House Calendar

Friday, April 29, 2011

115th DAY OF THE BIENNIAL SESSION

House Convenes at 9:00 A.M.

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An act relating to the use value program

Rep. Clarkson of Woodstock, for the Committee on **Ways and Means,** recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed ~~forest land~~ forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. ~~Said tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. Such~~ The tax shall be expressed as a percentage of the full fair market value of the changed land determined without regard to the use value appraisal. If the property has been continuously enrolled by the same owner for fewer than 12 years, the tax rate shall be ten percent. If the property has been continuously enrolled by the same owner for 12 to 20 years, the tax rate shall be eight percent. If the property has been continuously enrolled by the same owner for over 20 years, the tax rate shall be five percent. A change in ownership that adds or subtracts a family member or that transfers the property to a family member who is an heir does not interrupt the counting of continuously enrolled years; however, a transfer in whole or in part to people who are not family members, or to a legal entity whose members are not all family members, does interrupt the counting of continuously enrolled years. For purposes of this subsection, "family

member" means a spouse, former spouse, child, parent, grandparent, grandchild, sibling, aunt, uncle, nephew or niece by blood, marriage, or adoption. For purposes of the land use change tax, fair market value shall be determined as of the date the land is ~~no longer eligible for use value appraisal~~ developed or at an earlier date, if the owner petitions for the determination pursuant to subsection (c) of this section and pays the tax within 30 days of notification from the local assessing official. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

(b) Any owner of eligible land who wishes to withdraw land from use value appraisal shall ~~petition for a determination of the fair market value of the land at the time of the withdrawal~~ notify the director, who shall in turn notify the local assessing official. In the alternative, if the director determines that development has occurred, the director shall notify the local assessing official of his or her determination. Thereafter, land which has been withdrawn or developed shall be appraised and listed at its full fair market value in accordance with the provisions of chapter 121 of this title and subsection 3756(d) of this title, according to the appraisal model and land schedule of the municipality. ~~Said determination of the fair market value shall be used in calculating the amount of the land use change tax that shall be due when and if the development of the land occurs.~~

(c) ~~The~~ For the purposes of the land use change tax, the determination of the fair market value of the land ~~as of the date the land is no longer eligible for a use value appraisal, or as of the time of the withdrawal of the land from use value appraisal,~~ shall be made by the ~~director~~ local assessing officials in accordance with the provisions of subsection (b) of this section and divided by the municipality's most recent common level of appraisal as determined by the director. The determination shall be made within 30 days after the date that the director notifies the local assessing officials that the owner ~~or assessing officials petition for the determination and shall be effective on the date of dispatch to the owner~~ has petitioned for withdrawal from the program or that the director has determined that development has occurred. The local assessing officials shall notify the owner and the director of its determination, and the provisions for appeal relating to property tax assessments in chapter 131 shall apply.

(d) The land use change tax shall be due and payable by the owner 30 days after the tax notice is mailed to the taxpayer. The tax shall be paid to the commissioner ~~for deposit into the general fund~~ who shall deposit one-half of

the tax paid into the general fund and remit one-half of the tax paid to the municipality in which the land is located. The commissioner shall issue a form to the assessing officials which shall provide for a description of the land developed, the amount of tax payable, and the fair market value of the land at the time of development or withdrawal from use value appraisal. The owner shall fill out the form and shall sign it under the penalty of perjury. After receipt of payment, the commissioner shall furnish the owner with one copy, shall retain one copy and shall forward one copy to the local assessing officials ~~and~~, one copy to the register of deeds of the municipality in which the land is located, and one copy to the secretary of agriculture, food and markets if the land is agricultural land, and in all other cases to the commissioner of forests, parks and recreation. ~~Thereafter, the land which has been developed shall be appraised and listed at its full fair market value in accordance with the provisions of chapter 121 of this title.~~

(e) The owner of any classified land receiving use value appraisal under this subchapter shall immediately notify the director, local assessing officials, the secretary of agriculture, food and markets if the land is agricultural land, and in all other cases the commissioner of forests, parks and recreation of:

* * *

Sec. 2. 32 V.S.A. § 3756(d) is amended to read:

(d) The assessing officials shall appraise qualifying agricultural and managed forest land and farm buildings at use value appraisal as defined in subdivision 3752(12) of this title. If the land to be appraised is a portion of a parcel, the assessing officials shall:

(1) determine the contributory value of each portion such that the fair market value of the total parcel is comparable with other similar parcels in the municipality; and

(2) notify the landowner according to the procedures for notification of change of appraisal. The portion of the parcel that is not to be appraised at use value shall be appraised at its fair market value determined in this subsection.

Sec. 3. 32 V.S.A. § 3752(12) is amended to read:

(12) "Use value appraisal" means, with respect to land, the price per acre which the land would command if it were required to remain henceforth in agriculture or forest use, as determined in accordance with the terms and provisions of this subchapter. With respect to farm buildings, "use value appraisal" means zero percent of fair market value. ~~The director shall annually provide the assessing officials with a list of farm sales, including the town in which the farm is located, the acreage, sales price, and date of sale.~~

Sec. 4. 32 V.S.A. § 3756(i) is amended to read:

(i) The director shall remove from use value appraisal an entire parcel of managed forest land and notify the owner in accordance with the procedure in subsection (b) of this section when the department of forests, parks and recreation has not received a required management activity report or has received an adverse inspection report, unless the lack of conformance consists solely of the failure to make prescribed planned cutting. In that case, the director may delay removal from use value appraisal for a period of one year at a time to allow time to bring the parcel into conformance with the plan.

Sec. 5. THE FUTURE OF THE USE VALUE APPRAISAL PROGRAM

(a) Given the critical importance of Vermont's use value appraisal program to the state's agricultural and forest industries as well as to the state's rural character and quality of life and in response to continuing fiscal challenges, the general assembly finds that multiple strategies are needed to strengthen the effectiveness, efficiency, and fairness of the use value appraisal program and to find additional revenue generation or cost savings consistent with the program's policy objectives.

(b) There is created a current use study committee to examine the existing formula for municipal reimbursement payments ("hold harmless payments") to determine if the payments are equitable and appropriate in light of the reallocation of land use change tax payments under this act and, if not, to propose an alternative formula. The committee shall issue a report no later than January 15, 2012, and the report should be submitted to the house committees on agriculture, on natural resources and energy, on fish, wildlife and water resources, and on ways and means and to the senate committees on agriculture, on natural resources and energy, and on finance. The members of the study committee shall be:

(1) The director of property valuation and review, who shall serve as the chair of the committee and shall call the first meeting of the committee on or before September 1, 2011;

(2) The secretary of the agency of agriculture, food and markets or designee;

(3) The commissioner of the department of forest, parks and recreation or designee;

(4) The executive director of the Vermont Assessors and Listers Association or designee;

(5) The executive director of the Vermont housing and conservation board or designee;

(6) Two representatives of the Vermont League of Cities and Towns, one from a rural community and one from an urban community, appointed by its board of directors;

(7) A member of the house appointed by the speaker of the house;

(8) A member of the senate appointed by the committee on committees;

(9) A member of the public appointed by the governor who shall be a land owner enrolled in the use value appraisal program.

(c) Members of the committee who are not state employees shall be entitled to compensation as provided under 32 V.S.A. § 1010, unless otherwise compensated.

(d) The general assembly has identified potential areas of additional legislative action. These issues include:

(1) The extent and degree of over-assessment of enrolled or conserved land, including land permanently protected by conservation easements, and ensuring a consistent approach to assessment from town to town;

(2) The need to create incentives for landowners who keep enrolled land open for public recreation;

(3) the eligibility of agricultural parcels of fewer than 25 acres and the feasibility of developing productivity standards for such parcels;

(4) Methods by which the state can enhance the long-term financial sustainability of the program without damaging its long-term effectiveness in maintaining working farms, forests, and open space, including the feasibility of using a tiered current use tax for lands devoted to different levels of production or conservation and availability for public recreational access;

(5) The identification and analysis of lands removed from the program over the past ten years and the subsequent use of those parcels;

(6) The application of the land use change tax to timber harvesting operations after the approved forest management plan has expired and the land is no longer enrolled in use value appraisal;

(7) The effect of allowing an owner to relocate an undeveloped withdrawn site of two acres or less once within an enrolled parcel without incurring the land use change tax, provided there is no net reduction in the area of enrolled land;

(8) Creating a system of oversight for agricultural land that is comparable and consistent with the oversight of forestland;

(9) Whether the land use change tax is a tax or a penalty, and if it is a

tax, whether additional penalties are appropriate for land leaving the program or for land enrolled in the program that is not, in fact, qualified for enrollment.

(e) Individuals and organizations who are interested in the issues listed in subsection (d) are encouraged to create working groups to study these issues and develop potential solutions. They are further encouraged to submit their findings and recommendations to the general assembly on or before December 1, 2011 and any additional findings and recommendations on or before December 1, 2012. The reports should be submitted to the house committees on agriculture, on natural resources and energy, on fish, wildlife and water resources, and on ways and means and to the senate committees on agriculture, on natural resources and energy, and on finance.

Sec. 6. USE VALUE APPRAISAL "EASY-OUT"

Notwithstanding any other provision of law, an owner of property enrolled in use value appraisal under chapter 124 of Title 32 as of the passage of this act who elects to discontinue enrollment of the entire parcel may be relieved of the first $100,000.00 of land use change tax imposed pursuant to section 3757 of that title; provided that if the property owner does elect to discontinue enrollment and be relieved of the first $100,000.00 of land use change tax, the owner shall pay the full property tax, based upon the property's full fair market value, for the 2011 assessment, and no state reimbursement shall be paid for that land. No property owner shall be relieved of more than $100,000.00 in land use change tax under this provision. An election to discontinue enrollment under this provision is effective only if made in writing to the director of property valuation and review on or before October 1, 2011; and no owner who elects to discontinue enrollment under this section, or any successor owner, shall reenroll less than the entire withdrawn parcel in the succeeding five years. If the property owner withdraws less than the entire parcel, the provisions of this section do not apply.

Sec. 7. LIMITATION ON EASY-OUT

The "easy-out" provided for in Sec. 6 of this act shall not be available for any parcel that has been developed, as that term is defined in 32 V.S.A. § 3752(5), prior to passage of this act.

Sec. 8. EFFECTIVE DATE AND TRANSITION RULES

(a) Subject to Sec. 6 of this act, property withdrawn from the use value appraisal program on or before October 1, 2011, but not developed before that date shall be subject to the land use change tax under the provisions of 32 V.S.A. § 3757 in effect at the time of withdrawal; and revenues from the land use change tax paid on any such property shall be paid to the commissioner for deposit into the general fund.

(b) Sec. 1 of this act shall take effect on November 2, 2011.

(c) All other sections of this act shall take effect on July 1, 2011.

