
H. 122 Introduced	77
H. 132 Introduced	81
H. 137 Introduced	82
H. 180 Introduced	96
H. 187 Introduced	98
H. 209 Introduced	111
H. 234 Introduced	118
H. 242 Introduced	120
H. 267 Introduced	137
H. 268 Introduced	138
H. 269 Introduced	138
H. 287 Introduced	162
H. 301 Introduced	212
H. 306 Introduced	213
H. 323 Introduced	222
H. 382 Introduced	250
H. 417 Introduced	261
H. 439 Introduced	270
H. 443 Introduced	271
H. 465 Introduced	276
H. 487 Introduced	289
H. 510 Explained vote.....	422
Explained vote.....	461
Explained vote.....	827
H. 522 Explained vote.....	505
H. 528 Explained vote.....	558
S. 14 Explained vote	882
S. 77 Explained vote	1005
S. 129 Explained vote	1515
J.R.H. 1 Offered	52

S.**Savage, Brian K.**

Member from Swanton (District Franklin-4)

Committee:

General, Housing and Military Affairs, Ranking Member

Motions, etc.

Savage, Brian K. (continued)

H. 49 Introduced	45
H. 76 Introduced	57
H. 82 Introduced	59
H. 84 Introduced	59
H. 90 Introduced	63
H. 97 Introduced	70
H. 118 Introduced	76
H. 123 Introduced	77
H. 133 Introduced	81
H. 166 Introduced	93
H. 180 Introduced	96
H. 245 Introduced	125
H. 265 Demanded Yeas and Nays.....	217
H. 267 Introduced	137
H. 268 Introduced	138
H. 269 Introduced	138
H. 278 Introduced	156
H. 295 Demanded Yeas and Nays.....	1892
H. 319 Introduced	221
H. 382 Introduced	250
H. 421 Introduced	261
H. 422 Introduced	262
H. 443 Introduced	271
H. 460 Introduced	275
H. 472 Introduced	277
H. 480 Introduced	287
H. 510 Explained vote.....	427
Explained vote.....	827
H. 530 Explained vote.....	600
S. 3 Reported for committee	703
S. 18 Demanded Yeas and Nays	1632
S. 38 Asked leave to withdraw amend	1346
S. 77 Demanded Yeas and Nays	1025
S. 152 Demanded Yeas and Nays	1474
J.R.H. 1 Offered.....	52

Scheuermann, Heidi E.

Member from Stowe (District Lamoille-1)

Committee:

Commerce and Economic Development

Motions, etc.

H. 51 Introduced	46
H. 76 Introduced	57
H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 174 Introduced	95
H. 177 Introduced	96
H. 245 Introduced	125
H. 265 Moved to amend.....	231

Scheuermann, Heidi E. (continued)

Moved to substitute amend.....	232
H. 267 Introduced	137
H. 283 Introduced	162
H. 284 Introduced	162
H. 286 Introduced	162
H. 298 Introduced	165
H. 359 Introduced	245
H. 377 Introduced	249
H. 378 Introduced	249
H. 382 Introduced	250
H. 415 Introduced	260
H. 441 Introduced	271
Reported for committee.....	1276
Moved to amend.....	1299
H. 460 Introduced	275
H. 525 Introduced	458
H. 528 Explained vote.....	546
Moved to amend.....	557
Demanded Yeas and Nays.....	558
Explained vote.....	558
H. 538 Explained vote.....	846
H. 540 Introduced	905

School choice

Expanding school choice; charter schools. See table H. 380.....	2089
Tuition payments; public high school choice. See table H. 269	2073

Search and Rescue

Search and rescue. See table H. 182	2059

Sharpe, David D.

Member from Bristol (District Addison-4)

Committee:

Government Accountability Committee

Joint Fiscal Committee

Ways and Means, Ranking Member

Conference on H. 240..... 1666

Conference on H. 377..... 1636

Motions, etc.

H. 60 Introduced	47
H. 88 Introduced	62
H. 99 Introduced	71
H. 112 Introduced	74
H. 117 Introduced	76
H. 149 Introduced	85
H. 150 Introduced	85
H. 168 Introduced	94
H. 208 Introduced	111
H. 209 Introduced	111
H. 211 Introduced	112

H. 225 Introduced	116
Sharpe, David D., (continued)	
H. 234 Introduced	118
H. 265 Spoke for committee	217
H. 267 Introduced	137
H. 273 Introduced	139
H. 288 Introduced	163
H. 289 Introduced	163
H. 293 Introduced	164
H. 301 Introduced	212
H. 325 Introduced	223
H. 340 Introduced	226
H. 382 Introduced	250
H. 412 Introduced	260
H. 485 Introduced	288
H. 508 Introduced	293
H. 538 Spoke for committee	841
Moved to amend.....	845
S. 152 Recommended for committee	1415
H.R. 12 Offered.....	1800

Shaw, Charles H.

Member from Pittsford (District Rutland-6)

Committee:

Corrections and Institutions

Corrections Oversight

Motions, etc.

H. 8 Introduced	24
H. 34 Introduced	38
H. 44 Introduced	41
H. 48 Introduced	45
H. 49 Introduced	45
H. 76 Introduced	57
H. 97 Introduced	70
H. 112 Explained vote.....	1463
H. 118 Introduced	76
H. 123 Introduced	77
H. 129 Introduced	80
H. 174 Introduced	95
H. 180 Introduced	96
H. 200 Explained vote.....	729
H. 245 Introduced	125
H. 257 Introduced	130
H. 267 Introduced	137
H. 378 Introduced	249
H. 382 Introduced	250
H. 443 Introduced	271
H. 460 Introduced	275
H. 510 Moved to amend.....	424
Demanded Yeas and Nays.....	424

Shaw, Charles H., (continued)

H. 526 Explained vote.....	543
S. 77 Explained vote	1034
S. 82 Moved to amend	1389
S. 144 Reported for committee	668
J.R.H. 1 Offered	52
J.R.H. 7 Offered	278

Shaw, Loren T.

Member from Derby (District Orleans-1)

Committee:

Corrections and Institutions

Motions, etc.

H. 76 Introduced	57
H. 97 Introduced	70
H. 118 Introduced	76
H. 123 Introduced	77
H. 133 Introduced	81
H. 161 Introduced	92
H. 180 Introduced	96
H. 225 Introduced	116
H. 245 Introduced	125
H. 252 Introduced	127
H. 255 Introduced	128
H. 267 Introduced	137
H. 282 Introduced	161
H. 443 Introduced	271
H. 465 Introduced	276
J.R.H. 1 Offered	52

Sign; sign law

Banning temporary signs. See table H. 477	2101

Smith, Harvey T.

Member from New Haven (District Addison-5)

Committee:

Agriculture and Forest Products

Motions, etc.

H. 49 Introduced	45
H. 97 Introduced	70
H. 101 Moved to amend committee report	646
H. 109 Introduced	73
H. 112 Explained vote.....	1502
H. 133 Introduced	81
H. 245 Introduced	125
H. 255 Introduced	128
H. 257 Introduced	130
H. 301 Introduced	212
H. 379 Introduced	249
H. 380 Introduced	249
H. 381 Introduced	250

Smith, Harvey T., (continued)

H. 383 Introduced	250
H. 388 Introduced	251
H. 443 Introduced	271
H. 445 Introduced	272
H. 451 Introduced	273
H. 528 Explained vote.....	546

Smith, Shapleigh

Member from Morristown (District Lamoille-Washington)

Committee:

Joint Rules

Legislative Council

Elected Speaker of the House.....8

Remarks Journalized 9, 603

South, Robert C.

Member from St. Johnsbury (District Caledonia-3)

Committee:

Corrections and Institutions

Motions, etc.

H. 60 Introduced	47
H. 99 Introduced	71
H. 180 Introduced	96
H. 206 Introduced	106
H. 208 Introduced	111
H. 227 Introduced	117
H. 255 Introduced	128
H. 339 Introduced	226
H. 370 Introduced	247
H. 390 Introduced	252
H. 410 Introduced	259
H. 426 Introduced	262
H. 432 Introduced	269
H. 433 Introduced	269
H. 435 Introduced	269
H. 460 Introduced	275
H. 530 Moved to amend.....	656
H. 531 Spoke for committee	615
S. 14 Moved to amend	880

Speed limits

Speeding in school zones. See table H. 306.....2079

Spengler, Kristy K.

Member from Colchester (District Chittenden-9-2)

Committee:

Health Care

Motions, etc.

H. 109 Introduced	73

Spengler, Kristy K. (continued)

H. 112 Introduced	74
Explained vote	1463
H. 115 Introduced	75
H. 123 Introduced	77
H. 147 Introduced	84
H. 173 Introduced	95
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 213 Introduced	112
H. 214 Introduced	112
H. 232 Introduced	118
H. 234 Introduced	118
H. 235 Introduced	119
H. 236 Introduced	119
H. 242 Introduced	120
H. 271 Introduced	138
H. 273 Introduced	139
H. 279 Introduced	156
H. 289 Introduced	163
H. 325 Introduced	223
H. 367 Introduced	246
H. 445 Introduced	272
H. 485 Introduced	288
H. 487 Introduced	289
H. 500 Introduced	291
H. 502 Introduced	292
H. 505 Introduced	293
H. 530 Explained vote	566
H. 540 Introduced	905
J.R.H. 12 Offered	1451

State Employees

Calculation of state employees' pensions. See table H. 296	2077
Executive Branch leaves public office; employment. See table H. 267.....	2072
Retirement funds; divesting; fossil fuels. See table H. 271	2073

State Employees (continued)

State employee mileage reimbursement; limiting. See table H. 244.....	2069
State's attorneys; collective bargaining. See table H. 370.....	2087
Vermont retirement laws. See table H. 518	2107

State House

Slavery; memorial. See table H. 507	2105
State curator; historical preservation. See table H. 360	2086

State Property

All-terrain vehicles; state lands; hunting. See table H. 321	2081
State-owned railbanked rail property. See table H. 166.....	2057

Stevens, Thomas S.

Member from Waterbury (District Washington-Chittenden)

Committee:

General, Housing and Military Affairs, Clerk

Conference on S. 61 1549

Motions, etc.

H. 76 Introduced 57

H. 81 Introduced 59

H. 84 Introduced 59

H. 99 Introduced 71

Reported for committee..... 382

Asked leave to withdraw amend..... 401

H. 109 Introduced 73

H. 112 Introduced 74

H. 124 Introduced 78

H. 125 Introduced 78

H. 132 Introduced 81

H. 136 Introduced 82

H. 137 Introduced 82

H. 168 Introduced 94

H. 169 Introduced 94

H. 171 Introduced 94

H. 184 Introduced 97

H. 200 Explained vote..... 729

H. 206 Introduced 106

H. 208 Introduced 111

H. 209 Introduced 111

H. 225 Introduced 116

H. 228 Introduced 117

H. 229 Introduced 117

H. 234 Introduced 118

H. 242 Introduced 120

H. 243 Introduced 120

H. 280 Introduced 156

H. 289 Introduced 163

H. 314 Introduced 220

H. 334 Introduced 225

H. 367 Introduced 246

H. 370 Introduced 247

H. 375 Introduced 248

H. 409 Introduced 259

H. 445 Introduced 272

H. 493 Introduced 290

H. 528 Explained vote..... 546

H. 538 Moved to amend..... 844

H. 539 Introduced 887

S. 14 Explained vote 882

S. 59 Reported for committee 1039

Explained vote..... 1083

Stevens, Thomas S., (continued)

H.R. 4 Offered.....	48
J.R.H. 1 Offered	52

Stevens, William C.

Member from Shoreham (District Addison-Rutland)

Committee:

Agriculture and Forest Products, Ranking Member

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 104 Introduced	72
H. 123 Introduced	77
H. 149 Introduced	85
H. 180 Introduced	96
H. 188 Introduced	98
H. 196 Introduced	100
H. 209 Introduced	111
H. 211 Introduced	112
H. 212 Introduced	112
H. 213 Introduced	112
H. 214 Introduced	112
H. 315 Introduced	220
H. 323 Introduced	222
H. 325 Introduced	223
H. 329 Introduced	224
H. 382 Introduced	250
H. 399 Introduced	255
H. 485 Introduced	288
H. 486 Introduced	289
H. 490 Introduced	290
H. 499 Introduced	291
H. 514 Spoke for committee	661
S. 82 Moved to amend	1387
S. 129 Moved to amend	1512
J.R.H. 7 Offered	278
J.R.H. 12 Offered	1451

Stormwater

Stormwater permits; telecom facilities. See table H. 134	2053

Strong, Vicki M.

Member from Albany (District Orleans-Caledonia)

Committee:

Judiciary

Motions, etc.

