
Committee Relieved of Further Consideration; Bill Committed**S. 43.**

On motion of Senator Ashe, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to the list of delinquent taxpayers,
and the bill was committed to the Committee on Government Operations.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 14. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 6, 2015, it be to meet again no later than Tuesday, February 10, 2015.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 4, 2015.

WEDNESDAY, FEBRUARY 4, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

Message from the House No. 14

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 7. An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

H. 82. An act relating to fiscal year 2015 budget adjustments.

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

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

J.R.S. 12. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 13. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2015.

And has adopted the same in concurrence.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 55.

By Senator Lyons,

An act relating to creating a flat rate for Vermont's estate tax and creating an estate tax exclusion amount that matches the federal amount.

To the Committee on Finance.

S. 56.

By Senator White,

An act relating to elevating the Department of Public Safety to an agency.

To the Committee on Government Operations.

S. 57.

By Senator White,

An act relating to fees paid to deputy sheriffs and their assistants for transport.

To the Committee on Government Operations.

S. 58.

By Senator White,

An act relating to requiring that the Defender General receive the same early retirement benefit as a State's Attorney.

To the Committee on Government Operations.

S. 59.

By Senator Mullin,

An act relating to insurance coverage for abuse-deterrent formulations of certain medications.

To the Committee on Health & Welfare.

S. 60.

By Senators Sears and Ashe,

An act relating to payment for medical examinations for victims of sexual assault.

To the Committee on Health & Welfare.

Bills Referred

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

H. 7.

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

To the Committee on Government Operations.

H. 82.

An act relating to fiscal year 2015 budget adjustments.

To the Committee on Appropriations.

Bill Passed

S. 6.

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

An act relating to technical corrections to civil and criminal procedure statutes.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 5, 2015.

THURSDAY, FEBRUARY 5, 2015

Pursuant to Rule 8 of the Senate Rules, in the absence of the President (who was Acting Governor in the absence of the Governor) and the President *pro*

tempore, the time for convening of the Senate having been set at one o'clock in the afternoon, the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Presiding Officer Elected

Thereupon, pursuant to the provisions of Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the Senate proceeded to the election of an acting President *pro tempore* to preside.

Nominations being in order, Senator Kitchel nominated Senator Richard T. Mazza.

There being no further nominations, on motion of Senator Baruth, the nominations were closed, and the Assistant Secretary was instructed to cast one ballot for Senator Richard T. Mazza to serve as presiding officer until the return of the President or the President *pro tempore*.

Senator Mazza Assumes the Chair

Senator Campbell Assumes the Chair

Message from the House No. 15

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 14. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 61.

By Senators Ayer, Ashe and Lyons,

An act relating to fast-track Medicaid enrollment.

To the Committee on Health & Welfare.

S. 62.

By Senators Ayer and Lyons,

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

To the Committee on Health & Welfare.

S. 63.

By Senators Sirotkin, Ayer, Lyons and Westman,

An act relating to reinstating the Health Care Oversight and Mental Health Oversight Committees.

To the Committee on Health & Welfare.

S. 64.

By Senator Pollina,

An act relating to increasing Exchange cost-sharing subsidies and capping the amount of itemized deductions allowed at the State level.

To the Committee on Finance.

S. 65.

By Senators Sirotkin, Cummings and Sears,

An act relating to nonunanimous jury verdicts in civil actions.

To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 4 was introduced, read the first time and referred:

By Senators Ashe and Sirotkin,

PROPOSAL 4**Sec. 1. PURPOSE**

This constitutional amendment would:

(1) require reapportionment of legislative districts to be performed by an appointed public body named the Legislative Apportionment Board, rather than by the General Assembly; and

(2) limit senatorial districts to a maximum of three Senators, beginning with the first reapportionment performed by the Legislative Apportionment Board.

Sec. 2. Chapter II, Section 13 of the Vermont Constitution is amended to read:

§ 13. [REPRESENTATIVES; NUMBER]

The House of Representatives shall be composed of one hundred fifty Representatives. The voters of each representative district established by law shall elect one or two Representatives from that district, the number from each district to be established by the ~~General Assembly~~ Legislative Apportionment Board.

In establishing representative districts, which shall afford equality of representation, the ~~General Assembly~~ Legislative Apportionment Board shall seek, as nearly as is practicable, to maintain geographical compactness and contiguity ~~and to~~; adhere to boundaries of counties and other existing political subdivisions; and maintain patterns of geography, social interaction, trade, political ties, and common interests.

Sec. 3. Chapter II, Section 18 of the Vermont Constitution is amended to read:

§ 18. [SENATORS; NUMBERS; QUALIFICATIONS]

The Senate shall be composed of thirty Senators to be of the senatorial district from which they are elected. The voters of each senatorial district established by law shall elect ~~one or~~ no more than three Senators from that district, the number from each district to be established by the ~~General Assembly~~ Legislative Apportionment Board.

In establishing senatorial districts, which shall afford equality of representation, the ~~General Assembly~~ Legislative Apportionment Board shall seek, as nearly as is practicable, to maintain geographical compactness and contiguity ~~and to~~; adhere to boundaries of counties and other existing political subdivisions; and maintain patterns of geography, social interaction, trade, political ties, and common interests.

Sec. 4. Chapter II, Section 73 of the Vermont Constitution is amended to read:

§ 73. [MANNER OF APPORTIONMENT OF THE GENERAL ASSEMBLY; LEGISLATIVE APPORTIONMENT BOARD]

A Legislative Apportionment Board is created and shall comprise a Special Master designated by the Chief Justice of the Supreme Court; one resident of the State appointed by the Governor from each political party that has had more than three members serve as members of the General Assembly for at least three of the five biennial legislative sessions since the taking of the previous decennial census under the authority of Congress, which residents are not all from the same county; and one resident of the State elected by the State committee of each of those political parties.

The Special Master shall be Chair of the Board. A member of the Board shall not be a member or employee of the General Assembly. Members of the Board shall be selected on or before July 1, 2020 and decennially thereafter on or before July 1, and shall serve until their successors are selected. The appointing or electing authority shall fill any vacancy in the office of a member.

The ~~General Assembly~~ Legislative Apportionment Board shall establish senatorial districts within and including all of the ~~state~~ State, and shall further establish representative districts within and including all of the ~~state~~ State.

~~At~~ On or before January 31 of the even-numbered year of the biennial session following the taking of each decennial census under the authority of Congress, and at such other times as the ~~General Assembly~~ Legislative Apportionment Board finds necessary, it shall revise the boundaries of the legislative districts and shall make a new apportionment of ~~its~~ the membership of the ~~General Assembly~~ in order to maintain equality of representation among the respective districts as nearly as is practicable. ~~The General Assembly may provide for establishment of a legislative apportionment board to advise and assist the General Assembly concerning legislative apportionment.~~

If the ~~General Assembly~~ Legislative Apportionment Board fails to revise the legislative districts as required in this section, the Supreme Court in appropriate legal proceedings brought for that purpose may order reapportionment of the districts.

The General Assembly may carry the provisions of this section into effect by appropriate legislation.

Sec. 5. EFFECTIVE DATE; APPLICATION

(a) Effective date. The amendments set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(b) Application. The limit on the number of Senators in a senatorial district set forth in Sec. 3 of this proposal, in the first paragraph of Chapter II, Section 18 of the Vermont Constitution, shall apply beginning with the first reapportionment performed by the Legislative Apportionment Board in accordance with Sec. 4 of this proposal, Chapter II, Section 73 of the Vermont Constitution.

To the Committee on Government Operations.

Message from the House No. 16

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 23. An act relating to the Uniform Transfers to Minors Act.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 6, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

Message from the House No. 17

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 51. An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 18. House concurrent resolution designating January 29, 2015, as Pharmacists Day in Vermont.

H.C.R. 19. House concurrent resolution honoring departing Rutland City Police Chief James Baker for his superb leadership in challenging circumstances.

H.C.R. 20. House concurrent resolution honoring Peter Gregory for one-quarter of a century of exemplary leadership and professionalism on the staff of the Two Rivers-Ottawaquechee Regional Commission.

H.C.R. 21. House concurrent resolution congratulating Rutland High School's alternative education program at the Howe Center Campus on a quarter century of academic achievement.

H.C.R. 22. House concurrent resolution honoring Bruce Johnson for his dynamic leadership of Springfield Area Public Access Television.

H.C.R. 23. House concurrent resolution honoring nonprofit organizations and Common Good Vermont.

H.C.R. 24. House concurrent resolution in memory of former Representative and Winooski Mayor Dominique Casavant.

H.C.R. 25. House concurrent resolution honoring Elise McKenna for her leadership in advancing the Blueprint for Health in Lamoille County.

H.C.R. 26. House concurrent resolution recognizing The Manor for its collaborative efforts in Lamoille County to improve the quality of oral health care for its residents.

H.C.R. 27. House concurrent resolution congratulating Vera Harrington of Brattleboro on her 103rd birthday.

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

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 66.

By Senators Pollina, Balint, Cummings, McCormack and White,

An act relating to persons who are deaf or hard of hearing.

To the Committee on Health & Welfare.

S. 67.

By Senators Sears, Champion and McCormack,

An act relating to school discipline reform.

To the Committee on Education.

Bills Referred

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

H. 23.

An act relating to the Uniform Transfers to Minors Act.

To the Committee on Judiciary.

H. 51.

An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

To the Committee on Finance.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 5 was introduced, read the first time and referred:

By Senator Sirotkin,

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide for election of the:

(1) Governor by the greatest number of votes, except that if no candidate for Governor receives at least 45 percent of the votes cast and there is less than a two percent margin between the candidate who received the greatest number of votes and the second-place finisher, then a runoff election between those two candidates shall be held on the first Tuesday in December to determine the winner; and

(2) Lieutenant-Governor and Treasurer by the greatest number of votes.

Sec. 2. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR AND TREASURER]

The voters of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the ~~major part~~ greatest number of

the votes; to be Governor for the two years ensuing, except that if that person receives less than 45 percent of the total votes cast for the office and the difference between the number of votes cast for that candidate and the second-place finisher is less than two percent of the total votes cast for the office, there shall be no election.

The committee shall declare the persons who have the greatest number of votes for Lieutenant-Governor and the for Treasurer shall be chosen in the manner above directed to be elected for the two years ensuing.

The votes for Governor, Lieutenant-Governor, and Treasurer; of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

~~If, at any time, there shall be no election; of Governor, Lieutenant Governor, or Treasurer, of the State, the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned a runoff election shall be held on the first Tuesday of December between the two candidates receiving the greatest number of votes. The runoff election shall be held as prescribed by the General Assembly.~~

Sec. 3. EFFECTIVE DATE

The amendments set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Cohen, Hal of North Middlesex - Secretary, Agency of Human Services - January 8, 2015, to February 28, 2015.

Spellman, Maribeth of Richmond - Commissioner, Department of Human Resources - September 2, 2014, to February 28, 2015.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having

requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representatives Clarkson and Till,

H.C.R. 18.

House concurrent resolution designating January 29, 2015, as Pharmacists Day in Vermont.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 19.

House concurrent resolution honoring departing Rutland City Police Chief James Baker for his superb leadership in challenging circumstances.

By Representative French and others,

By All Members of the Senate,

H.C.R. 20.

House concurrent resolution honoring Peter Gregory for one-quarter of a century of exemplary leadership and professionalism on the staff of the Two Rivers-Ottawaquechee Regional Commission.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 21.

House concurrent resolution congratulating Rutland High School's alternative education program at the Howe Center Campus on a quarter century of academic achievement.

By Representative Emmons and others,

H.C.R. 22.

House concurrent resolution honoring Bruce Johnson for his dynamic leadership of Springfield Area Public Access Television.

By Representative Rachelson and others,

By Senator Baruth,

H.C.R. 23.

House concurrent resolution honoring nonprofit organizations and Common Good Vermont.

By Representatives Bissonnette and Gonzalez,

H.C.R. 24.

House concurrent resolution in memory of former Representative and Winooski Mayor Dominique Casavant.

By Representative Martin and others,

H.C.R. 25.

House concurrent resolution honoring Elise McKenna for her leadership in advancing the Blueprint for Health in Lamoille County.

By Representative Martin and others,

H.C.R. 26.

House concurrent resolution recognizing The Manor for its collaborative efforts in Lamoille County to improve the quality of oral health care for its residents.

By Representative Burke and others,

H.C.R. 27.

House concurrent resolution congratulating Vera Harrington of Brattleboro on her 103rd birthday.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 10, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 14.

TUESDAY, FEBRUARY 10, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Brad Keller of South Royalton.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 13, 2015, it be to meet again no later than Tuesday, February 17, 2015.

**Message from the Governor
Appointments Referred**

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

Waples, Nancy of Hinesburg - Superior Judge - from January 30, 2015, to March 31, 2015.

To the Committee on Judiciary.

Eaton, Harold of Woodstock - Associate Justice of the Supreme Court - from October 27, 2014, to March 31, 2017.

To the Committee on Judiciary.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 68.

By Senator Champion,

An act relating to motor vehicle titles.

To the Committee on Transportation.

S. 69.

By Senators Pollina, Snelling, Starr, Champion, Lyons and White,

An act relating to the use of results-based accountability common language in Vermont law.

To the Committee on Government Operations.

S. 70.

By Senators Snelling, Baruth and Lyons,

An act relating to requiring notice of wastewater treatment upon transfer of real property.

To the Committee on Natural Resources & Energy.

S. 71.

By Senators White and Rodgers,

An act relating to governance of the Vermont State Colleges.

To the Committee on Education.

S. 72.

By Senators Mullin, Balint, Baruth and Sirotkin,

An act relating to binding arbitration for State employees.

To the Committee on Government Operations.

S. 73.

By Senators Mullin, Balint, Baruth, Campbell, Cummings and Doyle,

An act relating to State regulation of rent-to-own agreements for merchandise.

To the Committee on Economic Development, Housing & General Affairs.

S. 74.

By Senators Sirotkin and Mullin,

An act relating to binding arbitration for school teachers and administrators and for municipal employees.

To the Committee on Education.

S. 75.

By Senator Ayer,

An act relating to food and lodging establishments.

To the Committee on Health & Welfare.

S. 76.

By Senator Pollina,

An act relating to providing that Vermont hold its presidential primary on the same day as that of New Hampshire.

To the Committee on Government Operations.

S. 77.

By Senators Ayer and Lyons,

An act relating to authorizing the Vermont Department of Health to charge fees necessary to support Vermont's status as a Nuclear Regulatory Commission Agreement State.

To the Committee on Finance.

Third Reading Ordered**H. 10.**

Senator Pollina, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the Town of Barre.

Reported that the bill ought to pass in concurrence.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 11, 2015.

WEDNESDAY, FEBRUARY 11, 2015

The Senate was called to order by the President.

Devotional Exercises

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

Message from the House No. 18

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 73. An act relating to the corporate governance structure of insurers.

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

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 78.

By Senator Flory,

An act relating to eliminating reciprocity as a precondition to recognizing out-of-state ATV registrations.

To the Committee on Transportation.

S. 79.

By Senators Ayer, White, Lyons and Westman,

An act relating to requiring a town vote for each property exempt from the statewide education property tax.

To the Committee on Finance.

S. 80.

By Senators Collamore, Cummings, Doyle, Flory, Mullin and Pollina,

An act relating to the sale of fortified wine.

To the Committee on Economic Development, Housing & General Affairs.

Bill Referred

House bill of the following title was read the first time and referred:

H. 73.

An act relating to the corporate governance structure of insurers.

To the Committee on Finance.