(Committee Vote: 7-4-0)

Rep. O'Brien of Richmond, for the Committee on **Appropriations,** recommends the bill ought to pass when amended as recommended by the Committee on **Ways and Means.**

(Committee Vote: 11-0-0)

S. 30

An act relating to assault of a health care worker

Rep. Koch of Barre Town, for the Committee on Judiciary**,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF LAW ENFORCEMENT OFFICER, FIREFIGHTER, ~~EMERGENCY ROOM PERSONNEL, OR~~ EMERGENCY MEDICAL PERSONNEL MEMBER, OR HEALTH CARE WORKER; ASSAULT WITH BODILY FLUIDS

(a) A person convicted of a simple or aggravated assault against a law enforcement officer, a firefighter, ~~emergency room personnel~~ a health care worker, or a member of emergency ~~services~~ medical personnel as defined in ~~subdivision~~ 24 V.S.A. § 2651(6) ~~of Title 24~~ while the officer, firefighter, health care worker, or emergency medical personnel member is performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

(1) For the first offense, be imprisoned not more than one year;

(2) For the second offense and subsequent offenses, be imprisoned not more than 10 years.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a ~~law enforcement officer~~ person designated in subsection (a) of this section while the ~~officer~~ person is performing a lawful duty.

(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than $1,000.00, or both.

(c) In imposing a sentence under this section, the court shall take into consideration whether the defendant was a patient at the time of the offense

and had a psychiatric illness, the symptoms of which were exacerbated by the surrounding circumstances, irrespective of whether the illness constituted an affirmative defense to the charge.

(d) For purposes of this section:

(1) "Health care facility" shall have the same meaning as defined in 18 V.S.A. § 9432(8)

(2) "Health care worker" means an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

Sec. 2. LAW ENFORCEMENT ADVISORY BOARD

The law enforcement advisory board shall adopt a model policy to address enforcement of the criminal code as it relates to an assault of a health care worker while he or she is engaged in his or her official duties providing patient care.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 10-0-1)

(For text see Senate Journal 3/16 - 3/24 - 3/29/11)

S. 37

An act relating to expungement of a nonviolent misdemeanor criminal history record

Rep. Koch of Barre Town, for the Committee on Judiciary**,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 230 is added to read:

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL RECORDS

§ 7601. DEFINITIONS

As used in this subchapter:

(1) "Court" means the criminal division of the superior court.

(2) "Charge or conviction record" means data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) "Investigation or prosecution record" means all information documenting the investigation or prosecution of the case that is maintained by law enforcement, the prosecuting attorney, or the defense attorney.

(4) "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.

(5) "Qualifying misdemeanor" means a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense.

§ 7602. EXPUNGEMENT AND SEALING OF RECORD, POST-CONVICTION; PROCEDURE

(a) A person who was convicted of a qualifying misdemeanor or qualifying misdemeanors arising out of the same incident or occurrence may file a petition with the court requesting expungement of the charge or conviction record and sealing of the investigation or prosecution record related to the conviction. The state's attorney or attorney general shall be the respondent in the matter.

(b) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner a certificate and provide notice of the order in accordance with this section.

(c) The court shall grant the petition, after hearing, if all of the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction. If the person has successfully completed the terms and conditions of an indeterminate term of probation, the court may waive this 10-year wait period.

(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying misdemeanor.

(3) Any restitution ordered by the court has been paid in full.

(4) In the totality of the circumstances, the court finds that expungement of the charge or conviction record and sealing of the investigation or prosecution record for the qualifying misdemeanor serve the interest of justice.

(d) The court may grant the petition, after hearing, if the following conditions are met:

(1) At least 20 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(2) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying misdemeanor.

(3) The person has not been convicted of a misdemeanor during the past 15 years.

(4) Any restitution ordered by the court for any misdemeanor of which the person has been convicted has been paid in full.

(5) After considering the particular nature of any subsequent offense, the court finds that expungement of the charge or conviction record and sealing of the investigation or prosecution record for the qualifying misdemeanor serve the interest of justice.

(e) At the time the petition is filed, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the court a statement at any hearing on the petition. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(f) Upon granting a petition pursuant to this section, the court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence.

(g) An order granting a petition pursuant to this section shall direct the recipient to expunge the charge or conviction record and to seal the investigation or prosecution record as provided in section 7604 of this title.

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO CONVICTION; PROCEDURE

(a) A person who was cited or arrested for a criminal offense may petition the court to expunge the charge or conviction record, and seal the investigation or prosecution record, related to the citation or arrest if:

(1) No criminal charge is filed by the state and the statute of limitations has expired.

(2) The court does not make a determination of probable cause at the time of arraignment or dismisses the charge at the time of arraignment and the statute of limitations has expired.

(3) The charge is dismissed before trial:

(A) without prejudice and the statute of limitations has expired.

(B) with prejudice.

(4) The defendant and the respondent stipulate that the court may grant the petition to expunge and seal the record.

(b) The state's attorney or attorney general shall be the respondent in the matter. At the time the petition is filed, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any petition being granted. The petitioner and the respondent shall be the only parties in the matter.

(c) The court may grant the petition if it finds, in the totality of the circumstances, that expungement of the charge or conviction record and sealing of the investigation or prosecution record, serve the interest of justice.

(d) An order granting a petition pursuant to this section shall direct the recipient to expunge the charge or conviction record and to seal the investigation or prosecution record as provided in section 7604 of this title.

(e) An arresting or investigating agency's records are subject only to sealing, not expungement, under this section.

§ 7604. EFFECT OF EXPUNGEMENT AND SEALING

(a) Upon entry of an order of expungement of a charge or conviction record:

(1) The court shall provide a copy of the order of expungement to the respondent, Vermont criminal information center (VCIC), center for crime victim services, and any other entity that may possess a portion of the charge or conviction record of the criminal offense which is the subject of the order. The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(2) The person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense.

In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous charge or conviction record only with respect to arrests or convictions that have not been expunged. Upon receiving an inquiry from any person regarding an expunged record, any person or entity that has received a copy of the order of expungement shall respond that "NO RECORD EXISTS."

(3) The court may keep a special index of cases that have been expunged together with the order for expungement and the certificate issued pursuant to section 7602 of this title. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(4) The special index and related documents specified in subdivision (3) of this section shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access only to authorized persons.

(5) Inspection of the expungement order or the certificate may be permitted only upon petition by the person who is the subject of the case or by the court if the court finds that inspection of the documents is necessary to serve the interest of justice. The administrative judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(6) All other court documents in a case that is subject to an expungement order shall be destroyed.

(7) The court administrator shall establish policies for implementing subdivisions (3) – (6) of this subsection.

(b) Upon entry of an order to seal an investigation or prosecution record:

(1) The court shall provide a copy of the sealing order to the respondent, Vermont criminal information center (VCIC), center for crime victim services, the arresting agency, the investigating agency, and any other entity that may possess a portion of the investigation or prosecution record of the qualifying misdemeanor which is the subject of the order. The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(2) The person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous investigation or prosecution record only with respect to investigations, arrests, or convictions that have not been sealed.

(c) Upon receiving a sealing order, an entity shall:

(1) Seal the investigation or prosecution record;

(2) Enter a copy of the sealing order into the record;

(3) Flag the record as "SEALED" to prevent inadvertent disclosure of sealed information; and

(4) Upon receiving an inquiry from any person regarding a sealed record, respond that "NO RECORD EXISTS."

(d)(1) Notwithstanding a sealing order:

(A) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(B) An entity may use an investigation or a prosecution record sealed in accordance with section 7603 of this title, regarding a person who was cited or arrested, for future criminal investigations or prosecutions without limitation.

(2) An entity may use an investigation or prosecution record sealed in accordance with section 7602 of this title, regarding a person who was convicted, for future criminal investigations or prosecutions only upon an order of a superior court judge in the criminal division. The hearing on an application for such an order may be conducted in a confidential and nonadversarial manner substantially similar to procedures for obtaining a search warrant.

(e) The person whose record has been sealed shall maintain his or her right to access the sealed record as if the record had not been sealed.

§ 7605. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

§ 7606. DENIAL OF PETITION

If a petition is denied by the court pursuant to this chapter, no further petition on that same matter shall be brought for at least five years.

Sec. 2. REPORT; COURT ADMINISTRATOR

On or before January 15, 2015, the court administrator shall report to the general assembly the total number of court orders for expungement of charge or conviction records and sealing of investigation or prosecution records which

have been issued by the courts of this state and the types of offenses for which a court ordered expungement of charge or conviction records and sealing of investigation or prosecution records pursuant to this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

(Committee vote: 10-0-1)

(For text see Senate Journal 2/22 - 2/23/11)

S. 77

An act relating to water testing of private wells

Rep. Fagan of Rutland City, for the Committee on Fish, Wildlife & Water Resources**,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds and declares that:

(1) The U.S. Environmental Protection Agency and the Vermont department of health estimate that 40 percent of Vermont residents obtain drinking water from groundwater sources.

(2) Property owners currently are not required to test groundwater sources that are a potable water supply serving one single-family residence.

(3) In adults and especially in children, consumption of contaminated groundwater can cause serious health effects, such as digestive problems, kidney problems, blue baby syndrome, and brain damage.

(4) The state lacks a comprehensive database or map identifying where groundwater contamination is prevalent in the state.

(5) To help mitigate the potential health effects of consumption of contaminated groundwater, the state should require testing of all newly developed groundwater sources and should conduct education and outreach regarding the need for property owners to test the water quality of groundwater used in potable water supplies.

(6) The state should utilize tests of groundwater sources to construct a database and map of groundwater contamination in the state so that the department of health can recommend treatment options to property owners in certain parts of the state.

Sec. 2. 10 V.S.A. § 1981 is added to read:

§ 1981. TESTING OF NEW GROUNDWATER SOURCES

(a) As used in this section, "groundwater source" means that portion of a potable water supply that draws water from the ground, including a drilled well, shallow well, driven well point, or spring.

(b) Prior to use of a new groundwater source as a potable water supply, where testing is not otherwise required, the person who owns or controls the groundwater source shall test the groundwater source for the parameters set forth in subsection (c) of this section.

(c) A water sample collected under this section shall be analyzed for, at a minimum: arsenic; lead; uranium; gross alpha radiation; total coliform bacteria, total nitrate and nitrite, fluoride, manganese, and any other parameters required by the agency by rule.

(d) The secretary, after consultation with the department of health, the wastewater and potable water supply technical advisory committee, the Vermont association of realtors, the Vermont home inspectors' association, private laboratories, and other interested parties, shall adopt by rule requirements regarding:

(1) when, prior to use of a new groundwater source, the test required under subsection (b) of this section shall be conducted;

(2) who shall be authorized to sample the source for the test required under subsection (b) of this section, provided that the rule shall include the person who owns or controls the groundwater source and licensed well drillers among those authorized to conduct the test;

(3) how a water sample shall be collected in order to comply with the requirements of the analyses to be performed; and

(4) any other requirements necessary to implement this section.