H. 38 Introduced	40
H. 76 Introduced	57
H. 82 Introduced	59
H. 97 Introduced	70
H. 118 Introduced	76

Strong, Vicki M. (continued)

H. 123 Introduced	77
H. 200 Explained vote.....	729
H. 242 Introduced	120
H. 245 Introduced	125
H. 282 Introduced	161
H. 372 Introduced	248
H. 378 Introduced	249
H. 382 Introduced	250
H. 434 Introduced	269
H. 443 Introduced	271
H. 465 Introduced	276
H. 482 Introduced	288
J.R.H. 1 Offered.....	52
J.R.H. 8 Offered.....	511

Stuart, Valerie A.

Member from Brattleboro (District Windham-2-1)

Committee:

Education

Motions, etc.

H. 5 Introduced	24
H. 60 Introduced	47
Explained vote.....	573
H. 76 Introduced	57
H. 88 Introduced	62
H. 97 Introduced	70
H. 99 Explained vote.....	455
H. 109 Introduced	73
H. 112 Introduced	74
H. 123 Introduced	77
H. 136 Introduced	82
H. 184 Introduced	97
H. 227 Introduced	117
H. 234 Introduced	118
H. 267 Introduced	137
H. 301 Introduced	212
H. 314 Introduced	220
H. 345 Introduced	239
H. 358 Introduced	244
H. 370 Introduced	247
H. 372 Introduced	248
H. 488 Introduced	289
H. 520 Explained vote.....	518
H. 521 Spoke for committee	706
H. 528 Moved to amend.....	557
H. 530 Explained vote.....	562
Explained vote.....	566
H. 537 Introduced	735
H.R. 7 Offered.....	140

Stuart, Valerie A., (continued)

H.R. 12 Offered.....	1800
J.R.H. 1 Offered	52

Sweaney, Donna G.

Member from Windsor (District Windsor-1)

Committee:

Government Operations, Chair

Public Records Legislative Study Committee, Co-Chair

Motions, etc.

H. 13 Introduced	28
H. 18 Introduced	29
H. 26 Introduced	36
H. 41 Introduced	41
Moved to commit	108
H. 54 Introduced	46
H. 60 Introduced	47
H. 63 Introduced	52
H. 64 Introduced	52
H. 82 Introduced	59
H. 109 Introduced	73
H. 126 Moved to commit	216
H. 143 Moved to commit	217
H. 182 Introduced	97
H. 205 Introduced	106
H. 227 Moved to commit	154
H. 241 Introduced	120
H. 338 Moved to commit	241
H. 350 Moved to commit	312
H. 450 Introduced	273
H. 474 Introduced	278
H. 497 Introduced	291
H. 516 Moved to commit	701
H. 540 Introduced	905
H.R. 4 Offered.....	48
H.R. 5 Offered.....	60
H.R. 6 Offered.....	87
J.R.H. 12 Offered	1451

T.**Taxation and Finance****Income Tax**

Calculation of household income. See table H. 120.....	2050
Household income; veteran's compensation. See table H. 257	2071
Income tax brackets and rates; creation of. See table H. 505.....	2105
Military pension income tax exemption. See table H. 11.....	2033
Raising personal income tax. See table H. 232	2067
Statewide education property tax. See table H. 164.....	2056
Vermont's earned income tax credit. See table H. 470.....	2100

Miscellaneous

Break-open tickets; allocation of revenue. See table H. 66.....2041

Taxation and Finance, (continued)

Deceased spouse's estate tax exemption. See table H. 399 2091

Downtown and village center tax credits. See table H. 532 2110

Establishing premium and cost-sharing assistance. See table H. 418 2094

Excise tax; sugar-sweetened beverages. See table H. 234 2067

Notary public services. See table H. 18 2034

Raising taxes on tobacco products; cigarettes. See table H. 137 2053

Tax credit; rectifiers of distilled spirits. See table H. 368 2087

Tax increment financing districts. See table H. 480.....2102

Tax increment financing district; creation of. See table H. 80.....2043

Taxation of soil amendments. See table H. 542 2112

Taxpayer to claim a renter rebate. See table H. 397.....2091

Technical tax changes. See table H. 295.....2077

Unified budget. See table H. 207 2063

Use Value Program; tiered benefit structure. See table H. 162.....2056

Vermont's tax code; changes to. See table H. 367.....2087

Property

Blighted property improvement programs. See table H. 417 2094

Education property tax rates; FY 2014. See table H. 265 2072

Freezing appraisal values; taxpayers 65 and older. See table H. 383.....2089

General Fund transfer. See table H. 352 2085

Housesite value for property tax adjustments. See table H. 351 2085

Municipal and education property taxes. See table H. 398 2091

Property tax appeals; prorating cost. See table H. 87.....2044

Property tax exemption; trailers in storage. See table H. 181 2059

Repeal of the delinquent property tax penalty. See table H. 445 2097

Scope of pious property; property taxes; exemption. See table H. 119.....2050

Taxation of mobile homes; mobile home parks. See table H. 419.....2094

Unused property tax adjustment funds. See table H. 75.....2042

Use value appraisals. See table H. 329.....2082

Purchase and Use Value

Use Value Program; farming. See table H. 202 2062

Sales and Use Tax

Prewritten software; remotely accessed; taxation; . See table H. 163.....2056

State sales tax holiday. See table H. 133.....2053

Vendors; less than \$1,000 annual sales; taxation. See table H. 444.....2097

Taylor, Therese M.

Member from Barre City (District Washington-3)

Committee:

Agriculture and Forest Products

Vermont Child Poverty Council

Rules

Motions, etc.

H. 99 Introduced 71

Demanded Yeas and Nays.....455

H. 169 Introduced 94

H. 171 Introduced 94

Taylor, Therese M. (continued)

H. 273 Introduced	139
H. 508 Introduced	293
H. 512 Introduced	308
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52

Telecommunications

Broadband; minimum technical service. See table H. 485	2102
Location information; wireless telecommunications. See table H. 132	2052
Vermont Telecommunications Authority. See table H. 415	2094
VT Telecommunications Authority bonds. See table H. 411	2093

Terenzini, Thomas P.

Member from Rutland Town (District Rutland-4)

Committee:

Fish, Wildlife & Water Resources

Motions, etc.

H. 34 Introduced	38
H. 44 Introduced	41
H. 48 Introduced	45
H. 76 Introduced	57
H. 78 Introduced	58
H. 79 Introduced	58
H. 92 Introduced	63
H. 97 Introduced	70
H. 103 Introduced	72
H. 118 Introduced	76
H. 123 Introduced	77
H. 180 Introduced	96
H. 245 Introduced	125
H. 255 Introduced	128
H. 268 Introduced	138
H. 269 Introduced	138
H. 294 Introduced	164
H. 422 Introduced	262
H. 443 Introduced	271
H. 465 Introduced	276
H. 466 Introduced	276
H. 472 Introduced	277
S. 14 Moved to amend	880
Demanded Yeas and Nays.....	882
S. 38 Explained vote	1350

Till, George W.

Member from Jericho (District Chittenden-3)

Committee:

Health Care Oversight Committee

Health Care

Motions, etc.

H. 35 Introduced	39

Till, George W., (continued)

H. 43 Introduced	41
H. 60 Introduced	47
H. 61 Introduced	51
H. 62 Introduced	51
H. 68 Introduced	56
H. 76 Introduced	57
H. 77 Introduced	58
H. 88 Introduced	62
H. 99 Introduced	71
H. 107 Explained vote.....	368
H. 109 Introduced	73
H. 112 Introduced	74
H. 114 Introduced	75
H. 136 Introduced	82
Reported for committee.....	322
H. 137 Introduced	82
H. 138 Introduced	83
H. 147 Introduced	84
H. 173 Introduced	95
H. 184 Introduced	97
H. 200 Introduced	100
H. 201 Introduced	101
H. 208 Introduced	111
H. 209 Introduced	111
H. 213 Introduced	112
H. 214 Introduced	112
H. 225 Introduced	116
H. 234 Introduced	118
H. 241 Introduced	120
H. 242 Introduced	120
H. 252 Introduced	127
H. 267 Introduced	137
H. 279 Introduced	156
H. 301 Introduced	212
H. 314 Introduced	220
H. 324 Introduced	222
H. 325 Introduced	223
H. 328 Introduced	223
H. 335 Introduced	225
H. 336 Introduced	225
H. 338 Introduced	225
H. 340 Introduced	226
H. 344 Introduced	238
H. 350 Introduced	240
H. 370 Introduced	247
H. 375 Introduced	248
H. 382 Introduced	250
H. 398 Introduced	255
H. 404 Introduced	258

Till, George W., (continued)

H. 409 Introduced	259
H. 412 Introduced	260
H. 427 Introduced	263
H. 433 Introduced	269
H. 484 Introduced	288
H. 502 Introduced	292
H. 508 Introduced	293
H. 522 Moved to amend.....	524
H. 530 Moved to amend.....	656
Moved to amend.....	586
S. 77 Moved to amend	1025
Moved to amend.....	1025
Explained vote.....	1034
S. 88 Reported for committee	972
S. 104 Reported for committee	711
S. 152 Asked leave to withdraw amend	1468
H.R. 4 Offered.....	48
J.R.H. 1 Offered	52
J.R.H. 12 Offered	1451

Tobacco Products

Raising taxes on tobacco products; cigarettes. See table H. 137	2053
Smoking in vehicle; children in car. See table H. 70.....	2041
Smoking location restrictions. See table H. 217	2065
Tobacco products. See table H. 71.....	2041
Tobacco licensees; compliance testing. See table H. 173.....	2058

Toleno, Tristan D.

Member from Brattleboro (District Windham-2-3)

Committee:

Agriculture and Forest Products
Government Accountability Committee
Workforce Development Work Group

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 97 Introduced	70
H. 112 Introduced	74
Moved to amend.....	1460
Explained vote.....	1500
H. 117 Introduced	76
H. 149 Introduced	85
H. 173 Introduced	95
H. 200 Introduced	100
H. 213 Introduced	112
H. 234 Introduced	118
H. 267 Introduced	137
H. 300 Introduced	211
H. 315 Introduced	220
H. 367 Introduced	246

Toleno, Tristan D., (continued)

H. 409 Introduced	259
H. 490 Introduced	290
H. 506 Introduced	293
H. 528 Moved to amend.....	557
H. 530 Moved to amend.....	656
H. 537 Introduced	735
H.R. 4 Offered.....	48
J.R.H. 7 Offered.....	278
J.R.S. 14 Reported for committee	956

Toll, Catherine B.

Member from Danville (District Caledonia-Washington)

Committee:

Appropriations, Clerk

Mental Health Oversight

Motions, etc.

H. 62 Introduced	51
H. 88 Introduced	62
H. 109 Introduced	73
H. 121 Introduced	77
H. 132 Introduced	81
H. 201 Introduced	101
H. 215 Introduced	113
H. 267 Introduced	137
J.R.H. 12 Offered.....	1451

Tourism

Connecticut River Valley; promotion of tourism. See table H. 303 2078

Townsend, Maida F.

Member from South Burlington (District Chittenden-7-4)

Committee:

Government Operations

Motions, etc.

H. 13 Introduced	28
H. 22 Introduced	30
H. 37 Introduced	40
H. 49 Introduced	45
H. 60 Introduced	47
H. 67 Introduced	56
Reported for committee.....	129
H. 76 Introduced	57
H. 80 Introduced	59
H. 82 Introduced	59
H. 88 Introduced	62
H. 99 Introduced	71
H. 109 Introduced	73
H. 112 Introduced	74
H. 114 Introduced	75

Townsend, Maida F., (continued)

H. 122 Introduced	77
H. 123 Introduced	77
H. 127 Introduced	80
H. 136 Introduced	82
H. 137 Introduced	82
H. 166 Introduced	93
H. 169 Introduced	94
H. 171 Introduced	94
H. 208 Introduced	111
H. 225 Introduced	116
H. 232 Introduced	118
H. 273 Introduced	139
H. 279 Introduced	156
H. 289 Introduced	163
H. 301 Introduced	212
H. 314 Introduced	220
H. 324 Introduced	222
H. 334 Introduced	225
H. 340 Introduced	226
H. 344 Introduced	238
H. 349 Introduced	239
H. 355 Introduced	241
H. 356 Introduced	241
H. 367 Introduced	246
H. 370 Introduced	247
H. 392 Introduced	252
H. 393 Introduced	252
H. 406 Introduced	258
H. 410 Introduced	259
H. 433 Introduced	269
H. 435 Introduced	269
H. 440 Introduced	270
H. 474 Reported for committee	610
H. 488 Introduced	289
H. 500 Introduced	291
H. 505 Introduced	293
H. 530 Moved to amend	656
H. 534 Reported for committee	1300
H. 536 Moved to amend	760
Moved to amend	763
H. 540 Introduced	905
S. 82 Moved to amend	1389
H.R. 6 Offered	87
J.R.H. 1 Offered	52
J.R.H. 4 Offered	132
J.R.H. 12 Offered	1451

Transportation**Driver's license**

Driving and identification privileges in Vermont. See table H. 289	2076
Driving privileges; undocumented VT residents. See table H. 290	2076
Operator's licenses; older drivers; requirements. See table H. 154	2055

Transportation

Closed highways; emergency services. See table H. 8	2033
Fuel pilot programs; school bus alternative. See table H. 196	2061
Reducing petroleum; energy use; transportation. See table H. 439	2096
Route 102 resurfacing project. See table H. 152	2055
State transportation program. See table H. 510	2106
Town road and bridge standards; water quality. See table H. 291	2076
Transportation Demand Management Pilot Program. See table H. 462	2099
West Rutland; rail crossing projects. See table H. 34	2036

Transportation Committee

H. 510. Introduced	308

Trieber, Matthew A.

