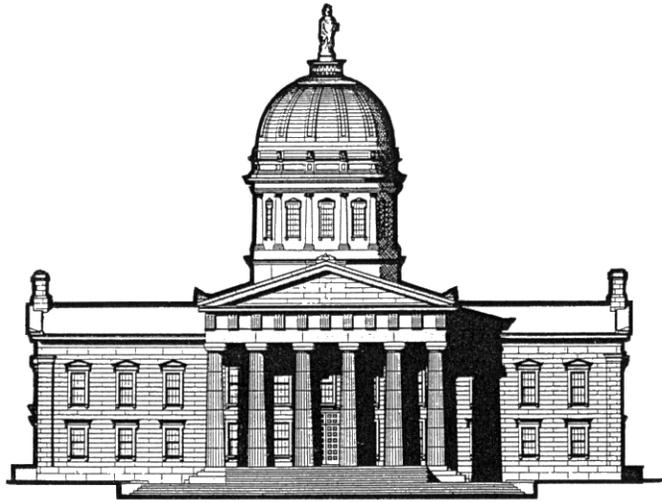


STATE OF VERMONT



SUMMARY OF THE ACTS of the 2016 VERMONT GENERAL ASSEMBLY

Prepared by the
Office of Legislative Council

SUMMARIES OF THE 2016 ACTS

Act No. 65 (S.233). Taxation and fees; statewide education tax rates

An act relating to amending Act 46

This act limits the allowable growth thresholds in Act 46 to fiscal year 2017 only, and makes changes to the way that the allowable growth threshold is calculated.

Effective Date: January 30, 2016

Act No. 66 (H.363). Conservation and land development; Petroleum Cleanup Fund; financial assistance

An act relating to the Petroleum Cleanup Fund

This act establishes the maximum amounts of grants from the Petroleum Cleanup Fund for the specified closure, replacement, or upgrade of underground storage tanks or aboveground storage tanks. The act also increases from \$350,000.00 to \$400,000.00 the amount of financial assistance the Secretary of Natural Resources may authorize in any one fiscal year from the Heating Fuel Account of the Petroleum Cleanup Fund for underground and aboveground heating fuel tanks.

Effective Date: February 10, 2016

Act No. 67 (H.524). Health; health insurance; Vermont Health Benefit Exchange

An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers

This act directs the Commissioner of Vermont Health Access to seek a federal waiver under the Affordable Care Act that would waive a requirement to set up an Internet-based Small Business Health Options Program (SHOP) and would allow qualified employers to continue purchasing Vermont Health Benefit Exchange insurance plans directly from health insurers.

Effective Date: February 24, 2016

Act No. 68 (H.611). Appropriations and finance

An act relating to fiscal year 2016 budget adjustments

This act is the fiscal year 2016 budget adjustment act. For more information, see the website of the Joint Fiscal Office at http://www.leg.state.vt.us/jfo/budget_fy2016.aspx

Multiple effective dates, beginning retroactively on July 1, 2015

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Act No. 69 (H.187). Labor; employment practices; paid absence from work

An act relating to absence from work for health care and safety

This act creates a new subchapter, 21 V.S.A. chapter 5, subchapter 4b, entitled “Earned Sick Time.” The act requires employers to provide employees with earned sick time that may be used for the following reasons:

- the employee is ill or injured
- the employee is obtaining health care
- the employee is caring for a sick or injured family member, including helping a family member obtain health care or accompanying a parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care
- the employee is arranging for social or legal services or obtaining medical care or counseling for him- or herself, or for a family member who is a victim of domestic violence, sexual assault, or stalking
- the employee is caring for a family member because the school or business where the family member is normally located during the employee’s workday is closed for public health or safety reasons

The act includes provisions related to the accrual and use of earned sick time, and to compliance by employers. It grants the Commissioner of Labor authority to enforce the subchapter governing earned sick time. It also provides a new employer with an exemption from the provisions of the subchapter governing earned sick time for a period of one year after the employer hires its first employee.

The act amends the statute governing requirements for State construction projects to require that bids on State construction projects comply with all applicable provisions of Title 21.

The act directs the Department of Labor and the Agency of Commerce and Community Development to develop and implement a program to provide certain small employers with assistance related to the development of time off policies and business plans necessary to implement the act’s requirements. It requires the Department of Labor to report on the number of inquiries, complaints, investigations, and enforcement actions related to the act during the first two years after its effective date. It also requires the Department of Labor and the Agency of Commerce and Community Development to provide the General Assembly with an estimate of the additional cost to certain small employers of providing earned sick time as required by the act.

Multiple effective dates, beginning on July 1, 2016

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Act No. 70 (H.548). Insurance; life; extraordinary dividends and distributions

An act relating to extraordinary dividends for life insurers

This act increases the threshold for determining when a life insurer's dividend or distribution is "extraordinary" under Vermont law.

Effective Date: April 8, 2016

Act No. 71 (H.575). Human services; General Assistance; municipal law

An act relating to eliminating the role of town service officers in administering General Assistance benefits

This act removes town service officers' responsibility for administering the State General Assistance program. Specifically, it removes town service officers' responsibility for receiving General Assistance applications, investigating, making eligibility determinations, and granting emergency funds when the Department for Children and Families' district offices are closed. This act does not prevent a town from having a town service officer; it only eliminates the town service officers' role with regard to General Assistance.

Effective Date: July 1, 2016

Act No. 72 (H.565). Property

An act relating to United Methodist Church property

This act amends the voting requirement to convey United Methodist Church property from two-thirds to a majority of the members of a quarterly conference in the circuit or station where the property is situated.

Effective Date: April 12, 2016

Act No. 73 (H.625). Conservation and land development; property; water resources; stormwater; encumbrance on title

An act relating to extending the exemption from encumbrance on title of properties subject to a pretransition stormwater permit

This act extends until June 30, 2018 the provision that there shall be no encumbrance on record title of a property when the property owner failed to obtain, renew, or comply with the terms of a pretransition stormwater discharge permit. A "pretransition stormwater permit" is a stormwater discharge permit issued by the Agency of Natural Resources on or before June 30, 2004.

Effective Date: April 12, 2016

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Act No. 74 (H.538). Insurance; captive; dormancy; conversion; risk retention groups

An act relating to captive insurance companies

This act makes several amendments to Vermont law on captive insurance companies. For example, it allows association captives to file reports on a fiscal year-end basis; allows sponsored and industrial captives to enter a dormant status; provides a process for the conversion, sale, transfer, or assignment of protected cells; and amends the governance standards applicable to risk retention groups.

Effective Date: April 13, 2016

Act No. 75 (H.248). Conservation and land development

An act relating to miscellaneous revisions to the air pollution statutes

This act would:

- remove the funding requirement for the existing Outdoor Wood-fired Boiler Change-out Program;
- give the Secretary of Natural Resources the ability to make emissions data and emission monitoring data available to the public, as required by federal law;
- decrease the lead time on applications for permit renewal from 12 to six months prior to permit expiration; and
- give the Secretary of Natural Resources authority to enforce rules to carry out the Regional Greenhouse Gas Initiative.

Effective Date: July 1, 2016

Act No. 76 (H.531). Conservation and land development; aboveground storage tanks; inspection

An act relating to aboveground storage tanks

This act requires the Agency of Natural Resources (ANR) to adopt rules for the inspection of aboveground storage tanks (ASTs). The rules shall address: when secondary containment systems are required; the protocol for AST inspection; the method for documenting the age of an AST; the frequency of inspection; and the requirements for marking noncompliant ASTs. The rules shall address the training required for AST inspectors and the protocol for identifying noncompliant ASTs. Beginning on July 1, 2017, a fuel supplier shall inspect ASTs according to the ANR rules. The act provides that no person shall deliver fuel to an AST visibly designated noncompliant. In addition, the act provides that an AST owner shall remove the AST from a structure when the structure

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converts from fuel oil or kerosene and the structure is no longer served for any purpose by the AST.

Multiple effective dates, beginning on July 1, 2016

Act No. 77 (H.747). Municipal government; bonding

An act relating to the State Treasurer's authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing

This act expands the State Treasurer's authority to intercept State aid appropriated to a municipality or school district that is in default on the payment of a Municipal Bond Bank borrowing and apply the State aid as payment to cure the default.

Effective Date: July 1, 2016

Act No. 78 (H.530). Executive Branch

An act relating to categorization of State contracts for service

This act amends the existing structure for categorizing State contracts by adding a broader definition for "contract for service" that is more generally applicable than the definition of "personal services contract" that is currently used. This act also increases to \$25,000.00 the monetary triggers requiring certification by the Office of the Attorney General of a contract for services, or review by the Department of Human Resources of a privatization contract.

Effective Date: July 1, 2016

Act No. 79 (H.517). Conservation and land development; water resources; water classification

An act relating to the classification of State waters

This act changes the classification of State surface waters to establish four classes: Class A(1), Class A(2), Class B(1), and Class B(2).

Class A(1) waters are waters in a natural condition that have significant ecological value.

Class A(2) waters are waters of uniformly excellent character that, with filtration and disinfection, are suitable for a public water source.

Class B(1) waters are waters of which one or more uses are of higher quality than Class B(2) waters.

Class B(2) waters are waters that are suitable for: swimming and other primary contact recreation; irrigation and agricultural uses; aquatic biota and habitat; good aesthetic value; boating, fishing, and other recreational uses; and, with filtration and disinfection, a public water source. The act

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also provides that unless reclassified by rule, a water shall be designated Class B(2).

In addition, the act authorizes the Agency of Natural Resources to reclassify one or more uses of all or a portion of a water.

Effective Date: April 28, 2016

Act No. 80 (H.458). Elections; voter registration; motor vehicle applications; automatic registration; early voter absentee ballots; vote tabulators

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

On the effective date of July 1, 2017, this act will automatically register to vote individuals who apply for, or renew, a motor vehicle driver's license or nondriver identification card. An individual may decline to use the application or renewal for voter registration purposes. This act includes requirements for ensuring confidentiality of an individual's decision whether or not to register and for ensuring compliance with Vermont's Safe at Home provisions.

This act also requires the Secretary of State to consult with the Office of the Attorney General to examine ways in which to register persons 16 years of age who will be 18 years of age on or before the next general election and to report to the Senate and House Committees on Government Operations on or before January 15, 2017.

Finally, on the effective date of January 1, 2017, this act will allow a town using a vote tabulator to deposit early voter absentee ballots into the vote tabulator on the day preceding the election. Currently, early voter absentee ballots must be processed and deposited on election day. This act includes requirements regarding notice, inspection, processing, and security of the early voter absentee ballots. The act permits the Secretary of State to adopt rules to implement this provision.

Multiple effective dates, beginning on April 28, 2016

Act No. 81 (H.261). Labor; fair employment practices; criminal records; employment applications

An act relating to criminal record inquiries by an employer

This act prohibits employers from requesting criminal history record information on an initial employment application. It permits employers to ask about a prospective employee's criminal history record during an interview or once the prospective employee is deemed otherwise qualified for a position. It also creates an exception that permits employers to inquire about criminal convictions on an initial application under certain circumstances. It requires employers to provide a prospective employee who remains eligible for a position following a criminal history record

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inquiry with an opportunity to explain the information in his or her criminal history record.

Effective Date: July 1, 2017

Act No. 82 (H.135). Health

An act relating to enabling the Vermont Department of Health to reach an agreement with the Nuclear Regulatory Commission regarding authority over regulation and licensing of radioactive materials

This act comprehensively updates 18 V.S.A. chapter 32 (radiation control) in order to enable the Governor to reach an agreement with the Nuclear Regulatory Commission (NRC) under which the NRC would discontinue some of its duties with respect to regulation of by-product, source, and special nuclear materials in Vermont, and the Vermont Department of Health would assume these duties and collect a fee to support their performance.

Effective Date: July 1, 2016

Act No. 83 (H.539). Agriculture; pollinators; pollinator protection

An act relating to establishment of a Pollinator Protection Committee

This act establishes a 10-member Pollinator Protection Committee (Committee) to evaluate the causes and occurrence of reduced pollinator populations in the State and recommend measures the State can adopt to conserve and protect pollinator populations. The act requires the Committee to fulfill several duties, including development of a State pollinator protection plan. The Committee shall report its recommendations to the General Assembly on or before December 15, 2016.

Effective Date: May 4, 2016

Act No. 84 (H.580). Conservation and land development; property; taxation and fees

An act relating to conservation easements

This act provides that a tax lien shall not affect a conservation right and interest if the tax lien attaches to the subject property after the recording of the conservation right and interest, and that the requirement for a notice of claim every 40 years does not apply either to conservation or preservation rights and interests.

Effective Date: July 1, 2016

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Act No. 85 (H.640). Health; municipal corporations; town cemeteries; repairs; expenses

An act relating to expenses for the repair of town cemeteries

This act eliminates the restriction that prohibited a town from withdrawing more than \$500.00 annually from the town treasury for the purpose of repairing town cemeteries.

Effective Date: May 4, 2016

Act No. 86 (H.674). Conservation and land development; water resources; wastewater discharges; public notice

An act relating to public notice of wastewater discharges

This act requires public notice of untreated discharges from wastewater facilities and of cyanobacteria outbreaks.

The act requires wastewater treatment facility operators to post a public alert within one hour of discovery of an untreated discharge of sewage. If the operator lacks access to a telephone or the Internet, the operator shall post the alert within four hours of discovery. The operator must submit to the Agency of Natural Resources (ANR), within 12 hours of discovery, specified information regarding the untreated discharge.

ANR shall post notice of other unpermitted discharges that are not untreated discharges from wastewater treatment facilities.

The act requires that every combined sewer overflow outfall be marked with a permanent sign, and that a municipality in which an untreated discharge from a wastewater treatment facility occurs shall post signs in the area of the discharge.

The act requires the Department of Health (DOH) to maintain a publicly accessible website displaying information about the presence of cyanobacteria in State recreation areas. Within one hour of determining that cyanobacteria in water at a recreation area is a public health hazard, DOH shall conduct public outreach describing the area affected and the nature of the hazard.

Multiple effective dates, beginning on May 4, 2016

Act No. 87 (H.824). Labor; safety; occupational safety and health

An act relating to the adoption of occupational safety and health rules and standards

This act amends the Vermont Occupational Safety and Health Act to grant the Commissioner of Labor the authority to adopt rules and standards related to health in consultation with the Secretary of Human Services.

Effective Date: July 1, 2016

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Act No. 88 (H.183). Property; State buildings; public safety; security

An act relating to security in the Capitol Complex

This act creates the Capitol Complex Security Advisory Committee for the purpose of reviewing and advising on security plans and enhancements in the Capitol Complex, and coordinating security and law enforcement services among the Executive, Legislative, and Judicial Branches in the Capitol Complex. The Committee is repealed on June 30, 2019.

Effective Date: May 6, 2016

Act No. 89 (H.249). Municipal government; regional planning commissions; intermunicipal services

An act relating to intermunicipal services

This act grants authority to a regional planning commission (RPC) to enter into service agreements with municipalities regarding intermunicipal services.

Prior to exercising this authority, an RPC shall draft bylaws that specify the process for entering into, method of withdrawal from, and method of terminating a service agreement. Additionally, the RPC shall hold at least one public hearing regarding the draft bylaws. The RPC shall adopt the bylaws by a 67 percent vote of the RPC. Unless a majority of the municipalities in the region veto the bylaws, the bylaws shall become effective 35 days after a vote of the RPC.

In exercising the authority under this section, an RPC shall enter into a service agreement with one or more municipalities. The service agreement shall describe the services to be provided and the amount of funds payable by each municipality that is a party to the service agreement. Participation by a municipality is voluntary and a service agreement shall be ratified by the RPC and the legislative body of each municipality that is a party to the service agreement. Under this section, an RPC does not have the power of eminent domain, taxing authority, or legislative functions.

Finally, funds provided to an RPC may not be used to provide services under a service agreement without prior written authorization. Funds provided by a municipality for regional planning services shall not be used by an RPC to cover the costs of providing services under a service agreement.

Effective Date: July 1, 2016

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Act No. 90 (H.367). Conservation and land development; Municipal government

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process

This act makes various changes to the process for adopting and amending municipal development plans, including extending the period for which these plans remain in effect from five to eight years and requiring that, for the municipality to retain confirmation of its plan by the regional planning commission, the municipality must document that it is actively engaged in a process to implement the plan.

Effective Date: July 1, 2016

Act No. 91 (H.112). Human services; adult protective services; financial information

An act relating to access to financial information in adult protective services investigations

This act directs financial institutions in Vermont to make a vulnerable adult's financial information available to an adult protective services investigator upon receipt of a court order or the investigator's written request. It allows the investigative report of an investigation into allegations of financial exploitation to be disclosed to the Commissioner of Financial Regulation when the Commissioner of Disabilities, Aging, and Independent Living deems it appropriate to do so. It specifies that financial information made available to an adult protective services investigator can be used only in a judicial or administrative proceeding or investigation directly related to a report of suspected abuse, neglect, or exploitation of a vulnerable adult and allows relevant information to be disclosed to the Secretary of Human Services and to the Commissioner of Financial Regulation when the investigation is about the financial exploitation of a vulnerable adult.

Effective Date: May 10, 2016

Act No. 92 (H.399). Human services; child protection

An act relating to the Department for Children and Families' Registry Review Unit

This act makes various changes to the statutes governing the Child Protection Registry, including:

- providing that upon resolution of a related pending court case, a person substantiated for child abuse or neglect must notify the Department for Children and Families (DCF) of his or her wish for review of the substantiation in writing;

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- allowing the Commissioner of DCF to consider any information he or she deems relevant in considering a petition for expungement from the Child Protection Registry; and
- providing that a petition for expungement can be denied solely on the basis of the number of substantiations or the nature of a single substantiation.