Sec. 3. 18 V.S.A. § 501b is amended to read:

§ 501b. CERTIFICATION OF LABORATORIES

(a) The commissioner may certify a laboratory to perform the testing and monitoring required under 10 V.S.A. chapter 56, 10 V.S.A. § 1981, and the federal Safe Drinking Water Act if such laboratory meets the standards currently in effect of the National Environmental Laboratory Accreditation Conference and is accredited by an approved National Environmental Laboratory Accreditation Program accrediting authority or its equivalent.

(b)(1) The commissioner may by order suspend or revoke a certificate granted under this section, after notice and opportunity to be heard, if the commissioner finds that the certificate holder has:

(A) submitted materially false or materially inaccurate information; or

(B) violated any material requirement, restriction or condition of the certificate; or

(C) violated any statute, rule or order relating to this title.

(2) The order shall set forth what steps, if any, may be taken by the certificate holder to relieve the holder of the suspension or enable the certificate holder to reapply for certification if a previous certificate has been revoked.

(c) A person may appeal the suspension or revocation of the certificate to the board under section 128 of this title.

* * *

(f) In accrediting a laboratory to conduct testing under 10 V.S.A. § 1981, the commissioner shall require a laboratory accredited under this section to submit in an electronic format the results of groundwater analyses conducted pursuant to 10 V.S.A. § 1981 to the department of health and the agency of natural resources.

Sec. 4. 27 V.S.A. § 616 is added to read:

§ 616. GROUNDWATER SOURCE TESTING; DISCLOSURE OF EDUCATIONAL MATERIAL

(a) For purchase and sales agreements executed on or after January 1, 2012, the seller shall, within 72 hours of the execution of a purchase and sales agreement for a property with a potable water supply, as that term is defined 10 V.S.A. § 1972(6), that is not served by a public water system, as that term is defined in 10 V.S.A. § 1671(5), provide the buyer with informational materials developed by the department of health regarding:

(1) the potential health effects of the consumption of untreated groundwater; and

(2) the buyer's opportunity under the agreement to test the potable water supply.

(b) Noncompliance with this section shall not affect marketability of title.

Sec. 5. DEPARTMENT OF HEALTH; EDUCATION AND OUTREACH ON SAFE DRINKING WATER

The department of health, after consultation with the agency of natural resources, shall revise and update its education and outreach materials

regarding the potential health effects of contaminants in groundwater sources of drinking water in order to improve citizen access to such materials and to increase awareness of the need to conduct testing of groundwater sources. In revising and updating its education and outreach materials, the department shall update the online safe water resource guide by incorporating the most current information on the health effects of contaminants, treatment of contaminants, and causes of contamination and by directly linking users to the department of health contaminant fact sheets.

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 3 (certification of laboratories), and 5 (department of health; education and outreach) of this act shall take effect upon passage.

(b) Sec. 2 (testing of new groundwater sources) of this act shall take effect upon passage, except that 10 V.S.A. § 1981(b) (the requirement to test new groundwater sources) shall take effect on January 1, 2013.

(c) Sec. 4 (disclosure of educational material) of this act shall take effect on January 1, 2012.

(Committee vote: 7-2-0)

(For text see Senate Journal 3/25 - 4/6/11)

S. 78

An act relating to the advancement of cellular, broadband, and other technology infrastructure in Vermont

Rep. Shand of Weathersfield, for the Committee on Commerce and Economic Development**,** recommends that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 1 (purpose and findings), in subsection (b), by adding a new subdivision (3) to read as follows:

(3) Of the approximately $8,900,000.00 in state funds appropriated to the VTA for capital investments since its creation in 2007, approximately $6,400,000.00 has been awarded to fund various telecommunications projects in the state, and about $280,000.00 worth of those projects has been completed to date.

Second: In Sec. 1 (purpose and findings), in subsection (b), in subdivision (5), after the words "promises near universal coverage in" by adding "large areas of"

Third: In Sec. 1 (purpose and findings), in subsection (b), by striking out subdivision (11) in its entirety and inserting in lieu thereof the following:

(11) In light of the infusion of federal dollars to build out telecommunications infrastructure in Vermont, the VTA, in coordination with the secretary of administration, needs to reexamine on a continuing basis its role in providing funds and its support for cellular and broadband deployment.

Fourth: In Sec. 1 (purpose and findings), in subsection (b), in subdivision (13), by striking out the second sentence in its entirety

Fifth: In Sec. 1 (purpose and findings), in subsection (b), by striking out subdivision (14) and inserting in lieu thereof:

(14) It is also imperative that Vermont pursue telecommunications infrastructure deployment in a manner consistent with the state's iconic beauty and long-standing principles of historic and environmental stewardship. Notably, Vermont is ranked sixth in the world for "destination stewardship" by the National Geographic Society's Center for Sustainable Destination, as published in the November–December 2009 issue of National Geographic Traveler magazine. Provisions should be enacted that are specifically intended to assure that telecommunications facilities along Vermont's scenic highways are built consistently with this goal.

and by renumbering all subdivisions in subsection (b) to be numerically correct

Sixth: In Sec. 2, 30 V.S.A. § 248a (certificate of public good for communications facilities), in subsection (c) (findings), by striking out subdivision (1) and inserting in lieu thereof:

(1) The proposed facility will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety, and the public's use and enjoyment of the I-89 and I-91 scenic corridors or of any highway that has been designated as a scenic road pursuant to 19 V.S.A. § 2501 or a scenic byway pursuant to 23 U.S.C. § 162, with due consideration having been given to the relevant criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K). However, with respect to telecommunications facilities of limited size and scope, the board shall waive all criteria of this subdivision other than 10 V.S.A. § 6086(a)(1)(D) (floodways) and (a)(8) (aesthetics, scenic beauty, historic sites, rare and irreplaceable natural areas; endangered species; necessary wildlife habitat). Such waiver shall be on condition that:

(A) The board may determine, pursuant to the procedures described in subdivision (j)(2)(A) of this section, that a petition raises a significant issue with respect to any criterion of this subdivision; and

(B) A telecommunications facility of limited size and scope shall comply, at a minimum, with the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control issued by the department of environmental conservation, regardless of any provisions in that handbook that limit its applicability.

Seventh: By adding a new section to be numbered Sec. 3b to read as follows:

Sec. 3b. 3 V.S.A. § 2809 is amended to read:

§ 2809. REIMBURSEMENT OF AGENCY COSTS

* * *

(g) Concerning an application for a permit to discharge stormwater runoff from a telecommunications facility as defined in 30 V.S.A. § 248a that is filed before July 1, 2014:

(1) Under subdivision (a)(1) of this section, the agency shall not require an applicant to pay more than $10,000.00 with respect to a facility.

(2) The provisions of subsection (c) (mandatory meeting) of this section shall not apply.

Eighth: By adding a new section to be numbered Sec. 3c to read as follows:

Sec. 3c. Sec. F33 of No. 146 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. F33. ANR REPORT ON ANTI-DEGRADATION IMPLEMENTATION RULES

On or after January 15, 2011, and at ~~least 30 days prior to prefiling~~ the same time that the secretary of natural resources prefiles draft anti-degradation policy implementation rules with the interagency committee on administrative rules under 3 V.S.A. § 837, the secretary of natural resources shall submit for review a copy of the draft anti-degradation policy implementation rules to the senate committee on natural resources and energy and the house committee on fish, wildlife and water resources. At the time of such prefiling, if the general assembly is not in session, then the secretary shall comply with this section by submitting the draft rules to the chairs of the senate committee on natural resources and energy and the house committee on fish, wildlife and water resources.

Ninth: In Sec. 10, 30 V.S.A. § 8092 (nonexclusive use of fiber on electric utility poles), in subsection (h) (transmission poles), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) Notwithstanding any law or rule to the contrary, a company may not enter into a contract with a communications service provider that provides exclusive access to its company-attached and company-maintained fiber-optic facilities by including terms that expressly prohibit any other communications service provider from leasing or purchasing unused strands of fiber. The terms and conditions of any contract entered into under this section shall include a provision specifying that, if a communications service provider leases fiber-optic capacity but fails to use that capacity within one year from the date the contract is entered into, the communications service provider shall report such non-use to the department of public service. The commissioner of public service shall determine if such non-use constitutes anti-competitive behavior that unreasonably precludes another communications service provider from leasing fiber-optic capacity. If the commissioner determines that such non-use constitutes anti-competitive behavior, he or she shall commence an investigation with the board of public service. The board is authorized to impose a remedy it deems appropriate under the circumstances. Such remedy may include termination of the lease with respect to the unused portion of the leased fiber-optic capacity.

Tenth: In Sec. 10, 30 V.S.A. § 8092 (nonexclusive use of fiber on electric utility poles), by striking out subsection (j) (distribution poles) in its entirety and inserting in lieu thereof the following:

(j) A company having electric transmission or distribution structures carrying voltages of 110 kV or lower may not enter into a contract with a communications service provider that provides exclusive access to its company-attached and company-maintained fiber-optic facilities by including terms that expressly prohibit any other communications service provider from leasing or purchasing unused strands of fiber. The terms and conditions of any contract entered into under this section shall include a provision specifying that, if a communications service provider leases fiber-optic capacity but fails to use that capacity within one year from the date the contract is entered into, the communications service provider shall report such non-use to the department of public service. The commissioner of public service shall determine if such non-use constitutes anti-competitive behavior that unreasonably precludes another communications service provider from leasing fiber-optic capacity. If the commissioner determines that such non-use constitutes anti-competitive behavior, he or she shall commence an investigation with the board of public service. The board is authorized to impose a remedy it deems appropriate under the circumstances. Such remedy may include termination of the lease with respect to the unused portion of the leased fiber-optic capacity.

Eleventh: In Sec. 11 (study on regulatory exemption), in subsection (a), in the first sentence, after the words "certain telecommunications carriers" by adding the words "not currently eligible"

Twelfth: In Sec. 12, 30 V.S.A. § 227e (leasing or licensing of state land for telecommunications facilities), in subsection (b), in subdivision (1), after the words "on the website maintained by the agency of administration" by adding the words ", with appropriate hyperlinks to that website on all relevant, state-maintained websites"

Thirteenth: In Sec. 14, 24 V.S.A. § 4413 (limitations on municipal bylaws), in subdivision (h)(1), in the first sentence, before "bylaw" by striking "A" and inserting in lieu thereof: "Except as necessary to ensure compliance with the national flood insurance program, a"

Fourteenth: In Sec. 14b, 3 V.S.A. § 2222b (telecommunications coordination and planning), in subsection (c) (deployment tracking), in subdivision (1), after the words "Not later than 30 days" by striking out the word "of" and inserting in lieu thereof "after"

Fifteenth: In Sec. 14b, 3 V.S.A. § 2222b (telecommunications coordination and planning), in subsection (c) (deployment tracking), in subdivision (5), at the end of the subdivision, by adding "Alternatively, entities that voluntarily provide information requested pursuant to this subdivision may select a third party to be the recipient of such information. That third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the secretary. The third party may only disclose the aggregated information to the secretary."

