

House Calendar

FRIDAY, MARCH 20, 2009

73rd DAY OF BIENNIAL SESSION

House Convenes at 9:30 A. M.

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ORDERS OF THE DAY

Action Postponed Until Friday, March 20, 2009

Senate Proposal of Amendment to House Proposal of Amendment

J. R. S. 22

Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges, and one District Judge.

The Senate has concurred in the House proposal of amendment with a proposal of amendment as follows:

By striking out the following: "ten o'clock" and inserting in lieu thereof the following: eight o'clock

ACTION CALENDAR

Third Reading

H. 348

An act relating to interstate pest control compact.

H. 427

An act relating to making miscellaneous amendments to education law.

Amendment to be offered by Rep. Crawford of Burke to H. 427

moves that the bill be amended as follows:

First: In Sec. 6, by striking § 828 in its entirety and inserting in lieu thereof:

"* * *"

Second: After Sec. 18, immediately before "* * * Council on Education Governance * * *" by inserting six new sections to be Secs. 18a through 18f to read:

Sec. 18a. 16 V.S.A. § 11(a)(28)(C) is amended to read:

~~(C) a pregnant or postpartum pupil attending school at an approved education program in a residential facility or outside the school district of residence pursuant to subsection 1073(b) of this title.~~

Sec. 18b. 16 V.S.A. § 11(a)(33), (34), and (35) are added to read:

(33)(A) "Pregnant or parenting pupil" means a legal pupil of any age who is not a high school graduate and who:

(i) is pregnant; or

(ii) has given birth, has placed a child for adoption, or has experienced a miscarriage, if any of these has occurred within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance; or

(iii) is the parent of a child.

(B) “Pregnant or parenting pupil” does not include a person whose parental rights have been terminated, except if the pupil has placed the child for adoption or has voluntarily relinquished parental rights, within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance.

(34) “Approved education program” means a program that is evaluated and approved by the state board pursuant to written standards, that is neither an approved independent school nor a public school, and that provides educational services to one or more pupils in collaboration with the pupil’s or pupils’ school district of residence. An “approved education program” includes an “approved teen parent education program.”

(35) “Teen parent education program” means a program designed to provide educational and other services to pregnant pupils or parenting pupils or both.

Sec. 18c. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS, AGE, APPEAL

A school district shall not pay the tuition of a pupil except to a public ~~or~~ school, an approved independent school or, an independent school meeting school quality standards, an approved tutorial program approved by the state board, nor shall payment, an approved education program, or an independent school in another state or country approved under the laws of that state or country. Payment of tuition on behalf of a person shall not be denied on account of age. Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school he or she may attend, may appeal to the state board and its decision shall be final.

Sec. 18d. 16 V.S.A. § 1073(b) is amended to read:

(b) Access to school.

(1) Right to a public education. No legal pupil attending school at public expense, including a married, pregnant, or postpartum parenting pupil, shall be deprived of or denied the opportunity to participate in or complete ~~an elementary and secondary~~ a public school education. ~~Notwithstanding the provisions of sections 822 and 1075 of this title, for reasons related to the pregnancy or birth, a~~

(2) Right to enroll in a public or independent school. A pregnant or postpartum parenting pupil may attend any approved public school in Vermont or an adjacent state, enroll in any public school or approved independent school in Vermont, or other educational program approved by the state board in which any other legal pupil in the pregnant or parenting pupil's district of residence may enroll.

(3) Teen parent education program.

(A) Residential teen parent education programs. The commissioner shall pay the educational costs for a pregnant or postpartum parenting pupil attending a state board approved educational teen parent education program in a 24-hour residential facility for up to eight months after the birth of the child. The commissioner may approve extension of payment of educational costs based on a plan for reintegration of the student into the community or for exceptional circumstances as determined by the commissioner. The district of residence of a pupil in a 24-hour residential facility shall remain responsible for coordination of the pupil's educational program and for planning and facilitating her subsequent educational program.

(B) Nonresidential teen parent education programs.

(i) The pregnant or parenting pupil's district of residence, or the approved independent or public school to which that district pays tuition for its students, shall be responsible for planning and coordinating the pupil's educational plan while attending a teen parent education program and for planning and facilitating the pupil's subsequent educational plan, including the pupil's transition back to the public or approved independent school.

(ii) A pregnant or parenting pupil may attend a nonresidential teen parent education program for a length of time to be determined by agreement of the pupil's district of residence, the school in which the pupil is enrolled, the teen parent education program, and the pupil. If these parties cannot reach agreement as to the duration of attendance, one or more of the parties may petition the commissioner for a review and determination of duration. The commissioner's decision shall be final.