Effective Date: May 10, 2016

Act No. 93 (H.529). Property; education

An act relating to State aid for school construction repayment obligations

This act provides a four-year repeal of the requirement for schools to repay the State for aid awarded for school construction in the event of the sale of the school building. This act also repeals the Act 46 relief from this repayment obligation because the statutory repeal applies to all schools, and not just newly merged districts. The repayment obligation becomes effective again on July 1, 2020.

Multiple effective dates, beginning on July 1, 2016

Act No. 94 (H.559). Professions and occupations; health care provider; licensure; physicians; osteopathic physicians; podiatrists; physician assistants; advanced practice registered nurses

An act relating to an exemption from licensure for visiting team physicians

This act provides an exemption from licensure for a physician, osteopathic physician, podiatrist, physician assistant, or nurse practitioner who is licensed in another state or Canada if the health care provider is designated as the team provider by an athletic team visiting Vermont for a specific sporting event and the provider limits his or her practice in Vermont to treating the team's members, coaches, and staff.

Effective Date: May 10, 2016

Act No. 95 (H.608). Conservation and land development; solid waste; universal recycling; litter collection events

An act relating to solid waste management

This act exempts from the State's universal recycling requirements collection of mandated recyclables, leaf and yard residuals, and food residuals collected as part of a litter collection event administered by a nonprofit organization or municipality.

Effective Date: May 10, 2016

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Act No. 96 (H.677). Crimes and criminal procedures; victim rights

An act relating to the Restitution Unit

This act amends the restitution statute to provide that unclaimed property owned by an offender may also be used to discharge an outstanding restitution order. The Office of the Treasurer shall determine whether a claimant seeking unclaimed property owes restitution prior to making delivery of property valued at \$50.00 or more. The Restitution Unit shall provide the Treasurer with a list of individuals with restitution orders. Notice to the owner of the property shall include notice of the right to appeal the setoff.

Effective Date: July 1, 2016

Act No. 97 (H.765). Technical corrections

An act relating to technical corrections

This act makes miscellaneous changes to the Vermont Statutes Annotated (V.S.A.) without substantively changing the law. The act's amendments include those relating to health, the Judiciary, commerce, labor, finance and taxation, the Center for Crime Victim Services, and the Director of the Office of Professional Regulation.

Multiple effective dates, beginning retroactively on July 1, 2015

Act No. 98 (H.860). Agriculture; livestock slaughter; on-farm slaughter

An act relating to on-farm livestock slaughter

This act amends the requirements for on-farm livestock slaughter. The act requires a farmer selling livestock for on-farm slaughter to register with the Agency of Agriculture, Food and Markets (AAFM). The number of animals that a farmer can sell annually for on-farm slaughter is increased. Farmers selling livestock for on-farm slaughter are required to report quarterly to the AAFM. If a farmer fails to report, the AAFM may suspend the farmer's authority to conduct on-farm slaughter. The act also extends the sunset of the on-farm slaughter authority until July 1, 2019. In addition, the act requires the AAFM to develop educational materials regarding the availability of and requirements for on-farm livestock slaughter.

Effective Date: May 10, 2016

Act No. 99 (H.861). Agriculture; pesticides; treated articles

An act relating to regulation of treated article pesticides

This act authorizes the Agency of Agriculture, Food and Markets (AAFM) to adopt rules to regulate a treated article that the Vermont Pesticide Advisory Council (VPAC) determines is hazardous or deleterious to the environment, is likely to present a threat to human

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health, or is dangerous. If VPAC recommends the regulation of a treated article, AAFM may adopt by rule: best management practices, standards, procedures, or requirements for sale, use, storage, or disposal of treated articles; requirements for response or corrective actions for contamination or exigent circumstances from a treated article that presents a threat to human health or the environment; requirements for examination or inspection of treated article; requirements for persons selling treated articles to keep records of sale of treated articles; or requirements for reporting of incidents resulting from accidental contamination or misuse of treated articles. Prior to filing a rule for a treated article, AAFM shall submit a draft to the General Assembly for review. The act also provides that the AAFM shall not adopt requirements, best management practices, standards, or other requirements for a treated article when and to the extent that another State agency, board, or instrumentality has adopted a requirement for that treated article. The act also defines treated article as a class of pesticides exempt from federal regulation.

Effective Date: July 1, 2016

Act No. 100 (H.864). Taxation and fees; sales and use tax; exemptions; agriculture

An act relating to agricultural exemption from Vermont's sales and use tax

This act alters the sales and use tax exemption for agricultural machinery and equipment by exempting machinery and equipment used more than 75 percent of the time in the production for sale of tangible personal property on farms.

Effective Date: July 1, 2016

Act No. 101 (H.111). Executive; State Employees Labor Relations Act; Labor Relations Board

An act relating to the removal of grievance decisions from the Vermont Labor Relations Board's website

This act requires the Vermont Labor Relations Board rules to provide that the name of a grievant whom the Board exonerates of misconduct for which he or she was disciplined will be redacted from the version of the Board's decision that is posted on its website. It also requires the Board to adopt rules to permit a grievant whom the Board exonerated of misconduct in a decision issued after December 31, 1994 to petition the Board to have his or her name redacted from the version of the Board's decision that is posted on its website. The act does not require the Board to redact a grievant's name from other versions of a decision or from other documents related to a grievance.

Effective Date: July 1, 2016

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Act No. 102 (H.308). Judiciary; property

An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System

This act limits the liability of the Vermont Association of Snow Travelers (VAST) for ordinary negligence in connection with any property damage or personal injury arising from snowmobile operation outside the Statewide Snowmobile Trail System (SSTS), provided that VAST has exercised reasonable care in marking the boundaries of the SSTS. However, VAST's liability will not be limited under this provision if the snowmobile operator has left the SSTS because of an unsafe condition on the SSTS and the damage or injury occurs before the operator is able to return safely to the SSTS.

Effective Date: July 1, 2016

Act No. 103 (H.610). Conservation and land development; water quality; municipal government

An act relating to clarifying the Clean Water State Revolving Fund and Municipal Pollution Control Grant Programs

This act clarifies and streamlines statutory language relating to the water pollution control grants program in 10 V.S.A. chapter 55 by replacing separate categorical grants with a single grant type referred to as a Municipal Water Pollution Control Grant, and by revising the priority scoring system that determines the grant amount. This act also eliminates unnecessary loan provisions from 10 V.S.A. chapter 55, clarifies and consolidates loan provisions in 24 V.S.A. chapter 120, and requires a report on whether loans should be provided to private entities.

Effective Date: May 12, 2016

Act No. 104 (H.778). Agriculture; food safety; produce

An act relating to State enforcement of the federal Food Safety Modernization Act

This act gives authority to the Vermont Agency of Agriculture, Food and Markets (Agency) to enforce the requirements of the rules adopted under the federal Food Safety Modernization Act (FSMA) for the standards for growing, harvesting, packing, and holding of produce for human consumption. The Agency may inspect a produce farm for the purposes of ensuring compliance with FSMA rules or the rules adopted by the Agency. The Agency may collaborate with the Vermont Department of Health regarding application of the FSMA rules and may collaborate with other State agencies or entities to carry out inspections at or near the same time. An owner or operator of a produce farm shall maintain records

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required by FSMA, rules adopted under FSMA, or rules adopted by the Agency and shall make them available to the Agency upon request.

Effective Date: May 12, 2016

Act No. 105 (H.829). Conservation and land development; agriculture; water quality; small farms

An act relating to water quality on small farms

This act amends the standards the Agency of Agriculture, Food and Markets (AAFM) is required to address in revising the Required Agricultural Practices (RAPs) by rule. The act authorizes AAFM to approve the storage of manure, nutrients, or fertilizer in a floodway that would otherwise be prohibited under the RAPs, if the site is the best available site on the farm for protecting groundwater or surface water quality. The act authorizes AAFM to allow the siting of a waste storage facility within 200 feet of a well or water when the site is the best available site on the farm for the purposes of protecting groundwater or surface water quality and the facility is designed by a licensed engineer. The act also repeals the requirement that the RAPs prohibit construction of farm structures for manure, fertilizers, or pesticides within a FEMA floodway. In addition, the act extends from July 1, 2016 to September 15, 2016 the date by which AAFM shall amend the RAPs by rule.

Effective Date: May 12, 2016

Act No. 106 (H.854). Conservation and land development; crimes and criminal procedure; forestry; timber trespass

An act relating to timber trespass

This act amends statutes related to timber trespass, i.e., the cutting down or carrying away of timber or forest products without permission.

The act repeals the civil penalty for timber trespass and establishes as a crime the knowing or reckless cutting down, destruction, or removal of timber or forest products of another. A first offense is punishable by not more than one year imprisonment or a fine of not more than \$20,000.00, or both. A second or subsequent offense is punishable by not more than two years imprisonment or a fine of not more than \$50,000.00, or both. The act amends the authority to bring a civil action for timber trespass by specifying the damages an injured party may recover. The act authorizes an injured party to recover damages based on the kind, condition, or use of timber or based on a statutory valuation system. The act clarifies the exemptions from timber trespass. The act provides that marking of harvest units prior to harvest is a best management practice and not a requirement.

Effective Date: July 1, 2016

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Act No. 107 (S.66). Human services; auditory disabilities

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

This act establishes the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council for the purpose of promoting diversity and equality among and access to services for members of the Deaf, DeafBlind, and Hard of Hearing community. The Council is tasked with assessing educational opportunities, promoting family supports, and identifying gaps in services for children who are Deaf, DeafBlind, or Hard of Hearing. It also is tasked with assessing the services, resources, and opportunities available to adults and elders who are Deaf, DeafBlind, or Hard of Hearing. The Council is required to submit annual reports with its findings and recommendations to the General Assembly and the Governor. The Council must also submit a one-time report to the General Assembly with any recommendations pertaining to the regulation of interpreters by the Secretary of State's Office of Professional Regulation.

Effective Date: May 12, 2016

Act No. 108 (H.171). Health; tobacco; cigarettes; electronic cigarettes

An act relating to restrictions on the use of electronic cigarettes

This act prohibits using electronic cigarettes in all places in which Vermont law bans smoking tobacco cigarettes, including workplaces, bars, restaurants, museums, libraries, hotel and motel rooms, and in motors vehicle in which there is a child under 8 years of age. It creates an exception for so-called "vaping lounges," which are businesses that do not sell food or beverages but are established for the sole purpose of providing a place for patrons to buy and use electronic cigarettes and related paraphernalia. The act also limits where retailers can display and store their cigarettes to behind a sales counter, in another part of the store that is inaccessible to the public, and in a locked container located anywhere in the store.

Multiple effective dates, beginning on July 1, 2016

Act No. 109 (H.74). Human services; social service and mental health employees

An act relating to safety policies for employees delivering direct social or mental health services

This act requires the Agency of Human Services, in consultation with each department of the Agency, to establish a written violence prevention and crisis response policy for the benefit of employees delivering direct social or mental health services. The act also requires the Secretary to ensure that contracts between the Agency and certain providers whose employees deliver direct social or mental health services include the requirement that providers establish and maintain a written violence

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prevention and crisis response policy. Policies must include measures a provider intends to take in response to incidents or threats of violence; a system for centrally recording incidents or threats of violence; the establishment of an employee training program about workplace violence and ways to reduce risks; and the development and maintenance of a violence prevention and crisis response committee to monitor compliance with the policy and to provide assistance to employees delivering direct social or mental health services.

Effective Date: January 1, 2017

Act No. 110 (H.629). Public records

An act relating to a study committee to examine laws related to the administration and issuance of vital records

This act establishes a Vital Records Study Committee to study Vermont's laws governing the administration and issuance of vital records and best practices in other jurisdictions with regard to the administration and issuance of vital records, and to recommend proposed legislation to reform Vermont's vital records laws. The Committee is to comprise five members: the Commissioner of Health or designee; the State Archivist or designee; a Probate judge appointed by the Chief Justice of the Vermont Supreme Court; one municipal clerk designated by the Vermont Municipal Clerks' and Treasurers' Association; and one municipal clerk designated by the Vermont League of Cities and Towns, who is the clerk of a municipality that is not a member of the Vermont Municipal Clerks' and Treasurers' Association.

The act directs the Committee to submit a written report with its findings and recommendations for proposed legislation on or before November 15, 2016 to the House and Senate Committees on Government Operations.

Effective Date: May 17, 2016

Act No. 111 (H.690). Professions and occupations; acupuncture

An act relating to the practice of acupuncture by health care professionals acting within their scope of practice

This act allows a health care professional regulated under Title 26 of the Vermont Statutes Annotated to perform acupuncture if it is within the scope of his or her professional practice. Prior to the passage of this act, in order to practice acupuncture, a person must have been licensed as an acupuncturist or licensed in a profession that specifically allows for the practice of acupuncture.

The act also requires the Director of the Office of Professional Regulation to monitor and evaluate whether persons who are not licensed as acupuncturists but who are practicing acupuncture are doing so safely,

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within their scopes of practice, and in a manner consistent with the public health, safety, and welfare.

Effective Date: May 17, 2016

Act No. 112 (H.761). Health; performance measures

An act relating to cataloguing and aligning health care performance measures

This act requires the Green Mountain Care Board, in consultation with the Agency of Human Services and the Vermont Medical Society, to survey and catalogue existing performance measures required of primary care providers in Vermont. It also requires the Board to develop a plan to align performance measures in a manner that reduces administrative burden while balancing the need to evaluate quality of and access to care. The results of this work must be submitted to the General Assembly by January 15, 2017.

Effective Date: May 17, 2016

Act No. 113 (H.812). Health; accountable care organizations; all-payer model; Green Mountain Care Board; Medicaid; Medicare

An act relating to implementing an all-payer model and oversight of accountable care organizations

This act allows the Green Mountain Care Board (GMCB) and Agency of Administration to enter into an agreement with the Centers for Medicare and Medicaid Services to waive Medicare provisions only if the agreement meets certain criteria. It specifies elements that the GMCB and Agency of Administration must ensure exist in order to implement an all-payer model, defines an “accountable care organization” (ACO), and directs the GMCB to adopt ACO standards by rule. The act requires all ACOs to obtain and maintain GMCB certification in order to be eligible to receive payments from Medicaid or commercial insurance through a payment reform program or initiative. It specifies criteria that the GMCB must ensure are met in order to certify an ACO and requires the GMCB to establish standards and processes for reviewing, modifying, and approving budgets of ACOs with 10,000 or more attributed lives in Vermont and for ACOs with fewer than 10,000 attributed lives in Vermont. The act provides a role for the Office of the Health Care Advocate in ACO budget review and directs the Departments of Financial Regulation and of Vermont Health Access to ensure that their rules are appropriate to an ACO structure.

The act directs the GMCB to look at ways to reduce administrative burdens on health care providers, to conduct an advisory Medicaid rate case for ACO services, and to consider whether ACOs should have multi-year budgets. It requires the Agency of Human Services to establish a process for integrating Medicaid providers and services into payment and

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delivery system reform initiatives and directs the Joint Fiscal Office and the Department of Finance and Management to consider the appropriate role, if any, of using multi-year budgets in the Medicaid program. It also requires the Department of Health to establish and post nutrition procurement standards on its website, requires all food and beverage purchased, sold, or served by or on behalf of the State to meet the minimum nutrition procurement standards, and requires food and beverages offered on State property to display nutritional labeling.

Multiple effective dates, beginning on May 17, 2016

Act No. 114 (H.863). Vermont State Employees' Retirement System; Vermont State Teachers' Retirement System; Vermont Municipal Employees Retirement System; miscellaneous amendments

An act relating to making miscellaneous amendments to Vermont's retirement laws

This act makes miscellaneous amendments to the laws governing the retirement and pension systems of State employees, teachers, and municipal employees, including:

- Amending the law governing Vermont State Employees' Retirement System disability beneficiaries to require only beneficiaries who have not reached normal retirement age to certify annually their income from the previous year.
- Amending the statutes concerning the ordinary death benefit for a member of the Vermont State Employees' Retirement System that dies while he or she is still in service.
- Amending the formula used to determine the annual adjustment to the retirement allowances of members of the Vermont State Employees' Retirement System and the Vermont State Teachers' Retirement System.
- Increasing the statutory contribution rates for State employees.
- Adding a new provision to permit the surviving spouse and dependents of a State employee that dies prior to retirement due to an act of a third party, which was motivated by the employee's status as a State employee or performance of official duties, to continue group health insurance coverage under certain circumstances.
- Amending the statute concerning the Retired Teachers' Health and Medical Benefits Fund in relation to the permissible uses for contributions to the Fund.
- Amending the period of time in which a municipal employee may purchase additional creditable service by making monthly installment payments.

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- Setting the contribution rates for municipal employees for the upcoming fiscal year.

Effective Date: July 1, 2016

Act No. 115 (S.176). Property

An act relating to disclosure of compliance with accessibility standards in the sale of residential construction

This act requires a seller of residential construction to provide written disclosure to a prospective buyer that the residential construction is in compliance with mandated accessibility standards.

Effective Date: May 17, 2016

Act No. 116 (S.189). Human services; foster parents

An act relating to foster parents' rights and protections

This act establishes a Foster Parent Working Group for the purpose of recommending legislation, rules, or policies pertaining to rights and protections for foster parents in Vermont. The Working Group is tasked with assessing foster parents' access to the Department for Children and Families (DCF); access to records; scheduling of court-ordered visits and appointments with DCF; foster parent fear of reprisal for raising concerns about DCF; and regional differences in Vermont's foster care system. The Working Group is required to submit its findings and recommendations to the General Assembly by January 15, 2017.

Effective Date: July 1, 2016

Act No. 117 (S.256). Health; home health agencies; certificates of need

An act relating to extending the moratorium on home health agency certificates of need

This act extends a moratorium on granting a certificate of need for home health agency services until the earlier of January 1, 2020 or the General Assembly's lifting of the moratorium after considering a progress report on the Green Mountain Care Board's implementation of its health care reform initiatives and health planning function and how they relate to home health agencies.