Sixteenth: By striking out Sec. 14c in its entirety and inserting in lieu thereof a new Sec. 14c to read as follows:

Sec. 14c. Rule 5(d)(2) of the Vermont Rules of Environmental Court Proceedings is amended to read:

(2) *Claims and Challenges of Party Status in an Appeal from a Final Decision.* An appellant who claims party status as a person aggrieved pursuant to 6 V.S.A. § 4855 or 10 V.S.A. § 8504(a) and is not denied that status by 10 V.S.A. § 8504(d)(1), or an appellant who claims party status as an interested person pursuant to 10 V.S.A. § 8504(b)(1), will be automatically accorded that status when the notice of appeal is filed unless the court otherwise determines on motion to dismiss a party. An appellant who claims party status under 10 V.S.A. § 8504(b)(2), (d)(2), or (e)(2) and who has not sought interlocutory relief pursuant to paragraph (1) of this subdivision must assert that claim by motion filed ~~with the notice of appeal~~ not later than the deadline for filing a statement of questions on appeal. Any other person who

appears as provided in subdivision (c) of this rule will be accorded party status unless the court otherwise determines on its own motion, on motion to dismiss a party, or on a motion to intervene.

Seventeenth: By adding a new section to be numbered Sec. 14e to read as follows:

Sec. 14e. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

* * *

(8)(A) Communications antennae and facilities. Except to the extent bylaws protect historic landmarks and structures listed on the state or national register of historic places, no permit shall be required for placement of ~~antennae~~ an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the ~~aggregate~~ area of the largest ~~faces~~ face of the ~~antennae~~ antenna is not more than ~~eight~~ 15 square feet, and if the ~~antennae~~ antenna and any mast support ~~does~~ do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

* * *

Eighteenth: In Sec. 15, 30 V.S.A. § 8060 (VTA findings and purpose), in subsection (b), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) the ~~ubiquitous~~ universal availability of mobile telecommunication services, including voice and high-speed data ~~throughout the state~~ along roadways and near universal availability statewide by the end of the year ~~2010~~ 2013.

Nineteenth: In Sec. 16, 30 V.S.A. § 8061 (establishment and organization of the VTA), in subsection (c), after the words "The governor" by striking out ", the speaker of the house, and the president pro tempore of the senate shall jointly" and inserting in lieu thereof the word "shall"

Twentieth: In Sec. 16, 30 V.S.A. § 8061 (establishment and organization of the VTA), in subsection (d), by striking out the last sentence in its entirety and inserting in lieu thereof the following: "Upon completion of a term of service for any reason, including the term's expiration or a member's resignation, and for one year from the date of such completion, a former board member shall

not advocate before the authority on behalf of an enterprise that provides broadband or cellular service."

Twenty-first: By striking out Sec. 16a (VTA board transitional provision) in its entirety and inserting in lieu thereof the following:

Sec. 16a. VTA BOARD; REORGANIZATION

Upon the effective date of this act, the terms of office of the existing members of the board of directors of the Vermont telecommunications authority shall terminate, but members shall continue to serve until new members for the term commencing in 2011 are appointed as provided in this act.

Twenty-second: In Sec. 17, 30 V.S.A. § 8062 (VTA powers and duties), in subsection (a), after the new subdivision (2) (inventory of federal radio frequency licenses), by adding a new subdivision (3) to read as follows:

(3) to the extent not inconsistent with the goals of this chapter, to utilize existing buildings and structures, historic or otherwise, as sites for visually-neutral placement of mobile telecommunications and wireless broadband antenna facilities;

and by renumbering the remaining subdivisions to be numerically correct

Twenty-third: In Sec. 17, 30 V.S.A. § 8062 (VTA powers and duties), in subsection (b), in subdivision (1), after the word "unserved" in both instances by inserting the words "or underserved"

Twenty-fourth: In Sec. 18, 30 V.S.A. § 8063 (interagency cooperation), in the new subsection (b), after the words "general assembly" by inserting the words "or, if the general assembly is not in session, without prior notice to the chairs of the house committee on commerce and economic development and the senate committees on finance and on economic development, housing and general affairs and approval of the joint fiscal committee, in consultation with the legislative chairs already referenced in this subsection"

Twenty-fifth: In Sec. 19, 30 V.S.A. § 8071 (VTA quarterly and annual reports), in subsection (c), in subdivision (6), after the words "existing business providers" by striking out the rest of the sentence until the period

Twenty-sixth: By striking out Sec. 23 (Hughesnet recovery act program) in its entirety and inserting in lieu thereof the following:

Sec. 23. SATELLITE RECOVERY ACT PROGRAM

(a) Pursuant to the broadband initiatives program of the American Recovery and Reinvestment Act of 2009, Pub.L. No. 111-5, companies such as Hughes Network Systems, LLC (Hughes) were selected by the Rural Utilities

Service (RUS) of the United States Department of Agriculture as nationwide providers under RUS's satellite grant program. Under the program, Hughes was awarded a $58,700,000.00 grant in 2010. The grant allows Hughes to provide high speed Internet service by satellite to over 105,000 rural residences by eliminating the cost of hardware and installation and by reducing the price of monthly service plans.

(b) The satellite Internet service provided by satellite grant recipients may provide a good opportunity to bring broadband service to areas that otherwise might not be served and for such time until broadband service meeting or exceeding the minimum technical service characteristics under 30 V.S.A. § 8077 is available.

(c) Notwithstanding the minimum technical service characteristics under 30 V.S.A. § 8077, the commissioner of public service and the director of the Vermont telecommunications authority shall make known the availability of satellite recovery act programs and reference them in relevant publications listing broadband providers in Vermont.

(d) Notwithstanding the provisions of this section, an area shall not be considered "served" for purposes of state broadband policy and planning if it is only served by a satellite provider.

Twenty-seventh: In Sec. 24a, 3 V.S.A. § 2222c (report on broadband and wireless deployment), in subsection (a), by striking out the word "chapter" and inserting in lieu thereof "section"

Twenty-eighth: In Sec. 24a, 3 V.S.A. § 2222c (report on broadband and wireless deployment), in subsection (b), in subdivision (1)(B), by striking out "mpbs" and inserting in lieu thereof "Mbps"

Twenty-ninth: In Sec. 24a, 3V.S.A. § 2222c (report on broadband and wireless deployment), in subsection (b), in subdivision (1)(A) and in subdivisions (2)(A) and (B), by striking out each instance of "mbps" and inserting in lieu thereof "Mbps"

Thirtieth: In Sec. 24b, 30 V.S.A. § 202c (state telecommunications policy and planning), in subsection (b), in subdivision (9), after the words "deployment of broadband infrastructure" by striking out the words "pursuant to the objectives set forth in S.78 of the Acts of 2011"

Thirty-first: In Sec. 24c (report on the VTA's sustainability), in subsection (a), by striking out the word "ubiquitous" and inserting in lieu thereof "universal"

Thirty-second: By adding a new section to be numbered Sec. 24d to read as follows:

Sec. 24d. VTA FUNDING; FIBER-OPTIC FACILITIES; NORTH LINK

(a) Notwithstanding Sec. 14 of No. 2 of the Acts of 2009 (Special Session), which appropriated the sum of $500,000.00 from the general fund to the Vermont telecommunications authority (VTA) for the purpose of financing a transaction with Northern Enterprises, Inc. ("North Link"), such funds shall be used to complete the construction and installation of an open access fiber-optic network from Hardwick, Vermont to Newport, Vermont.

(b) The funds appropriated under this section may be used for direct investment in fiber-optic facilities, to be owned by the VTA, or for grants to telecommunications service providers.

(c) Fiber-optic facilities owned by the VTA pursuant to this section shall include fiber strands for use by a telecommunications service provider to deliver broadband Internet access directly to homes, businesses, and institutional users (last-mile connectivity), in addition to strands which may be used to interconnect with other broadband and cellular facilities (middle mile) or to support system control and data acquisition for an electric distribution utility for smart metering technology solutions.

(d) Fiber-optic facilities funded in whole or in part with funds appropriated under this section shall be available for use by as many telecommunications service providers as the technology will permit on a nondiscriminatory basis and according to published terms and conditions.

(Committee vote: 10-0-1)

(For text see Senate Journal 4/12 - 4/13/11)

Rep. Keenan of St. Albans City, for the Committee on **Appropriations,** recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development.**

(Committee Vote: 10-0-1)

S. 92

An act relating to the protection of students' health by requiring the use of safe cleaning products in schools

Rep. Buxton of Royalton, for the Committee on Education**,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 39 is added to read:

CHAPTER 39. CLEANING PRODUCTS IN SCHOOLS

§ 1781. DEFINITIONS

As used in this chapter:

(1) "Air freshener" means an aerosol spray, liquid deodorizer, plug-in product, para-di-chlorbenzene block, scented urinal screen, or other product used to mask odors or freshen the air in a room.

(2) "Antimicrobial pesticide" means a product regulated by the federal Insecticide, Fungicide and Rodenticide Act that is intended to:

(A) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or

(B) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.

(3) "Cleaning product" means an institutional compound intended for routine cleaning, including general purpose cleaners, bathroom cleaners, glass cleaners, carpet cleaners, floor care products, and hand soaps. Cleaning product shall not mean an antimicrobial pesticide.

(4) "Conventional cleaning product" means a cleaning product that is not an environmentally preferable cleaning product.

(5) "Distributor" means any person or entity that distributes cleaning products commercially, but excludes retail stores.

(6) "Environmentally preferable cleaning product" means a cleaning product that has a lesser or reduced effect on human health and the environment when compared to competing products serving the same purpose.

(7) "Green cleaning" means a practice that includes the use of a cleaning product certified as environmentally preferable by an independent third party, best practices that follow accepted management standards and improve indoor air quality, and equipment that facilitates effective cleaning.

(8)(A) "Independent third party" means a nationally recognized organization that has developed a program for the purpose of certifying environmentally preferable cleaning products. The independent third party's certification program shall:

(i) define a manufacturer's certification fees;

(ii) identify any potential conflicts of interest;

(iii) base certification on consideration of human health and safety, ecological toxicity, other environmental impacts, and resource conservation as appropriate for the product and its packaging on a life-cycle basis;

(iv) develop certification standards in an open, public, and transparent manner that involves the public and key stakeholders;

(v) periodically revise and update the standards to remain consistent with current research about the impacts of chemicals on human health;

(vi) monitor and enforce the standards for the purpose of certification, and have the authority to inspect the manufacturing facility and periodically do so, and have a registered or legally protected certification mark; and

(vii) make the standards easily accessible to purchasers and manufacturers; or

(B) In the alternative, "independent third party" means any organization otherwise deemed by the department of health to satisfactorily assess and certify environmentally preferable cleaning products.