Proposals of Amendment; Substitute Proposals of Amendment; Third Reading Ordered**H. 82.**

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to fiscal year 2015 budget adjustments.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By inserting two new sections to be numbered Secs. 42a and 42b to read as follows:

Sec. 42a. 2014 Acts and Resolves No. 179, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,511,514</u>	<u>19,511,587</u>
Total	<u>19,511,514</u>	<u>19,511,587</u>
Source of funds		
General fund	<u>19,511,514</u>	<u>19,511,587</u>
Total	<u>19,511,514</u>	<u>19,511,587</u>

Sec. 42b. 2104 Acts and Resolves No. 179, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	84,791,486	84,791,559
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total	<u>89,247,164</u>	<u>89,247,237</u>

Second: By inserting a new section to be numbered Sec. 56a to read as follows:

Sec. 56a. 2014 Acts and Resolves No. 179, Sec. B.911 is amended to read:

Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>	<u>3,833,500</u>
Total	<u>6,333,500</u>	<u>3,833,500</u>
Source of funds		
Transportation fund	<u>6,333,500</u>	<u>3,833,500</u>
Total	<u>6,333,500</u>	<u>3,833,500</u>

and by striking out Sec. 58 in its entirety and inserting in lieu thereof a new Sec. 58 to read as follows:

Sec. 58. 2014 Acts and Resolves No. 179, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	<u>229,903,089</u>	<u>227,403,089</u>
TIB fund	<u>19,895,087</u>	<u>19,395,087</u>
Special funds	3,630,222	3,630,222
Federal funds	<u>407,147,672</u>	<u>405,897,672</u>
Internal service funds	<u>20,200,226</u>	<u>19,452,400</u>
Interdepartmental transfers	2,395,041	2,395,041
Local match	<u>2,592,411</u>	<u>2,592,411</u>
Total	<u>685,763,748</u>	<u>680,765,922</u>

and in Sec. 61(a), by inserting a new subdivision (4) to read as follows:

(4) The following amounts shall be transferred to the Transportation Infrastructure Bond Fund from the Transportation Fund: 2,500,000.00

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Appropriations?, Senator Kitchel, on behalf of the Committee on Appropriations, moved to substitute a proposal of amendment for the proposal of amendment of the Committee on Appropriations as follows:

That the Senate propose to the House to amend the bill as follows:

First: By inserting two new sections to be numbered Secs. 42a and 42b to read as follows:

Sec. 42a. 2014 Acts and Resolves No. 179, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,511,514</u>	<u>19,511,587</u>
Total	<u>19,511,514</u>	19,511,587
Source of funds		
General fund	<u>19,511,514</u>	<u>19,511,587</u>
Total	<u>19,511,514</u>	19,511,587

Sec. 42b. 2104 Acts and Resolves No. 179, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	84,791,486	84,791,559
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total	<u>89,247,164</u>	89,247,237

Second: By inserting a new section to be numbered Sec. 56a to read as follows:

Sec. 56a. 2014 Acts and Resolves No. 179, Sec. B.911 is amended to read:

Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>	<u>3,183,500</u>
Total	<u>6,333,500</u>	3,183,500
Source of funds		
Transportation fund	<u>6,333,500</u>	<u>3,183,500</u>
Total	<u>6,333,500</u>	3,183,500

and by striking out Sec. 58 in its entirety and inserting in lieu thereof a new Sec. 58 to read as follows:

Sec. 58. 2014 Acts and Resolves No. 179, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	229,903,089	226,753,089
TIB fund	19,895,087	19,395,087
Special funds	3,630,222	3,630,222
Federal funds	407,147,672	405,897,672
Internal service funds	20,200,226	19,452,400
Interdepartmental transfers	2,395,041	2,395,041
Local match	2,592,411	2,592,411
Total	685,763,748	680,115,922

and in Sec. 61(a), by inserting a new subdivision (4) to read as follows:

(4) The following amounts shall be transferred to the Transportation Infrastructure Bond Fund from the Transportation Fund: 3,150,000.00

Third: In Sec. 89, in the first paragraph, by striking out the words “Agency of Administration” and inserting in lieu thereof the words Executive Office

Fourth: By inserting a new section to be numbered Sec. 91 to read as follows:

Sec. 91. GRANT ACCEPTANCE

(a) The following grant is hereby accepted and appropriated to the department indicated for the purpose specified by the grantor:

(1) JFO #2742 – \$21,593 grant from the Department of Justice, Office of Justice Programs to the Vermont Department of Public Safety. These funds will be used for planning, training and education for all agencies responsible for safeguarding communities and preventing prison rape.

And by renumbering the remaining section of the bill to be numerically correct.

Which was agreed to.

Thereupon, the proposals of amendment as substituted, were agreed to, and third reading of the bill was ordered on a roll call, Yeas 27, Nays 2.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Collamore, Cummings, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Degree, McAllister.

The Senator absent and not voting was: Benning.

Bill Passed in Concurrence

House bill of the following title was read the third time and passed in concurrence:

H. 10. An act relating to approval of amendments to the charter of the Town of Barre.

Third Reading Ordered**H. 16.**

Senator Ashe, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

Reported that the bill ought to pass in concurrence.

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

Committee Relieved of Further Consideration; Bill Committed**S. 66.**

On motion of Senator Ayer, the Committee on Health & Welfare was relieved of further consideration of Senate bill entitled:

An act relating to persons who are deaf or hard of hearing,
and the bill was committed to the Committee on Government Operations.

Appointment of Senate Members to Joint Fiscal Committee

Pursuant to the provisions of 2 V.S.A. §501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years ending February 1, 2017:

Senator Kitchel, *ex officio*
Senator Ashe, *ex officio*
Senator Sears
Senator Snelling
Senator Ayer

**Appointment of Senate Members of the Legislative Committee on
Administrative Rules**

Pursuant to the provisions of 3 V.S.A. §817, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Administrative Rules for terms of two years ending February 1, 2017:

Senator MacDonald
Senator Flory
Senator Snelling
Senator Lyons

Message from the House No. 19

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 15. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 12, 2015.

THURSDAY, FEBRUARY 12, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

Message from the Governor
Appointments Referred

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

Amis, L. Randolph of Burlington - Chair of the Vermont Housing Finance Agency, - from February 3, 2015, to January 31, 2019.

To the Committee on Finance.

Boardman, Kathryn of Shelburne - Member of the Vermont Municipal Bond Bank, - from February 3, 2015, to January 31, 2017.

To the Committee on Finance.

Boucher, Patricia of Enosburg Falls - Member of the Parole Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Institutions.

Comstock-Gay, Lucy of New Haven - Member of the Board of Libraries, - from March 1, 2015, to February 28, 2019.

To the Committee on Education.

Consejo, Michel of Sheldon Springs - Member of the Vermont State Lottery Commission, - from February 3, 2015, to February 28, 2018.

To the Committee on Economic Development, Housing & General Affairs.

Flynn, Sarah of Burlington - Member of the Community High School of Vermont Board, - from March 1, 2015, to February 28, 2018.

To the Committee on Education.

Haynes, Charles of East Montpelier – Alternate Member of the Natural Resources Board, - from February 3, 2015, to January 31, 2019.

To the Committee on Natural Resources & Energy.

Huling, Krista of Jeffersonville - Member of the State Board of Education, - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Mathis, William of Brandon - Member of the State Board of Education, - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Miller, Mary P. of Waterbury - Member of the Vermont State Housing Authority, - from March 1, 2015, to February 29, 2020.

To the Committee on Economic Development, Housing & General Affairs.

O'Brien, Stephanie of South Burlington - Chair of the Liquor Control Board - from February 3, 2015, to January 31, 2020.

To the Committee on Economic Development, Housing & General Affairs.

Payne, Christine, MD of North Middlesex - Member of the Board of Medical Practice - from February 3, 2015, to December 31, 2019.

To the Committee on Health & Welfare.

Peltz, Peter of Woodbury - Member of the State Board of Education - from March 1, 2015, to February 28, 2021.

To the Committee on Education.

Stephens, Mary of Forestdale - Alternate Member of the Parole Board - from March 1, 2015, to February 28, 2018.

To the Committee on Institutions.

Costantino, Steven of Providence, RI - Commissioner of the Department of Vermont Health Access - from February 17, 2015, to February 28, 2017.

To the Committee on Health & Welfare.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 81.

By Senator Lyons,

An act relating to operation on highways with studded snow tires.

To the Committee on Transportation.

S. 82.

By Senators Sirotkin, Ayer, Lyons and MacDonald,

An act relating to establishing the Vermont Commission on Employee Misclassification.

To the Committee on Economic Development, Housing & General Affairs.

S. 83.

By Senators Starr and Rodgers,

An act relating to increasing penalties for fish and wildlife violations.

To the Committee on Natural Resources & Energy.

S. 84.

By Senators Rodgers and McAllister,

An act relating to operation of all-terrain vehicles along State highways.

To the Committee on Transportation.

S. 85.

By Senator Rodgers,

An act relating to setbacks and screening requirements for solar generation plants subject to Public Service Board siting review.

To the Committee on Finance.

S. 86.

By Senators Rodgers and Starr,

An act relating to membership in multiple net metering groups.

To the Committee on Finance.

S. 87.

By Senators Mullin and Campbell,

An act relating to removal of the philosophical immunization exemption.

To the Committee on Health & Welfare.

Bill Passed in Concurrence

House bill of the following title was read the third time and passed in concurrence:

H. 16. An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility.

Bill Passed in Concurrence with Proposals of Amendment**H. 82.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to fiscal year 2015 budget adjustments.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 13, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Jacob Bradley of East Montpelier
Grace Carlomagno of Montpelier
Brittany Commo of Essex Junction
Naomi DeGroot of Worcester
Elijah Dooley of Barnard
Isabel Hall of East Montpelier
Payton Kurrle of Middlesex
Ruth Milne of Northfield
Miranda Mishaan of Berlin
Lia Rubel of Barre

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 88.

By Senators White, McCormack and Pollina,

An act relating to establishing the framework for publicly financed primary care.

To the Committee on Health & Welfare.

S. 89.

By Senator Pollina,

An act relating to requiring higher income earners to pay a minimum amount of taxes.

To the Committee on Finance.

Committee Relieved of Further Consideration; Bill Committed**S. 72.**

On motion of Senator White, the Committee on Government Operations was relieved of further consideration of Senate bill entitled:

An act relating to binding arbitration for State employees,
and the bill was committed to the Committee on Economic Development,
Housing & General Affairs.

Third Readings Ordered**S. 2.**

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

An act relating to the establishment of a State Latin Motto.

Reported that the bill ought to pass.

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

H. 17.

Senator Collamore, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to identification and notification of Public Records Act exemptions in administrative rules.

Reported that the bill ought to pass in concurrence.

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

Message from the House No. 20

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 86. An act relating to the Uniform Interstate Family Support Act.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 28. House concurrent resolution designating February 6, 2015, as Wear Red Day in Vermont.

H.C.R. 29. House concurrent resolution congratulating the Vermont Jazz Center of Brattleboro on winning a 2014 Chamber Music America Acclaim Award.

H.C.R. 30. House concurrent resolution honoring Deborah and Wayne Granquist of Weston for their leadership in the public and nonprofit sectors.

H.C.R. 31. House concurrent resolution designating February 12, 2015, as Alzheimer's Awareness Day in Vermont.

H.C.R. 32. House concurrent resolution congratulating Iva Fisher on her 100th birthday.

H.C.R. 33. House concurrent resolution honoring Peter Mello for his outstanding contributions to public education, including his leadership of the Rutland City School Board.

H.C.R. 34. House concurrent resolution congratulating Barbara G. Rhoad as the winner of the 2014 Vermont Tree Steward Award for the Unsung Steward.

H.C.R. 35. House concurrent resolution in memory of master fiddler Harold Luce.

H.C.R. 36. House concurrent resolution honoring Barry and Wendy Rowland for their leadership in secondary education and their philanthropic community support.

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

House Concurrent Resolutions

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

By Representative Krowinski and others,

By Senators Lyons and Ayer,

H.C.R. 28.

House concurrent resolution designating February 6, 2015, as Wear Red Day in Vermont.

By Representative Burke and others,

H.C.R. 29.

House concurrent resolution congratulating the Vermont Jazz Center of Brattleboro on winning a 2014 Chamber Music America Acclaim Award.

By Representative Olsen and others,

By Senators Balint, Campbell, McCormack and Nitka,

H.C.R. 30.

House concurrent resolution honoring Deborah and Wayne Granquist of Weston for their leadership in the public and nonprofit sectors.

By All Members of the House,

By All Members of the Senate,

H.C.R. 31.

House concurrent resolution designating February 12, 2015, as Alzheimer's Awareness Day in Vermont.

By Representatives Partridge and Trieber,

H.C.R. 32.

House concurrent resolution congratulating Iva Fisher on her 100th birthday.

By Representative Fagan and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 33.

House concurrent resolution honoring Peter Mello for his outstanding contributions to public education, including his leadership of the Rutland City School Board.

By Representatives Sweaney and Bartholomew,

H.C.R. 34.

House concurrent resolution congratulating Barbara G. Rhoad as the winner of the 2014 Vermont Tree Steward Award for the Unsung Steward.

By Representative Davis and others,

By Senator MacDonald,

H.C.R. 35.

House concurrent resolution in memory of master fiddler Harold Luce.

By Representative Olsen and others,

By Senators Campbell, Campion, McCormack and Sears,

H.C.R. 36.

House concurrent resolution honoring Barry and Wendy Rowland for their leadership in secondary education and their philanthropic community support.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 17, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 15.

TUESDAY, FEBRUARY 17, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Amelia Pitton of Montpelier.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Baruth and Benning,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 20, 2015, it be to meet again no later than Tuesday, February 24, 2015.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 90.

By Senator Rodgers,

An act relating to shortening the late filing period for homestead declarations.

To the Committee on Finance.

S. 91.

By Senators Flory, Ashe, Campbell, Mullin and Rodgers,

An act relating to qualifications of judicial officers and judicial selection and retention.

To the Committee on Judiciary.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 92.

By the Committee on Finance,

An act relating to mediation in medical malpractice actions.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 93.

By Senators Pollina, Benning, Bray, Collamore and White,

An act relating to disclosure of lobbying advertisements.

To the Committee on Government Operations.

Bill Referred

House bill of the following title was read the first time and referred:

H. 86.

An act relating to the Uniform Interstate Family Support Act.

To the Committee on Judiciary.

Bill Passed**S. 2.**

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

An act relating to the establishment of a State Latin Motto.

Third Reading Ordered**H. 7.**

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

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

Reported that the bill ought to pass in concurrence.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 18, 2015.

WEDNESDAY, FEBRUARY 18, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Michael Caldwell of East Corinth.

Message from the House No. 21

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 184. An act relating to Executive Branch fees.

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

Rules Suspended; Bill Committed**S. 9.**

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

An act relating to improving Vermont's system for protecting children from abuse and neglect.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Judiciary, Senator Sears moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Judiciary *intact*,

Which was agreed to.

Senate Resolution Placed on Calendar

S.R. 5.

Senate resolution of the following title was offered, read the first time and is as follows:

By the Committee on Rules,

S.R. 5. Senate resolution relating to adoption of a temporary Rule 44A.

Resolved by the Senate:

That a temporary rule, to be designated Rule 44A, be adopted by the Senate, to read as follows:

Rule 44A. (a) House bills failing to make the crossover dates of March 13, 2015 and March 20, 2015 and to be read the first time and to be referred to a committee shall be referred to the Committee on Rules. This provision shall not apply to the following measures:

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

(b) The Rules Committee may report any bills referred to it for reference to another committee of jurisdiction pursuant to Senate Rule 24.

(c) All bills referred to the Committee on Rules and still in the Committee on Rules on January 5, 2016 shall be referred to another committee of jurisdiction pursuant to Senate Rule 24

(d) This Temporary Rule 44A shall expire on January 5, 2016.

Thereupon, in the discretion of the President, under Rule 34, the resolution was placed on the Calendar for notice the next legislative day.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 94.

By Senator White,

An act relating to appointing municipal clerks and treasurers.

To the Committee on Government Operations.

S. 95.

By Senator Zuckerman,

An act relating to regulation and taxation of marijuana.

To the Committee on Judiciary.

S. 96.

By Senator Ashe,

An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service.

To the Committee on Finance.