Member from Rockingham (District Windham-3)

Committee:

Human Services

Motions, etc.

H. 43 Introduced	41
H. 70 Introduced	56
H. 76 Introduced	57
H. 88 Introduced	62
H. 97 Introduced	70
H. 105 Introduced	73
H. 121 Introduced	77
H. 140 Introduced	83
H. 215 Introduced	113
H. 218 Introduced	113
H. 235 Introduced	119
H. 236 Introduced	119
H. 267 Introduced	137
H. 303 Introduced	212
H. 315 Introduced	220
H. 331 Introduced	224
H. 368 Introduced	247
H. 371 Introduced	247
H. 389 Introduced	251
H. 408 Introduced	258
H. 454 Introduced	273
H. 482 Introduced	288
H. 494 Introduced	290
H.R. 4 Offered	48
J.R.H. 1 Offered	52

Tuition

Independent schools; public funding. See table H. 488	2103
Public funding; independent schools. See table H. 56	2039
Technical school attendance in another state. See table H. 108	2047
Tuition payment; out-of-state independent schools. See table H. 150	2055

Turner, Donald H.

Member from Milton (District Chittenden-10)

Committee:

Education
Joint Rules
Legislative Council
Rules

Motions, etc.

H. 200 Demanded Yeas and Nays	729
H. 245 Introduced	125
H. 265 Explained vote	217
H. 270 Demanded Yeas and Nays	983
H. 315 Explained vote	314
H. 510 Demanded Yeas and Nays	427
Demanded Yeas and Nays	827
H. 520 Explained vote	518
H. 528 Demanded Yeas and Nays	546
Explained vote	546
H. 530 Explained vote	562
Demanded Yeas and Nays	600
Explained vote	600
Explained vote	2018
S. 14 Demanded Yeas and Nays	895
S. 30 Explained vote	888
S. 59 Demanded Yeas and Nays	1083
S. 77 Demanded Yeas and Nays	1017
Demanded Yeas and Nays	1034
S. 152 Explained vote	1471
H.R. 9 Offered	281
J.R.H. 1 Offered	52
J.R.H. 10 Offered	1058

U.**Unemployment Compensation**

Domestic and Sexual violence survivors. See table H. 19	2034
employer's' experience-rating records. See table H. 169	2057
Gross misconduct. See table H. 452	2098
Unemployment compensation benefits; adjustment of. See table H. 340	2083
Unemployment compensation. See table H. 190	2060
Unemployment compensation; certain school employee. See table H. 426	2095

Uniform Commercial Code

Article 9; Uniform Commercial Code. See table H. 483	2102

University of Vermont

Teacher education programs. See table H. 358.....2085

Utilities

Dept. of Public Service; Public Service Board. See table H. 39 2036
 Director for Consumer Advocacy. See table H. 414.....2093
 Electric generation facilities; siting of. See table H. 312.....2079
 Heating fuel prices; reporting and disclosure. See table H. 94 2045
 Office of Ratepayer Advocate; creation of. See table H. 343.....2084
 Retail propane industry; state regulation. See table H. 96 2045
 Smart meters; use of. See table H. 402 2091
 Submetered electric service. See table H. 298 2077
 Utility poles; wood preservatives. See table H. 194 2061
 Utility reconnection; change of account fees. See table H. 361.....2086
 Vermont electric industry; public ownership. See table H. 259.....2071
 Vermont Telecommunications Authority. See table H. 415 2094

V.**Van Wyck, Warren**

Member from Ferrisburgh (District Addison-3)
 Appointed by Governor to fill Gregory Clark's seat.....123
 Committee:
 General, Housing and Military Affairs
 Legislative Information Technology
 Motions, etc.
 H. 301 Introduced 212
 H. 382 Introduced 250
 H. 443 Introduced 271
 S. 77 Explained vote 1034

Vermont Lottery

Casino gaming. See table H. 93.....2045

Vermont National Guard

F-35 adverse Impacts Compensation Board. See table H. 302 2078
 Sexual assault; National Guard. See table H. 109.....2048

Vermont State Hospital

Vermont State Hospital cemetery; preservation of. See table H. 76.....2042

Veterans

"I Support Veterans" license plate. See table H. 44 2037
 Household income; veteran's compensation. See table H. 257 2071
 Moose permits; veterans. See table H. 292.....2076
 Retired military pay; exemption from income tax. See table H. 466.....2100
 Vermont Veterans' Medal. See table H. 59.....2039

Victims

Department of Corrections victim services program. See table H. 463 2099

Vowinkel, Sheila J.

Member from Hartford (District Windsor-4-2)

Committee:

General, Housing and Military Affairs

Motions, etc.

Vowinkel, Sheila J., (continued)

H. 60 Introduced	47
H. 109 Introduced	73
H. 132 Introduced	81

W.**Wages**

Payment of wages. See table H. 279.....	2075
Payment of wages. See table H. 280.....	2075

Waite-Simpson, Linda J.

Member from Essex (District Chittenden-8-2)

Committee:

Judicial Retention

Judiciary

Serious Functional Impairments

Conference on S. 20 1734

Motions, etc.

H. 23 Introduced	30
H. 38 Introduced	40
H. 41 Reported for committee.....	147
H. 43 Introduced	41
H. 60 Introduced	47
H. 62 Introduced	51
H. 65 Introduced	52
H. 76 Introduced	57
H. 87 Introduced	62
H. 88 Introduced	62
H. 99 Reported for committee.....	391
H. 109 Introduced	73
H. 112 Introduced	74
H. 113 Introduced	75
H. 119 Introduced	76
H. 120 Introduced	77
H. 122 Introduced	77
H. 123 Introduced	77
H. 124 Introduced	78
H. 125 Introduced	78
H. 127 Introduced	80
H. 132 Introduced	81
H. 135 Introduced	82
H. 148 Introduced	85
H. 173 Introduced	95
H. 200 Introduced	100

Waite-Simpson, Linda J., (continued)

Reported for committee.....	714
Moved to amend.....	744
Explained vote.....	747
H. 213 Introduced	112
H. 214 Introduced	112
H. 234 Introduced	118
H. 242 Introduced	120
H. 243 Introduced	120
H. 267 Introduced	137
H. 287 Introduced	162
H. 324 Introduced	222
H. 325 Introduced	223
H. 382 Introduced	250
H. 403 Introduced	256
H. 412 Introduced	260
H. 413 Introduced	260
H. 416 Introduced	261
H. 428 Introduced	263
H. 485 Introduced	288
H. 508 Introduced	293
H. 541 Introduced	1020
S. 77 Reported for committee	1001
Moved to amend.....	1033
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered.....	52

Waste Management

Brownfields. See table H. 410	2093
Radioactive waste disposal fees; small generators. See table H. 97	2046

Wastewater

Composting toilets; design and operation of. See table H. 479	2101

Water Quality

Composting toilets; design and operation of. See table H. 479	2101
Pesticide application under right-of-way permits. See table H. 317	2080
Water quality; application of manure. See table H. 145	2054

Water Resources

Consecutive public water systems. See table H. 424.....	2095
Littering in or on the waters of the State. See table H. 356	2085
Public trust doctrine; rivers and streams. See table H. 218.....	2065
Secretary of Natural Resources. See table H. 394	2090
Shoreland protection requirements; lakes. See table H. 223.....	2065
Water quality; application of manure. See table H. 145	2054

Ways and Means Committee

H. 240. Introduced.....	120
H. 265. Introduced.....	132

Ways and Means Committee (continued)

H. 295. Introduced.....	164
H. 528. Introduced.....	528
H. 538. Introduced.....	736

Webb, Kathryn L.

Member from Shelburne (District Chittenden-5-1)

Committee:

Fish, Wildlife & Water Resources

Lake Shoreland Protection Commission

Motions, etc.

H. 60 Introduced	47
H. 84 Introduced	59
H. 86 Introduced	62
H. 109 Introduced	73
H. 112 Introduced	74
Explained vote.....	1502
H. 113 Introduced	75
H. 123 Introduced	77
H. 159 Introduced	92
H. 171 Introduced	94
H. 175 Introduced	95
H. 202 Introduced	105
H. 209 Introduced	111
H. 227 Introduced	117
H. 234 Introduced	118
H. 238 Introduced	119
H. 271 Introduced	138
H. 317 Introduced	221
H. 325 Introduced	223
H. 329 Introduced	224
H. 350 Introduced	240
H. 351 Introduced	240
H. 459 Introduced	274
H. 526 Explained vote.....	541
Explained vote.....	543
S. 14 Explained vote	868
H.R. 4 Offered.....	48
J.R.H. 5 Offered	165

Weed, Cynthia A.

Member from Enosburgh (District Franklin-7)

Committee:

General, Housing and Military Affairs

Motions, etc.

H. 14 Reported for committee.....	294
H. 60 Introduced	47
H. 76 Introduced	57
H. 99 Introduced	71
H. 109 Introduced	73
H. 121 Introduced	77

Weed, Cynthia A. (continued)

H. 208 Introduced	111
H. 225 Introduced	116
H. 242 Introduced	120
H. 267 Introduced	137
H. 270 Explained vote.....	1022
H. 280 Introduced	156
H. 289 Introduced	163
H. 301 Introduced	212
H. 314 Introduced	220
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 409 Introduced	259
H. 410 Introduced	259
H. 490 Introduced	290
H. 500 Introduced	291
H. 505 Introduced	293
H. 530 Moved to amend.....	656
S. 7 Reported for committee	1366
Asked leave to withdraw committee report.....	1373

Welfare

Office of the Child Advocate. See table H. 73.....	2042

Wilson, Jeffrey D.

Member from Manchester (District Bennington-4)

Committee:

Ways and Means

Conference on H. 295.....	1683

Conference on H. 528.....	1075

Motions, etc.

H. 20 Introduced	31
H. 23 Introduced	30
H. 53 Introduced	46
H. 60 Introduced	47
H. 70 Introduced	56
H. 87 Introduced	62
H. 132 Introduced	81
H. 168 Introduced	94
H. 171 Introduced	94
H. 172 Introduced	95
H. 173 Introduced	95
H. 174 Introduced	95
H. 198 Recommended for committee	688
Moved to amend.....	689
Moved to postpone action	702
Moved to amend.....	705
Moved to amend.....	706
H. 209 Introduced	111

Wilson, Jeffrey D., (continued)

H. 211 Introduced	112
H. 234 Introduced	118
H. 253 Introduced	127
H. 267 Introduced	137
H. 271 Introduced	138
H. 297 Reported for committee	653
H. 382 Introduced	250
H. 395 Recommended for committee	668
H. 406 Introduced	258
H. 485 Introduced	288
H. 487 Introduced	289
H. 517 Recommended for committee	793
H. 540 Introduced	905
H.R. 7 Offered.....	140

Winters, Philip C.

Member from Williamstown (District Orange-1)

Committee:

Appropriations

Motions, etc.

H. 14 Introduced	29
H. 23 Introduced	30
H. 49 Introduced	45
H. 62 Introduced	51
H. 93 Introduced	64
H. 97 Introduced	70
H. 101 Moved to amend committee report	646
H. 118 Introduced	76
H. 123 Introduced	77
H. 129 Introduced	80
H. 133 Introduced	81
H. 173 Introduced	95
H. 245 Introduced	125
H. 282 Introduced	161
H. 294 Introduced	164
H. 296 Introduced	164
H. 321 Introduced	222
H. 322 Introduced	222
H. 329 Introduced	224
H. 443 Introduced	271
H. 465 Introduced	276
H. 533 Recommended for committee	653
H. 538 Recommended for committee	841

Wiretapping

Illegal wiretapping. See table H. 157 2055

Wizowaty, Susan L.