(9) "Manufacturer" means any person or entity engaged in the process of manufacturing cleaning products for commercial distribution.

(10) "School" means:

(A) A public school in Vermont, including a regional technical center and a comprehensive high school; and

(B) An approved independent school.

§ 1782. ENVIRONMENTALLY PREFERABLE CLEANING PRODUCTS

(a) A distributor or manufacturer of cleaning products only shall sell, offer for sale, or distribute to a school, school district, supervisory union, or procurement consortium:

(1) environmentally preferable cleaning products utilized by the department of buildings and general services under state contracts; or

(2) cleaning products certified as environmentally preferable by an independent third party.

(b) A person who contracts with a school, school district, or supervisory union to provide cleaning services for a school only shall use a cleaning product that meets the requirements of subdivisions (a)(1) and (2) of this section.

(c) Nothing in this chapter shall be construed to regulate the sale, use, or distribution of antimicrobial pesticides.

§ 1783. AIR FRESHENERS

A distributor or manufacturer shall not sell, offer for sale, or distribute air fresheners to a school, school district, supervisory union, or procurement consortium.

Sec. 2. TRANSITION

Notwithstanding the provisions of 18 V.S.A. § 1782:

(1) A manufacturer or distributor of cleaning products may continue to sell, offer for sale, or distribute conventional cleaning products to a school, school district, supervisory union, or procurement consortium until July 1, 2011. A school may continue to use conventional cleaning products purchased prior to July 1, 2011 until supplies are depleted.

(2) A manufacturer or distributor of cleaning products may continue to sell, offer for sale, or distribute conventional cleaning products to an approved independent school with fewer than 50 students until July 1, 2012. An approved independent school with fewer than 50 students may continue to use conventional cleaning products purchased prior to July 1, 2012 until supplies are depleted.

Sec. 3. Sec. 2 of No. 125 of the Acts of the 1999 Adj. Sess. (2000) is amended to read:

Sec. 2. COMMISSIONERS OF HEALTH AND OF BUILDINGS AND GENERAL SERVICES; SCHOOL ENVIRONMENTAL HEALTH WEBSITE

(a) The commissioners of health and of buildings and general services shall jointly create and jointly update as necessary an electronic school environmental health clearinghouse site on the health department's website, including diagnostic checklists and searchable databases. This website shall include:

(1) Information on materials and practices in common use in school operations and construction that may compromise indoor air quality or negatively impact human health;

(2) Information on potential health problems associated with these materials, with specific reference to children's vulnerability;

(3) Information on integrated pest management and alternatives to chemical pest control;

(4) Information on methods to reduce or eliminate exposure to potentially hazardous substances in schools, including the following:

(A) a list of preventive management options, such as ventilation, equipment upkeep, design strategies, and performance standards;

(B) a list of nontoxic or least-toxic office and classroom supplies, ~~maintenance and cleaning chemicals,~~ building equipment, and materials and furnishings; and

(C) a list of environmental health criteria that schools may use as a decision-making tool when determining what materials to purchase or use in school construction or operations;

(5) Information on environmentally preferable cleaning products, including:

(A) a list of environmentally preferable cleaning products used by the department of buildings and general services under state contracts or a list of environmentally preferable cleaning products certified by an independent third party pursuant to 18 V.S.A. chapter 39; and

(B) procedures for using environmentally preferable cleaning products;

~~(5)~~(6) The model school environmental health policy and management plan developed pursuant to Sec. 3 of this act.

(b) The commissioners of health, of buildings and general services, and of education, with help from the secretary of the agency of natural resources when appropriate, shall:

(1) Review the information on the school environmental health information clearinghouse at least twice yearly, and update it whenever significant developments occur.

(2) At the request of school officials, assist school environmental health coordinators to identify potential sources of environmental pollution in the school, and make recommendations on how to alleviate any problems.

(3) Annually, organize a school environmental health training workshop for school environmental health coordinators and school administrators, and an annual training for school maintenance and custodial staff. Each workshop and training shall include instruction on green cleaning practices, including products and procedures as defined pursuant to 18 V.S.A. § 1781. The department shall issue certificates of training to participants who successfully complete the workshops.

(4) Publicize the availability of information through the school environmental health clearinghouse.

(5) Provide information and referrals to members of school communities who contact the school environmental health clearinghouse with hazardous exposure and indoor air concerns.

(6) Assist elementary and secondary schools in Vermont to establish comprehensive school environmental health programs, which have all or most of the elements of the model policy developed pursuant to Sec. 3 of this act, to address indoor air and hazardous exposure issues.

(7) Report annually to the house and senate committees on education on the extent of indoor air and hazardous exposure problems in Vermont schools and on the percentage of Vermont schools that have established a school environmental health program or qualified for environmental health certification.

(c) Any information provided under this section shall be based on peer-reviewed published scientific material.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

(Committee vote: 10-0-1)

(For text see Senate Journal 3/18 - 3/22/11)

S. 100

An act relating to making miscellaneous amendments to education laws

Rep. Crawford of Burke, for the Committee on Education**,** recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Technical Corrections; Miscellaneous * * *

Sec. 1. 16 V.S.A. § 563(12) is amended to read:

(12) Shall employ such persons as may be required to carry out the work of the school district ~~and dismiss any employee when necessary. The school board shall consider the recommendation of the superintendent before employing or dismissing any person~~ pursuant to the provisions of subdivision 242(3) of this title.

Sec. 2. 16 V.S.A. § 1122 is amended to read:

§ 1122. PUPILS OVER ~~SIXTEEN~~ 16

A person having the control of a child over ~~sixteen~~ 16 years of age who allows ~~such~~ the child to become enrolled in a public school~~,~~ shall cause ~~such~~ the child to attend ~~such~~ the school continually for the full number of the school

days of the term in which he or she is ~~so~~ enrolled, unless ~~such~~ the child is mentally or physically unable to continue, or is excused in writing by the superintendent or a majority of the school directors. In case of such enrollment, ~~such~~ the person, and the teacher, child, superintendent, and school directors shall be under the laws and subject to the penalties relating to the attendance of children between the ages of ~~seven~~ six and ~~sixteen~~ 16 years.

Sec. 3. 16 V.S.A. § 1221 is amended to read:

~~§ 1221. CONTROL AND REGULATION~~

~~The board of school directors shall control and regulate the transportation and board of pupils in the schools under its charge as hereinafter provided, and contracts therefor shall be made by it. To transport such pupils properly, the board may purchase, maintain and operate the necessary equipment in the name of the school district pursuant to section 559 of this title.~~

* * * Special Education * * *

Sec. 4. 16 V.S.A. § 2945(a) and (b) are amended to read:

(a) There is created an advisory council on special education ~~which~~ that shall consist of 17 members. All members of the council shall serve for a term of three years or until their successors are appointed. Terms shall begin on April 1 of the year of appointment. A majority of the members shall be either individuals with disabilities or parents of children with disabilities.

(1) Fifteen of the members shall be appointed by the governor with the advice of the commissioner of education. Among the gubernatorial appointees shall be:

(A) teachers ~~of children with disabilities,~~;

(B) representatives of ~~other~~ state agencies involved in the financing or delivery of related services to children with disabilities~~, representatives~~;

(C) a representative of independent schools~~,~~;

(D) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities~~, representatives~~;

(E) a representative from the state juvenile and adult corrections agency~~, handicapped~~;

(F) individuals~~,~~ with disabilities;

(G) parents of children with disabilities, provided the child shall be younger than 26 years old at the time his or her parent is appointed to the council;

(H) state and local education ~~administrators~~ officials, including officials who carry out activities under the McKinney-Vento Homeless Assistance Act;

(I) a representative of higher education who prepares special education and related services personnel;

(J) a representative from the state child welfare department responsible for foster care; and

(K) special education ~~program~~ administrators. ~~A majority of the members must be either individuals with disabilities or parents of children with disabilities.~~

(2) In addition, two members of the general assembly shall be appointed, one from the house of representatives and one from the senate. The speaker shall appoint the house member ~~shall be appointed by the speaker,~~ and the committee on committees shall appoint the senate member ~~shall be appointed by the committee on committees. All members of the council shall serve for a term of three years, beginning from April 1 of the year of appointment or until their successors are appointed. For the purpose of implementing this section, the governor shall make initial appointments as follows: Approximately one-third of the members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms. As the terms expire, the new appointees shall be appointed to fill three-year terms~~.

(b) The council shall elect its own ~~chairman~~ chair from among its membership. The council shall meet annually at the call of the ~~chairman~~ chair, and other meetings may be called by the ~~chairman~~ chair at such times and places as he or she may determine to be necessary.

Sec. 5. 16 V.S.A. § 2967(b) is amended to read:

(b) The total expenditures made by the state in any fiscal year pursuant to this chapter shall be 60 percent of the statewide total special education expenditures of funds ~~which~~ that are not derived from federal sources. Special education expenditures shall include:

(1) costs eligible for grants and reimbursements under sections 2961 through 2963a of this title;

(2) costs for services for the visually ~~handicapped~~ impaired and hearing impaired;

(3) costs for the interdisciplinary team program;

(4) costs for regional ~~multi-handicapped~~ specialists in multiple disabilities;

(5) funds expended for training and programs to meet the needs of students with emotional behavioral problems under subsection 2969(c) of this title; and

(6) funds expended for training under subsection 2969(d) of this title.

Sec. 6. 16 V.S.A. § 4014(d) is amended to read:

(d) The commissioner shall evaluate proposals based on the following criteria:

(1) The program will serve additional children with special needs, such as those who are economically disadvantaged, those who have limited English language skills, those with ~~handicapping~~ disabling conditions or those who have suffered from or are at risk of, abuse or neglect.

* * *

(8) The program enables children with ~~handicapping~~ disabling conditions to be served in settings with ~~their nonhandicapped~~ peers who do not have a disability.

(9) The program includes voluntary training for parents.

* * * Data Corrections * * *

Sec. 7. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

(a) Upon discovering an error or change in data submitted to the commissioner for the purpose of determining payments to or from the education fund, a school district shall report the error or change to the commissioner as soon as possible. Any budget deficit or surplus due to the error or change shall be carried forward to the following year.

(b) The commissioner shall use data submitted on or before January 15 prior to the fiscal year which begins the following July 1, in order to calculate the amounts due each school district for any fiscal year for the following:

(1) ~~the adjusted education payments due under section 4011 of this title;~~

~~(2)~~ transportation aid due under ~~Sec. 98 of Act No. 71 of 1998~~ section 4016 of this title; and

~~(3)~~(2) the small school support grant due under section 4015 of this title.