Sec. 18e. 16 V.S.A. § 1121 is amended to read:

§ 1121. ATTENDANCE BY CHILDREN OF SCHOOL AGE REQUIRED

A person having the control of a child between the ages of six and 16 years shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a home study program for the full number of days for which that school is held, unless the child:

* * *

Sec. 18f. EFFECTIVE DATE

This section and Secs. 18a through 18e of this act shall take effect on July 1, 2009.

Third: In Sec. 22, subsection (a), before the period by adding "except as otherwise provided within this act"

Amendment to be offered by Rep. Crawford of Burke to H. 427

First: By striking Sec. 18 in its entirety and inserting in lieu thereof two new sections to be Secs. 18 and 18.1 to read:

Sec. 18. 16 V.S.A. § 4011a is added to read:

§ 4011a. APPROVED TEEN PARENT EDUCATION PROGRAM;
PAYMENTS BY DISTRICT OF RESIDENCE

(a) Subject to the provisions of subsection (b) of this section, for each pregnant or parenting pupil who is attending an approved teen parent education program and is enrolled in an approved independent school or a public school at public expense, the commissioner shall reimburse the pupil's district of residence for amounts paid to an approved teen parent education program for educational services. The school district shall pay the approved teen parent education program 83 percent of the prior year's statewide average net cost per pupil, as calculated under 16 V.S.A. § 825 minus debt service, prorated based on the pupil's full-time equivalent enrollment, as defined by state board rule, in academic courses at the approved teen parent education program. This subsection applies without regard to whether the pupil is enrolled in a public school within the district of residence or in an approved independent or public school to which the district pays tuition.

(b)(1) The pregnant or parenting pupil shall be enrolled in a school maintained by the school district of residence or, if the district does not maintain a school, in a public school or an approved independent school at the expense of the district of residence.

(2) As determined by the district of residence or by the enrolling school if the district does not maintain a school, the pupil shall be taking academic courses at the approved teen parent education program that are the substantial equivalent of the courses required by the district of residence or enrolling school, as applicable, leading to a high school diploma. The sending district or enrolling school, as applicable, shall collaborate with the approved teen parent education program regarding the pupil's programs and progress.

(c) An approved independent or public school to which the district of residence pays tuition shall receive and retain tuition for a pregnant or parenting pupil for the full academic year in which the pupil is enrolled, regardless of whether the pupil attends a teen parent education program for all or part of the academic year in lieu of attending the school.

Sec. 18.1. EFFECTIVE DATE

This section and Sec. 18 of this act shall take effect on July 1, 2009.

Second: In Sec. 22, subsection (a), before the period by adding "except as otherwise provided within this act"

Amendment to be offered by Rep. Peaslee of Guildhall to H. 427

Moves the bill be amended as follows:

First: In Sec. 13, § 4001(6), after the new subdivision (D), by adding a new subdivision (E) to read:

(E) Spending attributable to tuition to be paid by the district to a public school or to an approved independent school or to both for the district's students in one or more grades if the district does not maintain a school offering the grade or grades.

Second: By striking Sec. 14 in its entirety

Third: In Sec. 22, subsection (c), before the period, by adding the following:

", except subdivision 4001(6)(E), which shall apply to proposed school budgets for the 2010–2011 academic year and after"

Amendment to be offered by Rep. Peltz of Woodbury to H. 427

Moves that the bill be amended as follows:

First: In Sec. 13, § 4001(6), after the new subdivision (D), by adding a new subdivision (E) to read:

(E) Spending attributable to the district's share of spending for 21st Century Community Learning Centers after-school programs.

Second: In Sec. 22, subsection (c), before the period, by adding the following:
", except subdivision 4001(6)(E), which shall apply to proposed school budgets for the 2010–2011 academic year and after"

NOTICE CALENDAR

Favorable with Amendment

H. 34

An act relating to automated external defibrillators.

Rep. French of Shrewsbury, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 907 is amended to read:

§ 907. AUTOMATED EXTERNAL DEFIBRILLATORS

(a) As used in this section:

(1) "Automated external defibrillator (AED)" means a medical device approved by the United States Food and Drug Administration, that:

~~(1)~~(A) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

~~(2)~~(B) is capable of determining whether defibrillation should be performed on an individual;

~~(3)~~(C) upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart; and

~~(4)~~(D) then, upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.