Effective Date: July 1, 2016

Act No. 118 (H.130). Public safety; law enforcement, 911 call taking, dispatch, and training safety

An act relating to law enforcement, 911 call taking, dispatch, and training safety

This act relates to the miscellaneous subjects described in its title.

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Sec. 1 of the act creates a Law Enforcement Officer Regulation Study Committee to make recommendations to the General Assembly regarding specified issues pertaining to law enforcement officer regulation.

Secs. 2 and 3 of the act are in regard to 911 call taking and dispatch. Sec. 2 creates a working group to make recommendations to legislative committees of jurisdiction and the Governor regarding the provision of statewide call-taking operations for Vermont's 911 system and the manner in which dispatch services are provided. Sec. 3 requires the Department of Public Safety to continue to provide 911 call-taking services unless otherwise directed by legislative enactment.

Sec. 4 adds four new matters that Level II certified law enforcement officers may investigate.

Sec. 5 clarifies that only law enforcement agencies that intend to use electronic control devices must adopt a policy for their use.

Sec. 6 provides that a person commits the crime of aggravated cruelty to animals if he or she intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

Secs. 12 and 13 are in regard to training safety at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont. Sec. 12 creates a Training Safety Subcommittee as a subcommittee of the existing Training Center Governance Committee, with Sec. 13 addressing the initial responsibilities of the Subcommittee and Committee.

Multiple effective dates, beginning on May 23, 2016

Act No. 119 (H.280). Education

An act relating to amending the State Board of Education rules on school lighting requirements

This act directs the State Board of Education to amend Rule 6140 (Lighting) in the State Board of Education Manual of Rules and Practices by striking out the old rule and inserting new language provided in the act requiring artificial illumination installed as part of a school construction project to conform to the illumination guidelines set forth in the most recent edition of the Illuminating Engineering Society of North America Lighting Handbook by August 1, 2016. The act also directs the State Board of Education to send a copy of the conformed version of the rule to the Office of the Secretary of State and the Legislative Committee on Administrative Rules. The State Board of Education is only required to apply the rulemaking procedures of the Vermont Administrative Procedure Act if the amended language does not conform exactly to what is provided in this act.

Effective Date: May 23, 2016

Act No. 120 (H.620). Health; health insurance; Medicaid; contraceptives

An act relating to health insurance and Medicaid coverage for contraceptives

This act requires health insurance plans to provide coverage with no deductible, coinsurance, co-payment, or other cost-sharing for at least one drug, device, or other product in each contraceptive method for women identified by the U.S. Food and Drug Administration and prescribed by a health care provider. Plans also must provide coverage for voluntary sterilization procedures for men and women with no cost-sharing, except if the coverage would disqualify a high-deductible health plan from eligibility for a health savings account under the federal tax code. The act requires health insurance plans and Medicaid to provide coverage for a 12-month supply of prescribed contraceptives, which may be dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The act directs the Department of Vermont Health Access to establish and implement value-based payments to health care providers for insertion and removal of long-acting reversible contraceptives and appropriates funds to increase the reimbursement rates. It also requires health insurance plans offered through the Vermont Health Benefit Exchange to allow a pregnant woman and her family to enroll at any time after her pregnancy begins, with coverage starting on the first of the month after she selects a health plan.

Multiple effective dates, beginning on July 1, 2016

Act No. 121 (H.805). Labor; employment practices; employment rights for reserve and National Guard members

An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces

This act makes various amendments to 21 V.S.A. chapter 5, subchapter 5 (Employment Rights for Reserve and National Guard Members). It clarifies that the provision governing leaves of absence for military drill, training, or other temporary duty under military authority applies to a member of the Vermont National Guard or the National Guard of another state. It permits a Vermont employee that is a member of another state's National Guard and is ordered to state active duty to elect to continue his or her civilian health insurance during the period of his or her state active duty. It also clarifies the damages that an employee may seek in a civil action related to a violation of the subchapter and makes various technical amendments.

Effective Date: July 1, 2016

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Act No. 122 (S.10). Crimes and criminal procedures; DNA database

An act relating to the State DNA database

This act adds four misdemeanors to the list of offenses for which a DNA sample is required from a criminal offender after conviction: stalking, reckless endangerment, violation of an abuse prevention order, and abuse of a vulnerable adult.

Effective Date: May 23, 2016

Act No. 123 (S.91). Judiciary; Judicial Nominating Board

An act relating to procedures of the Judicial Nominating Board and qualifications of candidates for the positions of Justice, judge, magistrate, and Chair and member of the Public Service Board

This act revises requirements for judicial candidates and processes for the Judicial Nominating Board.

Changes include:

- limiting the number of consecutive terms for Board members
- clarifying confidentiality issues and proceedings of the Board that are open to the public
- requiring candidates to be “well-qualified” instead of “qualified”
- establishing more specific requirements for eligibility for positions and attributes that the Board should consider when determining whether an applicant is well qualified for the position
- creating an exception to the five-year Vermont practice requirement for judicial applicants for absences from practice for reasons including family, military, academic, or medical leave

Effective Date: May 23, 2016

Act No. 124 (S.198). General Assembly; Executive; Government Accountability Committee; population-level outcomes and indicators; report

An act relating to the Government Accountability Committee and the annual report on the State’s population-level outcomes

This act amends the charge of the joint legislative Government Accountability Committee (GAC) and provisions relating to the Chief Performance Officer’s annual report on population-level outcomes using indicators.

The GAC was created to recommend mechanisms for State government to be more forward-thinking, strategic, and responsive to the long-term needs of Vermonters. A large part of GAC’s charge is to analyze the State’s performance by using data, which demonstrates the State’s results. Performance analysis can be conducted on an overall population level or on a program level, and different terminology is used for these two levels.

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Many of the act's amendments to the GAC's charge are for the purpose of using this terminology consistently.

In order to help analyze the State's performance on the population level, the Agency of Administration's Chief Performance Officer annually submits to the General Assembly a report on the State's progress in reaching population-level outcomes for different areas of Vermont's quality of life by using data called population-level indicators. The act makes amendments to some of these outcomes and indicators; changes the report's due date; and amends the process by which the indicators may be revised.

Effective Date: May 23, 2016

Act No. 125 (S.212). Corrections

An act relating to court-approved absences from home detention and home confinement furlough

This act continues and expands the existing Windham County Electronic Monitoring Pilot Program, which is scheduled to sunset on June 30, 2016. The program permits the court to impose electronic monitoring as a condition of a defendant's release after consideration of:

The nature of the offense the defendant is charged with;

- The defendant's prior convictions, history of violence and mental health needs, flight risk, history of supervision; and
- Any risk or undue burden to other people in the community or risk to public safety posed by the defendant.

The act extends the Program for 2 more years, until June 30, 2018, and permits it to be expanded to counties other than Windham County if the sheriff of the other county enters into a written agreement with the Windham County Sheriff. The Department of Corrections and the Department of States Attorney's and Sheriffs are required to enter into a memorandum of understanding for oversight and funding of the Program, and the Windham County Sheriff is required to establish written policies and procedures for the Program and submit them for approval to the Justice Oversight Committee by June 30, 2016.

The act also establishes more stringent requirements for authorized absences from the home confinement furlough program by offenders convicted of listed crimes, and requires the Joint Legislative Justice Oversight Committee to study gender-based sentencing during the 2016 interim.

Multiple effective dates, beginning on May 23, 2016

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Act No. 126 (S.257). Commerce and trade; residential rental agreements; subleases

An act relating to residential rental agreements

This act makes multiple amendments to 9 V.S.A. chapter 137 (Residential Rental Agreements), including amending the types of occupancy that the chapter does not apply to, adding a definition of “sublease,” and adding a new section governing landlords’ and tenants’ rights and obligations in relation to subleasing. The act permits a landlord or tenant to bring an ejectment action against a person that is occupying a dwelling unit without right or permission if the written rental agreement for the dwelling unit prohibits subleasing, and also establishes an expedited hearing process that may be utilized in relation to such a proceeding.

Effective Date: July 1, 2016

Act No. 127 (H.65). General provisions; State Vegetable

An act relating to designating the Gilfeather turnip as the State Vegetable

This act designates the Gilfeather turnip as the State Vegetable.

Effective Date: July 1, 2016

Act No. 128 (H.84). Consumer protection

An act relating to consumer protection

Sec. A.1: Consumer Litigation Funding requires the Department of Financial Regulation to regulate the practice of consumer litigation funding in Vermont.

Sec. A.2: Consumer Litigation Funding; Initial Report requires interim reports on consumer litigation funding activity between passage and January 2017.

Sec. B.1: Structured Settlement Agreements requires a transferee to provide a description of the amount and dates of payments to which a transferor will still be entitled if the court approves a transfer of rights to future payments.

Secs. C.1–C.14: Business Registration; Enforcement gives the Secretary of State the authority to terminate the registration of a business that, pursuant to a final court order or an assurance of discontinuance, is no longer authorized to conduct business in the State; includes a process for reinstating registration; and standardizes the penalty and enforcement provisions for a business organization.

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Sec. D.1: Anti-Trust Penalties increases the maximum amount of a civil penalty for each unfair method of competition in commerce.

Secs. E.1–E.2: Discount Membership Programs revises current law governing “third-party discount membership programs” and adds a new subchapter of law governing “add-on discount membership programs”

Secs. G.1–G.3: Financial Institutions; Licensed Lender; Technical Corrections makes conforming technical amendments.

Secs. H.1–H.2: Internet Dating Services adds a new subchapter to the Vermont consumer protection chapter, 9 V.S.A. chapter 63, governing Internet dating services.

Multiple effective dates, beginning on May 24, 2016

Act No. 129 (S.114). General provisions

An act relating to the Open Meeting Law

This act amends several provisions in the Vermont Open Meeting Law. This act provides that:

- when one or more members of a public body are participating in a meeting electronically and a vote is taken, only votes that are not unanimous are required to be taken by roll call
- if a quorum or more of the members of a public body will attend a meeting without being physically present, the meeting agenda shall designate a physical location where the public may attend and participate in the meeting
- if a public body is required to post meeting minutes on a website that the public body maintains or has designated, the minutes must remain on the website for at least one year from the date of the meeting, unless they are draft minutes that have been substituted with updated minutes
- the time period for a public body to respond to a notice of alleged violation, and the time period for a failure to respond to such a notice to be deemed a denial, is 10 calendar days

This act also enumerates specific Open Meeting Law violations that trigger the obligation of a public body that has acknowledged a violation to cure the violation by either ratifying, or declaring as void, any action taken at or resulting from the meeting. Finally, the act provides that a person shall not be subject to criminal liability for a knowing and intentional violation of the Open Meeting Law’s agenda posting requirement in connection with any meeting prior to July 1, 2015.

Effective Date: May 24, 2016

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Act No. 130 (H.577). Public service; energy; telecommunications

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

This act addresses voter approval of electricity purchases by municipalities and electric cooperatives; the potential purchase of hydroelectric generation and related assets on the Connecticut and Deerfield Rivers; local input and collocation requirements in Public Service Board telecommunications siting proceedings; the establishment and implementation by the Department of Public Service (DPS) of a protocol for handling complaints related to energy and telecommunications facilities; the compliance of VTel Wireless with a grant from the State of Vermont; communications union districts; and the role of the DPS as a public advocate.

Multiple effective dates, beginning on May 25, 2016

Act No. 131 (H.845). Government operations; reports; reports repeal

An act relating to legislative review of certain report requirements

This act pertains to statutory report requirements that are subject to 2 V.S.A. § 20(d), which provides that unless otherwise provided by law, whenever an agency is required to submit a periodic report to the General Assembly, the report shall no longer be required after five years.

First, this act amends the language in 2 V.S.A. § 20(d) to clarify which reports are subject to its provisions. Second, the act divides the reports it contains into three categories: reports that are exempt from 2 V.S.A. § 20(d); reports that are repealed; and reports that will not be subject to review under 2 V.S.A. § 20(d) until 2020. Finally, the act makes technical amendments to reports that are not subject to 2 V.S.A. § 20(d).

Effective Date: July, 1 2016

Act No. 132 (H.853). Taxation and fees; education financing; statewide education property tax

An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes

For fiscal year 2017, this act sets the nonresidential property tax rate at 1.535, the property dollar equivalent yield at \$9,701, and the income dollar equivalent yield at \$10,870.00.

For fiscal year 2018 and forward, the act anchors the excess spending penalty to spending in 2015, and excludes certain expenses from the calculation of excess spending.

Starting on July 1, 2019, the act requires the Secretary of Education to collect certain additional data from school districts.

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The act also includes reports and a study group on various subjects.

The act provides guidance on how to calculate education tax rates in towns that are merging into new voluntary education governance structures.

The act corrects language related to lottery products.

Multiple effective dates, beginning on May 25, 2016

Act No. 133 (H.858). Crimes and criminal procedures; miscellaneous amendments

An act relating to miscellaneous criminal procedure amendments

This act makes several minor and technical changes to various criminal procedure statutes. The act: makes clear that an order for expungement or sealing of a criminal record is legally effective as soon as it is issued by the court; provides that a sex offender's name is placed on the Internet Sex Offender Registry upon the offender's sentencing if he or she was not subject to DOC confinement; makes clear that a person is entitled to compensation under the Innocence Protection Act whether his or her innocence is demonstrated by DNA evidence or by some other means, and applies this compensation remedy retroactively, so that a person may file for compensation for any covered exoneration that occurs on or after July 1, 2007 (the date that the Innocence Protection Act was originally enacted); requires that the information that must be provided under the Collateral Consequences Act to a defendant entering a guilty plea must also be provided to a defendant who pleads guilty to marijuana possession; and reconciles the civil penalty provisions for possessing and dispensing marijuana.

Effective Date: May 25, 2016

Act No. 134 (H.873). Taxation and fees

An act relating to making miscellaneous tax changes

This act makes numerous minor, technical, administrative tax changes.

The more substantive changes include:

- Extending the period for incurring indebtedness for certain parcels in the Burlington Waterfront TIF (Sec. 9a)
- Requiring the Department of Taxes to pursue negotiations to enter into agreements for the collection of the rooms tax by persons providing Internet platforms (Sec. 21)
- Requiring the Department of Taxes to collect information from persons providing Internet platforms for the short-term rental of property for occupancy in the State (Sec. 21a) (delayed effective date)

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- Permitting a retailer or manufacturer to make a five-year election for how to pay Vermont's sales tax on tangible personal property installed for a purchaser (Secs. 22–23)
- Requiring out-of-state vendors who do not collect and remit Vermont's sales and use tax to provide information on those sales to the purchasers (Secs. 25–26) (delayed effective date)
- Altering the definition of “vendor” to require out-of-state vendors to collect and remit the sales tax (Sec. 27) (delayed effective date)
- Altering how expenses for the Office of the Health Care Advocate are paid for and requiring an annual report on systemic advocacy by the Office of the Health Care Advocate (Secs. 28–28a)
- Creating an ambulance agency assessment of 3.3% of annual net patient revenues (Secs. 30–31)
- Altering the rate of the home health agency assessment for fiscal years 2017 and 2018 and convening a working group to make recommendations on how to structure the assessment in the future (Sec. 32–22)
- Making numerous changes to the fuel gross receipts tax, including changes in the base of the tax, and the rate of the tax (Secs. 34–36)
- Changing the reporting period from quarterly to monthly for the bank franchise tax, the telephone property tax, and the fuel gross receipts tax (Secs. 37–39)
- Creating a process for evaluating the effectiveness of tax expenditures (Sec. 40)

Multiple effective dates, beginning retroactivity on January 1, 2015

Act No. 135 (S.40). Human services; Attorney General; vulnerable adults; deaths

An act relating to the creation of a Vulnerable Adult Fatality Review Team

This act establishes the Vermont Vulnerable Adult Fatality Review Team in the Office of the Attorney General. The 14-member Team will review select cases of abuse- and neglect-related fatalities and preventable deaths of vulnerable adults in Vermont in order to identify system gaps and risk factors; educate the public, service providers, and policymakers about these deaths and strategies for intervention; and recommend changes to prevent similar fatalities in the future.

Effective Date: July 1, 2016

Act No. 136 (S.62). Health; surrogate decision making; DNR/COLST

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

This act allows for a surrogate to provide or withhold consent on a patient's behalf for a do-not-resuscitate order or clinician order for life-sustaining treatment in limited circumstances in which a patient without capacity has neither an agent under an advance directive nor a guardian. A patient's family member, a clergy person, or another adult who has exhibited special care and concern for the patient and is personally familiar with the patient's values may be eligible to be a surrogate. The act details the process for designating a surrogate and requires the surrogate to use substituted judgment consistent with the patient's wishes and values. The act prohibits an individual from serving as a surrogate over the patient's objection, even if the patient lacks capacity, and requires the patient's clinician to make reasonable efforts to inform the patient of any proposed treatment, or any proposal to withhold or withdraw treatment, based on the surrogate's decisions.

Effective Date: January 1, 2018

Act No. 137 (S.116). Corrections; public records

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

This act:

- Parole Board Independence. Affirmatively states that the Parole Board is an independent body. Prohibits the Parole Board from being counseled by an assistant attorney general or any attorney employed by the Department of Corrections (DOC) at a pending parole revocation hearing. Provides that if an assistant attorney general who represents the DOC or any attorney employed by the DOC provides a training to the Parole Board on parole revocation hearings, the Defender General must first be notified and given an opportunity to participate in that training.
- Presentence Investigation (PSI) Reports and Parole Summaries; Confidentiality and Access. Directs the court or Parole Board to permit the inspection of PSI reports and parole summaries by the State's Attorney and by the defendant or inmate or his or her attorney, redacted of information that may compromise the safety or confidentiality of any person, and strikes references to the confidentiality of supervision history records and to the ability of the Department for Children and Families to access such records for the purpose of child protection. Supervision history records and DCF's access to them are addressed later in the act.