(c) The commissioner shall use data corrections regarding local education budget amounts submitted on or before June 15 prior to the fiscal year which begins the following July 1, in order to calculate the ~~amounts due each school district~~ education payments due under section ~~4027~~ 4011 of this title.

However, the commissioner may use data submitted after June 15 and prior to July 15 due to unusual or exceptional circumstances as determined by the commissioner.

(d) The commissioner shall not use data corrected due to an error submitted following the deadlines to recalculate the equalized pupil ratio under subdivision 4001(3) of this title. The commissioner shall not adjust ~~payments to or from the education fund~~ average daily membership counts if an error or change is reported more than three fiscal years following the date that the original data was due. ~~Adjustments to payments to or from the education fund under this section shall be made on the earliest date possible after the fiscal year in which the error was reported, and in accordance with the schedules set forth in subsection 4028(a) of this title and section 5402 of Title 32, and after the necessary appropriation by the general assembly.~~

(e) The board may adopt rules as necessary to implement the provisions of this section.

* * * Agency of Human Services * * *

Sec. 8. 16 V.S.A. § 212(13) is amended to read:

(13) Ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the ~~departments of mental health and mental retardation and social and rehabilitation services in accordance with the provisions of chapter 2 of Title 3~~ department of mental health, the department for children and families, and the department of disabilities, aging, and independent living pursuant to the provisions of chapter 43 of Title 33.

Sec. 9. 16 V.S.A. § 910 is amended to read:

§ 910. COORDINATION OF SERVICES TO CHILDREN AND ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE

Each town, city, interstate, incorporated, unified, or union school district shall cooperate with the ~~departments of mental health and mental retardation, social and rehabilitation services~~ department of mental health, the department for children and families, the department of disabilities, aging, and independent living, and the department of education in coordinating educational services to children and adolescents with a severe emotional disturbance~~, in accordance with the provisions of chapter 2 of Title 3~~ pursuant to the provisions of chapter 43 of Title 33.

Sec. 10. 16 V.S.A. § 1075(i) is amended to read:

(i) The commissioner ~~of social and rehabilitation services~~ for children and families shall continue to provide social services and financial support in accordance with ~~16 V.S.A. §~~ section 2950 of this title on behalf of individuals under his or her care and custody while in a residential placement, until they reach their ~~nineteenth~~ 19th birthday.

Sec. 11. 16 V.S.A. § 1166(b)(1) is amended to read:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the department ~~of social and rehabilitation services~~ for children and families.

Sec. 12. 16 V.S.A. § 2845 is amended to read:

§ 2845. TRUST FUND; GRANTS; STUDENTS IN ~~SRS~~ DCF CUSTODY

(a) The board shall establish a trust fund to be used to provide grants for students who do not have parental support and are or have been under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families. The board may draw up to 90 percent of the assets in the fund for these purposes.

* * *

(e) A child who is under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families, or a young adult between the ages of 18 and 24 who was under the custody of the commissioner ~~of social and rehabilitation services~~ for children and families for at least six months when that person was between the ages of 16 and 18, and who is accepted for degree study at the Vermont state colleges, the University of Vermont, or a Vermont independent college, is eligible for an annual grant under this section, to the extent that funds are available in the trust fund. Upon certification by the Vermont state colleges, the University of Vermont, or a Vermont independent college that a Vermont resident student who is eligible under this section has matriculated in a degree program at a Vermont college or university, the student may receive a grant if the student's financial aid eligibility leaves remaining financial need following the student and the family contributions, if any, and the availability of all other sources of gift aid. Each grant, together with the student and the family contributions, if any, and all other sources of gift aid, shall not exceed the full cost of tuition, fees, room and board, and no individual annual grant may exceed $3,000.00. The board may prorate the funds appropriated for use under this section where the collective need of the eligible applicants exceeds the funds appropriated. In addition, the

board may prorate a grant based on a student's full- or part-time enrollment status.

* * *

(g) The board shall coordinate implementation of this section with the commissioner ~~of social and rehabilitation services~~ for children and families, the president of the association of Vermont independent colleges, the chancellor of the Vermont state colleges, and the president of the University of Vermont. The board may establish procedures and policies or adopt rules to implement this section.

Sec. 13. 16 V.S.A. § 2943 is amended to read:

§ 2943. COMMISSIONER OF EDUCATION FOR CHILDREN WITH DISABILITIES; POWERS

The commissioner of education, by virtue of ~~his~~ the office, shall be commissioner of education for children with disabilities~~,~~ and~~, as such commissioner~~ shall superintend all matters relating to the essential early education and special education of children with disabilities~~, and~~. In addition, the commissioner, in coordination with the ~~departments of mental health and mental retardation and social and rehabilitation services~~ department of mental health, the department of disabilities, aging, and independent living, and the department for children and families, shall ensure that appropriate educational services are provided to children and adolescents with a severe emotional disturbance in accordance with the provisions of chapter 43 of Title 33 and may accept gifts, grants, or other donations to carry out the purpose of this chapter.

Sec. 14. 16 V.S.A. § 2948(f) is amended to read:

(f) If a student is being provided education or special education or both in a school operated by the department of corrections ~~or the department of mental health and mental retardation~~, the ~~agency~~ department of corrections shall serve the student as if the ~~agency~~ department were the school district of residence of the student.

Sec. 15. 16 V.S.A. § 2948(n) is amended to read:

(n) If a student is being provided education or special education, or both in a school operated by the department ~~of social and rehabilitation services~~ for children and families, the funding and provision of services shall be the responsibility of the department ~~of social and rehabilitation services~~ for children and families and special education procedural responsibility shall be the responsibility of the district of residence of the student's parent, parents, or guardian.

Sec. 16. 16 V.S.A. § 2950(b) is amended to read:

(b) Residential payments.

(1) For a student in the care and custody of the commissioner ~~of social and rehabilitation services~~ for children and families who is placed in a 24-hour residential facility within or outside Vermont, the commissioner of education shall pay the education costs, and the commissioner ~~of social and rehabilitation services~~ for children and families shall arrange for the payment of the remainder of the costs. However, ~~where~~ if the state interagency team, as defined in ~~section~~ 33 V.S.A. § 4302 ~~of Title 33~~, ~~has found~~ finds such placement inappropriate for the student's education needs, then the commissioner of education shall pay none of the education costs of the placement and the commissioner ~~of social and rehabilitation services~~ for children and families shall arrange for the payment of the full cost of the placement.

(2) For a student who is placed in a 24-hour residential facility within or outside Vermont by a Vermont licensed child placement agency, a designated community mental health agency, any other agency as defined by the commissioner of education, or a Vermont state agency or department other than the department of corrections or the department ~~of social and rehabilitation services~~ for children and families, the commissioner of education shall pay the education costs and the agency or department in whose care the student is placed shall arrange for the payment of the remainder of the costs. However, ~~where~~ if the state interagency team, as defined in ~~section~~ 33 V.S.A. § 4302 ~~of Title 33~~, ~~has found~~ finds such placement inappropriate for the student's education needs, then the commissioner of education shall pay none of the education costs of the placement and the agency or department in whose care the student is placed shall arrange for payment of the full cost of the placement. This subdivision does not apply to a student for whom a residential placement is:

(A) specified in the student's individualized education program; and

(B) funded in collaboration with another agency.

Sec. 17. 16 V.S.A. § 4001(8) is amended to read:

(8) "Poverty ratio" means the number of persons in the school district who are aged six through 17 and who are from economically deprived backgrounds, divided by the long-term membership of the school district. A person from an economically deprived background means a person who resides with a family unit receiving ~~Food Stamps~~ nutrition benefits. A person who does not reside with a family unit receiving ~~Food Stamps~~ nutrition benefits but for whom English is not the primary language shall also be

counted in the numerator of the ratio. The commissioner shall use a method of measuring the ~~Food Stamps~~ nutrition benefits population which produces data reasonably representative of long-term trends. Persons for whom English is not the primary language shall be identified pursuant to subsection 4010(e) of this title.

* * * Supervisory Union Duties; Transportation Employees; Transitional Language * * *

Sec. 18. Sec. 18 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 18. TRANSITION

Each supervisory union shall provide for any transition of employment of special education and transportation staff by member districts to employment by the supervisory union, pursuant to Sec. 9 of this act, 16 V.S.A. § 261a(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 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.

* * * Postsecondary Approval; Fees * * *

Sec. 19. 16 V.S.A. § 176 is amended to read:

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

(a) Applicability. ~~All postsecondary schools whose primary operation is in the state of Vermont are~~ Except as provided in subsection (d) of this section, any postsecondary school that operates primarily or exclusively in the state of Vermont is subject to this section.

(b) Definitions. As used in this section:

(1) "Postsecondary school" means any person who offers or operates a program of college or professional education for credit or a degree and enrolls or intends to enroll students.

(2) ~~"Offer" means, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging any person in this state, directly or indirectly, in any form, to perform the act described.~~ "Offer" includes the use in the name of an institution or in its promotional material~~,~~ of a term such as "college," "university," or "institute" ~~which~~ that is intended to indicate that ~~the business~~ it is an institution ~~which~~ that offers postsecondary education.

(3) "Degree" means any award ~~which~~ that is given by a postsecondary school for completion of a program or course and ~~which~~ that is designated by the term degree, associate, bachelor, baccalaureate, masters, or doctorate, or any similar award ~~which~~ that the state board includes by rule.

(4) "Operate" means to establish, keep, or maintain any facility or location from or through which education is offered or given, or educational degrees are offered or granted. The term includes contracting with any person to perform any such act.

(5) "Accredited" means accredited by any regional ~~or~~, national, or programmatic institutional accrediting agency recognized by the ~~state board~~ U.S. Department of Education.

(c) State board approval.

(1) Every postsecondary school ~~which~~ that is subject to this section shall:

(A) apply for a certificate of approval from state board prior to registering its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(B) apply for and receive a certificate of approval from the state board prior to offering postsecondary credit-bearing courses or programs and prior to admitting the first student; and

(C) ~~notify~~ provide written notification to each applicant for admission or enrollment ~~in writing~~, on an application, enrollment, or

registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.

(2) Every postsecondary school shall secure a certificate of degree-granting authority from the state board before it confers or offers to confer a degree.

(d) Exemptions. The following are exempt from ~~all~~ the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

(1) Programs of education sponsored by a ~~bona fide~~ trade, labor, business, or professional organization ~~recognized by the state board if they are:~~

~~(A)~~ that are conducted solely for that organization's membership or for members of the particular industries or professions served by that organization~~; and~~

~~(B) not available to the public on a fee basis~~.

(2) The University of Vermont and the Vermont State Colleges.

(3) Postsecondary schools currently licensed or approved by a Vermont state occupational licensing board.

(4) Postsecondary schools ~~which~~ that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate: Bennington College, Burlington College, Champlain College, College of St. Joseph, Goddard College, Green Mountain College, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT, Southern Vermont College, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

(5) Nondegree-granting and noncredit-granting postsecondary schools ~~which~~ that offer only training in ~~the~~ specific trades or vocations.