Member from Burlington (District Chittenden-6-5)

Committee:

Judicial Retention

Judiciary, Clerk

Conference on S. 20 1734

Motions, etc.

H. 12 Introduced (By Request)	0
H. 28 Introduced	37
H. 29 Introduced	37
H. 38 Introduced	40
H. 42 Introduced	41
H. 60 Introduced	47
H. 62 Introduced	51
H. 65 Introduced	52
H. 76 Introduced	57
H. 99 Introduced	71
Explained vote.....	401
H. 100 Introduced	72
H. 109 Introduced	73
H. 112 Introduced	74
Explained vote.....	1463
H. 114 Introduced	75
H. 121 Introduced	77
H. 147 Introduced	84
H. 184 Introduced	97
H. 200 Introduced	100
H. 208 Introduced	111
H. 209 Introduced	111
H. 224 Introduced	116
H. 232 Introduced	118
H. 234 Introduced	118
H. 241 Introduced	120
H. 267 Introduced	137
H. 272 Introduced	139
H. 273 Introduced	139
H. 289 Introduced	163
H. 293 Introduced	164
H. 301 Introduced	212
H. 304 Introduced	212
H. 315 Introduced	220
H. 338 Introduced	225
H. 367 Introduced	246
H. 370 Introduced	247
H. 375 Introduced	248
H. 407 Introduced	258
H. 410 Introduced	259
H. 413 Introduced	260
H. 431 Introduced	269
H. 445 Introduced	272

Wizowaty, Susan L., (continued)

H. 447 Introduced	272
H. 471 Introduced	277
H. 487 Introduced	289
H. 505 Introduced	293
H. 508 Introduced	293
H. 530 Moved to amend.....	656
Asked leave to withdraw amend.....	569
Explained vote.....	2018
S. 1 Reported for committee	837
S. 2 Moved to commit.....	129
Reported for committee.....	254
S. 161 Reported for committee	794
H.R. 4 Offered.....	48
H.R. 7 Offered.....	140
J.R.H. 1 Offered	52

Woodward, Mark E.

Member from Johnson (District Lamoille-2)

Committee:

Health Care

Motions, etc.

H. 60 Introduced	47
H. 88 Introduced	62
H. 107 Reported for committee.....	333
H. 112 Introduced	74
H. 113 Introduced	75
H. 115 Introduced	75
H. 123 Introduced	77
H. 137 Introduced	82
H. 146 Introduced	84
H. 147 Introduced	84
H. 172 Introduced	95
H. 200 Introduced	100
H. 201 Introduced	101
H. 204 Introduced	105
H. 209 Introduced	111
H. 232 Introduced	118
H. 235 Introduced	119
H. 236 Introduced	119
H. 258 Introduced	131
H. 259 Introduced	131
H. 266 Introduced	137
H. 267 Introduced	137
H. 271 Introduced	138
H. 289 Introduced	163
H. 367 Introduced	246
H. 382 Introduced	250
H. 485 Introduced	288
H. 487 Introduced	289
H. 500 Introduced	291

Woodward, Mark E. (continued)

H. 505 Introduced	293
H. 530 Moved to amend.....	586
H. 539 Introduced	887
H.R. 4 Offered.....	48

Worker's Compensation

Electronic payroll card; workers' compensation. See table H. 51.....	2038
Funeral expenses; workers' compensation. See table H. 214.....	2064
Independent contractors. See table H. 170.....	2057
Proof of work documents. See table H. 423	2095
Worker's compensation statutes; mental injuries. See table H. 6.....	2032
Worker's compensation. See table H. 425	2095
Workers' compensation. See table H. 274	2074

Wright, Kurt

Member from Burlington (District Chittenden-6-1)

Committee:

Transportation

Motions, etc.

H. 40 Introduced	40
H. 60 Introduced	47
H. 97 Introduced	70
H. 112 Explained vote.....	1502
H. 200 Moved to amend.....	725
Demanded Yeas and Nays.....	725
Moved to amend.....	745
Demanded Yeas and Nays.....	745
H. 242 Introduced	120
H. 267 Introduced	137
H. 318 Introduced	221
H. 319 Introduced	221
H. 320 Introduced	222
H. 382 Introduced	250
H. 409 Introduced	259
H. 410 Introduced	259
H. 422 Introduced	262
H. 423 Introduced	262
H. 467 Introduced	276
H. 468 Introduced	276
H. 480 Introduced	287
H. 510 Explained vote.....	461
H. 528 Explained vote.....	546
H. 530 Explained vote.....	562
H. 536 Demanded Yeas and Nays.....	764
Explained vote.....	774
S. 14 Explained vote	882
Asked leave to withdraw amend.....	891
S. 38 Explained vote	1350
S. 77 Moved to amend	1028

Wright, Kurt, (continued)

Demanded Yeas and Nays.....	1029
Explained vote.....	1029
S. 82 Moved to amend	1390
Demanded Yeas and Nays.....	1391
Explained vote.....	1391

Y.**Yantachka, Michael I.**

Member from Charlotte (District Chittenden-4-1)

Committee:

Natural Resources and Energy

Motions, etc.

H. 23 Introduced	30
H. 49 Introduced	45
H. 58 Introduced	47
H. 60 Introduced	47
H. 83 Introduced	59
H. 88 Introduced	62
H. 97 Introduced	70
H. 109 Introduced	73
H. 122 Introduced	77
H. 123 Introduced	77
H. 124 Introduced	78
H. 125 Introduced	78
H. 136 Introduced	82
H. 171 Introduced	94
H. 173 Introduced	95
H. 194 Introduced	99
H. 202 Introduced	105
H. 208 Introduced	111
H. 209 Introduced	111
H. 213 Introduced	112
H. 225 Introduced	116
H. 227 Introduced	117
H. 241 Introduced	120
H. 242 Introduced	120
H. 243 Introduced	120
H. 252 Introduced	127
H. 267 Introduced	137
H. 271 Introduced	138
H. 287 Introduced	162
H. 308 Introduced	213
H. 314 Introduced	220
H. 323 Introduced	222
H. 325 Introduced	223
H. 351 Introduced	240
H. 367 Introduced	246
H. 412 Introduced	260
H. 439 Introduced	270

Yantachka, Michael I., (continued)

H. 445 Introduced	272
H. 487 Introduced	289
H. 500 Introduced	291
H. 505 Introduced	293
H. 510 Explained vote.....	427
H. 530 Moved to amend.....	656
Moved to amend.....	586
S. 77 Asked leave to withdraw amend	1028
Explained vote.....	1034
H.R. 7 Offered.....	140
J.R.H. 12 Offered	1451

Young, Samuel R.

Member from Glover (District Orleans-Caledonia)

Committee:

Commerce and Economic Development

Legislative Information Technology

Conference on S. 129 1666

Conference on S. 155 1462

Motions, etc.

H. 51 Introduced	46
H. 171 Introduced	94
H. 174 Introduced	95
H. 190 Introduced	98
H. 198 Introduced	100
H. 200 Introduced	100
H. 209 Introduced	111
H. 245 Introduced	125
H. 255 Introduced	128
H. 260 Introduced	131
H. 282 Introduced	161
H. 284 Introduced	162
H. 286 Introduced	162
H. 297 Reported for committee.....	647
H. 359 Introduced	245
H. 377 Introduced	249
H. 408 Introduced	258
H. 410 Introduced	259
H. 411 Introduced	259
H. 415 Introduced	260
H. 454 Introduced	273
H. 458 Introduced	274
H. 469 Introduced	277
H. 487 Introduced	289
H. 508 Introduced	293
H. 510 Explained vote.....	427
H. 528 Explained vote.....	558
H. 530 Explained vote.....	562
H.R. 10 Offered.....	613

Young, Samuel R. (continued)

J.R.H. 7 Offered	278
J.R.H. 8 Offered	511

Z.**Zagar, Teo E.**

Member from Barnard (District Windsor-4-1)

Committee:

Agriculture and Forest Products

Motions, etc.

H. 23 Introduced	30
H. 60 Introduced	47
H. 84 Introduced	59
H. 88 Introduced	62
H. 99 Introduced	71
H. 112 Introduced	74
Reported for committee	1451
Moved to amend	1460
Explained vote	1463
H. 121 Introduced	77
H. 196 Introduced	100
H. 200 Introduced	100
H. 208 Introduced	111
H. 211 Introduced	112
H. 213 Introduced	112
H. 225 Introduced	116
H. 267 Introduced	137
H. 271 Introduced	138
H. 279 Introduced	156
H. 325 Introduced	223
H. 349 Introduced	239
H. 367 Introduced	246
H. 369 Introduced	247
H. 374 Introduced	248
H. 408 Introduced	258
H. 409 Introduced	259
H. 411 Introduced	259
H. 426 Introduced	262
H. 432 Introduced	269
H. 434 Introduced	269
H. 479 Introduced	287
H. 487 Introduced	289
H. 490 Introduced	290
H. 492 Introduced	290
H. 493 Introduced	290
H. 494 Introduced	290
H. 499 Introduced	291
H. 500 Introduced	291
H. 530 Moved to amend	656
H. 540 Introduced	905

Zagar, Teo E., (continued)

S. 157 Reported for committee	1517
H.R. 4 Offered.....	48
J.R.H. 7 Offered	278
J.R.H. 12 Offered	1451

Zakov, Gwynn

Appointed Second Assistant Clerk of the House	13

Zoning

Electric generation plants; siting of. See table H. 245	2069
Flood hazard areas; accessory dwellings. See table H. 72	2042
Residential care/ group homes; muni land use. See table H. 143	2054

Journal
of the
JOINT ASSEMBLY
Biennial Session
2013

JOURNAL OF THE JOINT ASSEMBLY OF THE STATE OF VERMONT BIENNIAL SESSION, 2013

IN JOINT ASSEMBLY, JANUARY 10, 2013

10:00 A.M.

The Senate and the House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 2. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

Presiding Officer

Honorable John H. Campbell, President *pro tempore* of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Report of the Joint Canvassing Committee

Senator White, Co-Chair, then presented the report of the Joint Canvassing Committee, which was as follows:

The Joint Canvassing Committee appointed to canvass the votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, and Attorney General respectfully reports:

That having been duly sworn, it has attended to the duties of its trust and finds the number of votes to have been:

For GOVERNOR.....	295,412
Necessary to have a major part of the votes	147,706
Randolph B. Brock, Republican.....	110,940
Dave Eagle, Liberty Union	1,303
Cris Ericson, United States Marijuana	5,583
Emily Peyton, Independent	5,868
Peter E. Shumlin, Democratic/Working Families.....	170,749
Scattering (write-in votes).....	969

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

PETER E. SHUMLIN

received a major part of the votes, and therefore was elected Governor of the State of Vermont for the two years next ensuing.

For LIEUTENANT GOVERNOR	285,014
Necessary to have a major part of the votes	142,507
Cassandra “Cass” Gekas, Progressive/Democratic.....	115,015
Ben Mitchell, Liberty Union.....	6,975
Philip B. Scott, Republican	162,767
Scattering (write-in votes).....	257

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

PHILIP B. SCOTT

received a major part of the votes, and therefore was elected Lieutenant Governor of the State of Vermont for the two years next ensuing.

For STATE TREASURER.....	282,281
Necessary to have a major part of the votes	141,141
Jessica “Jessy” Diamondstone, Liberty Union.....	6,939
Elizabeth A. “Beth” Pearce, Democratic/Republican..	147,700
Don Schramm, Progressive.....	12,497
Wendy Wilton, Republican.....	114,947
Scattering (write-in votes).....	198

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

ELIZABETH A. “BETH” PEARCE

received a major part of the votes, and therefore was elected Treasurer of the State of Vermont for the two years next ensuing.

For SECRETARY OF STATE 260,782
 Plurality, not a major part of the vote, is required
 James C. Condos, Democratic 225,801
 Mary Alice “Mal” Herbert, Liberty Union 34,105
 Scattering (write-in votes)..... 876

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

JAMES C. CONDOS

received the greatest number of the votes, and therefore was elected Secretary of State of the State of Vermont for the two years next ensuing.

For AUDITOR OF ACCOUNTS 274,268
 Plurality, not a major part of the vote, is required
 Douglas R. Hoffer, Democratic 140,805
 Vincent Illuzzi, republican/Working Families 123,806
 Jerry Levy, Liberty Union..... 9,381
 Scattering (write-in votes)..... 276

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

DOUGLAS R. HOFFER

received the greatest number of the votes, and therefore was elected Auditor of Accounts of the State of Vermont for the two years next ensuing.