S. 97.

By Senators Ashe, Lyons, Mullin, Ayer and Westman,

An act relating to taxation of prewritten software.

To the Committee on Finance.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 98.

By the Committee on Finance,

An act relating to captive insurance companies.

Bill Referred

House bill of the following title was read the first time and referred:

H. 184.

An act relating to Executive Branch fees.

To the Committee on Finance.

Bill Passed in Concurrence**H. 7.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification.

Consideration Postponed**S. 14.**

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

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

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

Sec. 1. 18 V.S.A. § 4472 is amended to read:

§ 4472. DEFINITIONS

* * *

(6)(A) Health care professional means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a naturopathic physician under 26 V.S.A. chapter 81 ~~who has a special license endorsement authorizing the individual to prescribe, dispense, and administer prescription medicines to the extent that a diagnosis provided by a naturopath under this chapter is within the scope of his or her practice~~, an individual certified as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an advanced practice registered nurse under 26 V.S.A. chapter 28.

(B) ~~Except for naturopaths, this~~ This definition includes individuals who are professionally licensed under substantially equivalent provisions in New Hampshire, Massachusetts, or New York.

* * *

(11) “Registered caregiver” means a person who is at least 21 years ~~old who has never been convicted of a drug-related crime~~ of age, has met eligibility requirements as determined by the Department in accordance with this chapter, and who has agreed to undertake responsibility for managing the well-being of a registered patient with respect to the use of marijuana for symptom relief.

Sec. 2. 18 V.S.A. § 4473 is amended to read:

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

* * *

(b) The Department of Public Safety shall review applications to become a registered patient using the following procedures:

* * *

(5)(A) ~~A Review Board is established. The Medical Practice Board shall appoint three physicians licensed in Vermont to constitute the Review Board. If an application under subdivision (1) of this subsection is denied, within seven days the patient may appeal the denial to the Board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient's treating health care professional. All records relating to the appeal shall be kept confidential. An appeal shall be decided by majority vote of the members of the Board.~~ The Review Board shall comprise three members:

(i) a physician appointed by the Medical Practice Board;

(ii) a naturopathic physician appointed by the Office of Professional Regulation; and

(iii) an advanced practice registered nurse appointed by the Office of Professional Regulation.

(B) The Board shall meet periodically to review studies, data, and any other information relevant to the use of marijuana for symptom relief. The Board may make recommendations to the General Assembly for adjustments and changes to this chapter.

(C) Members of the Board shall serve for three-year terms, beginning February 1 of the year in which the appointment is made, except that the first members appointed shall serve as follows: one for a term of two years, one for a term of three years, and one for a term of four years. Members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term vacated.

(D) If an application under subdivision (1) of this subsection (b) is denied, within seven days the patient may appeal the denial to the Board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient's treating health care professional. All records relating to the appeal shall be kept

confidential. An appeal shall be decided by majority vote of the members of the Board.

Sec. 3. 18 V.S.A. § 4474a subsection (b) is amended to read:

(b) A registration card shall expire one year after the date of issue, with the option of renewal, provided the patient submits a new application which is approved by the ~~department of public safety~~ Department of Public Safety, pursuant to section 4473 or 4474 of this title, and pays the fee required under subsection (a) of this section.

Sec. 4. 18 V.S.A. § 4474e is amended to read:

§ 4474e. DISPENSARIES; CONDITIONS OF OPERATION

(a) A dispensary registered under this section may:

(1) Acquire, possess, cultivate, manufacture, transfer, transport, supply, sell, and dispense marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her dispensary and to his or her registered caregiver for the registered patient's use for symptom relief.

(A) Marijuana-infused products shall include tinctures, oils, solvents, and edible or potable goods. Only the portion of any marijuana-infused product that is attributable to marijuana shall count toward the possession limits of the dispensary and the patient. The Department of Public Safety shall establish by rule the appropriate method to establish the weight of marijuana that is attributable to marijuana-infused products. A dispensary shall dispense marijuana-infused products in child-resistant packaging as defined in 7 V.S.A. § 1012.

(2)(A) Acquire marijuana seeds or parts of the marijuana plant capable of regeneration from or dispense them to registered patients or their caregivers or acquire them from another registered Vermont dispensary, provided that records are kept concerning the amount and the recipient.

(B) Acquire, purchase, or borrow marijuana, marijuana-infused products, or services from another registered Vermont dispensary or give, sell, or lend marijuana, marijuana-infused products, or services to another registered Vermont dispensary, provided that records are kept concerning the product, the amount, and the recipient. Each Vermont dispensary is required to adhere to all possession limits pertaining to cultivation as determined by the number of patients designating that dispensary and may not transfer eligibility to another dispensary.

* * *

(h) A dispensary shall include a label on the packaging of all marijuana that is dispensed. The label shall:

(1) ~~identify~~ Identify the particular strain of marijuana ~~contained therein~~. Cannabis strains shall be either pure breeds or hybrid varieties of cannabis and shall reflect properties of the plant. ~~The label also shall~~

(2) Identify the amount of tetrahydrocannabinol in each single dose marijuana-infused edible or potable product.

(3) ~~eontain~~ Contain a statement to the effect that the State of Vermont does not attest to the medicinal value of cannabis.

* * *

Sec. 5. 18 V.S.A. § 4474g is amended to read:

§ 4474g. DISPENSARY REGISTRY IDENTIFICATION CARD;
CRIMINAL BACKGROUND CHECK

(a) Except as provided in subsection (b) of this section, the Department of Public Safety shall issue each principal officer, Board member, and employee of a dispensary a registry identification card or renewal card within 30 days of receipt of the person's name, address, and date of birth and a fee of \$50.00. The fee shall be paid by the dispensary and the cost shall not be passed on to a principal officer, Board member, or employee. A person shall not serve as principal officer, Board member, or employee of a dispensary until that person has received a registry identification card issued under this section. Each card shall specify whether the cardholder is a principal officer, Board member, or employee of a dispensary and shall contain the following:

- (1) the name, address, and date of birth of the person;
- (2) the legal name of the dispensary with which the person is affiliated;
- (3) a random identification number that is unique to the person;
- (4) the date of issuance and the expiration date of the registry identification card;
- (5) a photograph of the person.

(b) Prior to acting on an application for a registry identification card, the Department of Public Safety shall obtain with respect to the applicant a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation. Each applicant shall consent to the release of criminal history records to the Department on forms developed by the Vermont Crime Information Center. A fingerprint-supported, out-of-state criminal history record and a criminal history record from the Federal Bureau of Investigation shall be required only

every three years for renewal of a card for a dispensary principal or Board member.

Sec. 6. 18 V.S.A. § 4474h is amended to read:

§ 4474h. PATIENT DESIGNATION OF DISPENSARY

(a) A registered patient may obtain marijuana only from the patient's designated dispensary and may designate only one dispensary. If a registered patient designates a dispensary, the patient and his or her caregiver may not grow marijuana or obtain marijuana or marijuana-infused products for symptom relief from any source other than the designated dispensary. A registered patient who wishes to change his or her dispensary shall notify the ~~department of public safety~~ Department of Public Safety in writing on a form issued by the ~~department~~ Department and shall submit with the form a fee of \$25.00. The ~~department~~ Department shall issue a new identification card to the registered patient within 30 days of receiving the notification of change in dispensary. The registered patient's previous identification card shall expire at the time the new identification card takes effect. A registered patient shall submit his or her expired identification card to the ~~department~~ Department within 30 days of expiration. A registered patient shall not change his or her designated dispensary more than once in any ~~90-day~~ 30-day period.

(b) The ~~department of public safety~~ Department of Public Safety shall track the number of registered patients who have designated each dispensary. The ~~department~~ Department shall issue a monthly written statement to the dispensary identifying the number of registered patients who have designated that dispensary and the registry identification numbers of each patient and each patient's designated caregiver, if any.

(c) In addition to the monthly reports, the ~~department of public safety~~ Department of Public Safety shall provide written notice to a dispensary whenever any of the following events occurs:

(1) ~~A~~ a qualifying patient designates the dispensary to serve his or her needs under this subchapter;

(2) ~~An~~ an existing registered patient revokes the designation of the dispensary because he or she has designated a different dispensary; or

(3) ~~A~~ a registered patient who has designated the dispensary loses his or her status as a registered patient under this subchapter.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the report of the Committee on Government Operations be agreed to?, on motion of Senator Campbell consideration of the bill was postponed until the next legislative day.

Adjournment

On motion of Senator Campbell, the Senate adjourned until ten o'clock and fifteen minutes in the morning on Thursday, February 19, 2015.

THURSDAY, FEBRUARY 19, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 22

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 16. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 99.

By Senators McCormack and Campbell,

An act relating to double fines for speeding in school zones.

To the Committee on Transportation.

S. 100.

By Senator Rodgers,

An act relating to hazardous waste collection.

To the Committee on Natural Resources & Energy.

S. 101.

By Senators Sirotkin and Benning,
An act relating to expanding parole eligibility.
To the Committee on Judiciary.

Bill Passed in Concurrence**H. 17.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to identification and notification of Public Records Act exemptions in administrative rules.

Third Reading Ordered**S. 92.**

Senate committee bill entitled:

An act relating to mediation in medical malpractice actions.

Having appeared on the Calendar for notice for one day, was taken up.

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

Consideration Postponed**J.R.H. 1.**

Senator Sirotkin, for the Committee on Finance, to which was referred joint House resolution entitled:

Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont.

Reported recommending that the Senate propose to the House to amend the joint resolution as follows:

By striking out the resolution in its entirety and inserting in lieu thereof the following:

Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the settlement of the current employee strike

Whereas, in October 2014, FairPoint and its employees' two unions, the International Brotherhood of Electrical Workers Local 2326 and the Communications Workers of America Local 1400, reached an impasse in their negotiations and a strike was authorized, and

Whereas, since the strike started, consumer complaints have risen approximately 500 percent, resulting in much personal and commercial inconvenience, and

Whereas, the Vermont Public Service Department has received more than 1,200 complaints about Internet and telephone service since the strike began, and

Whereas, on November 28, 2014, the State's E-911 system missed 83 calls, and

Whereas, the Vermont Public Service Department has said that the numbers show FairPoint staffing has been insufficient, and

Whereas, FairPoint is the only choice for telecommunications service for between 15,000 and 20,000 Vermonters, and

Whereas, at the request of the Department of Public Service, the Public Service Board, on December 9, 2014, established Docket 8390 to investigate the service problems FairPoint has encountered, and

Whereas, Governor Peter Shumlin and the congressional delegation have written letters to FairPoint's CEO Paul Sunu calling on FairPoint to return in good faith to the negotiating table, and

Whereas, on January 4, 2015, in Washington, D.C., the Federal Mediation and Conciliation Service convened a meeting between the parties at which the Service assumed a more proactive role than in a prior session, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urges the settlement of the current employee strike in order to restore reliable telecommunications services in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FairPoint Communications CEO Paul Sunu, FairPoint Vermont President Beth Fastiggi, Governor Peter Shumlin, the Public Service Department, the Public Service Board, the International Brotherhood of Electrical Workers Local 2326, and the Communications Workers of America Local 1400.

And that the joint resolution ought to be adopted in concurrence with such proposal of amendment.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the joint resolution as recommended by the Committee on Finance?, Senator Sirotkin moved that consideration be postponed.

Which was agreed to.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 12. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

The Senate repaired to the hall of the House.

Having returned therefrom, at twelve o'clock and fifteen minutes in the afternoon, the President assumed the Chair.

Recess

On motion of Senator Campbell the Senate recessed until one o'clock in the afternoon.

Afternoon

The Senate was called to order by the President.

Bill Amended; Third Reading Ordered

S. 23.

Senator Sirotkin, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to required disclosures for workers' compensation settlements.

Reported recommending that the bill be amended in Sec. 1, 21 V.S.A. § 662a, in subdivision (1)(B) after the following: "describe the employee's injury, including any rating assigned to that injury" by striking out the

following: “and the approximate amount of compensation that the employer would be required to pay to the employee under the provisions of this chapter if the employer and employee did not enter into the agreement”

And that when so amended the bill ought to pass.

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

Message from the House No. 23

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 194. An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 20, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 24

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 141. An act relating to the Organ and Tissue Donation Working Group.

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

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

H. 82. An act relating to fiscal year 2015 budget adjustments.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 37. House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts.

H.C.R. 38. House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday.

H.C.R. 39. House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition.

H.C.R. 40. House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary.

H.C.R. 41. House concurrent resolution honoring Vermont State Employees for their exemplary public service.

H.C.R. 42. House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner.

H.C.R. 43. House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance.

H.C.R. 44. House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House.

H.C.R. 45. House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland.

H.C.R. 46. House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary.

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

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

S.C.R. 3. Senate concurrent resolution congratulating Allen Adler on his 100th birthday.

And has adopted the same in concurrence.

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

S. 44. An act relating to creating flexibility in early college enrollment numbers.

S. 57. An act relating to fees paid to deputy sheriffs and their assistants for transport.

Senate Resolution Referred**S.R. 6.**

Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Campion, Ayer, Balint, Baruth, Bray, Lyons, McCormack, Sears, Sirotkin, White, and Zuckerman,

S.R. 6. Senate resolution relating to climate change.

Whereas, according to the Intergovernmental Panel on Climate Change, an internationally respected body of climate change experts, the “warming in the climate system is unequivocal,” and “human influence on the climate system is clear,” and

Whereas, in accordance with 10 V.S.A. § 578:

It is the goal of the State to reduce emissions of greenhouse gases from within the geographic boundaries of the State and those emissions outside the boundaries of the State that are caused by the use of energy in Vermont in order to make an appropriate contribution to achieving the regional goals of reducing emissions of greenhouse gases from the 1990 baseline by:

- (1) 25 percent by January 1, 2012;
- (2) 50 percent by January 1, 2028;
- (3) if practicable using reasonable efforts, 75 percent by January 1, 2050, and

Whereas, despite the statutory timetable, in 2011 the State’s emissions levels reached 8.11 million metric tons returning them to their 1990 status, and

Whereas, in 2012, the target of 6.0 million metric tons of emissions was far from being achieved, and

Whereas, according to Mathias Collins, a hydrologist with the National Oceanic and Atmospheric Administration, “starting around 1970, flood frequency and magnitude in Vermont underwent a significant steep change,” and that the severe flooding of Tropical Storm Irene is a harbinger of things to come, and

Whereas, a documented example of climate change in Vermont is the freeze-up and ice-out cycle for Stile’s Pond in Waterford, and

Whereas, records the Fairbanks Museum has maintained document that since 1971, the frozen winter period for Stile’s Pond has decreased an average of seven days per decade, and

Whereas, clean energy technologies can help Vermonters save money, cut pollution, and become energy self-sufficient, and

Whereas, on January 21, 2012, the U.S. Senate rejected the Schatz Amendment to S.1 (the Keystone Pipeline bill) acknowledging the findings of climate change and its human cause that the Intergovernmental Panel on Climate change had reported previously, and

Whereas, failure to identify the problem accurately precludes effective solutions, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont believes that climate change is real, that human activity is contributing substantially to the presence of climate change, and that it is imperative that Vermont take steps now to reduce its reliance on fossil fuels in order to promote energy independence and meet the State’s goals for reduced greenhouse gas emissions, *and be it further*

Resolved: The Secretary of the Senate be directed to send a copy of this resolution the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Natural Resources & Energy.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 102.

By Senators Sears and Ashe,

An act relating to forfeiture of property associated with an animal fighting exhibition.

To the Committee on Judiciary.

S. 103.

By Senator Pollina,

An act relating to increasing Exchange subsidies and to developing a proposal for universal health care.

To the Committee on Health & Welfare.

S. 104.

By Senators Sears and Champion,

An act relating to the dedication of the Bennington Welcome Center to former U.S. Senator Jim Jeffords.

To the Committee on Institutions.

S. 105.

By Senators Mullin, Balint, Baruth, Cummings and Doyle,

An act relating to home improvement contracts.