(6) Religious instruction ~~which~~ that does not result in earning credits or a degree.

(e) Issuance. On proper application, the state board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the state board to

be adequate and appropriate for the stated purpose and for the protection of students and the public interest. ~~In the case of a course or program offered by correspondence, the applicant shall provide proof of application for a license pursuant to chapter 85 of this title.~~ The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, or limitations.

* * *

Sec. 20. 16 V.S.A. § 176a is amended to read:

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN VERMONT

(a) Applicability. ~~All~~ Except as provided in subsection (e) of this section, a postsecondary ~~schools whose primary operation lies~~ school that operates primarily outside the state of Vermont ~~are~~, offers or operates a program of college or professional education for credit or a degree, and wishes to operate in Vermont is subject to this section and to subsections 176(g) through (l) of this title.

(b) Definitions. All words and phrases defined in section 176 of this title shall have the same meanings in this section.

(c) ~~State board approval. Every~~ Requirements. A postsecondary school subject to this section shall:

(1) ~~apply for a certificate of approval from the state board prior to registering~~ register its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(2) secure accreditation by any regional, national, or programmatic institutional accrediting agency recognized by the U.S. Department of Education;

(3) apply for and receive a certificate of approval or a certificate of degree-granting authority or both pursuant to subsection 176(e) of this title prior to offering postsecondary credit-bearing courses or programs ~~and prior to~~, admitting the first student~~;~~

~~(3) secure a certificate of degree-granting authority from the state board before it confers or offers to confer~~, or conferring or offering to confer a degree to a student enrolled in its Vermont school;

(4) meet any requirements for approval in its state of primary operation for the specific degree or credit-bearing course or program that it intends to offer in Vermont ~~as a condition of approval to operate in Vermont~~;

(5) register with the department of education pursuant to state board rule; and

(6) provide written notification to each applicant for admission or enrollment, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.

(d) Renewal. After receiving initial approval, a postsecondary school subject to this section shall register annually with the state board of education by providing evidence of accreditation and approval by the state in which it primarily operates and any other documentation the board requires. The state board may refuse or revoke registration at any time for good cause.

(e) Exemptions. The following are exempt from ~~all the requirements of this section except for the requirements of subdivision (e)(2) of this section~~ the provisions of this section:

(1) Programs of education sponsored by a ~~bona fide~~ trade, labor, business, or professional organization ~~recognized by the state board if they~~ that are~~:~~

~~(A)~~ conducted solely for that organization's membership or for members of the particular industries or professions served by that organization~~;~~ ~~and~~

~~(B) not available to the public on a fee basis~~.

(2) Postsecondary schools currently licensed or approved by a Vermont occupational licensing board.

(3) Nondegree-granting or noncredit-granting postsecondary schools ~~which~~ that offer only training in ~~the~~ specific trades or vocations.

(4) Religious instruction ~~which~~ that does not result in earning credits or a degree.

(5) Programs of education offered solely via correspondence, the Internet, or electronic media, provided that the postsecondary school has no physical presence in Vermont. Evidence of a "physical presence" includes the existence of administrative offices, seminars conducted by a person who is physically present at the seminar location, the provision of direct services to students, and required physical gatherings.

~~(e) Other provisions:~~

~~(1) All provisions of subsections (e) through (l) of 16 V.S.A. § 176 shall apply to all postsecondary schools subject to this section~~.

~~(2) All postsecondary schools subject to this section shall notify each applicant for enrollment in writing, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.~~

Sec. 21. 16 V.S.A. § 177 is amended to read:

§ 177. ~~COSTS OF APPROVAL~~ POSTSECONDARY APPROVAL; FEES

(a) ~~Fees for certification of postsecondary schools shall be $2,000.00, except that certification for degree-granting schools shall be $2,500.00~~ A postsecondary school subject to section 176 of this title shall pay:

(1) a fee of $4,000.00 for an application for approval to offer credit-bearing courses;

(2) a fee of $5,000.00 for an application for degree-granting authority if the postsecondary school is approved to offer credit-bearing courses; and

(3) a fee of $7,500.00 if the school seeks approval under subdivisions (1) and (2) of this subsection simultaneously.

(b) ~~Fees for~~ If a postsecondary ~~schools~~ school that is subject to section 176 of this title ~~seeking~~ and is operating within an unexpired certification period files an application to offer a new degree at the same level as a degree previously approved by the state board~~, while operating within a certification period previously granted by the state board~~, then the fee shall be based upon the actual costs to the department but shall not be less than $1,000.00 for each new degree.

(c) A postsecondary school subject to section 176a of this title shall pay:

(1) the fees set forth in subsection (a) of this section for initial review and approval pursuant to subdivision 176a(c)(3) of this title;

(2) a fee of $1,000.00 for initial registration with the department pursuant to subdivision 176a(c)(5) of this title; and

(3) an annual fee of $500.00 to renew its registration to operate in Vermont pursuant to subsection 176a(d) of this title.

(d) Fees assessed under this section are not refundable.

(e) ~~These fees~~ Fees assessed 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 ~~approvals~~ approval.

* * * School Food Services * * *

Sec. 22. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

Subchapter 2. School Lunches

§ 1261a. DEFINITIONS

For the purposes of this subchapter:

(1) "Food programs" means provisions of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq., and any amendment thereto, and in the Child Nutrition Act, 42 U.S.C. § 1779 et seq., and any amendments thereto.

(2) "School board" means the governing body responsible for the administration of a public school~~, or~~.

(3) "Independent school board" means a governing body responsible for the administration of a nonprofit independent school exempt from United States income taxes.

§ 1262a. AWARD OF GRANTS

(a)(1) The state board of education may, from funds appropriated for this subsection to the department of education, award grants to:

(A) supervisory unions for the use of member school boards ~~which~~ that establish and operate food programs~~, provided the~~;

(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 may, from funds available to the department of education for this subsection, award grants to supervisory unions consisting of one or more school districts ~~which~~ that need to initiate or expand food programs in order to meet the requirements of section 1264 of this title and ~~which~~ that seek assistance in meeting the cost of initiation or expansion. The amount of the grants shall be limited to ~~seventy-five~~ 75 percent of the cost deemed necessary by the commissioner to construct, renovate or acquire

additional facilities and equipment to provide lunches to all pupils, 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, shall direct ~~school districts~~ 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 for this subsection, the state board shall award to each ~~school district~~ 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 actually provided in the district during the previous quarter to students eligible for a reduced price breakfast under the federal school breakfast program.

§ 1262b. REGULATIONS

The state board of education shall adopt regulations governing grants under section 1262a of this title. Such regulations shall provide for grants ~~to local school programs~~ from state funds in accordance with guidelines of food programs as defined under federal law. The state board of education may adopt such other rules and regulations as are necessary to carry out the provisions of this subchapter.

§ 1264. FOOD PROGRAM

(a)(1) Each school board operating a public school shall cause to operate within the school district a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school in the district were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of the requirements in subsection (a) of this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to provide a school lunch, breakfast, or summer meals program, or any combination of the three, and if he or she finds that the school district ~~has~~ and supervisory union have exercised due diligence ~~in its efforts~~ to avoid the emergency situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

§ 1265. EXEMPTION; PUBLIC DISCUSSION

(a) The school board of a public school district ~~which~~ that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to ~~operate~~ offer either the school lunch program or the school breakfast program, or both, for a period of one year.

(b) If a public school ~~board~~ is exempt from ~~operating~~ offering a breakfast or lunch program, ~~annually it~~ its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with ~~subsection~~ 1 V.S.A. § 312(c) ~~of Title 1~~, and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the commissioner and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.

(c) On or before the first day of November ~~1, previous~~ prior to the date on which an exemption voted under this section is due to expire, the commissioner shall notify the ~~school board~~ boards of the affected school district and supervisory union in writing that the exemption will expire.

(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the commissioner and the superintendent of the supervisory union.

(e) The commissioner may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner.

* * * Secondary Credits; Dual Enrollment * * *

Sec. 23. 16 V.S.A. § 913 is added to read:

§ 913. SECONDARY CREDIT; POSTSECONDARY COURSES

(a) Each public school and approved independent school offering secondary education shall 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. The secondary school 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 requirements of the school, 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 determines otherwise, a three-credit postsecondary course shall be presumed to equal one-half of a Carnegie unit. A school shall not withhold approval or credit without reasonable justification. A student may request that the superintendent review the school's determination regarding course approval or credits. The superintendent's decision shall be final.

(b) For purposes of this section:

(1) "Accredited postsecondary institution" means a postsecondary institution that has been accredited by the New England Association of Schools and Colleges or a similar national or regional accrediting agency recognized by the U.S. Department of Education.

(2) "Carnegie unit" means a time-based unit of measuring secondary student attainment under which one unit equals 50 minutes of class time if the class is taken five days per week for 30 weeks.

Sec. 24. EXPANDED LEARNING OPPORTUNITIES; DUAL ENROLLMENT; POLICY

(a) It is the policy of the state of Vermont to:

(1) encourage increased access to expanded learning opportunities for publicly funded students enrolled in public and approved independent secondary schools, including dual enrollment, flexible learning pathways, and personalized learning;

(2) encourage increased dual enrollment opportunities for a wide range of students, particularly those from groups who attend college at disproportionately low rates, which will contribute to the statewide intent to increase the rigor of high school coursework, improve high school graduation rates, raise postsecondary aspiration rates, and better prepare more secondary students for the transition to college and career;

(3) encourage increased opportunities for secondary students to enroll in dual enrollment courses and earn both transcripted high school credit and transcripted postsecondary credit for successful completion of the course;

(4) recognize that instructors for dual enrollment courses are selected by the postsecondary institution and may include qualified high school faculty;

(5) recognize that dual enrollment courses may be taught at the secondary school, on the postsecondary campus, or by means of electronic or other distance media; and

(6) encourage collaborative partnerships among the New England states to create sustainable strategies to close the achievement gap among students.

(b) For purposes of this section, "dual enrollment" means enrollment by a secondary student in a course offered by an accredited postsecondary institution as defined in 16 V.S.A. § 913 and for which, upon successful completion of the course, the student will receive:

(1) credit toward graduation from the secondary school in which the student is enrolled; and

(2) postsecondary credit from the institution that offered the course if the course is a credit-bearing course at that institution.

* * * Reports * * *

Sec. 25. DRIVER EDUCATION; RESTRUCTURING

(a) The department of education, in consultation with the department of motor vehicles, the Vermont Driver and Traffic Safety Education Association, the Vermont Superintendents Association, and other interested entities, shall explore options for restructuring the delivery of driver education to Vermonters between the ages of 15 and 20, including consideration of:

(1) the development, implementation, evaluation, and enforcement of standards for teen driver education programs and instructors;

(2) the development and public dissemination of information regarding teen driver education issues;

(3) the creation of an advisory board to oversee all teen driver education programs, program instructors, and public communication efforts; and

(4) available funding sources for driver education programs and advisory board responsibilities.