For ATTORNEY GENERAL..... 283,779
 Plurality, not a major part of the vote, is required
 Rosemarie Jackowski, Liberty Union 8,533
 Jack McMullin, Republican 94,588
 William H. Sorrell, Democratic 164,441
 Ed Stanak, Progressive..... 15,629
 Scattering (write-in votes)..... 588

Pursuant to 3 V.S.A. §151, the Committee hereby declares that

WILLIAM H. SORRELL

received the greatest number of the votes, and therefore was elected Attorney General of the State of Vermont for the two years next ensuing.

All of which is respectfully submitted.

JEANETTE K. WHITE

Chair of the Joint Canvassing
Committee on the part of the Senate

ROBERT C. KREBS

Chair of the Joint Canvassing
Committee on the part of the House

Report of the Joint Canvassing Committee Adopted

Upon motion of Representative Krebs, Co-Chair, the report of the Joint Canvassing Committee was adopted.

Dissolution

Thereupon, the President declared that the Joint Assembly was dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, THURSDAY, JANUARY 10, 2013

2:00 P.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 3. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 10, 2013, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Recognition

The Chair recognized former Governors, their spouses and other dignitaries:

Representatives of the Nation of Canada
Mrs. George D. Aiken
Mrs. Richard A. Snelling
Governor Howard B. Dean
Governor and Mrs. James H. Douglas
U.S. Senator and Mrs. Patrick Leahy
U.S. Senator and Mrs. Bernard Sanders
U.S. Congressman Peter F. Welch

Supreme Court

The Supreme Court was escorted within the presence of the Joint Assembly by the Sergeant at Arms, Francis K. Brooks.

Committee Appointed

Senator John F. Campbell of Windsor District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor-elect, and escort him into the Chamber to receive the Oath of Office and to present his inaugural address.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Philip E. Baruth, of Chittenden District
Senator Jeannette K. White, of Windham District
Senator Margaret K. Flory, of Rutland District
Representative Therese M. "Tess" Taylor, of Barre City
Representative Donald H. Turner, Jr., of Milton
Representative Christopher Pearson, of Burlington

Governor-Elect Shumlin Presented

The Committee performed the duty assigned to it and appeared within the Chamber, accompanied by His Excellency, Governor-elect Peter E. Shumlin.

Song

Nicole Nelson sang – "America The Beautiful".

Invocation

The Bishop Thomas Ely, of the Episcopal Diocese of Vermont gave the official invocation.

Oath Administered to Governor

The oath of office was then duly administered by the Honorable Paul L. Reiber, Chief Justice of the Supreme Court of the State of Vermont, to His Excellency, Governor Peter E. Shumlin.

Oath Administered to Officers

The oath of office was then duly administered by His Excellency, Peter E. Shumlin, Governor of the State of Vermont, *separately*, and in the order shown below, to the following officers:

Elizabeth A. “Beth” Pearce, Treasurer
James C . Condos, Secretary of State
Douglas R. Hoffer, Auditor of Accounts
William H. Sorrell, Attorney General

Second Invocation

The Most Rabbi Jarah Greenfield of the Congregation Beth El of Bennington gave a second invocation.

Song

The Harwood Union High School, I Cantori, under the direction of Stefanie Weigand, sang:

“These Green Mountains”.

Introduction by Chair

The President of the Senate, Lieutenant Governor Philip B. Scott, then introduced the Governor of the State of Vermont, Peter E. Shumlin, for the purpose of presentation of his inaugural address.

Inaugural Address

Governor Shumlin then presented the following remarks.

“Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the General Assembly, members of our National Guard, fellow Vermonters:

“Thank you for the opportunity to serve as your governor for another term. It is an honor to serve, and every day I am grateful for this extraordinary privilege.

“I am also humbled to be joined today by the best Congressional delegation in America. Senator Leahy, Senator Sanders, and Congressman Welch, we welcome you to the State House and thank you for your service to our great state.

“I am so proud to be governor of Vermont. There is so much to celebrate about our state. Since our founding, Vermont has always been a national leader. First state to abolish slavery. First state to mandate public funding for universal education. First state to pass civil unions, and the first to pass marriage equality without a court mandate. We enjoy the nation’s lowest unemployment rate this side of the Mississippi, and this year we were once again ranked the healthiest state in the nation.

“All of us here today, in this gem of a state house, on this glorious Vermont day, know this: Vermont is the best state in the country for quality of life. The best place to live, work, and raise a family.

“The state of our state is healthy, resilient, and strong.

“We are blessed to live here, and we care deeply about our shared future.

“Today I will diverge from tradition and focus this speech on one theme: an education system that grows Vermont’s prosperity. My goal – and the single objective of my administration – remains to grow jobs and incomes for working Vermonters. Our education system, from pre-kindergarten to higher education, is the state’s greatest economic development tool. Our kids routinely test above the national average, and excel in a wide range of disciplines. We have a great system that we must make even greater.

“To stay on top, Vermont must follow the steps of our predecessors, who refused to be led by history, but instead had the courage and imagination to shape it. If we stand by, if we fail to innovate, and if we refuse to change, we will slip behind.

“We stand on the shoulders of leaders who, at defining times, chose to be bold. As we continue our slow recovery from a devastating recession and a devastating storm, I believe Vermont is again poised to lead.

“We are on the right path. We are focused on getting Vermont off our addiction to oil and building renewables, and we now have more high tech green jobs per capita than any other state. We are delivering on our promise to grow prosperity by connecting every last mile of Vermont to high-speed Internet access by the end of this year. We are implementing the first common sense single payer health care system in America, where health care is a right and not a privilege and where we contain unsustainable rising health care costs.

“We are adding jobs. Employers across the state, who just two years ago might have been contemplating another layoff, are looking for well-trained and skilled workers. Our incomes are slowly rising. In 2011, Vermont was the only state in the union where incomes actually rose after a decade of stagnation.

“But it’s not enough. The seventh lowest unemployment rate, when you are struggling to find a job, is not low enough. Four percent income growth is better than the rest of America, but for too many Vermonters who are working a job or multiple jobs and still struggling to pay their bills, it’s not enough. Enjoying one of the fastest economic growth rates in the northeast is better than where we used to be, but for so many moms and dads like me who want their kids to live and prosper here at home, it’s not enough.

“Now here’s the irony. The true challenge that I hear day in and day out, as I log mile after mile as your governor traveling Vermont, is this: at the same time that so many Vermonters need to make more money to make life work and at the same time that so many families seek to bring their kids and loved ones back to Vermont, our employers, from border to border, are eager to find workers with the right educational skills, and they have good money to pay.

“Go with me for a moment to our deep south, where in Brattleboro, second generation business owner Norm Schneeberger at GS Precision is manufacturing world-class machine parts for the aerospace industry, and laments that if he could find enough engineers and trained machinists, he could grow his workforce by 25 percent this year alone.

“Drive over the mountain to Bennington, which has become ground zero for the composite revolution, where Plasan Carbon Composites is building auto body parts that are lighter, stronger, and more energy efficient than their steel predecessors, and they need trained technicians to meet a growing worldwide demand.

“GE Rutland, manufacturing aeronautics parts that power nearly every plane flying in the world, struggles to bring in engineers and computer technicians.

“Green Mountain Power is turning Rutland into the solar capital of New England, opening their Energy Innovation Center in the heart of downtown and building solar farms to power the region. This will create more green jobs needing skilled workers.

“Travel east over the mountain to Windsor County, where in Woodstock NatureShare is making apps for iPhones and looking for trained computer technicians.

“Head to Chittenden County, where the cry for qualified workers turns more to a roar. IBM has more than a dozen openings for high-paying, entry-level technicians with a two-year degree and basic math skills. They can’t fill them.

“MyWebGrocer and Dynapower are growing and hiring. Dealer.com, which is now employing over 600 Vermonters with big plans to continue expanding its workforce, needs skilled workers to fill their high-paid jobs.

“Add to that list Mylan Technology in Franklin County, Concept 2 rowing in Lamoille County, UTC Aerospace Systems in Addison County, Global-Z in Bennington, Mack Molding in Arlington, North Hartland Tool Corporation, Superior Technical Ceramics in Franklin County, New England Precision and Wall Goldfinger in Orange County. The need for skilled workers goes on and on.

“Perhaps that need is best embodied in the Northeast Kingdom, the area of our state that for generations has struggled with chronically high unemployment rates and low incomes, where Bill Stenger and Ari Quiros continue to shine a beacon of hope, opportunity and future prosperity.

“For Bill and Ari, investing \$250 million, and creating 5,000 new jobs over the past 5 years while they built a world-class resort at Jay Peak, is not enough. They are moving on to Phase II, a project of unprecedented ambition, which partners with Senator Leahy’s EB-5 program and my administration to grow prosperity in other regions of the Kingdom with \$600 million in new investment, creating 10,000 new jobs.

“Some of those jobs will be at AnC Bio, a South Korean company that conducts cutting edge stem cell and artificial organ research and will be looking for scientists and other well-paid technicians. Menck Windows is a German manufacturer of the highest efficiency windows in the world; they will be adding 500 jobs. A world-class resort that will be built in downtown Newport on beautiful Lake Memphremagog, will need hundreds of workers, as will the revitalization at Burke Mountain.

“I will be traveling with Bill and Ari to South America, Asia and other ports to help secure capital for this project, and in the months ahead, additional announcements of job opportunities are likely to be forthcoming as they are secured.

“Time does not allow me to recite the hundreds of other creative, entrepreneurial ventures, large and small, in value added agriculture, food systems, health care, technology, manufacturing, travel and tourism, energy, education, services, retail and the trades that bless our little state right now. I

remain unfailingly optimistic about Vermont's economic future. But to ensure our success, we must embrace change in the way we both view and deliver education. The rapid change that is required of us is not optional; it will define our success or deliver our failure.

"Let's face facts for a minute: these opportunities for prosperity, from our southern border to Canada, result from the way technology has transformed Vermont's economy and our lives.

"Think about how technology has changed our daily lives: paying our bills, shopping, communicating online, texting and tweeting our way through the day, managing our finances, keeping tabs on our kids.

"Technology allows computers to create products that a decade ago, even five years ago, didn't exist. It has created a connection to a larger world that allows many more people to do business from Vermont that would not have been possible in the pre-tech world.

"That same technology has dramatically changed the tools available for teaching and learning. It has changed the nature of work. The high school degree that brought success and a lifetime job in the old economy, ensures a low-wage future in the tech economy. Success in the new economy depends on an educated workforce with skills beyond high school in science, computer technology, engineering and math.

"I ask you: is Vermont prepared to meet this challenge? Are we ready to harness this opportunity so critical to our future prosperity?

"The plain truth is, we are not.

"Look at the facts: current estimates show that sixty-two percent of job openings in the next decade will require post-secondary education. Sixty-two percent. Yet only about forty-five percent of Vermont students who begin ninth grade continue their education past high school, and that percentage drops as family incomes decline.

"Now don't let these facts diminish our accomplishments. Together, we have done innovative and cutting edge bipartisan work with school funding in the past decade and a half that you deserve to be proud of. Vermont took a regressive property tax that funds our most important obligation in a democratic society and made it equitable and progressive, giving every child in Vermont an equal shot at resources while preserving local control.

"Now, some like it and some don't, and we could debate it until the cows come home, and I'm sure you will. But in doing so, we ignore the next opportunities that will define our future prosperity. Keep in mind that we

spend more money per pupil than all other states in the country except for two. We spend more than 50 percent above the national average, and K-12 spending in Vermont has grown faster over the last decade than in any other state in America.

“But the following simple fact ought to alarm all of us: with the vast amount of money that we spend per pupil in Vermont, we have failed to move more low-income Vermont kids beyond high school.

“Now is the time to take a good education system in Vermont and make it the best. To get us there, let’s take action on the following four areas.

“First, it is long past time for us to put our money where our mouths have been, and strengthen our commitment to universal early childhood education.

“Let’s remember, while 90 percent of a child’s brain is developed in the first 36 months of life, only four percent of our education dollars nationally are spent during this critical time. The evidence is overwhelming: the earlier we invest in our children, the healthier, more productive lives they will have. Taxpayers win too, since every dollar we invest in early childhood education saves seven dollars in the future.

“Today, I propose to make the largest single investment in early childhood education in Vermont’s history. We will redirect \$17 million from the state’s Earned Income Tax Credit to make high quality childcare affordable to hardworking lower-income Vermonters. There is no bigger obstacle to Vermont parents who want to work or advance than the high cost of quality childcare. This bold action will nearly double the state’s contribution to childcare for low-income families.