To the Committee on Economic Development, Housing & General Affairs.

S. 106.

By Senator Lyons,

An act relating to supervision of public utilities.

To the Committee on Finance.

Bills Referred

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

H. 141.

An act relating to the Organ and Tissue Donation Working Group.

To the Committee on Health & Welfare.

H. 194.

An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

To the Committee on Government Operations.

Joint House Resolutions Recommended**J.R.H. 1.**

Joint House resolution entitled:

Joint resolution expressing support for the Public Service Board's establishment of FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont.

Was taken up.

Thereupon, on motion of Senator Baruth, the joint resolution was recommitted to the Committee on Finance.

Consideration Resumed; Third Reading Ordered**S. 14.**

Consideration was resumed on Senate bill entitled:

An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Government Operations? Senator Sears moved to amend the recommendation of amendment of the Committee on Government Operations by adding a new Sec. 5 to read as follows:

Sec. 5. 18 V.S.A. § 4474f is amended to read:

§ 4474f. DISPENSARY APPLICATION, APPROVAL, AND REGISTRATION

* * *

(b)(1) Within 30 days of the adoption of rules, the Department shall begin accepting applications for the operation of dispensaries. Within 365 days of the effective date of this section, the Department shall grant registration certificates to four dispensaries, provided at least four applicants apply and meet the requirements of this section. ~~Ne~~ Except as provided in subdivision (2) of this subsection (b), no more than four dispensaries shall hold valid registration certificates at one time. Any time a dispensary registration certificate is revoked, is relinquished, or expires, the Department shall accept applications for a new dispensary. If at any time after one year after the effective date of this section fewer than four dispensaries hold valid registration certificates in Vermont, the Department of Public Safety shall accept applications for a new dispensary.

(2) The Department may issue up to six dispensary registration certificates if the additional otherwise qualified applicants are located in towns with a population of 8,000 or more residents and the town legislative bodies approve of the applicants seeking a registration certificate at a meeting duly warned for the purpose and confirm the approval in writing to the Department.

And by renumbering the remaining sections to be numerically correct.

Thereupon, pending the question, Shall the recommendation of the Committee on Government Operations be amended as recommended by Senator Sears?, Senator Sears requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, the recurring question, Shall the bill be amended as recommended by the Committee on Government Operations?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 23. An act relating to required disclosures for workers' compensation settlements.

S. 92. An act relating to mediation in medical malpractice actions.

Third Reading Ordered

S. 72.

Senator Baruth, for the Committee on Economic Development, Housing & General Affairs, to which was referred Senate bill entitled:

An act relating to binding arbitration for State employees.

Reported that the bill ought to pass in concurrence.

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

Senate Resolution Adopted

S.R. 5.

Senate resolution entitled:

Senate resolution relating to adoption of a temporary Rule 44A.

Having been placed on the Calendar for action, was taken up and adopted.

Appointment Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointment was confirmed by the Senate, without report given by the Committee to which it was referred and without debate:

Consejo, Michel of Sheldon Springs - Member, Vermont State Lottery Commission - February 3, 2015, to February 28, 2018.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Minter, Sue of Waterbury - Secretary, Transportation, Agency of - January 1, 2015, to February 28, 2015.

Senate Concurrent Resolution

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

By Senators Rodgers and Starr,

By Representative Batchelor and others,

S.C.R. 3.

Senate concurrent resolution congratulating Allen Adler on his 100th birthday.

House Concurrent Resolutions

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

By Representative Fagan and others,

By All Members of the Senate,

H.C.R. 37.

House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts.

By Representative Purvis and others,
By Senators Cummings, Doyle and Pollina,

H.C.R. 38.

House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday.

By Representative Cole and others,

H.C.R. 39.

House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition.

By Representative Russell and others,
By Senators Flory and Mullin,

H.C.R. 40.

House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary.

By Representative Davis and others,

H.C.R. 41.

House concurrent resolution honoring Vermont State Employees for their exemplary public service.

By Representatives Martin and Woodward,

H.C.R. 42.

House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner.

By Representative Turner and others,
By Senator Lyons,

H.C.R. 43.

House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance.

By Representative Mrowicki and others,

By Senators Campion, Balint, Bray, Cummings, Degree, Doyle, MacDonald, McCormack, Nitka and Sears,

H.C.R. 44.

House concurrent resolution designating February 19, 2015, as Afterschool and Summer Learning Day at the State House.

By Representative Russell and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 45.

House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland.

By Representative Devereux,

By Senators Collamore, Flory and Mullin,

H.C.R. 46.

House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 24, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 16.

TUESDAY, FEBRUARY 24, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bill Referred to Committee on Finance**S. 20.**

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to establishing and regulating licensed dental practitioners.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 107.

By Senators Kitchel, Ashe, Campbell, Flory, Mazza, Nitka, Snelling, Starr, Westman and White,

An act relating to the Agency of Health Care Administration.

To the Committee on Health & Welfare.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 108.

By the Committee on Health & Welfare,

An act relating to repealing the sunset on provisions pertaining to patient choice at end of life.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 109.

By Senator McCormack,

An act relating to restaurant service charges.

To the Committee on Economic Development, Housing & General Affairs.

S. 110.

By Senator Pollina,

An act relating to the Vermont Grape and Wine Council.

To the Committee on Agriculture.

Third Reading Ordered**S. 98.**

Senate committee bill entitled:

An act relating to captive insurance companies.

Having appeared on the Calendar for notice for one day, was taken up.

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

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 14. An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products sold by a registered dispensary.

S. 72. An act relating to binding arbitration for State employees.

Third Reading Ordered**J.R.S. 9.**

Senator Campion, for the Committee on Education, to which was referred joint Senate resolution entitled:

Joint resolution encouraging public high schools to explore recruiting and enrolling international students on F-1 student visas in order to promote tuition-based income.

Reported that the joint resolution ought to be adopted.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and third reading of the joint resolution was ordered.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 25, 2015.

WEDNESDAY, FEBRUARY 25, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Deadra Ashton of Tunbridge.

Message from the House No. 25

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 62. An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.

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

**Message from the Governor
Appointments Referred**

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

Boes, Richard of Montpelier – Commissioner of the Department of Information and Innovation, - from March 1, 2015, to February 28, 2017.

To the Committee on Government Operations.

Chen, Harry, MD of Burlington - Commissioner of the Department of Health, - from March 1, 2015, to February 28, 2017.

To the Committee on Health & Welfare.

Cohen, Hal of Middlesex - Secretary of the Agency of Human Services, - from March 1, 2015, to February 28, 2017.

To the Committee on Health & Welfare.

Dupre, Paul of Barre - Commissioner of the Department of Mental Health, - from March 1, 2015, to February 28, 2017.

To the Committee on Health & Welfare.

Donegan, Susan L. of Montpelier - Commissioner of the Department of Financial Regulations, - from March 1, 2015, to February 28, 2017.

To the Committee on Finance.

Gosselin, Lisa of Stowe - Commissioner of the Department of Economic Development, - from March 1, 2015, to February 28, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Holcombe, Rebecca of Norwich - Secretary of the Agency of Education, - from March 1, 2015, to February 28, 2017.

To the Committee on Education.

Ide, Robert of Peacham - Commissioner of the Department of Motor Vehicles, - from March 1, 2015, to February 28, 2017.

To the Committee on Transportation.

Johnson, Justin of Barre - Secretary of the Agency of Administration, - from March 1, 2015, to February 28, 2017.

To the Committee on Government Operations.

MacKay, Noelle of Shelburne - Commissioner of the Department of Housing and Community Development, - from March 1, 2015, to February 28, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Markowitz, Deb of Montpelier - Secretary of the Agency of Natural Resources, - from March 1, 2015, to February 28, 2017.

To the Committee on Natural Resources & Energy.

Mears, David of Montpelier - Commissioner of the Department of Environmental Conservation, - from March 1, 2015, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Minter, Sue of Waterbury - Secretary of the Agency of Transportation, - from March 1, 2015, to February 28, 2017.

To the Committee on Transportation.

Moulton, Patricia of Montpelier - Secretary of the Agency of Commerce and Community Development, - from March 1, 2015, to February 28, 2017.

To the Committee on Economic Development, Housing & General Affairs.

Noonan, Annie of Montpelier - Commissioner of the Department of Labor, - from March 1, 2015, to February 28, 2017.

To the Committee on Economic Development, Housing & General Affairs.

Obuchowski, Michael of Montpelier - Commissioner of the Buildings and General Services, Department of, - from March 1, 2015, to February 28, 2017.

To the Committee on Institutions.

Pallito, Andrew of Jericho - Commissioner of the Department of Corrections, - from March 1, 2015, to February 28, 2017.

To the Committee on Institutions.

Peterson, Mary of Williston - Commissioner of the Department of Taxes, - from March 1, 2015, to February 28, 2017.

To the Committee on Finance.

Porter, Louis of Adamant - Commissioner of the Department of Fish and Wildlife, - from March 1, 2015, to February 28, 2017.

To the Committee on Natural Resources & Energy.

Reardon, James of Essex Junction - Commissioner of the Department of Finance, - from March 1, 2015, to February 28, 2017.

To the Committee on Government Operations.

Recchia, Christopher of Randolph - Commissioner of the Department of Public Service, - from March 1, 2015, to February 28, 2017.

To the Committee on Finance.

Ross, Charles, Jr. of Hinesburg - Secretary of the Agency of Agriculture, Food and Markets, - from March 1, 2015, to February 28, 2017.

To the Committee on Agriculture.

Schatz, Kenneth of South Burlington - Commissioner of the Department of Children and Families, - from March 1, 2015, to February 28, 2017.

To the Committee on Health & Welfare.

Smith, Megan of Mendon - Commissioner of the Department of Tourism and Marketing, - from March 1, 2015, to February 28, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Snyder, Michael of Stowe - Commissioner of the Department of Forest, Parks and Recreation, - from March 1, 2015, to February 28, 2017.

To the Committee on Natural Resources and Energy.

Spellman, Maribeth of Richmond - Commissioner of the Department of Human Resources, - from March 1, 2015, to February 28, 2017.

To the Committee on Government Operations.

Wehry, Susan of Burlington - Commissioner of the Department of Disabilities, Aging and Independent Living, - from March 1, 2015, to February 28, 2017.

To the Committee on Health and Welfare.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 111.

By Senator Benning,

An act relating to the requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with collective bargaining for teachers' and school administrators' contracts.

To the Committee on Education.

S. 112.

By Senator Benning,

An act relating to developing a supported State-based marketplace exchange.

To the Committee on Finance.

S. 113.

By Senator Benning,

An act relating to increasing consumer access to health care cost information.

To the Committee on Health & Welfare.

S. 114.

By Senator White,

An act relating to the Open Meeting Law.

To the Committee on Government Operations.

S. 115.

By Senator Benning,

An act relating to expungement of convictions based on conduct that is no longer criminal.

To the Committee on Judiciary.

S. 116.

By Senator Sears,

An act relating to rights of offenders in the custody of the Department of Corrections.

To the Committee on Institutions.

S. 117.

By Senator Mullin,

An act relating to the administration of immunizations by pharmacists.

To the Committee on Health & Welfare.

Bill Referred

House bill of the following title was read the first time and referred:

H. 62.

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.

To the Committee on Judiciary.

Bill Amended; Third Reading Ordered**S. 9.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to improving Vermont's system for protecting children from abuse and neglect.

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

* * * Legislative Findings * * *

Sec. 1. LEGISLATIVE FINDINGS

(a) In 2014, the tragic deaths of two children exposed problems with Vermont's system intended to protect children from abuse and neglect. This act is intended to address these problems and implement the recommendations of the Joint Legislative Committee on Child Protection created by 2014 Acts and Resolves No. 179, Sec. C.109.

(b) To protect Vermont's children better from abuse and neglect, and to address the increasing burden of drug abuse and other factors that are ripping families apart, the General Assembly believes that our State's child protection system must be comprehensive, focused on the safety and best interests of children, and properly funded. This system must ensure that:

(1) the dedicated frontline professionals who struggle to handle the seemingly ever-increasing caseloads have the support, training, and resources necessary to do their job;

(2) the most serious cases of abuse are thoroughly investigated and prosecuted if appropriate;

(3) courts have the information and tools necessary to make the best possible decisions;

(4) all participants in the child protection system, from the frontline caseworker to the judge determining ultimate custody, work together to prioritize the child's safety and best interests;

(5) an effective oversight structure is established; and

(6) children who have suffered abuse and neglect can find safe, nurturing, and permanent homes, whether with their custodial parents, relatives, or other caring families and individuals.

(c) This act is only the beginning of what must be an ongoing process in which the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, the House Committee on Human Services, in consultation with the Senate and House Committees on Appropriations, continue to enhance the statewide approach to the prevention of child abuse and neglect.

(d) In 2014, the tragic deaths of two children exposed problems with Vermont's child protection system. The General Assembly believes that this act will begin to address these problems, improve our State's system for protecting our children, and help prevent future tragedies.

* * * Crimes and Criminal Procedure; Cruelty to a Child; Establishing a New Crime of Failure to Protect a Child; Enhancing Penalties for Manufacturing Methamphetamine When a Child is Present * * *

Sec. 2. 13 V.S.A. § 1304 is amended to read:

§ 1304. ~~CRUELTY TO CHILDREN UNDER 10 BY ONE OVER 16~~ A CHILD

A person over ~~the age of~~ 16 years of age, having the custody, ~~charge~~ or care of a child ~~under 10 years of age~~, who ~~wilfully~~ willfully assaults, ~~ill-treats~~, neglects, or abandons ~~or exposes such~~ the child, or causes ~~or procures such~~ the child to be assaulted, ~~ill-treated~~, neglected, or abandoned ~~or exposed~~, in a manner to cause ~~such~~ the child unnecessary suffering, or to endanger his or her health, shall be imprisoned not more than two years or fined not more than \$500.00, or both.

Sec. 3. 13 V.S.A. § 1304a is added to read:

§ 1304a. FAILURE TO PROTECT A CHILD

(a) A person having the custody or care of a child commits the crime of failure to protect a child if:

(1) the person knows, or reasonably should have known that the child is in danger of:

(A) death;

(B) serious bodily injury as defined in section 1021 of this title;

(C) lewd or lascivious conduct with a child in violation of section 2602 of this title;

(D) sexual exploitation of children in violation of chapter 64 of this title; or

(E) sexual assault in violation of chapter 72 of this title; and

(2) the person fails to act to prevent a child from suffering any of the possible outcomes as set forth in subdivision (1) of this subsection; and

(3) the person's failure to act is a proximate cause of the child suffering any of the possible outcomes as set forth in subdivision (1) of this subsection.

(b) It shall be an affirmative defense to this section, if proven by a preponderance of the evidence, that:

(1) the defendant failed to act because of a reasonable fear that he or she or another person would suffer death, bodily injury, or serious bodily injury as defined in section 1021 of this title, or sexual assault in violation of chapter 72 of this title as a result of acting to prevent harm to the child; or

(2) where the child's injury or death resulted from a lack of medical treatment or care, the defendant made a reasonable decision to not seek medical care or to withhold medical treatment.

(c) A person who violates this section shall be imprisoned not more than ten years or fined not more than \$20,000.00, or both.

(d) The provisions of this section shall not limit or restrict prosecutions for any other offense arising out of the same incident or conduct.

Sec. 4. 18 V.S.A. § 4236 is amended to read:

§ 4236. MANUFACTURE OR CULTIVATION

(a)(1) A person knowingly and unlawfully manufacturing or cultivating a regulated drug shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both.

(2) A person who violates subdivision (1) of this subsection shall be imprisoned for not more than 30 years or fined not more than \$1,500,000.00, or both, if:

(A) the regulated drug is methamphetamine; and

(B) a child is actually present at the site of methamphetamine manufacture or attempted manufacture.

(b) This section shall not apply to the cultivation of marijuana.