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- Inmate and Offender Records; Confidentiality and Access.
Eliminates a requirement that a correctional facility supervisor maintain a “central file” for each inmate at the facility, repeals an existing provision that designates “inmate” files as confidential, and reenacts the confidentiality provision with substantial amendments in a new section of law. The new section extends confidentiality to also include records of “offenders”; specifies exceptions to the confidentiality of offender and inmate records; and directs the Commissioner of Corrections (Commissioner) to adopt rules pursuant to the Administrative Procedure Act defining what are “offender and inmate records,” designating which offender and inmate records will be accessible and to whom in accordance with standards established in the section, and establishing response and appeal periods and appeal rights in connection with a request by an offender or inmate to access records relating to him or her maintained by the DOC. The new section also clarifies the process for an offender or inmate to request correction of a material fact relating to him or her in a record maintained by the DOC and his or her right to appeal a denial of a correction request to Superior Court. Finally, under a transition provision, the Commissioner may rely upon existing DOC “directives” that address exceptions to the confidentiality of offender and inmate records until the Commissioner’s rulemaking on exceptions to confidentiality is completed.
- Postconviction Relief. Requires that an inmate’s factual contentions must have evidentiary support or be likely to have evidentiary support after reasonable opportunity for investigation and discovery in order to be entitled to public defender representation for postconviction relief.

Effective Date: May 25, 2016

Act No. 138 (S.132). Human services; conversion therapy

An act relating to the prohibition of conversion therapy on minors

This act prohibits the practice of conversion therapy from being performed on a minor by a Vermont-licensed or -regulated physician who specializes in the practice of psychiatry; psychologist, psychologist-doctorate, or psychologist-master; clinical social worker; marriage and family therapist; psychoanalyst; any other allied mental health professional; or student, intern, or trainee of any such profession.

Multiple effective dates, beginning on July 1, 2016

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Act No. 139 (S.157). Health; mammograms; breast density

An act relating to breast density notification and education

This act requires all health care facilities that do mammograms to include in the patient's summary report information identifying the patient's breast tissue classification based on the American College of Radiology's Breast Imaging Reporting and Data System. If the patient has heterogeneously dense or extremely dense breasts, the summary must include a notice using language that is substantially similar to language used in the act.

Effective Date: July 1, 2016 and applies to exams performed on or after January 15, 2017

Act No. 140 (S.171). Crimes and criminal procedures; pretrial services

An act relating to eligibility for pretrial risk assessment and needs screening

This act amends the law concerning pretrial services by doing five things:

- expanding the list of eligible participants to any person cited for a misdemeanor or felony offense (excluding drug trafficking)
- clarifying that participation in the assessments or screenings, or both, is voluntary
- requiring that the results of the assessment or screening, or both, be sent to the defendant, his or her attorney, the prosecutor, and the court
- clarifying the court's ability to order compliance with the provider's recommendations if a person elects to participate in an assessment or screening, or both
- making various technical amendments to distinguish between risk assessments and clinical assessments and a correction to an erroneous date

Effective Date: May 25, 2016

Act No. 141 (S.190). Health; prescription drugs; regulated drugs

An act relating to maintaining prescription drugs outside the original prescription container

This act allows a person who was prescribed, sold, or dispensed a regulated drug to keep up to a 14-day supply outside the original container for his or her own personal use if the following conditions are met:

- the drug was prescribed for the person

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- the person is in possession of the original or a copy of the prescription label
- the person intends to use the drug only for legitimate medical use in compliance with instructions from the doctor and the pharmacist
- the person keeps the limited supply of the drug in a container that reasonably constitutes a more convenient or portable format to enable the person's legitimate medical use of the drug.

Effective Date: July 1, 2016

Act No. 142 (S.224). Commerce and trade

An act relating to warranty obligations of equipment dealers and suppliers

This act amends statutory provisions concerning dealer agreements between machinery and equipment suppliers and dealers; expands the scope of the governing chapter to include all-terrain vehicles and snowmobiles; restates and amends the process for terminating a dealer agreement, for repurchase obligations, for prohibited acts, and for warranty obligations.

Effective Date: July 1, 2016

Act No. 143 (S.245). Health; hospitals; health care providers; Medicaid; Attorney General; Green Mountain Care Board

An act relating to notice to patients of new health care provider affiliations

This act requires the Green Mountain Care Board to maintain a policy for reviewing new physician acquisitions and transfers, including requiring hospitals to provide notice to each patient served by the acquired or transferred physician, as part of the Board's hospital budget review process. The act requires each hospital to provide notice to the Attorney General at least 90 days before a transaction through which the hospital will acquire a medical practice. It prohibits the Department of Vermont Health Access from using provider-based billing for outpatient medical services provided at an off-campus outpatient department of a hospital as a result of a provider's transfer to or acquisition by the hospital and requires the Green Mountain Care Board to report on whether to expand the prohibition to commercial health insurers. It also requires the Green Mountain Care Board to provide copies of each health insurer's implementation plan for fair and equitable reimbursement amounts for professional services provided by academic medical centers and by other professionals, and to report on the Board's progress toward achieving the fair and equitable reimbursement amounts.

Multiple effective dates, beginning on May 25, 2016

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**Act No. 144 (S.250). Alcoholic beverages; Liquor Control Board;
Commissioner of Liquor Control; licensing, taxation**

An act relating to alcoholic beverages

This act makes multiple amendments to the statutes governing the manufacture, distribution, and sale of alcoholic beverages, as well as the statutes governing the Liquor Control Board and the Commissioner of Liquor Control, including:

- Repealing the cabaret license
- Amending the provisions governing manufacturer's and rectifier's licenses, including by clarifying that a manufacturer's or rectifier's license permits the holder to manufacture or rectify beer, wine and fortified wines, or spirits and fortified wines
- Amending the citizenship and residency requirements for licensees
- Amending the period of notice required prior to a promotional alcoholic beverage tasting
- Adding a provision to permit licensed manufacturers and rectifiers to conduct tastings of their own products for quality assurance purposes
- Creating a retail delivery permit that allows a second-class licensee to deliver beer or wine sold from the licensed premises to an individual of legal age at a physical address in Vermont
- Creating a destination resort master license that permits a destination resort to designate licensed caterers and commercial caterers that will be permitted to cater individual events within the boundaries of the resort upon the license holder providing notice of the event to the Department and the municipality in lieu of obtaining a separate request to cater permit for each individual event
- Amending the filing dates for the per gallon tax on beer and wine
- Amending the filing dates for manufacturers and rectifiers in relation to the tax on revenue from the sales of spirits and fortified wines
- Amending the statutes governing the Department of Liquor Control's collection and payment of the tax on revenue from the sales of spirits and fortified wines
- Clarifying that alcoholic beverages sold or provided for immediate consumption are subject to the meals and rooms tax and exempt from the sales and use tax
- Adding a provision permitting the transfer of beer between two licensed manufacturers that are under the same ownership without payment of the per gallon tax on beer at the time of the transfer

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- Amending the law governing the composition of the Liquor Control Board
- Clarifying that members of the Liquor Control Board may be removed by the Governor for cause
- Amending the statute governing the appointment of the Commissioner of Liquor Control
- Directing the Department of Taxes to study the transfer of beer between two licensed manufacturers that are under the same ownership without payment of the per gallon tax on beer at the time of the transfer
- Directing the Office of Legislative Council to prepare a draft bill to make technical amendments to Title 7 to improve its clarity, and to identify substantive amendments that may be necessary to remove out-of-date or obsolete provisions or to reflect more accurately the current practices and programs of the Liquor Control Board and Department of Liquor Control
- Directing the Commissioner of Liquor Control to develop a proposal to improve, diversify, and increase the number of Vermont's agency liquor stores in order to recapture sales of spirits and fortified wines that are lost to neighboring states

Multiple effective dates, beginning on July 1, 2016

Act No. 145 (H.570). Fish and wildlife; endangered species; hunting; fishing
An act relating to hunting, fishing, and trapping

This act amends multiple provisions related to fish and wildlife, including requirements related to hunting, fishing, and trapping; requirements related to the protection and conservation of threatened and endangered species; and requirements related to the operation of sport shooting ranges.

With regard to provisions related to hunting, fishing, and trapping, the act: authorizes the Fish and Wildlife Board to regulate the sale of fish caught in Vermont; provides that a permit is required from the Department of Fish and Wildlife to stock any fish in State waters; amends what constitutes aiding in the commission of a fish and wildlife violation; clarifies what constitutes a big game violation and what constitutes interference with hunting, fishing, or trapping; amends the points assessed against a person's licenses to specify which hunting, fishing, or trapping violations are 10 or 20 point violations; provides that violation of a biological collection requirement is a judicial bureau offense and not a fish and wildlife violation subject to assessment of points; specifies the fish and game violations that are subject to forfeiture of equipment; and

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clarifies the restitution requirements for fish and game violations. In addition, the act repeals the ban on the use of felt soled waders.

With regard to the provisions related to threatened and endangered (T&E) species, the act clarifies the process for listing a species threatened or endangered. The Agency of Natural Resources (ANR) is authorized to designate by rule critical habitat for T&E species. The act also clarifies how ANR issues a permit to take a T&E species, including specifying the criteria for an incidental taking permit. The act also establishes the fees for an incidental taking permit.

In addition, the act exempts from Act 250 changes to a sport shooting range when the range has an ANR-approved lead management plan, and the change is for the purpose of improving safety, abating noise, or remediating impact to air or water quality. The act also repeals the sunset on the use of gun suppressors at sport shooting ranges.

Multiple effective dates, beginning on July 1, 2016

Act No. 146 (S.55). Taxation and fees; estate tax

An act relating to Vermont's estate tax

This act eliminates Vermont's current estate tax and replaces it with a State estate tax at a flat rate of 16 percent and an exclusion amount of \$2,750,000.00.

Multiple effective dates, beginning retroactively on January 1, 2016

Act No. 147 (H.571). Motor vehicles; judiciary; crimes and criminal procedure; taxation and fees; insurance

An act relating to driver's license suspensions and judicial, criminal justice, and insurance topics

This act:

- Pre-July 1, 1990 Criminal Traffic Offenses. Directs the Commissioner of Motor Vehicles (Commissioner) to terminate, without payment of a reinstatement fee, suspensions imposed because of a person's failure to appear on a criminal traffic offense charged before July 1, 1990, where the charge arose from conduct that is a civil traffic violation under current Vermont law.
- Driver Restoration Program. Creates a Driver Restoration Program (Program) to be carried out by the Department of Motor Vehicles (DMV) and the Judicial Bureau from September 1, 2016 to November 30, 2016, that is targeted at driver's license suspensions arising from nonpayment of a traffic violation judgment. Under the Program, a person who has not paid in full the amount due on a traffic violation judgment entered prior to July 1, 2012 may apply to the Judicial Bureau to have the amount due reduced to \$30.00. For traffic

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violation judgments that are not eligible for reduction under the Program, a person will be allowed to pay off the judgments and have his or her driving privileges restored under a payment plan that requires payment of no more than \$100.00 per month. Further, under the Program, the Commissioner is authorized and directed to terminate without payment of a reinstatement fee suspensions arising from nonpayment of traffic violation judgment upon receipt from the Judicial Bureau of a notice that a person has paid all traffic violation judgments reduced to \$30.00 under the Program and is on a payment plan for any other judgment, as well as in the case of individuals who have paid all outstanding traffic violation judgments in full or are in compliance with a payment plan prior to December 1, 2016.

- Termination of Suspensions Repealed in Act. Directs the Commissioner to terminate without payment of a reinstatement fee driver's license suspensions pending on the effective date of the act that were imposed pursuant to five laws that authorize driver's license suspensions as a penalty for nondriving conduct, but that will no longer authorize license suspensions as a penalty after the act takes effect.
- Repeal; Refusal of Registration Renewal. Repeals 23 V.S.A. § 305a, a law that directs the Commissioner not to renew a person's motor vehicle registration if the person is the sole registrant after the Commissioner receives notice from the Judicial Bureau that the person has not paid a traffic violation judgment.
- Repeal and Reenactment; Remedies for Failure to Pay Traffic Violation Judgments. Repeals 23 V.S.A. § 2307, a law that addresses remedies the State may pursue if a person has not paid a traffic violation judgment and requires that a person's license or privilege to operate a motor vehicle be suspended for 120 days for nonpayment of a traffic violation judgment. Provisions of this repealed law are reenacted as amended in the section of law that governs enforcement of Judicial Bureau judgments generally. This amended section directs the Judicial Bureau to notify DMV if a person fails to pay a traffic violation judgment within 30 days only if the judgment arises from a traffic violation for which imposition of points against a person's driving record is authorized by law. After another 20 days without payment, DMV will suspend the person's license for a 30-day period or until the amount due is satisfied, whichever is earlier. In addition, the Judicial Bureau must offer a payment plan option that allows a person to avoid suspension of his or her license by paying no more than \$30.00 per traffic violation judgment per month, not to exceed \$100.00 per month regardless of the number of outstanding judgments. Finally, amendments to the section eliminate license suspensions as a contempt tool that the Judicial Bureau may use to enforce its judgments.

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- Repeal of Suspensions for Nonpayment of Civil Penalties for Underage Alcohol and Marijuana Offenses. Repeals provisions that direct the Commissioner to suspend the license or privilege to operate a motor vehicle of a person convicted of an underage alcohol or marijuana violation who fails to pay a civil penalty.
- Repeal of Crimes for Third and Subsequent Convictions of Underage Alcohol and Marijuana Offenses. Repeals laws that criminalize a third or subsequent underage alcohol or marijuana offense following two prior convictions, and makes related conforming changes.
- Repeal of Suspension Related to Underage Tobacco Offense. Repeals a provision that directs the Commissioner to suspend the license or privilege to operate a motor vehicle of a person who fails to pay a fine in connection with an underage tobacco offense.
- Repeal of Suspension Related to Youth False Public Alarm Offense. Repeals a provision that directs the Commissioner to suspend the license or privilege to operate a motor vehicle of a person under 18 years of age (or enrolled in school) who is convicted of a false public alarm offense.
- Repeal of Suspension Related to Nonpayment of Purchase and Use Tax. Repeals a provision that directs the Commissioner to suspend a person's privilege to operate a motor vehicle as a result of nonpayment of the motor vehicle purchase and use tax.
- Criminal Driving with License Suspended. Criminalizes a third civil offense for driving with a license suspended (DLS) when the two prior offenses have occurred within two years of the third offense and after December 1, 2016, and repeals a provision that requires civil DLS offenses arising from suspensions for unpaid traffic violation judgments that have since been paid not to count as prior offenses.
- Crime for Operating Without Obtaining a License. Creates a new crime for operating without a driver's license a second time within a two-year period. The crime is punishable by up to 60 days' imprisonment or a fine of not more than \$5,000.00, or both.
- Motorcycle Helmet Law; Assessment of Points; Motorcycle Face Protection Terminology. Provides that a person convicted of violating the motorcycle helmet law shall not have points assessed against his or her driving record, and changes the terminology of the motorcycle "face" protection law to refer to motorcycle "eye" protection.
- Judicial Bureau Hearings. Requires a Judicial Bureau hearing officer to consider evidence of ability to pay if offered by a defendant during a hearing on a matter under the Judicial Bureau's jurisdiction, if the hearing officer finds that the defendant committed a violation.

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- Awareness of Payment and Hearing Options. Encourages the Criminal Justice Training Council to train enforcement officers about the existence of payment plan options for traffic violation judgments and encourages enforcement officers to mention these options to motorists when issuing a ticket; encourages the Judicial Bureau to update the standard materials that enforcement officers provide to motorists who have been ticketed to notify them of payment plan options and of the right to request a hearing on ability to pay, and encourages the Judicial Bureau to display this information prominently on its website; and directs the Agency of Transportation to carry out a campaign to raise awareness of traffic violation judgment payment plan options and of a person's right to request a hearing on ability to pay.
- Annual Reporting of License Suspension Statistics. Directs DMV to submit to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2017, and annually thereafter until January 15, 2021, statistics related to the number of suspensions of a person's license or privilege to operate a motor vehicle imposed in the prior calendar year and that are pending at the time DMV queries its system in carrying out the annual report.
- Immunity for Forcible Entry of Motor Vehicle for Rescue Purposes. Limits the liability of a person who forcibly enters a motor vehicle to remove a child or animal if the person reasonably and in good faith believes that the child or animal is in imminent danger of harm and if certain other conditions are satisfied.
- Law Enforcement Training and Data Collection; Fair and Impartial Policing. Requires that the Vermont Criminal Justice Training Council's (Council) minimum training standards for law enforcement officers include training on the fair and impartial policing policy of the enforcement agency that employs the officer, and that all law enforcement officers receive initial training on the fair and impartial policing policy on or before December 31, 2018 and that enforcement officers receive refresher training during every odd-numbered year. Further, if a law enforcement agency or constable required to adopt a fair and impartial policing policy before July 1, 2016 fails to do so, the agency or constable will be deemed to have adopted and must enforce the model policy issued by the Council. Law enforcement agencies must work with the Council and a vendor chosen by the Council to collect uniform roadside stop data and adopt uniform storage methods and periods for such data. Further, on or before September 1, 2016 and annually thereafter, law enforcement agencies must provide the roadside stop data to the vendor chose by the Council or, if the vendor is unable to continue receiving the data, to the Council, and such data must be posted on the receiving entity's website in a manner that is capable of being accessed and analyzed by the public.