“My administration will also ensure financial support to communities that initiate publicly funded preschool programs where they do not now exist. Our budget will include resources for first year start up costs, after which communities offering pre-school programs will be eligible for reimbursement through the education fund.

“I will invite all early childhood stakeholders to a summit to build and embrace our vision for the success of our children and their families. I have also directed the Agency of Human Services to implement an integrated plan for health promotion and prevention, beginning before birth, to ensure that all children reach their full potential.

“We can do more to ensure that all our children are healthy and prepared to learn. When Sue Maguire was principal at Bennington’s Molly Stark

elementary school, she took the resources she had available, leveraged them where she could, and provided her students a full service health center right at the school. The center provides pediatric, psychological, dental, nutrition and pre-school services on site. I have asked Sue to work with my Secretary of Human Services and my Secretary of Education to bring that same ingenuity to schools across the state.

“It is well past time, to move aggressively on early childhood education - words are nice - action is better, let’s take it, together.

“Second, students can’t learn when they are hungry. Yet, too often, we ask hungry kids to learn. While some low-income Vermont kids are eligible for free school lunch under federal guidelines, others have family incomes just high enough that they are forced to pony up cash they don’t have to eat lunch.

“We must fix this problem for the thousands of low-income Vermont students who can’t afford to pay for lunch. I propose that the state covers the shortfall left by the federal government, and makes free lunch available for all low-income students, including those who are currently only eligible for reduced prices. Whenever possible, these lunches should be made from local Vermont farm grown food, since we know that Vermont farmers grow the healthiest food in the nation.

“This is a common sense, reasonable proposal that I will include in my fiscal 2014 budget, and I ask for your approval.

“Third, we must make education more accessible and affordable for all Vermonters. To help move more poor kids beyond high school, I ask you to pass two provisions that you have heard me speak about before.

“The first is dual enrollment. Over the past five years, state funding has provided limited access to Vermont high school students to get a head start on gaining expensive college credit by enrolling in for-credit college courses while they are in high school. In my budget, I will propose doubling the funding to expand access to this important program. I urge you to adopt a system in which the money follows the student and all Vermont students have access to this important program.

“Let’s also authorize an early college initiative aimed at expanding the number of students who simultaneously complete their senior year of high school with their first year of college. For more than a decade, 40 students a year have done this at Vermont Tech, where they concentrate on science and

technology with great success. Having only 40 kids in this program is a paltry number.

“Let’s open this program to all interested Vermont seniors, with the money following the student.

“Next, we know that the level of college debt being amassed by Vermont’s students and their families is oppressive. This crisis requires us to address affordability with new vigor, particularly for those students who pursue degrees in the disciplines of the new economy.

“We also know that one of the challenges we face is keeping young Vermonters in Vermont. So today, I say to the graduating class of 2013: if you make a commitment to our state, then our state will make a commitment to you. We want you in Vermont, we need you in Vermont, and we are ready to be bold in keeping you in Vermont.

“I propose the Vermont Strong Scholars Program. It’s a simple program, and here’s how it works: if you enroll in any public institution of higher education in the state of Vermont and graduate with a degree in a STEM field, we will give you a helping hand to stay and work in Vermont by paying you back, over the course of five years, for your final year of tuition. Or if you graduate with an Associate’s Degree in a STEM field, we will pay you back over three years for your final semester of tuition.

“I urge the legislature to approve this proposal and give young Vermonters a break on their higher education bills while helping us build prosperity together right here at home.

“Next, I commend the Vermont State Colleges and the University of Vermont for working hard to hold down tuition increases for next year, and I propose to increase the state’s appropriation for the Vermont State Colleges, VSAC, and UVM by three percent, to be used entirely for financial aid and scholarships for Vermonters.

“This is how my affordability plan would work at UVM: my budget increase will be sufficient to hold all entering Vermont students harmless from next year’s three percent tuition increase. If Vermont students want to take advantage of the world-class education they can get right here in the Green Mountain State, I want to do everything in my power to help them do just that.

“But buying back tuition increases for Vermonters is not enough. We must also identify savings to guarantee affordability for our students and their families and the survival of UVM and our State Colleges. President Sullivan and Chancellor Donovan enthusiastically agree and are initiating a joint planning process, reporting to us on their progress.

“At the same time, former interim UVM president John Bramley has been engaged to implement the eleven recommendations of the group I appointed last year to find ways to strengthen UVM and the State Colleges. I ask that we all work in partnership with John to adopt that report.

“Finally, we must do a better job of focusing the education of our children - from grade school through college - on career readiness. We can do a better job of personalizing educational opportunities and integrating technology, career training and internships with traditional classroom education.

“I propose that Vermont’s schools develop Personal Learning Plans that travel with each student from elementary through their senior year. These plans would help guide each student’s education and also tie educational goals to career opportunities, making school more relevant. The key to this proposal is to increase our students’ individual options while fostering a connection between school and career.

“We must also address our poor performance in math. While we have impressive successes to celebrate in other disciplines, Vermont falls off the rail in high school math. The 2011 NECAP results tell the tale: 68 percent of students in grades 3 through 8 are proficient in math. When they take the test in 11th grade, only 36 percent are proficient. Let me repeat that: 36 percent.

“This is as alarming as it is unacceptable, but unfortunately, no one should be surprised. Currently, algebra is required in only 47 percent of Vermont high schools, and geometry in only 31 percent. We can fix this without spending one additional dime. Today, I reiterate my call to require that all 9th graders take algebra and all 10th graders take geometry. Math skills in the new economy are more important than ever before.

“We must also do more to utilize our 17 career and technical education centers around the state that provide opportunities for students and adults who need to update skills to advance their earning power.

“I propose using the centers as the foundation for Vermont Innovation Zones throughout the state. Our current funding system does not encourage centers to match the needs of regional employers. These Innovation Zones will focus on areas of education and professional opportunity that fit the needs of their region.

“For instance, let’s go back to the opportunities on the horizon in the Kingdom: the need to fill the high-tech, high skill jobs that will soon be available. Under my proposal, high schools and tech centers in the Kingdom would become an Innovation Zone and would be able to shift current generic

course requirements to focus on those that provide the training the region needs. For example, the Kingdom may choose to focus heavily on engineering, hospitality, and health care courses that would result in Kingdom jobs for Kingdom kids.

“We have the tools available now to connect students and adult learners with new opportunities, but we can do a better job of ensuring these opportunities suit the needs of the region.

“I recognize that today I have asked a lot of our schools, teachers, administrators, parents, and children. I pledge to work with you to ensure what I know is our shared goal: that everyone has access to education, throughout their life, regardless of who they are or how much money their parents make, and that they can keep learning and keep developing their skills for the economy of Vermont’s future.

“To Vermont’s business community: we can do great things together to grow jobs, but employers can’t afford to stand by idly and pretend that government can meet this challenge without your full partnership.

“I call on employers to engage with the educational system at all levels. Open your businesses to our schools. Let our students interact with your employees, so they can see how they use their education every day. Invite teachers and guidance councilors in to experience a deeper understanding of what their students need to succeed. Engage high school and college interns. And provide opportunities for your employees to go back and further their education.

“At this moment in our history, we must focus particular energy on workforce development, but it should not be lost that the broader mission of our schools is to produce educated citizens prepared to engage in their civic responsibilities, each to their individual potential. This includes making a living but also making a life for themselves.

“My vision for Vermont education is clear: let’s offer – from birth to cap and gown, and beyond – the knowledge, creativity, civic lessons, and career opportunities every Vermont child deserves. Fulfilling this vision will require all hands on deck. And here’s the good news: this is what we do best in Vermont. In challenging times, we find common purpose.

“From business leaders to teachers, administrators to elected officials, we are in this together. I am proud to say that Vermont understands this, and always has. I mentioned earlier that Vermont was the first state to mandate public funding for education. Vermont – and this governor – places the highest

priority on education. There is no greater responsibility that we have as elected representatives than ensuring that our children have the best education available in the country.

“The Vermont that I envision for the future is one where the companies I mentioned earlier, from border to border, are thriving with Vermont-trained and Vermont-educated workers. It is a future in which our kids can expect their top quality education to open a world of opportunity, right here at home. It is a future in which these students – as well as adults – are fluent in math and science and are using the latest technology to learn and then to work. It is a future in which the greatest dilemma facing Vermont businesses is not how to find a good Vermonter to hire, but how to choose among an abundance of qualified Vermonters.

“And it is a future in which Vermont is once again showing the nation what it takes to innovate, create new opportunities to grow, and lead. This future is within our reach if we have the courage and creativity to seize it.”

“Thank you.”

Benediction

The Benediction was pronounced by Dr. Lise Sparrow of the Guilford Community Church of Guilford.

Dissolution

The Governor, having completed his inaugural message, was escorted from the Hall by the Committee.

The Supreme Court was escorted from the Hall by the Sergeant at Arms.

There being no further business, the President declared the Joint Assembly to be dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, JANUARY 24, 2013

2:00 P.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 5. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 24, 2013, at two o'clock in the afternoon to receive the budget message of the Governor.

Presiding Officer

Honorable Philip B. Scott., President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Committee Appointed

Senator John F. Campbell of Windsor District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor of the State of Vermont, to inform him that the Joint Assembly is now convened and to escort the Governor to the Chamber to deliver his budget message.

Which was agreed to.

The Chair appointed as members of the Committee:

Senator M. Jane Kitchel, of Caledonia District
Senator Richard W. Sears, Jr., of Bennington District
Senator Diane B. Snelling, of Chittenden District
Representative Therese M. Taylor, of Barre City
Representative Brian K. Savage, of Swanton
Representative Susan H. Davis, of Washington

The Committee performed the duty assigned to it and appeared within the Joint Assembly accompanied by His Excellency, Governor Peter E. Shumlin, who delivered the following message.

Governor's Budget Message

"Mr. President, Mr. Speaker, members of the General Assembly, distinguished guests, and fellow Vermonters:

"Two years ago, I delivered my first budget address. Times were tough. We faced a budget gap of \$176 million and together we made painful choices.

"As I begin my second term, the picture has brightened. Since the depths of the recession, our revenues are up twenty-seven percent. We enjoy the lowest

unemployment rate this side of the Mississippi and we are slowly emerging from the Great Recession in better shape than our neighbors.

“We are also delivering on our promise to rebuild Vermont stronger than the way Irene found us. We just broke ground on a new state hospital and are building the best community-based mental health care system in America. Between insurance, FEMA, and recaptured federal reimbursements, once the new state hospital is certified, the \$43 million total cost for Brattleboro, Rutland, and Berlin will be paid for in a year and a half without reaching into the pockets of Vermont taxpayers. This is an extraordinary result, and I want to thank you for your collaboration and swift action.

“Unfortunately, we once again face big challenges in our state budget that will require more tough choices and restraint, as we confront continued uncertainty about the fiscal crisis in Washington.

“Today I present a proposal that balances our budget without raising broad-based taxes. It invests in areas critical to our future jobs success. It keeps our reserves full, and our pension contributions funded at the recommended levels.

“It is a budget that matches Montpelier’s appetite for spending with Vermonters’ ability to pay. It also redirects existing dollars to grow prosperity, protecting vulnerable Vermonters while providing the help they need to get off welfare and get back to work.

“My budget also includes targeted investments that will ensure a brighter jobs future and greater prosperity, such as early childhood education, continued workforce development training, and more funds to enhance our creative economy.

“To support Vermont’s farmers and our national leadership in our farm-to-plate, forest products, and value-added agriculture, we allocate \$1.5 million to our working lands.

“To make higher education affordable to all Vermonters, my budget includes the first increase in five years: An additional \$2.5 million for UVM, the state colleges, and VSAC, all directed solely at reducing tuition for Vermonters.

“But there are five areas where bold transformation and targeted investments are critically needed in order to keep Vermont on the path to prosperity: First our education system, including support for our youngest children; second, our welfare benefits program; third, health care costs; fourth, our transportation funding; and fifth, our investments in clean energy and efficiency.

“First, the most important investments we can make to grow jobs and secure prosperity for our children are the education initiatives that I called for in my inaugural address.

“We used to think of high school as the four walls of the traditional building near our village downtown. But now, with our 21st century technology – with virtual learning, our technical education centers, our internship and apprenticeship opportunities, and our many colleges willing to offer credits to our students while they are in high school, the four walls of our school buildings have been dissolved. We must embrace and harness this change. This requires us to think of our education system not simply as K-through-12, but K-through-job.

“Now I am not saying that everyone needs a four-year or advanced degree to make a good living. For some students, post-secondary job training or a two-year college degree will secure a good-paying job in the field they love. But I am saying that a high school degree alone is no longer good enough to ensure a bright future.