~~(b) No person may operate an AED unless the person has successfully completed a training course in the operation of the AED approved by the American Red Cross, the American Heart Association, or by the department, in cardiopulmonary resuscitation and use of a defibrillator. The department of health may provide periodic training bulletins and other information to persons owning and using the AED. The training course in cardiopulmonary resuscitation (CPR) and in the use of an AED shall be either a course offered by the American Heart Association or the American Red Cross. A person using an AED shall be certain that emergency personnel have been summoned by calling 911. This prohibition and training requirement shall not apply to a health care provider, as defined in section 9432(8) of this title, if the person has received appropriate training in the use of the AED as part of his or her education or training.~~

(c) Any person who owns or leases an AED shall:

~~(1) maintain a relationship with a physician to provide technical assistance and consultation regarding the selection and location of an AED, training of potential operators, protocols for use, and individual case review;~~

~~(2) notify the department and the person's regional ambulance service or first responder service of the existence, location, and type of device if the person possesses; and~~

~~(3)(2) maintain and test the device in accordance with the applicable standards of the manufacturer and any rule adopted by the department.~~

(d)(1) Any person, other than a person defined as a health care provider by section 9432(8) of this title or as emergency medical personnel by section 2651(6) of title 24 acting in the normal course of his or her duties as a health

care provider or as emergency medical personnel, who acts in good faith and has complied in all material respects with the requirements of subsections (b) and (c) of this section and who renders emergency care by the use of an AED, acquires an AED, owns a premises on which an AED is located, or provides a training course in the operation of an AED or is a licensed physician providing technical assistance to a person acquiring an AED, shall not be liable for civil damages for that person's acts or omissions unless those acts or omissions were grossly negligent or willful and wanton.

(2) This subsection shall not relieve an AED manufacturer, designer, developer, distributor, installer, or supplier of any liability under any applicable statute or rule of law.

(e) This section shall not be construed to create a duty to act under section 519 of Title 12 for any person.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 10-0-1)

H. 86

An act relating to the regulation of professions and occupations.

Rep. Evans of Essex, for the Committee on **Government Operations**, recommends the bill be amended as follows:

First: In Sec. 6, 26 V.S.A. § 15(6), by striking “74(c)” and inserting in lieu thereof “74(b)”

Second: In Sec. 8, 26 V.S.A. § 71a(a)(2)(A)(~~iii~~)(ii) after “including” and before “a minimum”, by inserting “a baccalaureate degree and”

Third: In Sec. 9, 26 V.S.A. § 74(b), by striking “section” and inserting in lieu thereof “chapter”

Fourth: In Sec. 9, 26 V.S.A. § 74, by adding a subsection (g) to read:

(g) Each office in this state shall be under the supervision of a public accountant who is licensed in this state.

Fifth: In Sec. 10, 26 V.S.A. § 74a, by amending the statutory designation to read:

§ 74a. ~~NONRESIDENT~~ FOREIGN REGISTRATION

Sixth: In Sec. 11, 26 V.S.A. § 74c(a), by striking “71a” and inserting in lieu thereof “72b”

Seventh: In Sec. 11, 26 V.S.A. § 74c(e), in the first sentence, by striking “may” and inserting in lieu thereof “shall”

Eighth: In Sec. 16, 26 V.S.A. § 1212(a), by striking “At least one of the funeral directors shall have no less than five years’ experience operating a crematory.”

Ninth: By adding a Sec. 18a to read:

Sec. 18a. LICENSED FUNERAL DIRECTORS; GRANDFATHERING

Individuals who hold a valid license as a funeral director prior to July 1, 2009 shall not be required to meet the requirements of 26 V.S.A. § 1252(a)(1) as amended by this act.

Tenth: By striking Sec. 22 in its entirety and inserting in lieu thereof a new Sec. 22 to read:

Sec. 22. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES; PREPAID FUNERAL FUNDS

The board, with the assistance of the office of professional regulation, shall adopt rules to carry out the provisions of this subchapter to insure the proper handling of all funds paid pursuant to a prepaid funeral agreement and to protect consumers in the event of default. The rules shall include provisions relating to the following:

(1) The timely establishment of escrow accounts and verification of the establishment of an account. An escrow account shall be maintained by a federally insured depository institution, but shall not be required to be maintained by a trust department, an insurance company licensed to do business in Vermont that is a member of the Vermont’s Property and Casualty Insurance Guaranty Association established by subchapter 9 of chapter 101 of Title 8, or a trust company chartered by the state of Vermont, if that insurance or trust company is a federally insured depository.