Sec. 5. JUDICIAL BRANCH REPORT ON PROSECUTIONS, CONVICTIONS, AND SENTENCES PURSUANT TO 13 V.S.A. § 1304a

The Judicial Branch shall track all prosecutions and convictions pursuant to 13 V.S.A. § 1304a, and, on January 15, 2018, shall report to the House and Senate Committees on Judiciary concerning:

(1) the number of arrests, prosecutions, and convictions pursuant to 13 V.S.A. § 1304a;

(2) the disposition of all cases prosecuted pursuant to 13 V.S.A. § 1304a;

(3) the sentence imposed for all convictions pursuant to 13 V.S.A. § 1304a; and

(4) Any other data or information that the Judicial Branch deems relevant.

* * * Municipal and County Government; Special Investigative Units; Mission and Jurisdiction * * *

Sec. 6. 24 V.S.A. § 1940 is amended to read:

§ 1940. ~~TASK FORCES; SPECIALIZED~~ SPECIAL INVESTIGATIVE UNITS; BOARDS; GRANTS

(a) Pursuant to the authority established under section 1938 of this title, and in collaboration with law enforcement agencies, investigative agencies, victims' advocates, and social service providers, the Department of State's Attorneys and Sheriffs shall coordinate efforts to provide access in each region of the state ~~State~~ to special investigative units ~~to investigate sex crimes, child abuse, domestic violence, or crimes against those with physical or developmental disabilities. The General Assembly intends that access to special investigative units be available to all Vermonters as soon as reasonably possible, but not later than July 1, 2009~~ which:

(1) shall investigate:

(A) an incident in which a child suffers, by other than accidental means, serious bodily injury as defined in 13 V.S.A. § 1021; and

(B) potential violations of:

(i) 13 V.S.A. § 2602;

(ii) 13 V.S.A. chapter 60;

(iii) 13 V.S.A. chapter 64; and

(iv) 13 V.S.A. chapter 72; and

(2) may investigate:

(A) an incident in which a child suffers:

(i) bodily injury, by other than accidental means, as defined in 13 V.S.A. § 1021; or

(ii) death; and

(B) potential violations of:

(i) 13 V.S.A. § 2601;

(ii) 13 V.S.A. § 2605;

(iii) 13 V.S.A. § 1304; and

(iv) 13 V.S.A. § 1304a.

(b) A ~~task force or specialized~~ special investigative unit organized and operating under this section may accept, receive, and disburse in furtherance of its duties and functions any funds, grants, and services made available by the State of Vermont and its agencies, the federal government and its agencies, any municipality or other unit of local government, or private or civic sources. Any employee covered by an agreement establishing a special investigative unit shall remain an employee of the donor agency.

(c) A ~~Specialized~~ Special Investigative Unit Grants Board is created which shall ~~be comprised of~~ comprise the Attorney General, the Secretary of Administration, the Executive Director of the Department of State's Attorneys and Sheriffs, the Commissioner of Public Safety, the Commissioner for Children and Families, a representative of the Vermont Sheriffs' Association, a representative of the Vermont Association of Chiefs of Police, the Executive Director of the Center for Crime Victim Services, and the Executive Director of the Vermont League of Cities and Towns. ~~Specialized~~ Special investigative units organized and operating under this section ~~for the investigation of sex crimes, child abuse, elder abuse, domestic violence, or crimes against those with physical or developmental disabilities~~ may apply to the Board for a grant or grants covering the costs of salaries and employee benefits to be expended during a given year for the performance of unit duties as well as unit operating costs for rent, utilities, equipment, training, and supplies. Grants under this section shall be approved by a majority of the entire Board and shall not exceed 50 percent of the yearly salary and employee benefit costs of the unit. Preference shall be given to grant applications which include the participation

of the Department of Public Safety, the Department for Children and Families, sheriffs' departments, community victims' advocacy organizations, and municipalities within the region. Preference shall also be given to grant applications which promote policies and practices that are consistent across the State, including policies and practices concerning the referral of complaints, the investigation of cases, and the supervision and management of special investigative units. However, a sheriff's department in a county with a population of ~~less~~ fewer than 8,000 residents shall upon application receive a grant of up to \$20,000.00 for 50 percent of the yearly salary and employee benefits costs of a part-time ~~specialized~~ special investigative unit investigator which shall be paid to the department as time is billed on a per hour rate as agreed by contract up to the maximum amount of the grant.

(d) The Board may adopt rules relating to grant eligibility criteria, processes for applications, awards, and reports related to grants authorized pursuant to this section. The Attorney General shall be the adopting authority.

* * * Adoption Act; Postadoption Contact Agreements * * *

Sec. 7. 15A V.S.A. § 1-109 is amended to read:

§ 1-109. TERMINATION OF ORDERS AND AGREEMENTS FOR VISITATION OR COMMUNICATION UPON ADOPTION

When a decree of adoption becomes final, except as provided in Article 4 of this title and 33 V.S.A. § 5124, any order or agreement for visitation or communication with the minor shall be unenforceable.

Sec. 8. 33 V.S.A. § 5124 is added to read:

§ 5124. POSTADOPTION CONTACT AGREEMENTS

(a) Either or both parents and each intended adoptive parent may enter into a postadoption contact agreement regarding communication or contact between either or both parents and the child after the finalization of an adoption by the intended adoptive parent or parents who are parties to the agreement. Such an agreement may be entered into if:

(1) the child is in the custody of the Department for Children and Families;

(2) an order terminating parental rights has not yet been entered; and

(3) either or both parents agree to a voluntary termination of parental rights, including an agreement in a case which began as an involuntary termination of parental rights.

(b) The Court may approve the postadoption contact agreement if it determines that the child's best interests will be served by postadoption

communication or contact with either or both parents. In making a best interests determination, the Court may look to:

(1) the length of time that the child has been under the actual care, custody, and control of a person other than a parent;

(2) the desires of the child, the child's parents; and the child's intended adoptive parents;

(3) the child's relationship with and the interrelationships between the child's parents, the child's intended adoptive parents, the child's siblings, and any other person with a significant relationship with the child;

(4) the willingness of the parents to respect the bond between the child and the child's intended adoptive parents;

(5) the willingness of the intended adoptive parents to respect the bond between the child and the parents;

(6) the adjustment to the child's home, school, and community;

(7) any evidence of abuse or neglect of the child; and

(8) the recommendations of any guardian ad litem involved in the proceeding and the Department.

(c) Before the Court orders postadoption communication or contact, the Court must review all of the following, which will be made a part of the Court record:

(1) a sworn affidavit by the parties to the agreement which affirmatively states that the agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud, or duress and that the parties have not relied on any representations other than those contained in the agreement;

(2) a written acknowledgment by each parent that the termination of parental rights is irrevocable, even if the intended adoption is not finalized, the adoptive parents do not abide by the postadoption contact agreement, or the adoption is later dissolved;

(3) an agreement to the postadoption contact or communication from the child to be adopted, if he or she is 14 years of age or older; and

(4) an agreement to the postadoption contact or communication in writing from the Department, the guardian ad litem, and the attorney for the child.

(d) A postadoption contact agreement must be in writing and signed by each parent and each intended adoptive parent entering into the agreement. There may be separate agreements for each parent. The agreement shall specify:

-
- (1) the form of communication or contact to take place;
 - (2) the frequency of the communication or contact;
 - (3) if visits are agreed to, whether supervision shall be required, and if supervision is required, what type of supervision shall be required;
 - (4) if written communication or exchange of information is agreed upon, whether that will occur directly or through the Vermont Adoption Registry, set forth in 15A V.S.A. § 6-103;
 - (5) if the Adoption Registry shall act as an intermediary for written communication, that the signing parties will keep their addresses updated with the Adoption Registry;
 - (6) that failure to provide contact due to the child's illness or other good cause shall not constitute grounds for an enforcement proceeding;
 - (7) that the right of the signing parties to change their residence is not impaired by the agreement;
 - (8) an acknowledgment by the intended adoptive parents that the agreement grants either or both parents the right to seek to enforce the postadoption contact agreement;
 - (9) an acknowledgment that once the adoption is finalized, the court shall presume that the adoptive parent's judgment concerning the best interests of the child is correct;
 - (10) the finality of the termination of parental rights and of the adoption shall not be affected by implementation of the provisions of the postadoption contact agreement; and
 - (11) a disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the termination of parental rights or the adoption.
- (e) A copy of the order approving the postadoption contact agreement and the postadoption contact agreement shall be filed with the Probate Division of the Superior Court with the petition to adopt filed under 15A V.S.A. Article 3, and, if the agreement specifies a role for the Adoption Registry, with the Registry.
- (f) The order approving a postadoption contact agreement shall be a separate order from the final order terminating parental rights.
- (g) The executed postadoption contact agreement shall become final upon legal finalization of an adoption under 15A V.S.A. Article 3.

Sec. 9. 15A V.S.A. Article 9 is added to read:

ARTICLE 9. ENFORCEMENT, MODIFICATION, AND TERMINATION
OF POSTADOPTION CONTACT AGREEMENTS

§ 9-101. ENFORCEMENT, MODIFICATION, AND TERMINATION OF
POSTADOPTION CONTACT AGREEMENTS

(a) A postadoption contact agreement may be modified or terminated by agreement of the parties. The parties shall file the modified postadoption contact agreement with the Court that finalized the adoption. The Court shall review the modified agreement pursuant to the requirements of 33 V.S.A. § 5124(b), and, if approved, shall issue an order modifying the agreement.

(b) An adoptive parent may petition for review of a postadoption contact agreement entered into under 33 V.S.A. § 5124 if the adoptive parent believes the best interests of the child are being compromised by the terms of the agreement.

(c) A former parent may petition for enforcement of a postadoption contact agreement entered into under 33 V.S.A. § 5124 if the adoptive parent is not in compliance with the terms of the agreement.

(d) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the termination of parental rights or the adoption.

(e) The Court shall not act on a petition to modify or enforce the agreement unless the petitioner had in good faith participated or attempted to participate in mediation or alternative dispute resolution proceedings to resolve the dispute prior to bringing the petition for enforcement.

(f) Parties to the proceeding shall be the individuals who signed the original agreement created under 33 V.S.A. § 5124. The adopted child, if 14 years of age or older, may also participate. The Department for Children and Families shall not be required to be a party to the proceeding and the Court shall not order further investigation or evaluation by the Department.

(g) The Court may order the communication or contact be terminated or modified if the Court deems such termination or modification to be in the best interests of the child. In making a best interests determination, the Court may consider:

(1) the protection of the physical safety of the adopted child or other members of the adoptive family, or the emotional well-being of the adopted child;

(2) whether enforcement of the agreement undermines the adoptive parent's parental authority; and

(3) whether, due to a change in circumstances, continued compliance with the agreement would be unduly burdensome to one or more of the parties.

(h) A Court-imposed modification of a previously approved agreement may limit, restrict, condition, or decrease contact between the former parents and the child, but in no event shall a Court-imposed modification serve to expand, enlarge, or increase the amount of contact between the birth parents and the child or place new obligations on the adoptive parents.

(i) No testimony or evidentiary hearing shall be required, although the Court may, in its discretion, hold a hearing. A hearing held to review an agreement for postadoption contact will be confidential. Documentary evidence or offers of proof may serve as the basis for the Court's decision regarding enforcement or modification of an agreement.

(j) In an action to enforce the agreement, the burden of proof shall be on the former parent to show by a preponderance of the evidence that enforcement of the agreement is in the best interests of the child.

(k) In an action to modify or terminate the agreement, the burden of proof shall be on the adoptive parent to show by clear and convincing evidence that the modification or termination of the agreement is in the best interests of the child.

(l) Failure to comply with the agreement or petitioning the Court to enforce, modify, or terminate an agreement shall not form the basis for an award of monetary damages.

(m) An agreement for postadoption contact or communication under 33 V.S.A. § 5124 shall cease to be enforceable on the date the adopted child turns 18 years of age, or upon dissolution of the adoption.

* * * Human Services; Child Welfare Services; Definitions;
Investigations; Referral to Law Enforcement * * *

Sec. 10. 33 V.S.A. § 4912 is amended to read:

§ 4912. DEFINITIONS

As used in this subchapter:

(1) "Abused or neglected child" means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. An "abused or neglected child" also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

* * *

(11) “Physical injury” means ~~death or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means~~ any impairment of physical condition by other than accidental means.

* * *

(14) “Risk of harm” means a significant danger that a child will suffer ~~serious harm by~~ other than by accidental means, which harm would be likely to cause serious physical injury, neglect, emotional maltreatment, or sexual abuse, including as the result of:

(A) the production or preproduction of methamphetamines when a child is actually present;

(B) leaving a child without developmentally appropriate supervision;

(C) not providing developmentally appropriate supervision or care for a child due to use of illegal substances, or misuse of prescription drugs or alcohol;

(D) failing to supervise appropriately a child in a situation in which drugs, alcohol, or drug paraphernalia are accessible to the child; and

(E) a registered sex offender or person substantiated for sexually abusing a child residing with or spending unsupervised time with a child.

(15)(A) ~~“Sexual abuse” consists of any act or acts by any person involving sexual molestation or exploitation of a child, including incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child means any conduct involving a child that constitutes a potential violation of:~~

(i) lewdness and prostitution in violation of 13 V.S.A. chapter 59;

(ii) human trafficking in violation of 13 V.S.A. chapter 60;

(iii) obscenity in violation of 13 V.S.A. chapter 63, except for violations of 13 V.S.A. § 2802b;

(iv) sexual exploitation of children in violation of 13 V.S.A. chapter 64; or

(v) sexual assault in violation of 13 V.S.A. chapter 72.

(B) In determining whether to accept a report as a valid allegation of sexual abuse pursuant to section 4915 of this title, or to take any other action, the Department need not establish every element of the crimes listed in subdivision (A), and need only establish that there is a valid allegation that the conduct described in the crimes listed in subdivision (A) is alleged to have occurred and that conduct involved a child.

* * *

(17) “Serious physical injury” means, by other than accidental means:

(A) physical injury which creates any of the following:

(i) a substantial risk of death;

(ii) a substantial loss or impairment of the function of any bodily member or organ;

(iii) a substantial impairment of health; or

(iv) substantial disfigurement; or

(B) strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

Sec. 11. 33 V.S.A. § 4915b(e) is amended to read:

(e) The Department:

(1) shall report to and request assistance from law enforcement in the following circumstances:

~~(1) investigations of child sexual abuse by an alleged perpetrator age 10 or older;~~

~~(2) investigations of serious physical abuse or neglect likely to result in criminal charges or requiring emergency medical care~~

(A) an incident in which a child suffers, by other than accidental means, serious bodily injury as defined in 13 V.S.A. § 1021; and

(B) potential violations of:

(i) 13 V.S.A. § 2602;

(ii) 13 V.S.A. chapter 60;

(iii) 13 V.S.A. chapter 64; and

(iv) 13 V.S.A. chapter 72; and

(3) may report to and request assistance from law enforcement when appropriate, including:

(A) an incident in which a child suffers:

(i) bodily injury, by other than accidental means, as defined in 13 V.S.A. § 1021; or

(ii) death; and

(B) potential violations of:

(i) 13 V.S.A. § 2601;

(ii) 13 V.S.A. § 2605;

(iii) 13 V.S.A. § 1304; and

(iv) 13 V.S.A. § 1304a.

~~(3)~~(C) situations potentially dangerous to the child or Department worker.

* * *

* * * Confidentiality * * *

Sec. 12. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

* * *

(b)(1) The Commissioner shall inform the person who made the report under subsection (a) of this section:

~~(1)~~(A) whether the report was accepted as a valid allegation of abuse or neglect;

~~(2)~~(B) whether an assessment was conducted and, if so, whether a need for services was found; and

~~(3)~~(C) whether an investigation was conducted and, if so, whether it resulted in a substantiation.

(2) Upon request, the Commissioner shall provide relevant information contained in the case records concerning a person's report to a person who:

(A) made the report under subsection (a) of this section; and

(B) is engaged in an ongoing working relationship with the child or family who is the subject of the report.