“We know that sixty-two percent of the jobs in the new economy will require post-secondary education, and that only forty-five percent of our high school graduates are continuing their education today. We have to seize the opportunity to reshape our education system to meet the demands of our STEM-hungry workforce. And I believe that the key to our success is to allow the existing money we are spending right now to follow each student. We must make this happen this session.

“Vermonters agree that giving our kids a strong start, as early in life as possible, is the best thing we can do to ensure their bright future. We have a responsibility to examine how we are using taxpayer money so we provide the strongest possible start for our highest priority, our children.

“In my inaugural address, I called for the largest increase ever in the State’s early childhood support, by redirecting \$16.7 million from the State’s portion of the Earned Income Tax Credit to help lower-income families pay for the cost of quality childcare. This is not new money – it is money the State is already spending by supplementing the federal Earned Income Tax Credit.

“There’s been a fair amount of discussion about my proposal, and some misunderstanding. Let me tell you why I believe this change makes sense. Here are the facts:

- This year, Vermont taxpayers paid \$26 million to supplement the federal earned income tax credit.

- While twenty-three other states also make some match to the federal credit, twenty-seven states choose to contribute nothing.
- Vermont's contribution is the second-highest in the nation.
- Many of you may be as surprised as I was to learn that because this program is federally-indexed, Vermont's contribution has risen forty-nine percent in the past eight years, while state spending in other programs per beneficiary has stagnated.
- Reallocating \$16.7 million from our current \$26 million credit will bring us in line with other states. And here's the point that may be getting lost: No one is proposing to eliminate the important and critical Earned Income Tax Credit, and we never would. Our proposal would mean that an average eligible recipient with no need for childcare would see a fifteen percent reduction in the combined federal/state payment, in a program that has seen more than triple that growth in the past eight years.

"It is also important to remember that since we adopted the State's earned income tax credit, Vermont has made a number of other policy choices to help lower income Vermonters pay their bills.

- Our income tax is now among the most progressive in the country. On average, we ask people who make under \$35,000 to pay a tax rate of less than two cents on every dollar.
- As a result of Acts 60 and 68, our property tax and renters rebate is now based upon income, giving the biggest benefit to those who earn the least.
- Our sales tax now exempts clothing and shoes, in addition to food and medicine.
- Despite federal cuts, in the past few years we have scrambled to keep Vermonters warm in the winter by filling the gap for heating fuel assistance.

"All of these policies deliver targeted help to lower income Vermonters.

"We cannot be satisfied with business as usual; we have to invest for the future. With the second richest Earned Income Tax Credit in America, we have to ask ourselves: Is a once-a-year check from the State – a check that has

increased 49% in the past few years – the best help we can offer to lower income Vermonters who are struggling to stay in the workforce?

“Secretary Racine and the rest of my team have examined this question and our answer is: No. We have concluded that the biggest barrier to work for most lower-income Vermonters is the cost of quality child care. We believe we should help chip away the benefits cliff for working Vermonters to make sure the next generation has the best chance possible.

“Here is the transformation our plan offers: Our proposal raises the childcare subsidy for all eligible families. Today, families making about \$40,000 per year only get a minimal benefit that pays just ten cents of every dollar for childcare. Those same families under our proposal will have up to 50 cents of every dollar of their childcare expenses paid by the State.

“This will enable lower-income children to access quality care that ensures healthy brain development, school readiness, and a bright future, while it enables their parents to work and contribute to their family’s economic success without actually losing money by going to work. This is a smart, strategic way to create a better future for our children.

“The second area that requires bold action builds off our historic commitment to childcare. We have an opportunity right now to match this significantly increased investment in early childhood education with a fix to the way we deliver our welfare to work benefits.

“We face an insidious problem right now in our welfare system. It is a problem that hurts both those who desperately want to move from welfare to work and Vermont’s taxpayers who pay for our welfare program.

“It might surprise most Vermonters to learn that Vermont is the only state in the country that extends Reach Up benefits without interruption to the entire household for a lifetime. In contrast to Vermont, forty-six states limit assistance to five years or fewer, and all of our neighbors have limitations either in the time period or cash benefit of their welfare programs.

“Extending welfare to work benefits without interruption for a lifetime does nothing to actually encourage people to get a job. What is far more troubling is that we actually penalize Vermonters who want to earn more money and get a job because we reduce their childcare and other benefits as they begin to earn money, causing many to stay out of the workforce or quit their new job because they do better on welfare. Meanwhile, we have seen our welfare rolls grow and our state budget strain under the pressure.

“There is no doubt in my mind that solving the way we deliver welfare to work benefits will improve our long-term prosperity. Vermont is a caring state. The well-being of our most vulnerable families matters to us deeply, and we know that for some the road out of poverty will be longer than for others. This administration will continue to make sure our social safety net is strong for those who are fighting against the unrelenting undertow of poverty.

“But it is neither compassionate nor prudent to continue a system in which struggling Vermonters are financially punished for getting off government assistance, finding a job, and providing for their children by going to work.

“Here’s how the system should work, as reflected in my budget: The State will provide benefits for a maximum of five years, by providing up to three years of initial benefits to Vermonters who need time to stabilize their lives, receive job training opportunities, and find a job. For those who need more help, the State will provide an additional two years of non-consecutive eligibility.

“There is no better social program than a good paying job. We will not allow vulnerable Vermonters, such as those who are disabled, to fall through the cracks, but we will ask those who can work to get the training and support they need and get a job.

“This fix is long overdue. It takes courage to say it, but say it we must: Benefits for Vermonters who are able to work must be temporary, not timeless. It is long past time for Vermont to reform our welfare system from one that discourages work to one that makes prosperity achievable for all Vermont families, including those living in poverty.

“The third great obstacle standing in the path of job growth and prosperity is the skyrocketing cost of health care.

“Currently, we spend twenty cents of every dollar we earn on health care, more than the national average. And those costs are growing at unsustainable rates. If our health care costs grow in this decade at the same rate we saw in the last decade, costs will again double by 2020.

“Two years ago, you joined me in starting down the path to the first universal, sensible, single-payer, publicly-financed health care system in America that finally takes on these unsustainable, job killing costs.

“Our partnership began with the passage of Act 48, and the establishment of the Green Mountain Care Board. It continues with the creation of the health insurance exchange, as required by federal law.

“In addition to the plan we are releasing today that describes the benefits and costs of a universal health care system and the options to pay for it, we are also releasing a plan detailing the implementation of next year’s federally-mandated health care exchange, which will require no additional revenue in Fiscal Year 2014.

“My budget also makes certain that Vermonters currently in Catamount and VHAP do not suffer federally-imposed cost increases, by allocating the money needed to buy back the premium increases that would otherwise result from the less generous federal exchange.

“I also keep my promise to begin to fix the so-called cost shift from Medicaid to our business community who struggle to provide their employees with health insurance, by including long-overdue inflationary increases in Medicaid payments that will help reduce premiums. This step alone will lower private insurance premiums by almost \$25 million every single year.

“This is hard work and we have more ahead of us. But with your help, we will create the best health care system in America, right here in Vermont.

“The fourth challenge that requires bold action is the transportation fund shortfall. This is a good news/bad news story. As we move to more fuel-efficient cars and drive less, we are buying fewer gallons of gasoline – 34 million fewer gallons per year since 2005. As a result, our revenues to maintain our crumbling roads and bridges have dropped, and are projected to drop even further. This is not a question of raising new revenue or creating new programs, it is a question of repairing and refilling a leaky bucket.

“If we fail to repair the leaks, our state transportation fund receipts, which are \$36.5 million short this coming year, will result in our sending back to Washington more than \$40 million of federal highway funds this year alone, causing us to delay or cancel critical road and bridge repairs. Sending money back to Washington is not a smart way to continue the progress we have made in improving the condition of our aging roads and bridges. I pledge to partner with you, reviewing the good work of the Legislative Study Committee on Transportation Funding, to determine the best way to repair the leaks this year, and into the future.

“Meanwhile, we must also continue to make strategic transportation improvements, including the rehabilitation of the western corridor rail line to bring passenger rail from Bennington to Rutland to Burlington to create jobs and economic development that the western side of our State so desperately

needs. My budget proposes \$11 million to build upon last year's investment and accelerate our progress on this critical western rail initiative.

"Let me now turn to the fifth and last area where our investment will increase our prosperity and our quality of life. Our leadership in clean energy in Vermont is remarkable:

"We have more green jobs per capita than any state in the country.

"Since I became governor two years ago, we have seen the amount of solar energy on our grid double. We are successfully harnessing the sun, the wind, our water, fields, forests, and manure to generate clean, green power.

"We continue to lead the nation in electric energy efficiency.

"We are on the right path, but it's not enough.

"We have done a great job of creating jobs and saving money by helping Vermonters cut down on electric usage. We have done a lousy job of keeping our homes and buildings comfortable and affordable in our cold winters on days like today.

"We heat about sixty percent of our homes with traditional heating oil – a huge and growing expense for Vermonters, and a huge cost to our environment. Meanwhile, we have for several winters now kept needy Vermonters from freezing in their homes by scrambling to pay for heating oil as the federal government callously slashes its contribution to the LIHEAP program.

"We must do better. That is why my budget proposes to join our neighbors in Connecticut and Massachusetts by assessing a ten-percent surcharge on the retail value of break open tickets and applying the \$17 million raised to comprehensive energy program funding.

"I propose to allocate the \$17 million for three purposes:

"First, to keep low income Vermonters warm in the winter through the State's first-ever base budget contribution to LIHEAP, at the level of \$6 million. Let's recognize the sad fact that Washington is unlikely to fund this critical program adequately and let's do something about it, so that all Vermonters stay warm in the winter.

"Second, we must create jobs, save energy, and stop wasting dollars in drafty homes by investing another \$6 million per year in thermal efficiency. We have a simple choice. As oil prices continue to rise, we can send our hard-earned Vermont dollars to oil producing countries that mostly don't like us, or

we can buy less oil and help fight climate change by keeping our heat inside our homes and buildings.

“Third, I propose that we provide \$5 million as a stable source of support for the Clean Energy Development Fund to continue our leadership in building renewable energy and efficiency projects.

“I know we are going to have plenty of debates this session, and at times we will disagree. But I am optimistic about the outcome. Together, we share a tremendous opportunity and a responsibility to help our economy and to grow prosperity for all Vermonters.

- We can reshape our education system to match the needs of our 21st century jobs. And we can put our money where our mouths have long been by providing childcare benefits to better nurture and educate our most vulnerable children.
- We can encourage independence and employment while ensuring that no Vermonter is penalized for having a job.
- We can create the best, most affordable health care system in America.
- We can rebuild our crumbling roads and bridges and improve our rail corridors.
- We can keep Vermont at the forefront of the clean energy revolution.

“And we can do all of this while we build jobs and save money.

“I ask you to join me, but I also commit to you an open door and an open mind. We will have our differences, but we will carry out our work in the best Vermont tradition, without malice and with respect for each other, regardless of party label. We will work together to find common ground.

“But we must also take bold action, not simply find ways to say no. Vermonters expect nothing less; nor should we.”

Dissolution

The Governor, having completed the delivery of his message, was escorted from the Hall by the committee appointed by the Chair.

The purpose for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, FEBRUARY 21, 2013

10:30 A.M.

The Senate and House of Representatives met in the hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 10. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 21, 2013, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement by Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly for the election of an Adjutant and Inspector General, a Sergeant at Arms and three Trustees for the University of Vermont.

With respect to the election of all of these officers, if a contest exists, then the voting must be done by written ballot. This mandate is set forth in 2 V.S.A. §12 and in Joint Rule 10(a). The chair now calls to the attention of

the Joint Assembly the text of Joint Rules 10 which applies to elections held by the Assembly:

(a) Whenever a joint assembly is required to elect one or more persons to any office, the voting shall be by ballot, except that if there is only one candidate for any office, and if there is no objection, the chair may put the question to the joint assembly by voice vote.

(b) If two or more offices are to be filled, each office will be voted upon and decided separately. If two or more vacancies for the same office are to be filled, nominations for all vacancies will be received before voting begins for the first vacancy, but each vacancy will be voted upon and decided separately. The joint assembly may limit the number and length of nominating and seconding speeches for each candidate.

(c) Election to any office is by a majority of the votes cast, exclusive of spoiled and blank ballots. After two votes have been taken for any vacancy without an election, all nominees except the two having the highest number of votes on the second ballot shall be withdrawn, and voting shall then continue until a candidate is elected. In no event shall the involuntary removal of nominees result in fewer than two nominees remaining in the contest.