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- Law Enforcement Training; Impaired Driving. Directs the Secretary of Transportation and the Commissioner of Public Safety to work collaboratively to ensure that funding is available—either through the Governor’s Highway Safety Program’s administration of National Highway Traffic Safety Administration funds or other State funding sources—for training the number of officers necessary to provide sufficient statewide coverage for the enforcement of impaired driving laws through Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) programs, and to collect data regarding the number and distribution of enforcement officers who receive ARIDE and DRE training.
- Study; Credit-Based Motor Vehicle Insurance Scoring. Directs the Commissioner of Financial Regulation to study the issue of the use of credit scores in auto insurance underwriting and to report his or her findings and recommendations to the General Assembly on or before December 15, 2016.

Effective Date: Multiple effective dates, beginning on May 31, 2016

Act No. 148 (H.859). Education; special education

An act relating to special education

This act contains a number of provisions related to special education.
The act:

(1) requires that special education funding by the State is paid to supervisory unions or school districts based on where the related services are provided (Secs. 1 and 2);

(2) makes an appropriation for the Agency of Education to contract for a study of State funding for special education, which shall evaluate the feasibility of implementing various models of funding for special education in Vermont, including a census block model of funding, with a requirement that the contracting entity present its findings and recommendations to the General Assembly and the Agency of Education by December 15, 2017 (Sec. 3); and

(3) makes an appropriation for up to 10 supervisory unions, supervisory districts, or unified union districts to retain a consulting firm selected by the Agency of Education for the provision of special education consulting services, and for the consulting firm to present a report on its findings and recommendations on the delivery of special education services to the General Assembly and other interested parties on or before October 1, 2017 (Sec. 4).

Multiple effective dates, beginning on July 1, 2016

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Act No. 149 (H.872). Executive Branch; fees

An act relating to Executive Branch fees

This act amends Executive Branch fees as follows:

Secs. 1–29 make changes to fees charged by the Agency of Agriculture, Food and Markets. These changes include fee adjustments, new fees, and the elimination of one fee.

Secs. 30–34e make changes to fees charged by the Department of Financial Regulation. These changes include new fees, fee increases, and a new exemption for DFR from the statutory definition of a fee. Secs. 34b–34e make changes to the State’s involvement in the EB-5 program.

Sec. 35 increases the marriage license fee collected by town clerks for issuing and recording a marriage or civil union license.

Secs. 36–37 increase certain fees charged by the Department of Public Safety.

Secs. 38–43 make changes to certain fees charged by the Department of Liquor Control. These changes include fee adjustments and new fees.

Secs. 44–45 make changes to certain fees charged by the Agency of Natural Resources, including those charged by the Departments of Fish and Wildlife and of Environmental Conservation.

Sec. 46 pertains to the Department of Labor, and maintains the Workers’ Compensation Fund premium rate at 1.45 percent for fiscal year 2017.

Sec. 47 pertains to the Agency of Education, and creates new fees to fund the Results Oriented Program Approval (ROPA) process.

Multiple effective dates, beginning retroactively on July 1, 2015.

Act No. 150 (S.123). Conservation and land development; public service; judiciary

An act relating to standardized procedures for permits and approvals issued by the Department of Environmental Conservation

This act addresses:

- standardizing the procedures for permitting decisions of the Department of Environmental Conservation, according to five categories established in the act
- requiring participation in the permitting process in order to appeal to the Environmental Division, with exceptions
- providing that appeals from jurisdictional opinions issued under 10 V.S.A. chapter 151 (Act 250) are taken directly to the Division

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- allowing more time for the development of rules on the management of contaminated soils excavated for development

Multiple effective dates, beginning on May 31, 2016

Act No. 151 (S.214). Health; health insurance; Vermont Health Benefit Exchange

An act relating to large group insurance

This act eliminates the authority for employers with more than 100 employees to purchase health insurance plans through the Vermont Health Benefit Exchange. Under the prior law, these large groups would have had the option to purchase Exchange plans for coverage beginning on January 1, 2018.

Effective Date: July 1, 2016

Act No. 152 (S.255). Health; hospitals; health insurance; managed care organizations

An act relating to regulation of hospitals, health insurers, and managed care organizations

This act requires hospitals to post on their websites information about their community health needs assessment and allows them to meet the requirement through compliance with federal standards. It requires hospitals to provide information on their websites about the membership of their governing body and replaces a requirement for individual hospital community reports with a statewide comparative report from the Department of Health, to which hospitals must provide a link on their own websites. The act provides a role for the Office of the Health Care Advocate in hospital budget reviews, moves authority over health care provider bargaining groups from the Department of Financial Regulation to the Green Mountain Care Board, and requires all managed care organizations to be accredited by a national independent accreditation organization approved by the Department of Financial Regulation. It directs the Commissioner of Financial Regulation to prepare an annual report providing the number of complaints received during the previous calendar year regarding violations of standards governing managed care organizations, including specifying the aggregate number of complaints related to each standard. It adds to annual reporting requirements for health insurers and requires the Director of Health Care Reform in the Agency of Administration and others to identify opportunities for and make recommendations regarding alignment between federal requirements for accountable care organizations, the Department of Vermont Health Access in its role as a public managed care organization, and rules applicable to managed care organizations. It imposes certain requirements on the Department of Vermont Health Access for utilization review determinations beginning on January 1, 2017. The act also adds

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developmental disabilities to the Department of Health's public health surveillance and planning authority, authorizes the Department to adopt rules regarding screening for chronic diseases and developmental disabilities in newborns, and requires the Department to adopt rules requiring screening for congenital heart defects in all newborns.

Multiple effective dates, beginning on May 31, 2016

Act No. 153 (H.95). Judiciary

An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court

This act makes incremental changes in how youth are adjudicated in Vermont, various changes to the children in need of supervision (CHINS), permanent guardianship, and victim notification statutes, and directs the Joint Legislative Justice Oversight Committee to study further potential changes to Vermont's juvenile court jurisdiction.

Beginning on July 1, 2016:

- A juvenile 12 years of age or older who commits a Big 12 offense may be adjudicated in the Criminal Division; juveniles under 12 years of age who commit a Big 12 offense shall be adjudicated in the Family Division.
- Broadens the authority of the Commissioner of Department for Children and Families (DCF) to include the ability to administer graduated sanctions as established by Department policy.
- Provides that the State's Attorney may, instead of filing a charge, refer a child to a community-based provider approved by DCF, such as a justice center or restorative justice center. If the provider does not accept the case or the child does not complete the program, the case returns to the State's Attorney for charging.
- Provides that if a juvenile violates the terms of probation, the Family Court may transfer supervision of the youth to the Department of Corrections (DOC) with all the powers and authority of the DOC, including graduated sanctions and electronic monitoring.
- Provides that DOC must provide separate facilities for custody of offenders under 25 years of age.
- Provides that law enforcement shall cite youths 16–17 years of age to the Family Division, except for certain offenses.
- Provides that youths 14–16 years of age who are charged with listed crimes must be arraigned within 24 hours of arrest.
- Expands the Family Division's jurisdiction to include proceedings involving misdemeanor motor vehicle offenses.

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- Provides that the victim of a listed crime has the right to be notified of the name of the delinquent child and any conditions of release that are related to the victim or member of the victim's family or household. For nonlisted crimes, provides that the victim is notified of the name of the child only if the court imposes probation conditions related to the victim, the victim's family, or household members.
- Provides for notification of DCF, the State's Attorney, and the Family Division of the Superior Court upon the termination of a permanent guardianship.
- Changes the deadline for filing a disposition case plan in the CHINS and juvenile delinquency chapters.
- Provides that in a CHINS proceeding, a decision on the merits can only be appealed after the disposition order is entered.
- Authorizes parties to a CHINS proceeding to stipulate to a finding of CHINS and a case plan under certain circumstances.
- Provides that a minor 16 years of age or older may file a request for relief on his or her own behalf.
- Directs DOC and DCF Commissioners to consider the implications of raising the age for youthful offender status to youths 18–20 years of age who have not been charged with a Big 12 offense.
- Directs Justice Oversight to study several issues during the 2016 legislative interim.
- Directs Agency of Education to explore the use of restorative justice practices regarding school climate, including truancy, bullying, harassment, and school discipline.

Beginning on January 1, 2017:

- A youth 16 years of age or younger charged with a misdemeanor shall be charged and adjudicated as a juvenile delinquent in the Family Division.
- A youth 16 years of age or younger charged with a felony (not Big 12) shall be charged as a juvenile delinquent in the Family Division, but upon motion, the court may transfer the proceeding to the Criminal Division.
- The Criminal Division shall transfer any misdemeanor or felony (not Big 12) charge against a youth 16 years of age or younger to the Family Division.
- The State's Attorney shall file felony (not Big 12) charges against a youth 16 years of age or younger in the Family Division.

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- The Family Court may transfer a juvenile delinquency petition to the Criminal Division if the child is 16 or 17 years of age and is charged with a felony (not Big 12).
- If a youth 16 years of age or older adjudicated as an adult was charged with a felony (not Big 12) but is convicted of a lesser included misdemeanor, the case shall be transferred to the Family Division for disposition and the conviction shall be treated as an adjudication of delinquency.

Beginning on January 1, 2018:

- If a child is 16 or 17 years of age when he or she commits any offense for which he or she is adjudicated juvenile delinquent, the jurisdiction of the Family Court may be extended six months beyond his or her 19th birthday.
- A youth 17 years of age or younger charged with a misdemeanor shall be charged and adjudicated as a juvenile delinquent in the Family Division.
- A youth 17 years of age or younger charged with a felony (not Big 12) shall be charged as a juvenile delinquent in the Family Division, but upon motion, the court may transfer the proceeding to the Criminal Division.
- The Criminal Division shall transfer any misdemeanor or felony (not Big 12) charge against a youth 17 years of age or younger to the Family Division.
- The State's Attorney will file felony (not Big 12) charges against a youth 17 years of age or younger in the Family Division.

Beginning on July 1, 2018:

- Youthful offender proceedings in the Family Division can begin by a State's Attorney initiating a case there against a youth 16–21 years of age as a youthful offender. The proceeding can also commence as it can under current law by a transfer from the Criminal Division.
- Juveniles 12–21 years of age can move to be treated as youthful offenders in the Family Division.
- The requirement that a juvenile must enter a conditional plea of guilty in Criminal court prior to transferring to Family court for youthful offender status is eliminated. If the Family Division accepts the case for youthful offender status and the youth is adjudicated as a youthful offender, the court will create a criminal case that reflects the charge and conviction.

Multiple effective dates, beginning on July 1, 2016

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Act No. 154 (H.595). Conservation and land development; potable water supply; hazardous material; natural resource damages

An act relating to potable water supplies from surface waters

This act amends provisions related to potable water supplies and hazardous material releases. The Agency of Natural Resources (ANR) is required to approve a surface water as a source of a potable water supply for a single family residence if specific criteria are satisfied. ANR shall adopt rules to administer permitting of surface waters as a residential potable water supply. ANR is also required to seek the recommendations of the Technical Advisory Committee on Wastewater Systems and Potable Water Supplies regarding whether and how to test for contamination groundwater used by a potable water supply.

The act authorizes ANR to disburse funds from the Environmental Contingency Fund for the costs of assessment of a natural resource damaged by a release of a hazardous material and costs of restoration or rehabilitation of a natural resource damaged by a hazardous material release. The act authorizes ANR, prior to initiation of litigation, to require a person who may be liable for a hazardous material release to furnish certain information. A person receiving a request may assert available privileges, and trade secret or financial information shall not be public records.

The act authorizes ANR to assess damages for injury, destruction, or loss of natural resources against a person who is liable for a hazardous material release. Natural resource damages (NRD) shall include the costs of restoring or rehabilitating the injured, damaged, or destroyed natural resources to their baseline condition. After consultation with interested person and NRD experts, ANR shall adopt rules to implement the NRD authority. The rules shall include a methodology for assessment and value of natural resources, including preassessment, damage assessment, and postdamages assessment. A person shall not be subject to NRD if he or she identifies the nature of NRD in a permit application and operates under the terms of the permit.

The act requires ANR to establish a working group to recommend how to improve the State's ability to: prevent exposure to toxic chemicals or hazardous materials; identify and regulate use of currently unregulated toxic chemicals or hazardous materials; and inform communities and citizens of potential exposure to toxic chemicals, including contaminated groundwater, public drinking water systems, and potable water supplies. The act also extends until January 1, 2017 the date by which a manufacturer of a children's product containing a chemical of high concern must report to the Department of Health.

The act requires the Secretary of Administration to amend the Standard State Provisions for Contracts and Grants to require an applicant for a State-funded grant to certify that the applicant is in good standing with

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ANR and the Agency of Agriculture, Food and Markets. “Good standing” means the applicant is in compliance with federal and State water quality laws and the applicant is not a named party to any administrative order, consent decree, or judicial order related to water quality.

Multiple effective dates, beginning on July 1, 2016

Act No. 155 (H.533). Crimes and criminal procedures; victim rights; animal welfare

An act relating to victims' rights and animal welfare

This act makes various changes to the victim notification statutes, including adding discharge or termination of probation to the list of circumstances triggering the right of a victim to request notification before the defendant is released, directing law enforcement to provide victims of listed crimes with information concerning bail or conditions of release imposed on the defendant prior to arraignment, and requiring that victims be notified and given the opportunity to appear and be heard at a change of plea hearing in which the court is considering a deferred sentence.

This act also creates the 16-member Animal Cruelty Investigation Advisory Board within the Department for Public Safety, tasked with exercising oversight over Vermont’s system for investigating and responding to animal cruelty complaints and developing a systematic, collaborative approach to providing the best services to Vermont’s animals statewide, given available monies. It also sets forth requirements for training of law enforcement and humane officers, and provides that the Commissioner of Corrections may implement a pilot program that would permit qualified inmates to provide on-site care for animals.

This act also directs that Bridge #64 on Vermont Route 105 in the town of Derby shall be named the “Kermit A. Smith Memorial Bridge.”

Multiple effective dates, beginning on July 1, 2016

Act No. 156 (H.562). Professions and occupations; Office of Professional Regulation

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

This act makes miscellaneous amendments to statutes governing the following professions regulated by the Office of Professional Regulation (OPR): naturopathic physicians, dental professionals, social workers, and land surveyors.

The act also transfers the professional regulation of alcohol and drug abuse counselors from the Department of Health to OPR on September 1, 2016, and the professional regulation of potable water supply and wastewater system designers and pollution abatement facility operators

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from the Department of Environmental Conservation to OPR on January 1, 2017.

In addition, the act revises the process to review existing professional regulatory laws to ensure the continuing need for and appropriateness of those laws. The act also requires specified agencies and departments that regulate professions to file a one-time report that describes the manner of their professional regulation to help the General Assembly determine whether that regulation should be transferred to OPR and whether the State is complying with antitrust law in light of recent U.S. Supreme Court precedent.

Multiple effective dates, beginning on June 2, 2016

Act No. 157 (H.868). Commerce and trade; economic development

An act relating to miscellaneous economic development provisions

Secs. A.1–A.6: Vermont Economic Development Authority (effective on June 2, 2016) address process requirements and limits for VEDA loans.

Sec. B.1: Cooperatives; Electronic Voting (effective on passage) enables a cooperative to permit alternative voting.

Secs. C.1–C.2: Regional Planning and Regional Economic Development (effective July 1, 2017) changes the payment mechanism for RPCs and RDCs

Sec. D.1: Vermont Training Program (effective July 1, 2016) authorizes the Agency to use VTP funding for work-based learning programs for students.

Secs. E.1–E.4: Corporations, LLCs, and Business Organizations (multiple effective dates) includes new provisions on conversions, mergers, share exchanges, and domestications (effective July 1, 2017) and technical changes to the LLC chapter and the DBA provisions.

Secs. F.1–F.9: Vermont State Treasurer (effective July 1, 2016) includes the Public Retirement Plan Study Committee; the ABLE Savings Program; the Private Activity Bond Advisory Committee; the Vermont Community Loan Fund; and the Treasurer's Local Investment Program.

Sec. G.1: Medicaid for Working People with Disabilities (conforming technical amendment).

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Secs. H.1–H.11: Vermont Employment Growth Incentive (effective on June 2, 2016) restates in plain language the VEGI program and includes several studies of the program.

Sec. I.1: Blockchain Technology (effective July 1, 2016) creates rebuttable statutory presumptions of authenticity for records using blockchain technology.

Sec. J.1: Study—Internet-Based Lodging Accommodations (effective July 1, 2016)—study of provisions of law governing Internet-based lodging businesses.

Secs. K.1–K.3: State Workforce Development Board (effective July 1, 2016) conforms State law to the federal Workforce Innovation and Opportunity Act.

Secs. L.1–L.2: Vermont Creative Network (effective July 1, 2016) directs the Vermont Arts Council to create the Vermont Creative Network.

Secs. O.1–O.2: Vermont Sustainable Jobs Fund (effective July 1, 2016) (technical changes).

Sec. Q.2: Vermont Tax Study (effective on June 2, 2016) directs the Joint Fiscal Office to conduct 10-year comprehensive tax study.

Sec. R.1: Financial Literacy Commission (effective July 2, 2016) adds one additional member to the Commission.

Secs. T.2–T.4: Affordable Housing Study, VHCB, and Down Payment Assistance Program (effective July 1, 2016) include a study on affordable housing, the enabling authority of VHCB, and an extension of the Down Payment Assistance Program.

Multiple effective dates, beginning on June 2, 2016

Act No. 158 (H.876). Transportation; motor vehicles

An act relating to the transportation capital program and miscellaneous changes to transportation-related law

This act:

- **Transportation Program Adopted; Definitions.** Adopts the Agency of Transportation’s (“Agency”) fiscal year 2017 (FY17) Transportation Program except as the Program is amended in the bill, and defines terms used throughout the bill.
- **Program Development Spending Authority.** Reduces spending authority in the Program Development Program in FY17 to balance the Agency’s budget to account for changes made from the Governor’s FY17 proposed transportation budget, but restores the spending authority on a contingent basis to the extent that a positive balance exists in the Transportation Fund or TIB Fund, or both, at the end of fiscal year 2016 (FY16).