(3) Any information disclosed under this subsection (2) shall not be disseminated by the mandated reporter requesting the information. A person who intentionally violates the confidentiality provisions of this section shall be fined not more than \$2,000.00.

(4) In providing records under this subsection (2), the Department may withhold information that could compromise the safety of the reporter or the child or family who is the subject of the report.

* * *

Sec. 13. 33 V.S.A. § 4921 is amended to read:

§ 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

(a) The Commissioner shall maintain all records of all investigations, assessments, reviews, and responses initiated under this subchapter. The Department may use and disclose information from such records in the usual course of its business, including to assess future risk to children, to provide appropriate services to the child or members of the child's family, or for other legal purposes.

(b) The Commissioner shall promptly inform the parents, if known, or guardian of the child that a report has been accepted as a valid allegation pursuant to subsection 4915(b) of this title and the Department's response to the report. The Department shall inform the parent or guardian of his or her ability to request records pursuant to subsection (c) of this section. This section shall not apply if the parent or guardian is the subject of the investigation.

(c) Upon request, the redacted investigation file shall be disclosed to:

(1) the child's parents, foster parent, or guardian, absent good cause shown by the Department, provided that the child's parent, foster parent, or guardian is not the subject of the investigation; and

(2) the person alleged to have abused or neglected the child, as provided for in subsection 4916a(d) of this title.

(d) ~~Upon request,~~ Department records created under this subchapter shall be disclosed to:

(1) ~~the court~~ Court, parties to the juvenile proceeding, and the child's guardian ad litem if there is a pending juvenile proceeding or if the child is in the custody of the Commissioner;

(2) the Commissioner or person designated by the Commissioner to receive such records;

(3) persons assigned by the Commissioner to conduct investigations; and

(4) law enforcement officers engaged in a joint investigation with the Department, an ~~assistant attorney general~~ Assistant Attorney General, or a ~~state's attorney~~; State's Attorney.

~~(5) other State agencies conducting related inquiries or proceedings; and~~

~~(6) a Probate Division of the Superior Court involved in guardianship proceedings. The Probate Division of the Superior Court shall provide a copy of the record to the respondent, the respondent's attorney, the petitioner, the guardian upon appointment, and any other individual, including the proposed guardian, determined by the Court to have a strong interest in the welfare of the respondent.~~

(e)(1) Upon request, relevant Department records created under this subchapter ~~may~~ shall be disclosed to:

~~(A) service providers working with a person or child who is the subject of the report; and~~ A person, agency, or organization, including a multidisciplinary team empaneled under section 4917 of this title, authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or record created under this subchapter, or who is responsible for the child's health or welfare.

~~(B) Health and mental health care providers working directly with the child or family who is the subject of the report or record.~~

~~(C) Educators working directly with the child or family who is the subject of the report or record.~~

~~(D) Licensed or approved foster care givers for the child.~~

~~(E) Mandated reporters as defined by section 4913 of this subchapter, making a report in accordance with the provisions of section 4914 of this subchapter and engaging in an ongoing working relationship with the child or family who is the subject of the report.~~

~~(F) Other State agencies conducting related inquiries or proceedings.~~

~~(G) The Child Protection Advocate appointed under section 8001 of this title.~~

~~(H) A Probate Division of the Superior Court involved in guardianship proceedings. The Probate Division of the Superior Court shall provide a copy of the record to the respondent, the respondent's attorney, the petitioner, the guardian upon appointment, and any other individual, including the proposed guardian, determined by the Court to have a strong interest in the welfare of the respondent.~~

~~(I) other~~ Other governmental entities for purposes of child protection.

(2) Determinations of relevancy shall be made by the Department. In providing records under this subsection (e), the Department may withhold information that could compromise the safety of the reporter or the child or family who is the subject of the report.

(3) In providing information under this section, the Department may also provide other records related to its child protection activities for the child.

(f) Any records or reports disclosed under this section and information relating to the contents of those records or reports shall not be disseminated by the receiving persons or agencies to any persons or agencies, other than to those persons or agencies authorized to receive information pursuant to this section. A person who intentionally violates the confidentiality provisions of this section shall be fined not more than \$2,000.00.

Sec. 14. 33 V.S.A. § 5110 is amended to read:

§ 5110. CONDUCT OF HEARINGS

(a) Hearings under the juvenile judicial proceedings chapters shall be conducted by the Court without a jury and shall be confidential.

(b) The general public shall be excluded from hearings under the juvenile judicial proceedings chapters, and only the parties, their counsel, witnesses, persons accompanying a party for his or her assistance, and such other persons as the Court finds to have a proper interest in the case or in the work of the Court, including a foster parent or a representative of a residential program where the child resides, may be admitted by the Court. An individual without party status seeking inclusion in the hearing may petition the Court for admittance by filing a request with the clerk of the Court. This subsection shall not prohibit a victim's exercise of his or her rights under sections 5233 and 5234 of this title, and as otherwise provided by law.

(c) There shall be no publicity given by any person to any proceedings under the authority of the juvenile judicial proceedings chapters except with the consent of the child, the child's guardian ad litem, and the child's parent, guardian, or custodian. A person who violates this provision may be subject to contempt proceedings pursuant to Rule 16 of the Vermont Rules for Family Proceedings.

* * * Juvenile Proceedings; General Provisions; Children in Need of Care or Supervision; Request for an Emergency Care Order * * *

Sec. 15. 33 V.S.A. § 5302 is amended to read:

§ 5302. REQUEST FOR EMERGENCY CARE ORDER

(a) If an officer takes a child into custody pursuant to ~~subdivision section 5301(1) or (2)~~ of this title, the officer shall immediately notify the child's custodial parent, guardian, or custodian and release the child to the care of the child's custodial parent, guardian, or custodian unless the officer determines that the child's immediate welfare requires the child's continued absence from the home.

(b) If the officer determines that the child's immediate welfare requires the child's continued absence from the home, ~~the officer shall:~~

(1) ~~Remove~~ The officer shall remove the child from the child's surroundings, contact the Department, and deliver the child to a location designated by the Department. The Department shall have the authority to make reasonable decisions concerning the child's immediate placement, safety, and welfare pending the issuance of an emergency care order.

(2) ~~Prepare~~ The officer or a social worker employed by the Department for Children and Families shall prepare an affidavit in support of a request for an emergency care order and provide the affidavit to the State's Attorney. The affidavit shall include: the reasons for taking the child into custody; and to the degree known, potential placements with which the child is familiar; the names, addresses, and telephone number of the child's parents, guardian, custodian, or care provider; the name, address, and telephone number of any relative who has indicated an interest in taking temporary custody of the child. The officer or social worker shall contact the Department and the Department may prepare an affidavit as a supplement to the affidavit of the law enforcement officer or social worker if the Department has additional information with respect to the child or the family.

* * *

* * * Temporary Care Order; Custody * * *

Sec. 16. 33 V.S.A. § 5308 is amended to read:

§ 5308. TEMPORARY CARE ORDER

(a) The Court shall order that legal custody be returned to the child's custodial parent, guardian, or custodian unless the Court finds by a preponderance of the evidence that a return home would be contrary to the best interests of the child ~~the child's welfare~~ child because any one of the following exists:

(1) A return of legal custody could result in substantial danger to the physical health, mental health, welfare, or safety of the child.

(2) The child or another child residing in the same household has been physically or sexually abused by a custodial parent, guardian, or custodian, or by a member of the child's household, or another person known to the custodial parent, guardian, or custodian.

(3) The child or another child residing in the same household is at substantial risk of physical or sexual abuse by a custodial parent, guardian, or custodian, or by a member of the child's household, or another person known to the custodial parent, guardian, or custodian. It shall constitute prima facie evidence that a child is at substantial risk of being physically or sexually abused if:

(A) a custodial parent, guardian, or custodian receives actual notice that a person has committed or is alleged to have committed physical or sexual abuse against a child; and

(B) a custodial parent, guardian, or custodian knowingly or recklessly allows the child to be in the physical presence of the alleged abuser after receiving such notice.

(4) The custodial parent, guardian, or guardian has abandoned the child.

(5) The child or another child in the same household has been neglected and there is substantial risk of harm to the child who is the subject of the petition.

(b) Upon a finding that ~~any of the conditions set forth in subsection (a) of this section exists~~ a return home would be contrary to the best interests of the child, the Court may issue such temporary orders related to the legal custody of the child as it deems necessary and sufficient ~~to protect the welfare and safety of the child, including, in order of preference:~~

(1) ~~A~~ a conditional custody order returning legal custody of the child to the custodial parent, guardian, or custodian, noncustodial parent, relative, or a person with a significant relationship with the child, subject to such conditions and limitations as the Court may deem necessary and sufficient ~~to protect the child;~~

~~(2)(A) An order transferring temporary legal custody to a noncustodial parent. Provided that parentage is not contested, upon a request by a noncustodial parent for temporary legal custody and a personal appearance of the noncustodial parent, the noncustodial parent shall present to the Court a care plan that describes the history of the noncustodial parent's contact with the child, including any reasons why contact did not occur, and that addresses:~~

~~(i) the child's need for a safe, secure, and stable home;~~

~~(ii) the child's need for proper and effective care and control; and~~

~~(iii) the child's need for a continuing relationship with the custodial parent, if appropriate.~~

~~(B) The Court shall consider court orders and findings from other proceedings related to the custody of the child.~~

~~(C) The Court shall transfer legal custody to the noncustodial parent unless the Court finds by a preponderance of the evidence that the transfer would be contrary to the child's welfare because any of the following exists:~~

~~(i) The care plan fails to meet the criteria set forth in subdivision (2)(A) of this subsection.~~

~~(ii) Transferring temporary legal custody of the child to the noncustodial parent could result in substantial danger to the physical health, mental health, welfare, or safety of the child.~~

~~(iii) The child or another child residing in the same household as the noncustodial parent has been physically or sexually abused by the noncustodial parent or a member of the noncustodial parent's household, or another person known to the noncustodial parent.~~

~~(iv) The child or another child residing in the same household as the noncustodial parent is at substantial risk of physical or sexual abuse by the noncustodial parent or a member of the noncustodial parent's household, or another person known to the noncustodial parent. It shall constitute prima facie evidence that a child is at substantial risk of being physically or sexually abused if:~~

~~(I) a noncustodial parent receives actual notice that a person has committed or is alleged to have committed physical or sexual abuse against a child; and~~

~~(II) the noncustodial parent knowingly or recklessly allows the child to be in the physical presence of the alleged abuser after receiving such notice.~~

~~(v) The child or another child in the noncustodial parent's household has been neglected, and there is substantial risk of harm to the child who is the subject of the petition.~~

~~(D) If the noncustodial parent's request for temporary custody is contested, the Court may continue the hearing and place the child in the temporary custody of the Department, pending further hearing and resolution of the custody issue. Absent good cause shown, the Court shall hold a further hearing on the issue within 30 days.~~

~~(3) An order transferring temporary legal custody of the child to a relative, provided:~~

~~(A) The relative seeking legal custody is a grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, stepparent, sibling, or step-sibling of the child.~~

~~(B) The relative is suitable to care for the child. In determining suitability, the Court shall consider the relationship of the child and the relative and the relative's ability to:~~

~~(i) Provide a safe, secure, and stable environment.~~

~~(ii) Exercise proper and effective care and control of the child.~~

~~(iii) Protect the child from the custodial parent to the degree the Court deems such protection necessary.~~

~~(iv) Support reunification efforts, if any, with the custodial parent.~~

~~(v) Consider providing legal permanency if reunification fails.~~

(2) an order transferring temporary legal custody of the child to a noncustodial parent or to a relative;

(3) an order transferring temporary legal custody of the child to a person with a significant relationship with the child; or

(4) an order transferring temporary legal custody of the child to the Commissioner.

(c) The Court shall consider orders and findings from other proceedings relating to the custody of the child, the child's siblings, or children of any adult in the same household as the child.

(d) In considering the suitability of a relative under this subdivision (3) an order under subsection (b) of this section, the Court may order the Department to conduct an investigation of a person seeking custody of the child, and the suitability of that person's home, and file a written report of its findings with the Court. The Court may place the child in the temporary custody of the Department Commissioner, pending such investigation.

~~(4) A temporary care order transferring temporary legal custody of the child to a relative who is not listed in subdivision (3)(A) of this subsection or a person with a significant relationship with the child, provided that the criteria in subdivision (3)(B) of this subsection are met. The Court may make such orders as provided in subdivision (3)(C) of this subsection to determine suitability under this subdivision.~~

~~(5) A temporary care order transferring temporary legal custody of the child to the Commissioner.~~

(e) If the Court transfers legal custody of the child, the Court shall issue a written temporary care order.

(1) The order shall include:

(A) a A finding that remaining in the home is contrary to the ~~child's welfare~~ best interests of the child and the facts upon which that finding is based; ~~and.~~

(B) a A finding as to whether reasonable efforts were made to prevent unnecessary removal of the child from the home. If the Court lacks sufficient evidence to make findings on whether reasonable efforts were made to prevent the removal of the child from the home, that determination shall be

made at the next scheduled hearing in the case but, in any event, no later than 60 days after the issuance of the initial order removing a child from the home.

(2) The order may include other provisions as may be ~~necessary for the protection and welfare in the best interests~~ of the child, ~~such as including~~:

(A) ~~establishing parent-child contact under such and terms and conditions as are necessary for the protection of the child. and terms and conditions for that contact;~~

(B) requiring the Department to provide the child with services, if legal custody of the child has been transferred to the Commissioner;

(C) requiring the Department to refer a parent for appropriate assessments and services, including a consideration of the needs of children and parents with disabilities, provided that the child's needs are given primary consideration;

(D) requiring genetic testing if parentage of the child is at issue;

(E) requiring the Department to make diligent efforts to locate the noncustodial parent;

(F) requiring the custodial parent to provide the Department with names of all potential noncustodial parents and relatives of the child; and

(G) establishing protective supervision and requiring the Department to make appropriate service referrals for the child and the family, if legal custody is transferred to an individual other than the Commissioner.

(3) In his or her discretion, the Commissioner may provide assistance and services to children and families to the extent that funds permit, notwithstanding subdivision (2)(B) of this subsection.

~~(d) If a party seeks to modify a temporary care order in order to transfer legal custody of a child from the Commissioner to a relative or a person with a significant relationship with the child, the relative shall be entitled to preferential consideration under subdivision (b)(3) of this section, provided that a disposition order has not been issued and the motion is filed within 90 days of the date that legal custody was initially transferred to the Commissioner.~~

* * * Legislature; Establishing a Joint Legislative Child
Protection Oversight Committee * * *

Sec. 17. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT COMMITTEE

(a) Creation. There is created a Joint Legislative Child Protection Oversight Committee.

(b) Membership. The Committee shall be composed of the following 10 members, who shall be appointed each biennial session of the General Assembly:

(1) Five current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) Five current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(3) In addition to two members-at-large appointed from each chamber, one appointment shall be made from the following committees:

(A) House Committee on Education;

(B) Senate Committee on Education;

(C) House Committee on Judiciary;

(D) Senate Committee on Judiciary;

(E) House Committee on Human Services; and

(F) Senate Committee on Health and Welfare.

(c) Powers and duties.

(1) The Committee shall:

(A) Exercise oversight over Vermont's system for protecting children from abuse and neglect, including:

(i) evaluating whether the branches, departments, agencies, and persons that are responsible for protecting children from abuse and neglect are effective;

(ii) determining if there are deficiencies in the system and the causes of those deficiencies;

(iii) evaluating which programs are the most cost-effective;

(iv) determining whether there is variation in policies, procedures, practices, and outcomes between different areas of the State and the causes and results of any such variation; and

(v) evaluating the measures recommended by the Working Group to Recommend Improvements to CHINS Proceedings established in Sec. 23 of this Act to ensure that once a child is returned to his or her family, the court or the Department for Children and Families may continue to monitor the child and family where appropriate.