(d) The person who first nominated a candidate may withdraw that candidate's name at any time; a withdrawal may be complete or may be limited to one or more vacancies. A candidate for any office having more than one vacancy who is defeated for the first vacancy shall automatically be a candidate for successive vacancies, unless the nomination is voluntarily withdrawn.

It should be noted that Joint Rule 10 states that the Joint Assembly may limit the number and length of nominating and seconding speeches for each candidate.

Number and Length of Nominating and Seconding Speeches

On motion of Senator Campbell, pursuant to Joint Rule 10(b), the election of a Sergeant at Arms, Adjutant and Inspector General and the three UVM trustees were governed by the following procedure:

All nominations for these offices will be received by the Chair prior to voting, presented in alphabetical order.

And there will be only one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute each for each nominee.

Statement of Presiding Officer

We have three sets of elections today:

First, To elect a Sergeant at Arms.

Second, To elect an Adjutant and Inspector General.

Third, To elect three UVM Trustees.

The election for Sergeant at Arms is not contested and the provisions of Joint Rule 10(a) will apply.

This means this election may be by voice vote if there is no objection.

For the election of the Adjutant and Inspector General and the three UVM Trustees, as these elections are contested, they shall be by ballot.

Tellers Appointed

Accordingly, we will need tellers, and the Chair now appoints as tellers:

Senator Mark A. MacDonald, of Orange District, as Chief Teller

Senator Joseph C. Benning, of Caledonia District

Senator Alice W. Nitka, of Windsor District

Representative Eileen Dickinson, of St. Albans Town

Representative Cindy Weed, of Enosburg Falls

Representative Anne L. Gallivan, of Chittenden

Representative William C. Stevens, of Shoreham

Election of Sergeant at Arms

The Joint Assembly then proceeded to the election of a Sergeant at Arms.

For the office of Sergeant at Arms, Senator M. Jane Kitchel of Caledonia District nominated *Francis K. Brooks*, of Montpelier.

The nomination was seconded by Representative Andrew Donaghy of Poultney.

There being no other nominations, the Chair declared that nominations were closed.

Whereupon, no other nominations being made, the vote was taken *viva voce* pursuant to Joint Rule 10(a), and the Chair declared that

FRANCIS K. BROOKS, of Montpelier

was unanimously elected to the office of Sergeant at Arms for a term of two years, from and including the first day of March, 2013, and until his successor is elected and has qualified.

Election of Adjutant and Inspector General

The Joint Assembly then proceeded to the election of an Adjutant and Inspector General.

For the office of Adjutant and Inspector General, Senator Diane B. Snelling of Chittenden District nominated *Michael J. Bullock*, of Hinesburg.

For the office of Adjutant and Inspector General, Representative Martha P. Heath of Westford nominated *Steven Cray*, of Essex Junction.

The nomination was seconded by Representative Timothy Jerman of Essex Junction.

For the office of Adjutant and Inspector General, Representative Mark Woodward of Johnson nominated *Darryl J. Ducharme*, of Williston.

The nomination was seconded by Representative Mark Higley of Lowell.

There being no other nominations, the Chair declared that nominations were closed.

Statement of Presiding Officer

Our Joint Rules permit nominations before the Joint Assembly.

Vermont statutes require the official ballot be that provided by the Secretary of State. By statute the requirement for inclusions on the ballot is timely notification to the secretary of state.

The statutory authority determines the ballot for this election. As such the official ballots have been printed by the Secretary of State and contain the names of Michael J. Bullock, Steven Cray, Darryl J. Ducharme and James Marc Leas.

Results of Balloting for Adjutant General

The ballots were taken and counted and the result was as follows:

Total votes cast	173
Necessary for a choice	87
Bullock	9
Cray	125
Ducharme	34
Leas	4
Write in votes	1

Whereupon, the Chair declared that

STEVEN CRAY, of Essex Junction

having received a majority of the total votes cast was duly elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2013, and until his successor is elected and has qualified.

Election of UVM Trustees

The Joint Assembly then proceeded to the election of three Trustees of the University of Vermont and State Agricultural College, each for a term of six years, from and including the first day of March, 2013.

The Chair reminded the Joint Assembly that nominations for the office of three UVM Trustees would be received in alphabetical order, with one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute for each nominee.

Statement by the Presiding Officer

For the election of UVM trustees, we will be operating under temporary rules set forth in J.R.S. 11.

The adoption of J.R.S. 11 permits the Joint Assembly to elect the three Trustees of the University of Vermont and State Agriculture College by means of a plurality vote.

A plurality voting procedure simply means that the three candidates receiving the greater number of the total votes cast are elected. You will be instructed to vote for not more than three candidates at the same time, on the same ballot.

Nominations for UVM Trustees

Representative Johannah Leddy Donovan of Burlington nominated *Representative Sarah E. Buxton* of Tunbridge. The nomination was seconded by Senator Kevin J. Mullin of Rutland District.

Representative Martha P. Heath of Westford then nominated *Representative Anne T. O'Brien* of Richmond. The nomination was seconded by Senator Philip E. Baruth of Chittenden District and Representative Philip C. Winters of Williamstown.

Senator Jeanette K. White then nominated *Patricia Moulton Powden* of South Londonderry. The nomination was seconded by Representative Donna Sweaney of Windsor.

Representative Bill Botzow of Pownal then nominated *Representative Jeffrey D. Wilson* of Manchester. The nomination was seconded by Representative Patti Komline of Dorset.

There being no other nominations, the Chair declared that nominations were closed.

Summary of Names Placed in Nomination

The four members placed in nomination and on the ballot for the office of Trustee of the University of Vermont and State Agricultural College are as follows:

Sarah E. Buxton, of Tunbridge
 Anne T. O'Brien, of Richmond
 Patricia Moulton Powden, of South Londonderry
 Jeffrey D. Wilson, of Manchester

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the "plurality" procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 11, as follows:

(1) All candidates for the office of trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the greatest number of votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greatest number of votes.

Results of Balloting for UVM Trustees

The ballots were taken and counted, and the result was as follows:

Total ballots.....	176
Necessary for election	three greatest numbers of votes
Buxton.....	115*
O'Brien	103*
Powden	97
Wilson.....	112*
Write-in votes	2

Whereupon the Chair declared that

SARAH T. BUXTON, of Tunbridge

having received the most votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

JEFFREY D. WILSON, of Manchester

having received the second most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

ANNE T. O'BRIEN, of Richmond

having received the third most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 27, 2013

9:00 A.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

By Senator Nitka,

J.R.S. 22. Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate.

Whereas, by virtue of the provisions of 4 V.S.A. § 608 and of J.R.S. 17, the vote on the retention of seven Superior Court Judges, and one Magistrate who have submitted declarations seeking retention was deferred until March 28, 2013,

Whereas, the General Assembly desires to schedule the Joint Assembly earlier, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, March 27, 2013, at nine o'clock in the forenoon to vote on the retention of seven Superior Court Judges, and one Magistrate. In case the vote to retain said Judges and Magistrate shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of seven Superior Judges, and one Magistrate.

This year we are again operating under the Judicial Retention Act passed in 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. Amendments made in 2010 require the retention of magistrates. The date for holding joint assemblies for the retention of judges is set by statute to be the eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g).

The procedure to be followed requires the vote be by written ballot. There will be two separate written ballots: one containing the names of all of the candidates for retention as superior judges; and one containing the name of the candidate for retention as magistrate.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. Under the Judicial Retention Act which establishes the procedure for the retention of Superior Judges, nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State or if a Superior Judge is appointed after September 1 of the year preceding the expiration of the term of office shall automatically be a candidate for retention without filing notice. The

name of each judge seeking retention is automatically voted on pursuant to the terms of the Judicial Retention Act.

In addition, the Judicial Retention Act provides that when a candidate does so declare for retention, the question to be decided is:

"Shall the following Superior Judges be retained in office?"

Tellers Appointed

Accordingly, we will need tellers, and the Chair will now appoint as tellers:

Senator Jeanette K. White, of Windham District, as Chief Teller

Senator Mark A. MacDonald, of Orange District

Senator Diane B. Snelling, of Chittenden District

Representative Sarah E. Buxton, of Tunbridge

Representative Martha Feltus, of Lyndon

Representative Michelle Fay, of St. Johnsbury

Representative Mike McCarthy, of St. Albans

We shall now proceed to the matter of retention of the incumbent Superior Judges. For these positions we have received declarations of intention to seek retention to the office of Superior Judge from the following:

William D. Cohen

James R. Crucitti

Robert P. Gerety, Jr.

Kevin William Griffin

M. Kathleen Manley

Timothy B. Tomasi

Thomas A. Zonay

The question to be decided in each of these cases shall be as follows:

"Shall Superior Judge William D. Cohen be retained in office?"

Yes_____No_____.

"Shall Superior Judge James R. Crucitti be retained in office?"

Yes_____No_____.

"Shall Superior Judge Robert P. Gerety, Jr. be retained in office?"

Yes_____No_____.

"Shall Superior Judge Kevin William Griffin be retained in office?"

Yes_____No_____.

"Shall Superior Judge M. Kathleen Manley be retained in office?"

Yes_____No_____.

"Shall Superior Judge Timothy B. Tomasi be retained in office?"

Yes_____No_____.

"Shall Superior Judge Thomas A. Zonay be retained in office?"

Yes_____No_____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The term of these Superior Judges are for six years, from and including the first day of April, 2013, and until their successors are elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, that debate on these seven Judges will be received separately. At the end of the debates for the seven Judges, any general debate on the entire question shall be in order.

Committee Reports

Prior to any debate, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Member from Barre Town, Thomas F. Koch, for the purpose of receiving his report.

Representative Thomas F. Koch, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of all the Judges.

The Chair then recognized Senator Margaret K. Flory, of Rutland District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge William D. Cohen.

The Chair then recognized the member from Burlington, Suzi Wizowaty, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge James R. Crucitti.

The Chair then recognized the member from Essex Junction, Linda J. Waite-Simpson, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Robert Gerety, Jr.

The Chair then recognized Senator Alice W. Nitka, of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Kevin William Griffin.

The Chair then recognized the member from Newbury, Charles Conquest, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge M. Kathleen Manley.

The Chair then recognized Senator Peter W. Galbraith, of Windham District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Timothy B. Tomasi.

The Chair then recognized Senator Joseph C. Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Thomas A. Zonay.

Results of Balloting

Balloting then proceeded for the office of Superior Judges, with the following results:

For Superior Judge William D. Cohen

Total votes cast	165
Necessary for a majority	83
For retention	161
Against retention	4

Whereupon the Chair declared that

WILLIAM D. COHEN, of RUTLAND

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge James R. Crucitti

Total votes cast	164
Necessary for a majority	83
For retention	162
Against retention	2

Whereupon the Chair declared that

JAMES R. CRUCITTI, of ESSEX

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Robert Gerety, Jr.

Total votes cast 162
Necessary for a majority 82
For retention 160
Against retention 2

Whereupon the Chair declared that

ROBERT GERETY, JR., of WHITE RIVER JUNCTION

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Kevin William Griffin

Total votes cast 162
Necessary for a majority 82
For retention 161
Against retention 1

Whereupon the Chair declared that

KEVIN WILLIAM GRIFFIN, of NORWICH

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge M. Kathleen Manley

Total votes cast 163
Necessary for a majority 82
For retention 159
Against retention 4

Whereupon the Chair declared that

M. KATHLEEN MANLEY, of LYNDONVILLE

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until her successor is elected and has qualified.

For Superior Judge Timothy B. Tomasi

Total votes cast 163
Necessary for a majority 82
For retention 160
Against retention 3

Whereupon the Chair declared that

TIMOTHY B. TOMASI, of MONTPELIER

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Thomas A. Zonay

Total votes cast 165
Necessary for a majority 83
For retention 162
Against retention 3

Whereupon the Chair declared that

THOMAS A. ZONAY, of TAFTSVILLE

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

Retention of Magistrate

Statement of Presiding Officer

We shall now proceed to the matter of retention of the incumbent Magistrate. For this position we have received a declaration of intention to seek retention to the office of Magistrate from the following:

Barbara Zander

The name of each magistrate seeking retention is automatically voted on, and the question to be decided is:

"Shall Magistrate Barbara Zander be retained in office?"

Yes_____No_____.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2013, and until her successor is elected and qualified.

Committee Report

The Chair then recognized, Representative Thomas F. Koch of Barre, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Barbara Zander.

Results of Balloting

Balloting then proceeded for the office of Magistrate, with the following results:

For Magistrate Barbara Zander

Total votes cast	163
Necessary for a majority	82
For retention	132
Against retention	31

Whereupon the Chair declared that

BARBARA ZANDER, of ST. JOHNSBURY

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2013, and until her successor is elected and has qualified.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