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- Class 2 Town Highway Roadway Program. Increases spending authority for the FY17 Class 2 Town Highway Roadway Program by \$400,000.00; permanently raises by \$400,000.00 the minimum amount of grants to towns under the Class 2 Town Highway Roadway Program; and expresses legislative intent that at least \$400,000.00 of the \$900,000.00 reduction in the amount of transportation funds appropriated to the Department of Public Safety scheduled to occur under 19 V.S.A. § 11a(a)(4) in fiscal year 2018 (FY18) be used to fund the permanent increase in transportation funds appropriated to the Town Highway Class 2 Roadway Program.
- Transportation Funds Appropriated to the Department of Public Safety. Amends the statute that designates the maximum appropriation of transportation funds to the Department of Public Safety, and expresses legislative intent that in FY18, an additional \$400,000.00 in transportation funds be appropriated to the Department of Public Safety for police cruiser-related costs over the amount required to be appropriated.
- Program Development; Allocation for Safety Initiatives. Requires the Secretary of Transportation (Secretary) to allocate up to \$100,000.00 in federal NHTSA grant funds to the Share the Road Program and to other highway safety educational initiatives for the purpose of educating users of the transportation system on how to improve the safety of all users.
- Roadway Program; Project Cancellation. Cancels from the candidate list of the Agency's FY17 Roadway Program a project to upgrade Vermont Rt. 2A in Colchester, as the project has been superseded by another project.
- Traffic and Safety Program; Projects Added. Adds three projects to the candidate list of the Agency's FY17 Traffic and Safety Program that were included in the approved FY16 Transportation Program but were inadvertently omitted from the Agency's FY17 proposed Transportation Program.
- Bike and Pedestrian Program; Lamoille Valley Rail Trail. Adds a project to the FY17 Bike and Pedestrian Facilities Program related to development of the Lamoille Valley Rail Trail (LVRT) to be funded with monies raised by the Vermont Association of Snow Travelers (VAST) before January 1, 2017 and up to \$400,000.00 in funds identified by the Secretary of Transportation to match each dollar raised by VAST. Directs the Agency to include a project in its FY18 proposed transportation program related to development of the LVRT funded with monies raised by VAST from January 1, 2017 to January 1, 2018 and up to \$1 million in State or eligible federal funds to match each dollar raised by VAST.

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- Municipal Mitigation Grant Program; Funding Sources. Reduces spending authority of State transportation funds by \$200,000.00 and increases spending authority of federal funds by an equivalent amount in the FY17 Municipal Mitigation Grant Program.
- Central Garage Fund. Transfers \$1,283,215.00 from the Transportation Fund to the Central Garage Fund.
- Positions. Authorizes the Agency to establish 19 total permanent positions and to extend five existing limited service positions.
- Fiscal Year 2016 Rail Program. Adds to the candidate list of the FY16 Transportation Program a rail project related to the award of a \$10 million federal Transportation Investment Generating Economic Recovery (TIGER) grant to Vermont for improvements to Vermont's western rail corridor.
- Sale of State-owned Railroad Property. Authorizes the Secretary to convey to the town of Bennington for \$1.00 a 2.5-acre parcel of property formerly used for railroad purposes, provided that under the terms of the conveyance, the town's interest will terminate and revert to the State if the property ceases to be used for public purposes.
- Railroad Trespassing. Repeals existing railroad trespassing laws and replaces them with an updated law that creates a civil traffic violation that prohibits trespassing on specified railroad property, subject to exceptions, and prohibits a person from riding on a train without lawful authority or the railroad carrier's consent.
- Transportation Capital Program; Prioritization System. Amends the law that requires the Agency to develop a rating system in order to prioritize various categories of transportation projects in order to broaden the scope of the factors that the Agency must consider in establishing its rating system and to make other miscellaneous changes.
- Approval for Adjustments to Existing Projects. Repeals a provision that requires the Agency to report to and obtain approval from the Transportation Board before proceeding on a project when construction cost estimates for the project exceed the last approved cost estimate by a "substantial level" as determined by the Transportation Board.
- Reporting Required in Proposed Transportation Program. Directs the Agency, in its annual proposed Transportation Program submitted to the General Assembly, to include project updates for all projects for which total estimated costs have increased by more than \$8 million or by more than 100 percent, and for all projects that have been closed out, the projected costs for the project in the prior year's approved

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Transportation Program and the total costs incurred over the life of the project.

- Joint Transportation Oversight Committee. Repeals a provision that requires the Agency to report annually to the Joint Transportation Oversight Committee project-specific information related to cost overruns, cost savings, and funding availability from delayed projects.
- Town Aid; State Aid for Nonfederal Disasters Program. Expands the scope of eligible projects in the State Aid for Nonfederal Disasters Program to include projects to repair or replace drainage structures on class 4 town highways, if the town is able to document that it maintained the structure prior to the disaster, and codifies the Agency's existing practice of limiting eligibility under the Program based on a threshold that compares the total damages to town highways and drainage structures resulting from the disaster to the town's overall highway budget.
- Highways; Alterations; Quasi-Judicial Process. Amends a quasi-judicial process that town selectboards must use when certain proposed transportation system-related activities will affect the rights of property owners to allow a town to serve notice of the proposed activity on an interested person through one of the methods allowed under Rule 4 of the Vermont Rules of Civil Procedure. Amends a provision that authorizes the Agency to use this quasi-judicial process when carrying out minor alterations to existing transportation facilities in order to authorize the Agency to tender payment to an interested person by making payment into an escrow account for any damages arising from the proposed activity when the person refuses to accept or facilitate payment.
- Stormwater Utilities; Standard Credit. Requires that if a municipal stormwater utility assesses a sewer charge on Agency property for stormwater management, the charge must not exceed the highest rate applicable to other properties in the municipality, and the Agency must receive a 35 percent credit on the charge.
- Stormwater Utilities; Report. Requires the Agency to submit a report to the legislative committees of jurisdiction on or before January 15, 2017, and annually thereafter until January 15, 2021, on the status of municipal establishment and implementation of stormwater utilities in the State, amounts paid by the Agency to stormwater utilities, and stormwater projects or programs implemented by the Agency in municipalities with stormwater utilities.
- Clean Water Fund Priorities. Requires the Clean Water Fund Board, when making recommendations on expenditures from the Clean Water Fund, to prioritize for the first three years of the Fund awards to

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municipalities for the establishment or operation of stormwater utilities, in addition to other funding priorities.

- Statewide Property Parcel Mapping Program. Establishes the Statewide Property Parcel Mapping Program; adds administration of the Program to the list of duties that the Agency is required to perform; creates an Advisory Board for the purpose of monitoring the Program and making recommendations to the Agency on how the Program can be improved; and directs the Agency to make every effort to ensure that starting in FY18, all State matching funds are provided by other State agencies or external partners that benefit from the Program.
- Quechee Gorge Bridge Safety Issues. Directs the Agency to complete a project on the Quechee Gorge Bridge on or before July 1, 2016, or as soon as practicable thereafter if necessary to obtain permits or meet federal requirements, to install a structure providing information and resources, signs, or communication devices, or some combination of these, aimed at preventing suicides at the bridge. Also directs the Agency to consult with various interested parties to review and evaluate other measures that could be taken at the bridge to prevent suicides and enhance the safety of first responders and bridge users and to report the results of its review to the House and Senate Committees on Transportation on or before January 10, 2017.
- Vulnerable Users; Rules of the Road. Amends the current safe passing law to provide that the duty of motor vehicles to exercise due care in passing vulnerable users includes increasing clearance to a recommended distance of at least four feet; amends the law that governs the duties of a vehicle when it crosses to the left of the center of a highway in order to prohibit the vehicle from passing unless the passing movement can be made without interfering with a vulnerable user; requires drivers of vehicles entering a highway from a private road to yield the right of way to vulnerable users approaching on the highway; grants a bicyclist flexibility to not give hand signals when turning (or when significantly slowing down), and to not give such signals continuously for 100 feet, when the bicyclist cannot give the signals safely; amends current law governing duties of vehicles turning left to establish a duty to turn left only when the turn can be made at a “safe distance” from a vulnerable user; amends the existing standard that bicyclists must generally ride as near to the right side of a roadway as is “practicable” to specify that bicyclists must ride as near to the right of the improved area of the highway right-of-way as is “safe”; amends the existing law that creates exceptions for when a bicyclist must ride to the left in a roadway to allow, but not require, bicyclists to ride to the left when taking precautions to avoid hazards and road conditions and provides examples of such hazards; and raises from \$25.00 to \$100.00 the maximum penalty for violating the law that requires bicyclists to ride no more than two abreast and not to

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impede the normal and reasonable movement of traffic when riding two abreast.

- Ignition Interlock Devices. Makes several changes to Vermont's current law governing DUI suspensions and ignition interlock restricted driver's licenses (RDLs), including establishing an "ignition interlock certificate" for nonresidents; eliminating "hard" suspension periods prior to eligibility for an ignition interlock RDL or certificate except in the case of a person whose offense involves death or serious bodily injury to another person or involves refusal of a law enforcement officer's reasonable request for an evidentiary test; making operation under an ignition interlock RDL or certificate "mandatory" for second or subsequent DUI offenders by requiring such offenders to operate under an RDL or certificate prior to being eligible for reinstatement of their regular operator's license or privilege to operate; eliminating requirements that a person operate under an RDL for a period longer than his or her initial suspension period; eliminating the requirement that a person be enrolled in an Alcohol and Driving Education Program prior to being eligible to obtain an ignition interlock RDL; and requiring that for the Commissioner of Motor Vehicles (Commissioner) to approve an ignition interlock device manufacturer as a supplier in Vermont, the manufacturer must agree to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who prove that they receive 3Squares, LIHEAP, or Reach Up benefits or like benefits in another state. A transition provision at the end of the act provides that the provision of the act that requires operation under an ignition interlock RDL as a condition of eligibility for reinstatement of the operator's license or privilege to operate of a second or subsequent DUI offender shall apply only in connection with a second or subsequent DUI offense that occurs on or after July 1, 2016.
- Signs for Census-designated Places Within Towns. Authorizes a town to approve a sign visible to the traveling public that refers only to a census-designated place within the town rather than to the entire town.
- Trailer Dealers. Exempts small trailers with a gross vehicle weight rating of 3,500 pounds or less from counting toward the sales threshold to qualify as a dealer in trailers.
- Review of Dealer Regulations. Directs the Commissioner, in consultation with dealers of new and used vehicles and other interested persons, to review Vermont's regulation of dealers and the regulation of dealers by other states in order to determine whether Vermont's system of dealer regulation should be updated, and to report back to the House and Senate Committees on Transportation on or before January 15, 2017 with findings, recommendations, and any proposed legislation.

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- Motor-assisted Bicycles. Defines “motor-assisted bicycle” to mean a bicycle or tricycle with fully operable pedals that is equipped with a motor that has a power output of not more than 1,000 watts or 1.3 horsepower and is itself capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs up to 170 pounds. Provides that motor-assisted bicycles are generally to be governed by Vermont laws applicable to bicycles, and are exempt from registration, licensing, and inspection requirements; may not be operated on a sidewalk in Vermont; and may not be operated on a Vermont highway by a person under 16 years of age.
- Nondriver Identification Cards. Authorizes the Commissioner to send renewal notices for nondriver identification cards electronically to persons who opt in to receive an electronic renewal notice and, regarding data storage technology used in such cards and the data elements required to be stored, cross-references current federal standards.
- Refund When Registration Plates Not Used. Eliminates references to returning registration validation stickers and eliminates requirements that such stickers not be affixed to license plates in the law that authorizes the Commissioner to issue full or partial refunds when motor vehicle, snowmobile, or motorboat registrations are cancelled.
- Exhibition Vehicles; Year of Manufacture Plates. Expands the authorized use of year-of-manufacture license plates on vehicles registered as exhibition vehicles in order to allow such plates to be displayed on such vehicles of a model year prior to 1968.
- Recognition of Out-of-State Licenses, Permits, and Registrations. Repeals and reenacts (with minor modifications) a law that governs the recognition of out-of-state licenses, permits, and registrations and adds to the law governing operator’s licenses a provision of existing law that authorizes operation of a motor vehicle in Vermont under a foreign country license for up to 30 days for vacation purposes.
- Operator’s Licenses. Authorizes the Commissioner to send license renewal notices electronically to persons who opt in to receive an electronic renewal notice.
- Special Examinations of Motor Vehicle Operators. Expands the list of persons who are eligible to conduct special examinations of motor vehicle operators in order to include certified physician assistants and licensed advance practice registered nurses and to include health care providers authorized to practice in adjoining states. Repeals a law that allows a person dissatisfied with the results of a special examination to have two additional examinations by health care providers approved

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by the Commissioner and that provides for the decision of the additional examiners to be final.

- Smugglers' Notch; Commercial Vehicles. Prohibits the operation of commercial vehicles on the Smugglers' Notch segment of VT Route 108 and specifies the penalties for a violation. The commercial vehicles prohibited from using this segment are truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.
- Chain-up Requirements. Gives the Secretary of Transportation, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety authority to require the use of tire chains on vehicles with a weight rating of more than 26,000 pounds, and specifies how the chains must be affixed for different vehicle configurations as well as the penalties for a violation.
- School Bus Operators; Medical and Vision Certificates. Allows school bus operators to submit medical and vision certificates to the schools that employ them every two years.
- Overweight and Overdimension Vehicles. Makes a technical correction related to the administrative charge retained by the State in connection with municipal enforcement actions for overweight motor vehicle violations, and repeals a provision that grants the Commissioner authority to enter into contracts with third parties for the permitting of motor vehicles over 72' in length for operation on preapproved routes.
- Certificates of Title. Updates the definitions of "salvaged motor vehicle" and "salvage certificate of title"; establishes that a person is entitled to personal delivery of no more than one certificate of title in a day and of no more than three titles in a month; and authorizes the Commissioner to issue a salvage certificate of title to an insurance company required to obtain such a title for a vehicle declared a total loss, when the insurer is unable to furnish the original title or proof of ownership to the Department of Motor Vehicles, as long as the insurance company provides evidence of payment for the total loss and of its prior attempt to obtain the original title.
- Abandoned Motor Vehicles. Amends several sections in the abandoned motor vehicle law in order to add a definition of "landowner"; to expand the law to provide for persons other than a towing service to file an abandoned motor vehicle certification form and potentially obtain title to an abandoned motor vehicle; and to make stylistic and clarifying changes.
- Repeals. Repeals a special registration provision for log-haulers; repeals a law that requires the Secretary to negotiate an interstate compact regarding truck user license fees; and repeals a law that requires the Commissioner to suspend the driver's license or privilege

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to operate of a person against whom there is an outstanding judgment for damages arising from a motor vehicle accident caused by violation of a traffic law.

- Chemicals of High Concern to Children; Vehicle Exemptions. Amends the definitions of “consumer product” and “motor vehicle” in the chapter of law in Title 18 that requires manufacturers to notify the Department of Health if a children’s product contains a chemical of high concern to children, to exempt wheelchairs and a broader range of motor vehicles from the reporting requirements of the chapter.
- Signage on State Property Regarding Unlawful Idling. Directs the Department of Buildings and General Services to oversee completion of a project before July 1, 2017 to install signs on State property where parking is permitted, and with a parking capacity of 25 vehicles or more, indicating that idling of motor vehicle engines in violation of 23 V.S.A. § 1110 is prohibited.
- Study of DUI Drug Offense Enforcement Challenges. Directs the Executive Director of the Department of State’s Attorneys and Sheriffs, in consultation with various parties, to study DUI drug offense enforcement challenges and identify recommended improvements in the processes used to detect, arrest, and process drug-impaired drivers and to the laws that govern these processes, and to report his or her findings and recommendations to the legislative committees of jurisdiction on or before November 1, 2016.

Multiple effective dates, beginning on June 2, 2016

FY17 Transportation Program		
Line #	All funding sources	
1	Administration-finance-planning	
2	Central Admin & Finance	14,206,799
3	Policy & Planning	9,987,158
4	Transportation Board	229,245
5	Department of Motor Vehicles	28,910,055
6	Sub-total	53,333,257
7	Facilities	
8	Rest Areas	550,000
9	AOT Buildings	2,000,000
10	Sub-total	2,550,000
11	Alternate modes	
12	Public Transit	31,173,698
13	Aviation	20,035,048

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14	Pedestrian & Bike Facilities	10,052,116
15	Park & Ride	2,600,734
16	Multi-Modal Facilities	3,012,373
17	Rail infrastructure	25,731,604
18	Amtrak	8,150,000
19	Sub-total	100,755,573
20	State Highway Infrastructure	
21	Maintenance	91,556,769
22	Paving	111,084,559
23	Roadway	31,143,236
24	State bridges	32,251,548
25	Interstate bridges	52,785,722
26	Traffic Operations	17,369,262
27	PD Admin & Tech Services	24,624,638
28	Program Development generally	-5,972,865
29	Sub-total	354,842,869
30	Town programs	
31	TH Aid	25,982,744
32	Town Bridges	20,021,730
33	TH Class 2	7,648,750
34	TH Structures	6,333,500
35	TH Class 1 supplemental grants	128,750
36	Enhancements	4,575,758
37	TH State aid nonfederal disasters	1,150,000
38	TH State aid federal disasters	1,280,000
39	FEMA grant program	10,940,000
40	TH VT Local Roads	394,700
41	Municipal mitigation grants	2,905,000
42	Sub-total	81,360,932
43	Cross agency labor savings	0
44	Total All Programs	592,842,631

Act No. 159 (H.877). Transportation

An act relating to transportation funding

This act amends fees and taxes relating to transportation as follows:

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The first six sections, 1 through 3a, amend the diesel fuel and gas shrinkage or evaporation allowance.