(B) At least annually, report on the Committee's activities and recommendations to the General Assembly.

(2) The Committee may review and make recommendations to the House and Senate Committees on Appropriations regarding budget proposals and appropriations relating to protecting children from abuse and neglect.

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

(e) Retaliation. No person who is an employee of the State of Vermont, or of any State, local, county, or municipal department, agency, or person involved in child protection, and who testifies before, supplies information to, or cooperates with the Committee shall be subject to retaliation by his or her employer. Retaliation shall include job termination, demotion in rank, reduction in pay, alteration in duties and responsibilities, transfer, or a negative job performance evaluation based on the person's having testified before, supplied information to, or cooperated with the Committee.

(f) Meetings.

(1) The member appointed from the Senate Committee on Health and Welfare shall call the first meeting of the Committee.

(2) The Committee shall select a Chair, Vice Chair, and Clerk from among its members and may adopt rules of procedure. The Chair shall rotate biennially between the House and the Senate members. A quorum shall consist of six members.

(3) When the General Assembly is in session, the Committee shall meet at the call of the Chair. The Committee may meet six times during adjournment, and may meet more often subject to approval of the Speaker of the House and the President Pro Tempore of the Senate.

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

(h) Sunset. On December 30, 2017 this section (creating the Joint Legislative Child Protection Oversight Committee) is repealed and the Committee shall cease to exist.

* * * Department for Children and Families; Policies * * *

Sec. 18. THE DEPARTMENT FOR CHILDREN AND FAMILIES;
POLICIES, PROCEDURES, AND PRACTICES

(a) The Commissioner for Children and Families shall:

(1) ensure that policies, procedures, and practices are consistent, and are applied in a consistent manner, in all Department offices and in all regions of the State;

(2) ensure that policies, procedures, and practices are consistent with statute;

(3) develop metrics as to the appropriate case load for social workers in the Family Services Division that take into account the experience and training of a social worker, the number of families and the total number of children a social worker is responsible for, and the acuity or difficulty of cases;

(4) ensure that all employees assigned to carry out investigations have training or experience in conducting investigations and have a Master's degree in social work or an equivalent degree, or relevant experience;

(5) determine how to improve data sharing between the Department, courts, treatment providers, the Agency of Education, and other branches, departments, agencies, and persons involved in protecting children from abuse and neglect, including:

(A) determine the data that should be shared between parties;

(B) investigate regulatory requirements and security parameters;

(C) investigate the potential costs of creating a platform to share data; and

(D) make recommendations to address these issues and to improve the system for protecting children from abuse and neglect.

(6) develop policies, procedures, and practices to:

(A) ensure the consistent sharing of information, in a manner that complies with statute, with law enforcement, treatment providers, courts, State's Attorneys, guardians ad litem, and other relevant parties;

(B) encourage law enforcement, treatment providers, and all agencies, departments, and other persons that support recovery to provide regular treatment progress updates to the Commissioner;

(C) ensure that courts have all relevant information in a timely fashion, and that Department employees file paperwork and reports in a timely manner;

(D) require increased monitoring of a child's safety if:

(i) other children have been removed from the same home or the parent or guardian's parental rights as to another child have been terminated; or

(ii) the child is returned to a home from which other children have been removed;

(E) require that all persons living in a household, or that will have child care responsibilities, will be assessed for criminal history and potential safety risks whenever a child who has been removed from a home is returned to that home;

(F) increase the number of required face-to-face meetings between social workers and children;

(G) increase the number of required home visits and require unannounced home visits;

(H) improve information sharing with mandatory reporters who have an ongoing relationship with a child;

(I) ensure that mandatory reporters are informed that any confidential information they may receive cannot be disclosed to a person who is not authorized to receive that information;

(J) ensure all parties authorized to receive confidential information are aware of their right to receive that information; and

(K) apply results-based accountability or other data-based quality measures to determine if children in different areas of the State have different outcomes and the reasons for those differences.

(b) On or before September 1, 2015, the Commissioner shall submit a written report to the House Committees on Human Services and on Judiciary and to the Senate Committees on Health and Welfare and on Judiciary on:

(1) The Commissioner's response to the Vermont Citizen's Advisory Board (VCAB) Child Death Review Report dated November 7, 2014, and to the Casey Family Programs report dated December, 2014, including:

(A) the Commissioner's response to every recommendation in the reports and:

(i) if the Commissioner agrees with a recommendation, an explanation of any changes made in response to the recommendation;

(ii) if the Commissioner does not agree with a recommendation, an explanation of why; and

(iii) any suggestions concerning other options to implement a recommendation; and

(B) a description of any changes to the Department's policies, procedures, and practices made in response to the reports, including the language of any new or amended policies and procedures.

(2) The Commissioner's response to the issues in subsection (a) of this section, including the language of any new or amended policies and procedures.

* * * Agency of Human Services; Evidence-Informed Models * * *

Sec. 19. AGENCY OF HUMAN SERVICES; EVIDENCE-INFORMED MODELS

The Secretary of Human Services shall identify and utilize evidence-informed models of serving families that prioritize safety and prevention through early interventions with high risk families. The Secretary shall make recommendations in the FY2017 budget that reflect the utilization of these models.

* * * Improvements to CHINS Proceedings * * *

Sec. 20. WORKING GROUP TO RECOMMEND IMPROVEMENTS TO CHINS PROCEEDINGS

(a) Creation. There is created a working group to recommend ways to improve the efficiency, timeliness, and process of Children in Need of Care or Supervision (CHINS) proceedings.

(b) Membership. The Working Group shall be composed of the following members:

(1) the Chief Administrative Judge or designee;

(2) the Defender General or designee;

(3) the Attorney General or designee;

(4) the Commissioner for Children and Families or designee;

(5) the Executive Director of State's Attorneys and Sheriffs or designee; and

(6) a guardian ad litem who shall be appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House.

(c) Powers and duties. The Working Group shall study and make recommendations concerning:

(1) the reasons that statutory time frames are not met and how to ensure that statutory time frames are met in 90 percent of proceedings;

(2) how to ensure that attorneys, judges, and guardians ad litem appear on time and are prepared;

(3) how to monitor and improve the performance and work quality of attorneys, judges, and guardians ad litem;

(4) how to ensure that there is a sufficient number of attorneys available to handle all CHINS cases, in all regions of the State, in a timely manner;

(5) the role of guardians as litem, and how to ensure their information is presented to, and considered by, the court;

(6) how to ensure that once a child is returned to his or her family, the court or the Department for Children and Families, may continue to monitor the child and family where appropriate, and how to expedite a new proceeding that concerns a family with repeated contacts with the child protection system;

(7) whether the adoption of American Bar Association standards for attorneys who work in the area of child abuse and neglect would be appropriate;

(8) how and whether to provide financial assistance to individuals seeking to mediate a dispute over a postadoption contact agreement; and

(9) any other issue the Working Group determines is relevant to improve the efficiency, timeliness, process, and results of CHINS proceedings.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of the Attorney General. The Working Group may consult with any persons necessary in fulfilling its powers and duties.

(e) Report. On or before November 1, 2015, the Working Group shall report its findings and recommendations to the Joint Legislative Child Protection Oversight Committee, the House Committees on Human Services and on Judiciary, and the Senate Committees on Health and Welfare and on Judiciary.

(f) Meetings and sunset.

(1) The Attorney General or designee shall call the first meeting of the Working Group.

(2) The Working Group shall select a chair from among its members at the first meeting.

(3) The Working Group shall cease to exist on November 2, 2015.

* * * Effective Dates * * *

Sec. 21. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except for this section, Sec. 17 (Joint Legislative Child Protection Oversight Committee) and Sec. 18 (Department for Children and Families; policies, procedures, and practices) which shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Judiciary with the following amendments thereto:

First: In Sec. 17(b), by striking out the following: “10” and inserting in lieu thereof the following: 8

Second: In Sec. 17(b)(1) by striking out the following: “Five” and inserting in lieu thereof the following: Four

Third: In Sec. 17(b)(2) by striking out the following: “Five” and inserting in lieu thereof the following: Four

Fourth: In Sec. 17(b)(3) by striking out the following: “two members-at-large” and inserting in lieu thereof the following: one member-at-large

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended?, Senator Flory moved to amend the recommendation of the Committee on Judiciary, as amended as follows:

First: In Sec. 13, 33 V.S.A. § 4921, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Upon request, the redacted investigation file shall be disclosed to:

(1) the child’s parents, foster parent, or guardian, absent good cause shown by the Department, provided that the child’s parent, foster parent, or guardian is not the subject of the investigation; ~~and~~

(2) the person alleged to have abused or neglected the child, as provided for in subsection 4916a(d) of this title; and

(3) the parents of a child residing in a home with a person alleged to have abused or neglected a child.

Second: In Sec. 13, 33 V.S.A. § 4921(e)(1) subparagraph (H), after the words “The Probate Division of the Superior Court shall” by inserting the following: , absent good cause shown by the Court,

Third: In Sec. 13, 33 V.S.A. § 4921(e)(1), by striking out subparagraph (G) in its entirety and inserting in lieu thereof a new subparagraph (G) to read as follows:

(G) A Family Division of the Superior Court involved in custody proceedings for a child who is the subject of a CHINS proceeding. The Family Division of the Superior Court shall, absent good cause shown by the Court, provide a copy of the record to the parties to the custody proceeding.

Which was agreed to.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Pollina, Westman.

Bill Passed

S. 98.

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

An act relating to captive insurance companies.

Joint Senate Resolution Amended; Bill Passed

J.R.S. 9.

Joint Senate resolution entitled:

Joint resolution encouraging public high schools to explore recruiting and enrolling international students on F-1 student visas in order to promote tuition-based income.

Was taken up.

Thereupon, pending third reading of the joint resolution, Senator Sirotkin moved that upon adoption that the title of the resolution be amended to read:

Joint resolution encouraging public high schools to explore recruiting and enrolling international students on F-1 student visas in order to promote tuition-based income while also exposing F-1 students and our public school K-12 Vermont students to enriched cross cultural learning experiences.

Which was agreed to.

Thereupon, the joint resolution was read the third time and adopted on the part of the Senate.

Committee Relieved of Further Consideration; Bill Committed

S. 107.

On motion of Senator Ayer, the Committee on Health & Welfare was relieved of further consideration of Senate bill entitled:

An act relating to the Agency of Health Care Administration,
and the bill was committed to the Committee on Government Operations.

Message from the House No. 26

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 240. An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 26, 2015.

THURSDAY, FEBRUARY 26, 2015

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Ken White of Burlington.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 118.

By Senator Champion,

An act relating to remedial education for postsecondary students.

To the Committee on Education.

S. 119.

By Senator Cummings,

An act relating to paid parental leave.

To the Committee on Economic Development, Housing & General Affairs.

Bill Referred

House bill of the following title was read the first time and referred:

H. 240.

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles.

To the Committee on Transportation.

Bill Passed; Rule Suspended; Bill Messaged**S. 9.**

Senate bill entitled:

An act relating to improving Vermont's system for protecting children from abuse and neglect.

Was taken up.

Thereupon, pending third reading of the bill, Senators Sirotkin, Mullin and Balint move to amend the bill by striking out Sec. 21 in its entirety and inserting in lieu thereof four new sections to be numbered Secs. 21, 22, 23 and 24 to read as follows:

* * * Establishing the Office of the Child Protection Advocate * * *

Sec. 21. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

Subchapter 4. Departments, Divisions, Offices, and Boards

Sec. 22. 3 V.S.A. § 2284 is added to read:

§ 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

(a) The Office of the Child Protection Advocate is created in the Agency of Administration.

(b) The Office shall be headed by the Child Protection Advocate, who shall be an individual with expertise and experience relevant to protecting children from abuse and neglect. The Vermont Child Protection Advocate shall be appointed:

(1) by the Governor subject to the advice and consent of the Senate; and

(2) for a term of four years and until his or her successor is appointed and qualified.

(c) The Child Protection Advocate shall:

(1) investigate and resolve complaints on behalf of persons involved in the child protection system;

(2) analyze and monitor the development and implementation of federal, State, and local laws, and of regulations and policies relating to child protection and to the Department for Children and Families, and make recommendations as he or she deems appropriate;

(3) provide information to the public, agencies, legislators, and others regarding problems and concerns of persons involved in the child protection system, including recommendations relating to such problems and concerns;

(4) promote the development and involvement of citizen organizations in the work of the Office and in protecting children from abuse and neglect;

(5) train persons and organizations in advocating for the interests of children and persons involved in the protecting children from abuse and neglect;

(6) develop and implement a reporting system to collect and analyze information relating to complaints by persons involved in the child protection system; and

(7) submit to the General Assembly and the Governor on or before January 15 of each year a report on the Office's activities and recommendations.

(d) The Child Protection Advocate may:

(1) hire or contract with persons to fulfill the purposes of this chapter;

(2) have appropriate access to review the records of State agencies;

(3) pursue administrative, judicial, or other remedies on behalf of persons involved in the child protection system;

(4) delegate to employees of the Office any part of his or her authority;

(5) adopt rules, policies, and procedures necessary to carry out the provisions of this chapter, including prohibiting any employee or immediate family member of any employee from having any interest which creates a conflict of interest in carrying out the Advocate's responsibilities under this chapter;

(6) take any other action necessary to fulfill the purposes of this chapter.

(e) All State agencies shall comply with reasonable requests of the Child Protection Advocate for records, information, and assistance.

(f) No civil liability shall attach to the Child Protection Advocate or any employee of the Office of the Child Protection Advocate for good faith performance of the duties imposed by this chapter.

(g) A person who intentionally hinders the Child Protection Advocate or a representative of the Office of the Child Protection Advocate acting pursuant to this chapter shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

(h) A person who takes discriminatory, disciplinary, or retaliatory action against any person for any communication made, or information disclosed, to the Child Protection Advocate or to a representative of the Office of the Child Protection Advocate to aid the Advocate in carrying out his or her duties, unless the communication or disclosure was done maliciously or without good faith, shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

Sec. 23. AGENCY OF HUMAN SERVICES; FUNDING THE OFFICE OF THE CHILD PROTECTION ADVOCATE

In the event the FY16 Appropriations Act does not fund the Office of the Child Protection Advocate as set forth in 3 V.S.A. § 2284, the Secretary of the Agency of Human Services shall identify and secure federal, private, or non-state resources to fund the Office of the Child Protection Advocate.

* * * Effective Dates * * *

Sec. 24. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except:

(1) this section, Sec. 17 (Joint Legislative Child Protection Oversight Committee) and Sec. 18 (Department for Children and Families; policies, procedures, and practices) shall take effect on passage; and

(2) in the event that the FY16 Appropriations Act does not fund the Office of the Child Protection Advocate created in sections 21-22 of this Act, sections 21-22 shall take effect upon the Secretary of the Agency of Human Services identifying and securing at least \$100,000 in federal, private, or non-state sourced resources to fund the Office of the Child Protection Advocate.

Which was disagreed to.

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

Thereupon, on motion of Senator Campbell, the rules were suspended, and the bill was ordered messaged to the House forthwith.

Consideration Postponed

Senate committee bill entitled:

S. 108.

An act relating to repealing the sunset on provisions pertaining to patient choice at end of life.

Was taken up.

Thereupon, Senator Ayer moved that consideration of the bill be postponed until Wednesday, March 11, 2015.

Third Readings Ordered

S. 71.

Senator Degree, for the Committee on Economic Development, Housing & General Affairs, to which was referred Senate bill entitled:

An act relating to governance of the Vermont State Colleges.

Reported that the bill ought to pass.

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

S. 97.

Senator Ashe, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to taxation of prewritten software.

Reported that the bill ought to pass.

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

H. 194.

Senator Benning, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

Reported that the bill ought to pass in concurrence.

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

Bills Amended; Third Readings Ordered

S. 7.

Senator Benning, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child.

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

Sec. 1. 13 V.S.A. § 2602(f) is added to read:

(f) Conduct constituting the offense of lewd and lascivious conduct with a child under this section shall be considered a violent act for the purpose of determining bail under chapter 229 of this title.