(b) On or before January 15, 2012, the department shall present a detailed restructuring proposal to the house and senate committees on education and on transportation.

Sec. 26. TECHNOLOGY IN SCHOOLS; REPORT

On or before January 15, 2012, the department of education shall report to the senate and house committees on education regarding the current and planned use of technology and Internet service in public schools designed to increase educational opportunities for students, including:

(1) each school's type of Internet service, speed of connection, service provider, and projected upgrades available or planned before July 1, 2015;

(2) efforts to increase the availability of individual learning opportunities, dual enrollment, online, and other alternative learning programs;

(3) expansion of flexible learning environments, including efforts to develop and increase opportunities with out-of-state providers;

(4) results of the department's research concerning the possible development of a statewide open document format that could be standardized across the K–12 structure in Vermont, including consideration of tools available, security risk inherent in each, and the viability of state agencies to join efforts to help standardize systems and reduce costs on proprietary software and solutions;

(5) implementation of the department's communication and collaboration tool during the summer of 2011, focusing on uses of the tool by both schools and department staff and addressing incentives and value-added aspects of the tool; and

(6) review by the department and the state board of education of the school quality standards and consideration of amendments focusing on the continued evolution of teaching and learning supported by technology.

Sec. 27. SPECIAL EDUCATION INFORMATION MANAGEMENT SYSTEM; REPORT AND PROPOSAL

(a) The department of education, in consultation with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont-National Education

Association, the Vermont council of special education administrators, the advisory council on special education created in 16 V.S.A. § 2945, and the Vermont association for school business officials, shall investigate, evaluate, and develop proposals for a statewide special education information management system designed to improve the delivery of special education services and student outcomes and to support:

(1) the department's mandated auditing responsibilities;

(2) the development and implementation of individualized education plans pursuant to 16 V.S.A. § 261a(a)(6) and chapter 101;

(3) the integration and dissemination of financial and educational information to supervisory unions and school districts necessary for effective operation of the new management system; and

(4) a uniform approach to Medicaid reimbursement.

(b) On or before January 15, 2012, the department shall provide a report to the senate and house committees on education detailing its proposal for the information system designed pursuant to subsection (a) of this section and identifying all statutory amendments necessary to implement the system.

Sec. 28. EARLY EDUCATION OFFERED BY AND THROUGH PUBLIC SCHOOLS; REGULATION; REPORT

(a) The departments of education and for children and families, in consultation with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont-National Education Association, the Vermont council of special education administrators, Pre-K Vermont, the Vermont community preschool collaborative, the Vermont Business Roundtable, Kids Are Priority One Coalition, the Building Bright Futures Council, and other interested entities, shall review the statutes and rules regarding prekindergarten education programs offered by and through school districts and supervisory unions and shall determine ways in which the regulation of these programs can be simplified.

(b) On or before January 15, 2012, the departments shall report jointly to the senate and house committees on education detailing their proposal for simplified regulations and identifying all statutory amendments necessary to implement the proposal.

* * * Elementary School Tuition Inconsistencies * * *

Sec. 29. 16 V.S.A. § 821(d) is amended to read:

(d) Notwithstanding subsection (a) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary pupil at an approved independent elementary school or an independent school meeting school quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the pupil's parent or legal guardian before April 15 for the next academic year~~; provided the board shall pay tuition for the pupil in an amount not to exceed the least of:~~

~~(1) The statewide average announced tuition of Vermont union elementary schools.~~

~~(2) The average per-pupil tuition the district pays for its other resident elementary pupils in the year in which the pupil is enrolled in the approved independent school.~~

~~(3) The tuition charged by the approved independent school in the year in which the pupil is enrolled~~.

Sec. 30. 16 V.S.A. § 823(b) is amended to read:

(b) ~~The~~ Unless the electorate of a school district authorizes payment of a higher amount at an annual or special meeting warned for the purpose, the tuition paid to an approved independent elementary school or an independent school meeting school quality standards shall not exceed the ~~lesser~~ least of:

(1) the average announced tuition of Vermont union elementary schools for the year of attendance; ~~or~~

(2) the tuition charged by the approved independent school for the year of attendance; or

(3) the average per-pupil tuition the district pays for its other resident elementary pupils in the year in which the pupil is enrolled in the approved independent school. ~~However, the electorate of a school district may authorize the payment of a higher amount at an annual or special meeting warned for the purpose.~~

* * * Educational Films * * *

Sec. 31. REPEAL

16 V.S.A. § 144a (appropriation for visual educational films) is repealed.

* * * Energy Financing * * *

Sec. 32. 24 V.S.A. § 1786a(f) is added to read:

(f) In addition to any other means permitted by law, a school district, by resolution or ordinance of its legislative branch, may incur debt to finance the

cost of school building energy improvements not to exceed $200,000.00 per building in any three-year period and payable over a maximum term coextensive with the useful life of the financed improvements, but not to exceed ten years, provided that the avoided costs attributable to the financed improvements exceed the annual payment of principal and interest of the indebtedness. No indebtedness shall be incurred under this subsection unless the entity appointed as an energy efficiency utility under 30 V.S.A. § 209(d)(2), an independent licensed engineer, or an independent licensed architect has certified to the district the cost of the improvements to be financed, the avoided costs attributable to the improvements, and the adequacy of debt service coverage from the avoided costs over the term of the proposed indebtedness. Notwithstanding 16 V.S.A. § 562(7), authorization by the electorate is not required for the acquisition of school building energy improvements and the incurring of related indebtedness pursuant to this subsection.

Sec. 33. 24 V.S.A. § 1789 is amended to read:

§ 1789. ALTERNATIVE FINANCING OF ASSETS

(a)(1) A municipality, including a fire district, either singly or as a participant in an interlocal contract entered into under sections 4901 and 4902 of this title, may acquire personal property, fixtures, technology, and intellectual property by means of leases, lease-purchase agreements, installment sales agreements, and similar agreements ~~wherein~~ with payment and performance on the part of the municipality ~~is~~ conditioned expressly upon the annual approval by the municipality of an appropriation sufficient to pay when next due rents, charges, and other payments accruing under ~~such~~ the leases and agreements.

(2) Notwithstanding 16 V.S.A. § 562(7), authorization by the electorate is not required for a school district to acquire property pursuant to subdivision (1) of this subsection.

* * *

* * * SU Duties; Effective Date Extension * * *

Sec. 34. Sec. 23(b) of No. 153 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Secs. 9 through 12 of this act shall take effect on passage and shall be fully implemented on July 1, ~~2012~~ 2013, subject to the provisions of existing contracts.

* * * Harassment and Bullying;

Electronic and Nonschool Activities * * *

Sec. 35. 16 V.S.A. § 11(a)(26)(A) is amended to read:

(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

Sec. 36. 16 V.S.A. § 11(a)(32) is amended to read:

(32) "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

Sec. 37. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF PUPILS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with state board rules, suspend a pupil for up to 10 school days or, with the approval of the board of the school district, expel a pupil for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the pupil harmful to the welfare of the school ~~or for misconduct~~;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a pupil who brings a weapon to school pursuant to section 1166 of this title.

~~(b)~~(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

* * * Food Processing * * *

Sec. 38. CAREER AND TECHNICAL CENTERS; INTEGRATION WITH FOOD PROCESSING SECTORS

The department of education, in consultation with the agency of agriculture, food and markets, the Vermont association of career and technical center directors, the workforce development council, slaughterhouse operators, meat processors, chefs, and livestock farmers shall integrate the value added food processing sectors, including meat cutting and processing, into the programs of study offered at the state's regional career and technical education centers.

* * * Effective Date * * *

Sec. 39. EFFECTIVE DATE

This act shall take effect on passage. Sec. 3 shall be fully implemented by July 1, 2013, subject to the provisions of existing contracts.

(Committee vote: 10-0-1)

(No Senate Amendments)

S. 101

An act relating to child support enforcement

Rep. French of Shrewsbury, for the Committee on Judiciary**,** recommends that the House propose to the Senate that the bill be amended as follows:

amended in Sec. 1, 15 V.S.A. § 606(d), in subdivision (2), by striking out "the obligated parent lacked the ability" and inserting in lieu thereof "since that date, the obligated parent became unable"

(Committee vote: 10-0-1)

(For text see Senate Journal 3/25 - 3/29/11)

Senate Proposal of Amendment

H. 411

An act relating to the application of Act 250 to agricultural fairs

The Senate proposes to the House to amend the bill as follows in Sec. 2, 10 V.S.A. § 6001(34), by striking out subparagraph (C) in its entirety and inserting in lieu thereof a new subparagraph (C) to read as follows:

(C) conducting contests, displays, and demonstrations designed to advance farming, advance the local food economy, or train or educate farmers, youth, or the public regarding agriculture.

(For text see House Journal 3/22 - 3/23/11)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of April 28, 2011.

H.C.R. 160

House concurrent resolution in memory of Blair Hamilton

H.C.R. 161

House concurrent resolution congratulating Andre Messier of Lake Region Union High School on being named the 2012 Vermont MetLife/NASSP High School Principal of the Year

H.C.R. 162

House concurrent resolution in memory of former Representative Willis Lansing Curtis

H.C.R. 163

House concurrent resolution congratulating the Global Campuses Foundation on its tenth anniversary

H.C.R. 164

House concurrent resolution designating October 15, 2011, as the sixth annual

Vermont Pumpkin Carving Day

H.C.R. 165

House concurrent resolution commemorating the 250th anniversary of the establishment of the town of Pawlet

H.C.R. 166

House concurrent resolution congratulating McNeil & Reedy of Rutland City on the haberdashery's 55th anniversary

H.C.R. 167

House concurrent resolution congratulating the South Royalton High School Global Impact Apprentice Water Quality Team

H.C.R. 168

House concurrent resolution in memory of Dr. Arthur Faris

H.C.R. 169

House concurrent resolution congratulating the town of Dorset on its 250th anniversary

H.C.R. 170

House concurrent resolution congratulating the Reverend Donald J. Ravey on the 50th anniversary of his ordination as a Roman Catholic priest

S.C.R. 14

Senate concurrent resolution honoring John O'Kane for his career accomplishments at IBM and for his outstanding community service

S.C.R. 15

Senate concurrent resolution commemorating the 25th anniversary of the Chernobyl nuclear disaster with thoughts of the current nuclear crisis in Japan

S.C.R. 16

Senate concurrent resolution honoring Dr. Cyrus Jordan and Helen Riehle for their exemplary contributions to the improvement of high quality health care in Vermont

S.C.R. 17

Senate concurrent resolution congratulating David Keenan on being named the

Northeast Kingdom Chamber of Commerce 2011 Citizen of the Year