Sec. 4 increases the motor vehicle purchase and use tax cap.

Secs. 5–57 increase, eliminate, or add new fees that are charged by the Agency of Transportation and the Department of Motor Vehicles.

Multiple effective dates, beginning on June 1, 2016

Act No. 160 (H. 878). Appropriations and finance; bonding

An act relating to capital construction and State bonding budget adjustment

This act adjusts the second year of the State’s biennial capital budget for fiscal years 2016 and 2017, and authorizes the State to issue \$9,398,753.35 of additional general obligation bonds that were authorized in fiscal year 2016, but were not issued in fiscal year 2016. This act also:

Appropriations:

- Appropriates capital funds in the amount of \$83,874,821 in fiscal year 2017 for capital construction projects. Of this amount, \$82,027,246 is funded through general obligation bonds, and \$1,847,575 is from the proceeds of the sale of property and the reallocation of unexpended capital appropriations in previous years
- Appropriates an additional \$300,000.00 in fiscal year 2017 to statewide major maintenance projects
- Appropriates an additional \$800,000.00 in fiscal year 2017 to statewide physical security enhancements
- Appropriates \$2 million in fiscal year 2017 for the true up of Waterbury State Office Complex projects
- Decreases the appropriation in fiscal year 2017 to the Department of Finance and Management for the ERP expansion project by \$3,453,589.00
- Appropriates an additional \$615,000.00 in fiscal year 2017 to the Judiciary for court security systems and improvements
- Appropriates \$200,000.00 in fiscal year 2017 to the Enhanced 911 Board for E-911 compliance grants
- Appropriates \$500,000.00 in fiscal year 2017 (as part of a challenge grant) to the University of Vermont for a STEM Complex
- Appropriates \$500,000.00 in fiscal year 2017 and \$500,000.00 (as part of a challenge grant) in fiscal year 2017 to Castleton University for upgrades to the science laboratories

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- Appropriates \$100,000.00 in fiscal year 2017 and \$50,000.00 (as part of a challenge grant) to Lyndon State College for installation of a solar array and sound monitoring equipment
- Appropriates \$2,276,494.00 in fiscal year 2017 to the Agency of Natural Resources for municipal pollution control grant projects
- Appropriates \$2,230,000.00 in fiscal year 2017 to the Agency of Natural Resources for construction of the Roxbury Fish Hatchery
- Appropriates \$250,000.00 in fiscal year 2017 for the Williston State Police Barracks
- Appropriates \$530,000.00 for a blood analysis laboratory at the Waterbury State Office Complex
- Appropriates \$1,200,000.00 in fiscal year 2017 to the Vermont Housing and Conservation Board for downtown development projects
- Appropriates \$145,000.00 in fiscal year 2017 to the Sergeant at Arms for State House security
- Appropriates \$300,000.00 in fiscal year 2017 to the Department of Public Service for the Connectivity Initiative

Agency of Natural Resources

- Directs the Commissioner of Environmental Conservation to submit a report on projected costs in fiscal year 2018 for the investigation and response to hazardous material releases to the environment

Corrections

- Creates a Correctional Facility Planning Committee to develop a 20-year capital plan for, and an assessment of population needs at, State correctional facilities

Department of Buildings and General Services

- The Commissioner of Buildings and General Services is authorized to:
 - Transfer a parcel of land and survey a parcel of land in the Waterbury State Office Complex
 - Transfer, sell, demolish, or gift a State-owned house in Plymouth Notch
 - Sell, subdivide, lease, lease-purchase, or enter into a common interest community agreement at 144 State Street in Montpelier

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- Evaluate future opportunities to explore biomass facilities to explore the Vermont Agriculture and Environmental Laboratory in Randolph
- Enter into contractual obligations for construction for the Vermont Agriculture and Environmental Laboratory and the Roxbury Fish Hatchery
- Enter into agreements on behalf of the Division of Historic Preservation for certain properties
- Conduct a survey of a parcel of land in Windsor and transfer the parcel to the jurisdiction of the Department of Fish and Wildlife
- Amends the Commissioner's authority to transfer State surplus property to any municipality, school, or nonprofit organization having a justifiable need as determined by a State agency or department

Education

- Directs the Vermont State Colleges and the University of Vermont to develop a long-term strategic plan for the most effective use of capital funds

Judiciary

- Sets forth a process for a county to submit capital requests for a courthouse or court operations to the Court Administrator

Public Safety

- Authorizes the Commissioner of BGS, in consultation with the Commissioner of Public Safety, to evaluate options for the site location of a public safety field station and an equipment storage facility
- Authorizes the Commissioner of BGS to investigate opportunities for the Bradford State Police Barracks
- Establishes the Enhanced 911 Compliance Grants Program to award grants to schools to pay for fees and equipment associated with implementing the Enhanced 911 program pursuant to 30 V.S.A. § 7057, and repeals the Program on July 1, 2018

Security

- Authorizes the Sergeant at Arms to use funds to install security cameras and a remote lockdown system, and to conduct trainings in the State House

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- Requires the Sergeant at Arms to develop a camera use and data retention policy and procedure and lockdown guidelines for the State House by August 1, 2016

State Building Names

- Repeals the name of the Dale Correctional Facility in Waterbury

Multiple effective dates, beginning on June 2, 2016

Act No. 161 (S.20). Professions and occupations; Secretary of State; Office of Professional Regulation; dental; dental therapists

An act relating to establishing and regulating dental therapists

This act establishes a new profession of licensed dental practice called a “dental therapist.” The current dental professions – in order of education and experience requirements – are registered dental assistants, licensed dental hygienists, and licensed dentists. A dental therapist would be below a dentist in this hierarchy. The act states that the General Assembly’s intent in establishing this new profession is to increase access for Vermonters to oral health care, especially in areas with a significant volume of patients who have a low income or who are uninsured or underserved. As with the three existing professions, dental therapists will be regulated by the Board of Dental Examiners within the Office of Professional Regulation.

A dental therapist would be able to perform a limited number of the dental acts that a dentist can perform, but would be required to practice under a dentist’s general supervision pursuant to a collaborative agreement. The collaborative agreement would establish the parameters of the dental therapist’s practice. So, while the law would provide a ceiling on the acts that a dental therapist could perform, a collaborative agreement could further restrict those acts. Among other things, a collaborative agreement would also establish the amount of supervision required by the dentist and the types of patients a dental therapist could serve.

Effective Date: June 2, 2016

Act No. 162 (S.154). Crimes and criminal procedures

An act relating to stalking, criminal threatening, and enhanced penalties for assault

This act:

- updates and broadens both the criminal and civil stalking statutes, primarily by modernizing and expanding the definitions and terminology
- adds employees, grantees, and contractors of the Department for Children and Families (DCF) to the list of individuals covered by

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the enhanced penalty for assault statute, and provides that a person can also be convicted under the enhanced penalty statute if he or she assaulted the protected professional with the intent to prevent the person from performing his/her lawful duty

- requires DCF, in collaboration with the Vermont State Employees' Association, to conduct a review of the safety trainings available to the employees, contractors, and grantees of DCF and the employees of the State of Vermont and report back to the committees of jurisdiction
- creates a new misdemeanor crime of criminal threatening when a person knowingly (1) threatens another person; and (2) as a result of the threat, places the victim in reasonable fear of death or serious bodily injury. The new crime carries a penalty of not more than one year or not more than a \$1,000.00 fine, or both, and provides for a heightened penalty if the person made the threat with the intent to prevent a person from reporting suspected child abuse or neglect to DCF. It also creates an affirmative defense to a charge of criminal threatening if the person did not have the ability to carry out the threat

Effective Date: July 1, 2016

Act No. 163 (S.174). Crimes and criminal procedures; law enforcement officers; body cameras

An act relating to a model State policy for use of body cameras by law enforcement officers

This act proposes to require the Law Enforcement Advisory Board to propose a model State policy for the use of body cameras by law enforcement officers.

Effective Date: June 2, 2016

Act No. 164 (S.215). Health; health insurance; vision care plans; optometrists, ophthalmologists; opticians

An act relating to the regulation of vision insurance plans

This act prohibits a vision care or other health insurance plan from restricting or otherwise limiting an optometrist's, ophthalmologist's, or independent optician's choice of sources, suppliers, and optical laboratories if the provider determines that the source, supplier, or laboratory he or she has chosen offers products, services, or materials in a manner that is more beneficial to the consumer, including with respect to cost, quality, timing, or selection, than the one chosen by the plan. It prohibits a plan from imposing any penalties or fees on a provider for using any supplier, laboratory, product, service, or material. The provider must notify the consumer of any additional costs the consumer may incur

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because the products, service, or materials are coming from the source, supplier, or laboratory that the provider selected rather than the one selected by the plan. The act requires the Department of Financial Regulation to enforce the provisions of the bill and provisions of existing law relating to vision care plans.

Effective Date: July 1, 2016

Act No. 165 (S.216). Health; prescription drugs; health insurance; Vermont Health Benefit Exchange; Medicaid; 340B drug pricing

An act relating to prescription drugs

This act directs the Green Mountain Care Board to identify annually up to 15 prescription drugs on which the State spends significant health care dollars and for which the wholesale acquisition cost has increased by 50 percent or more over the past five years or by 15 percent or more over the past 12 months. The Board must provide the list of prescription drugs and the percentage that the wholesale acquisition cost for each drug increased to the Attorney General's Office and post the information on the Board's website. For each drug listed, the Attorney General's Office must require the drug's manufacturer to provide a justification for the wholesale acquisition cost increase, and the manufacturer must submit to the Office relevant information and supporting documentation. The act requires the Attorney General to provide an annual report to the General Assembly based on the information the Office receives from manufacturers and to post the report on the Office's website.

The act requires the Commissioner of Financial Regulation to adopt rules requiring health insurers that offer plans through the Vermont Health Benefit Exchange to provide searchable information online about their Exchange plan prescription drug formularies. It directs the Department of Vermont Health Access to use the same dispensing fee in its reimbursement formula for 340B prescription drugs as it uses to pay for non-340B prescription drugs under the Medicaid program, and to provide information to the General Assembly about 340B drug reimbursement and the 340B program. It allows at least one bronze-level Exchange plan offered for the 2018 plan year to have a higher out-of-pocket limit on prescription drug spending than the limit established in statute and directs the Department of Vermont Health Access to convene an advisory group to develop options for 2018 bronze plans. The act requires the Director of Health Care Reform in the Agency of Administration to report on whether the Secretary of the U.S. Department of Health and Human Services has the authority to waive annual limits on out-of-pocket expenses or actuarial value requirements for bronze-level plans, or both, and if so, to apply for such a waiver by March 1, 2017. It also directs the Department of Vermont Health Access to provide information to the General Assembly

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about bronze-level plans and enrollment trends and recommendations on the out-of-pocket prescription drug limit.

Effective Date: June 2, 2016

Act No. 166 (H.355). Professions and occupations; Secretary of State; Office of Professional Regulation; foresters

An act relating to licensing and regulating foresters

This act requires foresters to be licensed and professionally regulated by the Secretary of State's Office of Professional Regulation (OPR) starting July 1, 2016. The definition of "forestry" in the act focuses on forest management, with forestry services being defined to include investigations, consultations, timber inventory, appraisal, development of forest management plans, and responsible supervision of forest management or other forestry activities. The act specifically excludes from the definition of "forestry" services for the physical implementation of cutting, hauling, handling, or processing of forest products or for the physical implementation of silvicultural treatments and practices.

The act contains specific exemptions from the new licensure requirement. These exemptions apply to certain persons practicing forestry on their own lands, including businesses that practice forestry on an aggregate of not more than 400 acres of their own lands; persons who carry out forest practices under the general supervision of a forester; and other persons who are performing specified acts related to forestry or forests.

OPR will regulate foresters as an advisor profession. As an advisor profession, the Secretary of State will appoint three foresters to act as advisor appointees, and these advisor appointees will assist the Director of OPR in the regulation of the profession.

The act contains four standard pathways to licensure, based on an applicant's degree, experience, and passage of the Society of American Foresters' (SAF) examination, or licensure in another jurisdiction. The act's transitional provisions also provide alternative pathways to licensure for current foresters who may not meet all of the qualifications for standard licensure. These alternative pathways permit licensure based in part on past forestry practice, a peer review process, or SAF certification, and will expire on January 1, 2019. Once licensed, a forester must renew his or her license every two years, with 24 hours of continuing education required for renewal. OPR's standard advisor profession license fees set forth in 3 V.S.A. § 125(b) apply, which are currently \$100.00 for initial licensure and \$200.00 for a biennial renewal.

As in other OPR professions, the act contains unprofessional conduct provisions specific to forestry. These include conviction of a crime related to the practice of forestry and aiding, abetting, encouraging, or negligently

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causing a substantial violation of the statutes or rules of the Vermont Department of Forests, Parks and Recreation.

Multiple effective dates, beginning on June 6, 2016

Act No. 167 (H.869). Judiciary; court procedures

An act relating to judicial organization and operations

This act proposes a number of measures related to the organization and operation of courts and the Judiciary. The act: authorizes the Administrative Judge to appoint a licensed Vermont lawyer to serve as a Judicial Master with the authority to hear and decide matters as a judge would in certain specified types of proceedings and cases; authorizes the Supreme Court to by rule designate a region of no more than four counties (excluding Essex and Orleans Counties) to serve as a “regional venue” for proceedings involving the termination of parental rights; provides that appeals in certain Licensing Board and Transportation Board matters are to be taken directly to the Vermont Supreme Court instead of to an intermediate body; and requires the Judiciary to discontinue use of its call center to respond to communications from Vermont attorneys by June 30, 2016.

Multiple effective dates, beginning on June 6, 2016

Act No. 168 (S.14). Health; Therapeutic use of Cannabis

An act relating to amendments to the marijuana for medical symptom use statutes

This act makes a number of changes to the current medical marijuana and dispensary program.

Some of the changes with respect to patients include:

- reduces the patient-health care professional relationship required for verification from six months to three months
- adds waiver of three-month period in cases where registered patient changes health care professionals or applicant was a registered patient in another state and otherwise qualifies for Vermont registry
- adds glaucoma and chronic pain as qualifying conditions
- removes limitations for naturopaths who treat registered patients

Some of the changes with respect to dispensaries include:

- requires infused products to be dispensed in child-resistant packaging and to be labeled with the amount of THC in a single dose
- allows a dispensary to buy, sell, or borrow marijuana from another dispensary

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- allows a dispensary to provide marijuana to a postsecondary academic institution for research purposes

Multiple effective dates, beginning on June 6, 2016

Act No. 169 (S.155). Judiciary; public records; executive branch

An act relating to privacy protection and a code of administrative rules

This act:

- Health Care Privacy. Tracks existing privacy protections contained in the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) by prohibiting, as a matter of State law, health care providers, insurers, and others (defined as “covered entities”) from disclosing information about a person’s health condition and treatment (defined as “protected health information”).
- Drones. Prohibits law enforcement agencies from using drones or information acquired through the use of a drone for the purpose of investigating, detecting, or prosecuting crime unless the agency has obtained a warrant or unless one of the court-recognized exceptions to the warrant requirement applies. Prohibits law enforcement agencies from using drones to gather or retain data on private citizens peacefully exercising their constitutional rights of free speech and assembly, unless the drone is being used either: (1) for observational, public safety purposes that do not involve gathering or retaining data; or (2) pursuant to a warrant. Law enforcement agencies are permitted to use drones operated for purposes other than the investigation, detection, or prosecution of crime, including search and rescue operations and aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages, and storm damage. Prohibits any person from equipping a drone with a dangerous or deadly weapon or from firing a projectile from a drone.
- Electronic Communications. Establishes the Vermont Electronic Communications Privacy Act (VECPA), which addresses law enforcement access to e-mails, communications data, and other records held by electronic communications companies. Requires law enforcement to obtain a warrant before accessing “protected user information” (content, location data, and the subject line of e-mails), and permits law enforcement to use a standard subpoena to obtain “subscriber information” (data about the communication, such as names and e-mail addresses of senders and recipients, account numbers, payment information, etc.). Information that does not fall into either category of protected user information or subscriber information, such as IP addresses, is subject to a heightened subpoena standard and may only be obtained if the information is relevant to an offense or reasonably calculated to

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lead to the discovery of evidence of the offense. Disclosure of protected information without a warrant is permitted under four circumstances: (1) pursuant to an existing, judicially recognized exception to the warrant requirement; (2) if the user consents; (3) in an emergency involving danger of death or serious bodily injury to any person; or (4) if the device is seized from an inmate's possession or found in a correctional facility or court to which inmates have access, and the device is not in the possession of an individual or an authorized visitor to the facility. When the service provider turns the information over to the law enforcement officer, the officer must contemporaneously notify the person who is the target of the warrant. The officer may motion the court to delay this notice requirement for 90 days (and for additional 90-day periods by filing subsequent motions) if the court finds that notification would jeopardize an investigation, endanger a person's life or physical safety, or cause some other adverse result.

- Sunset of Laws Governing Use of Automated License Plate Recognition (ALPR) Systems and Data. Extends by two years, from July 1, 2016 to July 1, 2018, the repeal of 23 V.S.A. §§ 1607 and 1608, which regulate the use of ALPR systems and the use and retention of ALPR data.
- Analysis of ALPR System-Related Costs and Benefits. Directs the Department of Public Safety, in consultation with the Joint Fiscal Office, to analyze all present and projected costs associated with ALPR systems used by law enforcement in Vermont and conduct a cost-benefit analysis of the use of the systems, and to report its findings to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2017.
- Amendments to Laws Governing Law Enforcement Use of ALPR Systems and Data. Amends the existing law governing the use of ALPR systems and the use and retention of ALPR data to provide that: a "legitimate law enforcement purpose" for the use of ALPR systems and data includes a person's defense against certain charges and does not include enforcement of parking or traffic violations other than commercial motor vehicle violations; access to active ALPR data stored on individual ALPR units and to historical data stored on the statewide database maintained by the Department of Public Safety will require a person to cite "specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action"; access to historical ALPR data will be governed by this standard for the first six months after the data's creation and that after six months, the data will only be accessible pursuant to a warrant if not requested in connection with

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a pending criminal charge or pursuant to a court order by the prosecution or the defense in connection with a pending criminal charge; and the Department of Motor Vehicles, in connection with commercial motor vehicle enforcement activities, may manage a separate database of ALPR data. In addition, the act also amends the existing law to expand the annual reporting requirements of the Department of Public Safety and to require the Department to adopt rules on or before January 1, 2018 to implement the law.