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

§ 7554. RELEASE PRIOR TO TRIAL

(a) Any person charged with an offense, other than a person held without bail under section 7553 or 7553a of this title, shall at his or her appearance before a judicial officer be ordered released pending trial in accordance with this section.

(1) The ~~person~~ defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release will not reasonably ~~assure~~ ensure the appearance of the person as required. In determining whether the ~~person~~ defendant presents a risk of nonappearance, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged and the number of

offenses with which the person is charged. If the officer determines that such a release will not reasonably ~~assure~~ ensure the appearance of the ~~person~~ defendant as required, the officer shall, either in lieu of or in addition to the above methods of release, impose the least restrictive of the following conditions or the least restrictive combination of the following conditions ~~which that~~ that will reasonably ~~assure~~ ensure the appearance of the ~~person~~ defendant as required:

(A) ~~place the person~~ Place the defendant in the custody of a designated person or organization agreeing to supervise him or her if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

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

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

(D) ~~require~~ Require the execution of a secured appearance bond in a specified amount and the deposit with the clerk of the Court, in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the appearance of the ~~person~~ defendant as required.

(E) ~~require~~ Require the execution of a surety bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

(F) ~~impose~~ Impose any other condition found reasonably necessary to ~~assure~~ ensure appearance as required, including a condition requiring that the ~~person~~ defendant return to custody after specified hours.

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

(A) ~~place the person~~ Place the defendant in the custody of a designated person or organization agreeing to supervise him or her; if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

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

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

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

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

* * *

Sec. 3. 28 V.S.A. § 808(f) is amended to read:

(f) While appropriate community housing is an important consideration in release of offenders, the Department ~~of Corrections~~ shall not use lack of housing as the sole factor in denying furlough to offenders who have served at least their minimum sentence for a nonviolent misdemeanor or nonviolent felony provided that public safety and the best interests of the offender will be served by reentering the community on furlough. The Department shall adopt rules to implement this subsection.

Sec. 4. COMMUNITY HOUSING PLAN

On or before October 15, 2015, the Department of Corrections shall report to the Joint Legislative Corrections Oversight Committee regarding a plan for reducing the growing number of nonviolent offenders being held past their minimum sentence because of the lack of community housing and regarding its proposal for rulemaking. The report shall include data for offenders who are held past their minimum sentence for lack of housing, the offenders' risk levels, and whether they were released and reincarcerated due to violating conditions.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 and 2 shall take effect on July 1, 2015.

(b) This section and Secs. 3 and 4 shall take effect on passage.

And that when so amended the bill ought to pass.

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

S. 13.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to the Vermont Sex Offender Registry.

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

Sec. 1. 13 V.S.A. § 5401(10)(B)(viii) is amended to read:

(viii) sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in ~~13 V.S.A. § 2635a~~ 13 V.S.A. § 2652;

Sec. 2. 13 V.S.A. § 5403 is amended to read:

§ 5403. REPORTING UPON CONVICTION TO DEPARTMENT OF PUBLIC SAFETY

(a) Upon conviction and prior to sentencing, the ~~court~~ Court shall order the sex offender to provide the ~~court~~ Court with the following information, which the ~~court~~ Court shall forward to the ~~department~~ Department forthwith:

- (1) name;
- (2) date of birth;
- (3) ~~general physical description~~;
- (~~4~~) current address;
- (~~5~~)(4) Social Security number;
- (6) ~~fingerprints~~;
- (7) ~~current photograph~~;
- (8)(5) current employment; and

(9)(6) name and address of any postsecondary educational institution at which the sex offender is enrolled as a student.

(b) Within 10 days after sentencing, the ~~court~~ Court shall forward to the ~~department~~ Department:

(1) the sex offender's conviction record, including offense, date of conviction, sentence and any conditions of release or probation;

(2) an order issued pursuant to section 5405a of this title, on a form developed by the Court Administrator, that the defendant comply with Sex Offender Registry requirements.

(c) The Departments of Corrections and of Public Safety shall jointly develop a process for the Department of Corrections to notify the Department of Public Safety when an offender who is under Department of Corrections supervision is required to be placed on the Sex Offender Registry because of a conviction that occurred in another jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court. The report shall include the offense of which the defendant was convicted that requires the placement of his or her name on the Registry.

Sec. 3. 13 V.S.A. § 5405a is added to read:

§ 5405a. COURT DETERMINATION OF SEX OFFENDER REGISTRY REQUIREMENTS

(a)(1) The Court shall determine at sentencing whether Sex Offender Registry requirements apply to the defendant.

(2) If the State and the defendant do not agree as to the applicability of Sex Offender Registry requirements to the defendant, the State shall file a motion setting forth the Sex Offender Registry requirements applicable to the defendant within 10 days of the entry of a guilty plea. To the extent the defendant opposes the motion, the State and the defendant shall present evidence at the sentencing as to the applicability of Sex Offender Registry requirements to the defendant.

(b) The Court shall consider the following when determining under this section whether Sex Offender Registry requirements apply to the defendant:

(1) the report issued pursuant to subsection 5403(c) of this title;

(2) the presentence investigation report regarding the offense for which the defendant is being sentenced;

(3) the Court's own judgment of conviction and any evidence that was presented at trial; and

(4) any other evidence admitted at sentencing and deemed relevant by the Court to the defendant's registry status.

(c) The State shall bear the burden of proving by a preponderance of the evidence the applicability of Sex Offender Registry requirements to the defendant under this section.

(d) Within 10 days after the sentencing or the hearing held pursuant to subdivision (a)(2) of this section, the Court shall issue an order determining whether Sex Offender Registry requirements apply to the defendant. The order shall include:

(1) the offense of which the defendant was convicted that requires the placement of his or her name on the Sex Offender Registry;

(2) any prior convictions that affect:

(A) the defendant's Sex Offender Registry Status;

(B) the length of time that the defendant is required to register as a sex offender; or

(C) whether information regarding the defendant is required to be electronically posted on the Internet under section 5411a of this title;

(3) the length of time that the defendant is required to register as a sex offender;

(4) whether the defendant is designated as a sexually violent predator under section 5405 of this title;

(5) whether the defendant was immediately released or remanded to the custody of the Department of Corrections; and

(6) whether information regarding the defendant is required to be electronically posted on the Internet under section 5411a of this title.

Sec. 4. 13 V.S.A. § 5407 is amended to read:

§ 5407. SEX OFFENDER'S RESPONSIBILITY TO REPORT

* * *

(f) A person required to register as a sex offender under this subchapter shall continue to comply with this section for the life of that person, except during periods of incarceration, if that person:

* * *

(2) has been convicted of a sexual assault as defined in section 3252 of this title or aggravated sexual assault as defined in section 3253 of this title, or a comparable offense in another jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court; however, if a person convicted under section 3252 is not more than six years older than the victim of the assault and if the victim is 14 years of age or older, then the offender shall not be required to register for life if the age of the victim was the basis for the conviction;

* * *

Sec. 5. 13 V.S.A. § 5416 is added to read:

§ 5416. PERSONS SUBJECT TO ERRONEOUS SEX OFFENDER REGISTRY REQUIREMENTS; PETITION TO CORRECT

(a) A person may petition the Court for an order declaring that the person has been inadvertently subject to erroneous Sex Offender Registry requirements and directing the Department of Public Safety to correct the error. The petitioner shall provide notice of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter.

(b) A petition filed under this section shall include:

(1) the Court's order issued under subdivision 5403(b)(2) of this title to comply with Sex Offender Registry requirements, if available; and

(2) the factual basis for the petitioner's allegation that he or she was subject to an erroneous sex offender registry requirement.

(c) The Court shall grant a petition filed under this section if it finds that the petitioner has demonstrated by a preponderance of the evidence that he or she was by Court order subject to an erroneous sex offender registry requirement. As used in this subsection, "erroneous sex offender registry requirement" includes the person's name being erroneously placed on the Sex Offender Registry or the Internet Sex Offender Registry, or the person being erroneously subject to lifetime registration under subsection 5407(f) of this title.

(d) If a petition filed under this section is granted, the Court shall enter an order declaring that the person had been inadvertently subject to erroneous Sex Offender Registry requirements. The Court shall provide the order to the Department of Public Safety and direct the Department to take any action necessary to correct the error, including, if appropriate, removing the person's name from the Sex Offender Registry and the Internet Sex Offender Registry.

(e)(1) If the Court denies a petition filed under this section, no further petition shall be filed by the person with respect to the alleged error.

(2) This subsection shall not apply if the petition is based on:

(A) newly discovered evidence;

(B) an expungement order issued under chapter 230 of this title;

(C) a successful petition under chapter 182 of this title (innocence protection); or

(D) a successful petition for postconviction relief.

Sec. 6. 2009 Acts and Resolves No. 58, Sec. 28 is amended to read:

Sec. 28. EFFECTIVE DATE

This act shall take effect on July 1, 2009, except as follows:

(1) ~~that~~ Secs. 22 and 26 of this act shall take effect on July 2, 2009.

~~(2) Sec. 14 of this act shall take effect July 1, 2010, provided that Sec. 14 shall not take effect until the state auditor, in consultation with the department of public safety and the department of information and innovation technology, has provided a favorable performance audit regarding the Internet sex offender registry to the senate and house committees on judiciary, the house committee on corrections and institutions, and the joint committee on corrections oversight.~~

Sec. 7. REPEAL

2009 Acts and Resolves No. 58, Sec. 14 (electronic posting of offender addresses on Sex Offender Registry) is repealed.

Sec. 8. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The Department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

- (1) the offender's name and any known aliases;
- (2) the offender's date of birth;
- (3) a general physical description of the offender;
- (4) a digital photograph of the offender;
- (5) the offender's town of residence;

(6) the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:

(A) the Department determines that all the information to be electronically posted about the offender is correct; and

(B)(i) the offender has been designated as high-risk by the department of corrections pursuant to section 5411b of this title;

(ii) the offender has not complied with sex offender treatment;

(iii) there is an outstanding warrant for the offender's arrest;

(iv) the offender is subject to the registry for a conviction of a sex offense against a child under 13 years of age; or

(v) the offender's name has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;

~~(6)~~(7) the date and nature of the offender's conviction;

~~(7)~~(8) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local department of corrections office in charge of monitoring the sex offender;

~~(8)~~(9) whether the offender complied with treatment recommended by the department of corrections;

~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable; and

~~(10)~~(11) the reason for which the offender information is accessible under this section.

* * *

~~(d) An offender's street address shall not be posted electronically. The identity of a victim of an offense that requires registration shall not be released.~~

* * *

Sec. 9. EFFECTIVE DATES

(a) This act shall take effect on July 1, 2015, except as provided in subsection (b) of this section.

(b)(1) Sec. 8 of this act shall take effect on the date the Department of Public Safety reports to the General Assembly that the Sex Offender Registry has:

(A) no critical errors; and

(B) an error rate of ten percent or less for errors that are not critical errors.

(2) As used in this subsection, "critical error" means one of the following errors:

(A) An offender's name should be on the Sex Offender Registry or the Internet Sex Offender Registry but it is not.

(B) An offender's name should not be on the Sex Offender Registry or the Internet Sex Offender Registry but it is.

(C) An offender's name is scheduled to be posted on the Sex Offender Registry or the Internet Sex Offender Registry for an incorrect length of time.

And that when so amended the bill ought to pass.

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

Committee Relieved of Further Consideration; Bill Committed

S. 20.

On motion of Senator Ashe, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to establishing and regulating licensed dental practitioners.

On motion of Senator Ashe, the rules were suspended and the bill was committed to the Committee on Government Operations with the report of the Committee on Health and Welfare, *intact*.

Message from the House No. 27

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 256. An act relating to disposal of property following an eviction, and fair housing and public accommodations.

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

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

S. 6. An act relating to technical corrections to civil and criminal procedure statutes.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Adjournment

On motion of Senator Campbell, the Senate adjourned until nine o'clock in the morning.

FRIDAY, FEBRUARY 27, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 120.

By Senators McAllister and Rodgers,

An act relating to suspicion-based substance abuse testing and treatment for recipients of public assistance.

To the Committee on Health & Welfare.

S. 121.

By Senator Baruth,

An act relating to passing and yielding to vulnerable users.

To the Committee on Transportation.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 122.

By the Committee on Transportation,

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

Bill Referred

House bill of the following title was read the first time and referred:

H. 256.

An act relating to disposal of property following an eviction, and fair housing and public accommodations.

To the Committee on Judiciary.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 7. An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child.

S. 13. An act relating to the Vermont Sex Offender Registry.

S. 71. An act relating to governance of the Vermont State Colleges.

Bill Passed**S. 97.**

Senate bill of the following title:

An act relating to taxation of prewritten software.

Was taken up.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 26, Nays 0.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Cummings, Degree, Flory, Kitchel, Lyons, MacDonald, McAllister, McCormack, Nitka, Pollina, Rodgers, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Doyle, Mazza, Mullin, Sears.

Bill Passed in Concurrence**H. 194.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to approval of amendments to the charter of the Town of St. Johnsbury.

Appointment Confirmed

The following Gubernatorial appointment was confirmed by the Senate, upon full report given by the Committee to which it was referred:

Eaton, Harold of Woodstock - Judge, Associate Justice of the Supreme Court - October 27, 2014, to March 31, 2017.

Senate Concurrent Resolution

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

By Senators Doyle, Cummings and Pollina,

S.C.R. 4.

Senate concurrent resolution congratulating the First Presbyterian Church of Barre on its 125th anniversary.

House Concurrent Resolutions

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

By Representative Burditt and others,

By Senators Collamore, Flory and Mullin,

H.C.R. 47.

House concurrent resolution congratulating the Rutland High School cheerleading team on its success in the National Cheerleaders Association's Junior-Senior High School National Competition.

By All Members of the House,

By All Members of the Senate,

H.C.R. 48.

House concurrent resolution congratulating the Vermont Student Assistance Corporation on its 50th anniversary.

By Representative Devereux,
By Senators Campbell, McCormack and Nitka,

H.C.R. 49.

House concurrent resolution congratulating Marcy Tanger on winning a 2014 NeighborWorks Dorothy Richardson Resident Leadership Award.

By Representative Huntley and others,

H.C.R. 50.

House concurrent resolution in memory of Deryl J. Stowell.

By Representative Smith,
By Senators Ayer and Bray,

H.C.R. 51.

House concurrent resolution honoring the individuals memorialized in Weybridge's 2014 town report.

By Representative Smith,
By Senators Ayer and Bray,

H.C.R. 52.

House concurrent resolution recognizing Edgar Crosby of Bridport on the dedication of the 2014 Bridport Town Report in his honor, in tribute to his exemplary community service.

By Representative Smith,
By Senators Ayer and Bray,

H.C.R. 53.

House concurrent resolution in memory of Kenneth W. Sawyer and honoring his community service in the town of New Haven.

By Representative Donovan and others,

H.C.R. 54.

House concurrent resolution designating February 25, 2015, as Teachers' Day at the State House.

By Representative Macaig and others,

By Senator Lyons,

H.C.R. 55.

House concurrent resolution congratulating youth composer Ethan Duncan on the Vermont Symphony Orchestra's premier of his *A Year in Vermont*.

By Representative Sibia and others,

By Senators Balint and White,

H.C.R. 56.

House concurrent resolution honoring Richard Werner for his outstanding leadership of the Dover School Board.

By Representatives Mrowicki and Deen,

By Senators Balint and White,

H.C.R. 57.

House concurrent resolution honoring Kathleen Bartlett as an outstanding educator.

By Representative Russell and others,

By Senators Champion, Flory and Mullin,

H.C.R. 58.

House concurrent resolution congratulating the Southwestern Vermont Council on Aging on its 40th anniversary.

By Representative Morrissey and others,

H.C.R. 59.

House concurrent resolution congratulating Lions Club International's District 45 on its 60th anniversary.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, March 10, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 4.