- Information Related to Use of Ignition Interlock Devices. Provides that data in the custody of a public agency related to the use of an ignition interlock device shall not be disclosed except pursuant to a warrant, in the case of an emergency, or in connection with an enforcement proceeding for violating the law regulating persons who operate under an ignition interlock restricted driver's license.
- Administrative Procedure Act; Code of Administrative Rules. Requires the Secretary of State to publish a code of administrative rules that contains all administrative rules adopted under the Administrative Procedure Act, and provides that an administrative rule in effect on or before July 1, 2016 shall be repealed on July 1, 2018 if it is not published in the code of administrative rules before July 1, 2018.

Effective Date: Multiple effective dates, beginning on June 6, 2016

Act No. 170 (S.183). Human services

An act relating to permanency for children in the child welfare system

This act makes various changes to the permanent guardianship, child in need of care or supervision (CHINS), and juvenile delinquency chapters, including:

- clarifying that upon a finding that termination of parental rights is in the best interest of the child, the court is not required to rule out first permanent guardianship as an option
- narrowing the requirements that must be met before a court will grant permanent guardianship
- providing that a successor permanent guardian may be named in a permanent guardianship order
- expanding postadoption contact agreements so they are available to children under conditional custody orders with relatives or other people with a significant relationship with the child
- shortening the presumptive duration of conditional custody orders issued under the CHINS and juvenile delinquency chapters from two years to six months

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- providing for protective supervision at the disposition stage of a CHINS proceeding
- providing a mechanism to restore legal rights to a parent where an adoption is dissolved or the child has not been adopted three years after the parent's rights were terminated

Multiple effective dates, beginning on July 1, 2016

Act No. 171 (H.857). Conservation and land development; forestry; fire wardens; State lands; land use change tax

An act relating to timber harvesting

This act amends multiple provisions related to timber harvesting and forest management. The act authorizes the Department of Forests, Parks and Recreation (DFPR) to set a license charge for the use of State lands for maple production. The act creates the Forestland Intergenerational Transfer Study Committee to recommend a program to improve successional planning technical assistance to forestland owners. The act conforms DFPR's enforcement authority with the Agency of Natural Resources' (ANR) environmental enforcement authority. The act requires DFPR to recommend to the General Assembly a harvest notification program for the State.

The act amends requirements for compensation of forest fire wardens and reimbursement of municipalities for costs of forest fire suppression. The salary and per diem for fire wardens are increased. DFPR is required to develop by a policy the criteria for reimbursing municipalities for costs of forest fire suppression. Municipalities shall be responsible for costs of forest fire suppression on non-ANR land. DFPR may reimburse municipalities for suppression costs according to the reimbursement policy. The State shall reimburse municipalities for the costs of suppressing a fire on ANR lands at a rate determined under the reimbursement policy.

The act amends the requirements for open burning by providing that a permit is required from a town forest fire warden to burn natural wood and materials that are not solid waste. Solid waste is banned from burning under other statute. A burn permit is not required for: fires on snow; fires in fire rings or outdoor fireplaces on State lands or on private property that is not a woodland or dry grassland; fires that are 200 feet or more from woodlands; and fires in cities with fire departments. The act repeals the requirement that slash be removed from logging roads.

The act amends municipal and regional planning authority for management of forestlands. The act amends municipal and regional planning goals to encourage management of forestlands to improve forest blocks and habitat connectors and encourage the use of locally grown forest products. The act amends the land use element of regional and municipal plans to require the plan to indicate those areas that are important as forest

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blocks and habitat connectors and to plan for land development in those areas to minimize forest fragmentation and promote forest health and ecological function. The act establishes a study committee on land use regulation to protect forest integrity. The act provides that a municipal bylaw cannot regulate forestry operations.

The act clarifies when the Department of Taxes is required to release the lien on property enrolled in the Use Value Appraisal program. The Department of Taxes shall release the lien when: the land use change tax is paid or is abated; the land is exempt from the land use change tax and the owner requests release of the lien; or the land is exempt from the land use change tax and the land is developed. Land acquired by the Green Mountain National Forest for public use shall be exempt from the land use change tax. The act also provides that land acquired by ANR for public uses shall be exempt from the land use change tax.

Multiple effective dates, beginning on June 7, 2016

Act No. 172 (H.875). Appropriations and finance

An act relating to making appropriations for the support of government

This is the budget bill. For more information, see the website of the Joint Fiscal Office at http://www.leg.state.vt.us/jfo/budget_fy2017.aspx.

Multiple effective dates, beginning on June 8, 2016

Act No. 173 (S.243). Health; opioids; prescription drugs; Vermont Prescription Monitoring System; acupuncture

An act relating to combating opioid abuse in Vermont

This act adds the appropriate prescription of controlled substances to treat acute pain to the topics on which professional licensing authorities must develop evidence-based standards and requires the licensing authorities to submit their standards to the Commissioner of Health to review for consistency across health care. It requires dispensers of prescription drugs to query the Vermont Prescription Monitoring System (VPMS) and increases the frequency with which dispensers must report to the VPMS from at least once a week to daily. The act creates the 35-member Controlled Substances and Pain Management Advisory Council as the successor to the Unified Pain Management System Advisory Council and other advisory groups. It directs the Commissioner of Health to adopt rules on prescribing opioids after consulting with the Council, which may include number and time limits on pills prescribed, including a maximum number of pills to be prescribed following minor medical procedures. It specifies that prescribing physicians and collaborating health care and addiction professionals may coordinate care for patients receiving medication-assisted treatment for substance use disorder and requires health insurers and the Department of Vermont Health Access to ensure that when telemedicine is used to treat substance use disorder, both

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the treating clinician and hosting facility are reimbursed for the services rendered. It expands the role of pharmacies and pharmacists to include the practice of clinical pharmacy and allows health insurers to pay pharmacists for providing services within their scope of practice. It directs the Department of Health, in consultation with interested stakeholders, to report on the appropriate role of pharmacies in preventing opioid misuse, abuse, and diversion.

The act requires health care professionals who have a federal Drug Enforcement Agency number or who dispense controlled substances to complete a total of at least two hours of continuing education for each licensing period on topics related to preventing opioid abuse, misuse, and diversion. It directs the Department of Health to consult with the Board of Veterinary Medicine and the Agency of Agriculture, Food and Markets to develop recommendations on appropriate safe prescribing and disposal of controlled substances prescribed by veterinarians for animals and dispensed to their owners. It requires the Commissioner of Health to convene medical educators to develop curricular materials to ensure that students in medical education programs learn safe prescribing practices and screening, prevention, and intervention for cases of prescription drug misuse and abuse and directs the Department of Health to establish a community grant program to support local opioid prevention strategies. The act increases a fee imposed on pharmaceutical manufacturers whose drugs are paid for by DVHA from 0.5 percent to 1.5 percent of annual DVHA drug spending and adds to the permissible uses of the Evidence-Based Education and Advertising Fund.

The act requires the Department of Health to establish and maintain a statewide unused prescription drug disposal program and directs BlueCross BlueShield of Vermont to evaluate the evidence supporting the use of acupuncture to treat pain and whether its plans should provide coverage for acupuncture services. It also creates a pilot project to offer acupuncture services to Medicaid-eligible Vermonters with a diagnosis of chronic pain. And the act appropriates funds from the Evidence-Based Education and Advertising Fund to the Department of Health for academic detailing, unused prescription drug disposal initiatives, the purchase and distribution of opioid antagonist rescue kits, and reducing hospital-acquired infections, and to DVHA to implement the Medicaid acupuncture pilot project.

Multiple effective dates, beginning on June 8, 2016

Act No. 174 (S.260). Public service; conservation and development; municipal government; energy

An act relating to improving the siting of energy projects

This act is designated as the Energy Development Improvement Act. Among other provisions, the act:

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- seeks to improve the integration of planning for energy and land use, including creating an option under which municipalities and regional planning commissions may engage in enhanced energy planning that results in greater weight to their plans in the energy siting process before the Public Service Board (Board)
- makes various amendments to that energy siting process, including establishing additional parties by right, specifying information to be included in the application, and directing the Board to engage in rulemaking on standard conditions related to postconstruction inspection and maintenance of aesthetic mitigation and decommissioning and on sound from wind generation facilities
- creates a one-year pilot project under which a portion of the existing standard offer program is set aside for projects in “preferred locations” as defined by the act
- creates the Access to Public Service Board Working Group to make recommendations to promote increased ease of citizen participation in Board proceedings

Multiple effective dates, beginning on June 13, 2016

Act No. M-13 (H.505). Municipal charters; Village of North Bennington; amendments

An act relating to approval of amendments to the charter of the Village of North Bennington

This act amends the charter of the Village of North Bennington. In addition to making amendments that are technical or stylistic in nature, the amendments make the following changes to the charter:

- removes the position of the Collector of Taxes and makes the Village Treasurer the tax collector and removes the penalty of incarceration for failure to pay taxes;
- removes the length of residency requirement to be eligible to vote;
- increases the Board of Trustee terms to three years and aligns the Treasurer’s term to that of the fiscal year;
- allows the Board of Trustees to create and fill commissions and committees, to inquire into conduct of officials, and investigate all municipal affairs;
- changes the title of the Street Commissioner to the Highway Superintendent;
- removes the authority of the Fire Chief to require inhabitants to assist in fighting fires and allows the Fire Chief to be designated as the Fire Warden and Emergency Management Director;

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- removes specific fines and penalties and provides that they may be set by ordinance or bylaw;
- provides the Village with the discretion to appoint a Police Chief, rather than requiring an appointment;
- removes the five percent limit on interest for borrowing money and allows for bonds to be payable at times and in a manner as the Board of Trustees may direct;
- moves the description of the boundaries of the Village into an appendix; and
- sets up transitional provisions to allow for the staggered terms of the Board of Trustees.

Effective Date: February 24, 2016

Act No. M-14 (H.519). Municipal charters; Town of Brandon; adoption and codification

An act relating to approval of the adoption and codification of the charter of the Town of Brandon

This act codifies a charter for the Town of Brandon. The charter provides that the Town shall have all the powers granted to towns by the Constitution and laws of the State. Additionally, the charter allows the voters of the Town to vote to assess a local option tax of one percent on sales, rooms, and meals and alcohol. A tax would be collected and administered as provided by the laws of the State.

Effective Date: May 17, 2016

Act No. M-15 (H.871). Municipal government municipal charters; City of Montpelier; amendment

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

This act amends the charter of City of Montpelier to allow the City Council to assess rooms, meals, and alcohol local option taxes of one percent for the purpose of affording the City an alternative method of raising municipal revenues. The act provides that any tax imposed under this charter authority shall be collected and administered by the Department of Taxes in accordance with State law governing such taxes, and that any revenue the City receives from these taxes may be expended for municipal services only, and not for educational expenditures.

Effective Date: May 17, 2016

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Act No. M-16 (H.880). Municipal charters; Town of Bridport; adoption and codification

An act relating to approval of the adoption and codification of the charter of the Town of Bridport

This act codifies the charter for the Town of Bridport. In addition to codifying the Town's corporate existence and general provisions, the charter allows the Selectboard to appoint a Town Treasurer and Town Clerk. The act also provides transitional provisions that allow an elected Town Treasurer and Town Clerk in office immediately prior to the effective date of this act to continue to hold the office until the expiration of his or her term.

Effective Date: May 17, 2016

Act No. M-17 (H.881). Municipal charters; Town of Charlotte; adoption and codification

An act relating to approval of the adoption and codification of the charter of the Town of Charlotte

This act codifies a charter for the Town of Charlotte. In addition to codifying the Town's corporate existence and general provisions, the charter requires the Town to vote the budget amount and any budget-related articles at the floor meeting of the annual Town meeting. Those votes shall not become effective until the voters approve such budget and budget-related articles by Australian ballot vote at a date set by the Selectboard.

The act includes a repeal of the charter on July 1, 2020. On or before the date of the repeal, the Town may propose to the General Assembly to maintain the provision of the charter by a majority vote of the legal voters of the municipality present and voting at an annual or special meeting warned for that purpose in accordance with the procedure for adopting, repealing, or amending a municipal charter under 17 V.S.A. § 2645.

Effective Date: May 17, 2016

Act No. M-18 (H.882). Municipal charters; City of Burlington; amendments

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

This act amends the charter of the City of Burlington. First, the amendments make changes to the fiscal reports of the City. The changes require that the annual report and audit be published online and be available upon request. Additionally, the changes will require that the audit be published at least 30 days prior to the annual meeting and will require each City department to consult with its commission prior to submitting an annual budget, instead of requiring the commissioners to prepare and submit the budget themselves. Second, the amendments will

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raise the number of commissioners on the Board of Police Commissioners and the Board of Parks and Recreation Commissioners from five to seven legal voters.

Effective Date: May 17, 2016

Act No. M-19 (H.883). Municipal charters; City of Winooski; amendments **An act relating to approval of amendments to the charter of the City of Winooski**

This act amends the charter of the City of Winooski. In addition to making amendments that are technical or stylistic in nature, the amendments make the following changes to the charter:

- City Councilors and the Mayor hold office until their successors take office, as opposed to when the successor is chosen.
- The Mayor may take an action that has been approved by the City Council, and in the event of a vacancy in the Office of Mayor, the Deputy Mayor shall become Mayor until the next annual meeting, regardless of when the vacancy occurs.
- The voting requirements of the City Council regarding recommendations of bonds, decisions on forfeiture of office, removal from office or employment, and other Council actions are changed or clarified.
- The City Council is permitted to adopt policies as long as the policy is not required to be adopted by ordinance.
- The following officers hold office at the will of the Council: City Treasurer, City Attorney, Auditor, and Health Officer.
- The Personnel Board is eliminated.
- The City Council may designate someone other than the City Clerk as the Clerk of the Council.
- Article 8 of the charter is repealed and reorganized into new sections within the charter's Article 4.
- Emergency ordinances expire on the 31st day following the date of adoption, rather than the 61st day.
- The requirement that an initiative or referendum be commenced by a Petitioner's Committee is removed, and the charter now allows any qualified voter to commence proceedings regarding an initiative or referendum.
- The procedure for removing the City Manager is revised.

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- The City Manager is required to submit financial reports to the City Treasurer and is permitted to act as the Emergency Management Director.
- Provides that officers appointed by the City Manager hold office at the will of the City Manager, and allows the Manager to appoint an Emergency Management Coordinator.
- If the Collector of Taxes is a City employee, the Collector is prohibited from charging and collecting from taxpayers a commission on the amount of tax he or she collects.
- Requires the City Council to approve of any charter or bylaw specifying the powers, duties, organization, and procedure of each board, committee, commission, and agency of the City.
- Requires the City to pay the premium on any surety bond required by City officers and employees.
- Moves the date the City Manager must submit a budget to the City Council from 90 days prior to the annual meeting to 60 days prior.
- Requires that the general fund budget shall not include enterprise or special revenue funds and that those budgets shall be presented to the Council separately.
- Allows the Council to move unencumbered funds and makes other miscellaneous amendments regarding City finances.

Effective Date: May 17, 2016

Act No. M-20 (H.884). Municipal charters; City of Barre; amendments

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

This act amends the charter of the City of Barre. The amendments reduce the number of school commissioners from nine to seven. The act also contains provisions to transition to this new number of commissioners.

Effective Date: May 17, 2016

Act No. M-21 (H.885). Municipal charters; Town of Shelburne; amendments

An act relating to approval of amendments to the charter of the Town of Shelburne

This act amends the charter of the Town of Shelburne. The amendment converts the office of Town Treasurer from an elected position to an appointed position. The charter now requires the Selectboard to appoint

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the Town Treasurer, and provides the Selectboard with the discretion to remove him or her, in accordance with the charter provisions.

Effective Date: May 17, 2016

Act No. M-22 (H.886). Municipal charters; Town of Brattleboro; amendments

An act relating to approval of amendments to the charter of the Town of Brattleboro

This act amends the charter of the Town of Brattleboro. The amendments allow for a voter choosing to vote early by Australian ballot in the Town Clerk's office to vote in the same manner as those voting on election day by marking the ballot and depositing the ballot into a vote tabulator. The amendments provide requirements for securing the vote tabulator and ballot bin. Under the act, the Town Clerk must maintain records that certify the security of the vote tabulator and that list those voters who voted early in person. All other provisions regarding early voting shall be as proscribed by State law.

Additionally, the charter amendments now require that a Town Meeting member prepare a "notice of intent" if the member would like to nominate himself or herself as a candidate for reelection to the office. Such a notice must be filed with the Town Clerk on the sixth Monday preceding the election, as opposed to the former law's seventh Monday. This new deadline is the same as the current deadline to file a "certificate of nomination" for other Town Meeting member candidates.

Effective Date: May 17, 2016

Act No. M-23 (H.887). Municipal charters; Village of Barton; amendments

An act relating to approval of amendments to the charter of the Village of Barton

This act amends the charter of the Village of Barton. In addition to amendments that are technical or stylistic in nature, the amendments alter the Village boundary line. The amendments also remove the authority of the Village to collect a poll tax or to commit any person to jail for his or her failure to pay taxes.

Effective Date: May 17, 2016