* * *

(5) Information to be provided the escrow agent by the funeral director and information regarding the escrow account or the prepaid funeral that shall be made available to the buyer on request and ~~periodically~~ annually in a format as determined by the board.

* * *

Eleventh: By striking Sec. 26 in its entirety and inserting in lieu thereof a new Sec. 26 to read:

Sec. 26. 26 V.S.A. § 1583 is amended to read:

§ 1583. EXCEPTIONS

This chapter does not prohibit:

* * *

(9) The providing of care for the sick in accordance with the tenets of any church or religious denomination by its adherents if the individual does not hold himself or herself out to be a registered nurse, licensed practical nurse, or licensed nursing assistant and does not engage in the practice of nursing as defined in this chapter.

Twelfth: By adding a Sec. 33a to read:

Sec. 33a. 26 V.S.A. § 2042(a) is amended to read:

(a) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

(1) Have attained the age of majority;

~~(2) Not have engaged in acts which directly affect the ability to practice pharmacy, including~~

~~(A) any past felony conviction related to the practice of pharmacy under United States law or the laws of any state or any other sovereign nation; and~~

~~(B) any suspension, revocation, or restriction of a license issued by any state to practice a health related regulated profession which may have occurred within the preceding five years;~~

~~(3)~~ Have graduated and received the professional undergraduate degree from a school or college of pharmacy which has been approved by the board of pharmacy, or, for foreign-trained applicants, have successfully passed an examination demonstrating that their education was equivalent to the education at a board-approved school or college;

~~(4)~~~~(3)~~ If required by subdivision 2032(b)(3) of this title, have completed any internship program established by the board or demonstrated experience in the practice of pharmacy which meets or exceeds any internship requirement established under this chapter;

~~(5)~~~~(4)~~ Have successfully passed an examination required by the board of pharmacy;

~~(6)~~~~(5)~~ Paid the fees specified by this chapter.

Thirteenth: In Sec. 41, by designating the existing text as subsection (a) and by adding a subsection (b) to read:

(b) 26 V.S.A. § 71a(a)(2)(A)(ii) shall be repealed on July 1, 2014.

(Committee vote: 10-0-1)

H. 287

An act relating to the uniform prudent management of institutional funds act.

Rep. Wilson of Manchester, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL

Chapter 119 of Title 14 (Uniform Management of Institutional Funds Act) is repealed.

Sec. 2. 14 V.S.A. chapter 120 is added to read:

CHAPTER 120. UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT

§ 3411. SHORT TITLE

This chapter may be cited as the Uniform Prudent Management of Institutional Funds Act.

§ 3412. DEFINITIONS

In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(A) a person, other than an individual, organized and operated exclusively for charitable purposes;

(B) a government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(C) a trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) “Institutional fund” means a fund held by an institution exclusively for charitable purposes. The term does not include:

(A) program-related assets;

(B) a fund held for an institution by a trustee that is not an institution;
or

(C) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) “Program-related asset” means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

§ 3413. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND

(a) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(b) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(c) In managing and investing an institutional fund, an institution:

(1) may incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(2) shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(d) An institution may pool two or more institutional funds for purposes of management and investment.

(e) Except as otherwise provided by a gift instrument, the following rules apply:

(1) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(A) general economic conditions;

(B) the possible effect of inflation or deflation;

(C) the expected tax consequences, if any, of investment decisions or strategies;

(D) the role that each investment or course of action plays within the overall investment portfolio of the fund;

(E) the expected total return from income and the appreciation of investments;

(F) other resources of the institution;

(G) the needs of the institution and the fund to make distributions and to preserve capital; and

(H) an asset's special relationship or special value, if any, to the charitable purposes of the institution.

(2) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the fund and to the institution.

(3) Except as otherwise provided by law other than this chapter, an institution may invest in any kind of property or type of investment consistent with this section.

(4) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(5) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(6) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

§ 3414. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND; RULES OF CONSTRUCTION

(a) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

- (1) the duration and preservation of the endowment fund;
- (2) the purposes of the institution and the endowment fund;
- (3) general economic conditions;
- (4) the possible effect of inflation or deflation;
- (5) the expected total return from income and the appreciation of investments;
- (6) other resources of the institution; and
- (7) the investment policy of the institution.

(b) To limit the authority to appropriate for expenditure or accumulate under subsection (a) of this section, a gift instrument must specifically state the limitation.

(c) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

- (1) create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and
- (2) do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (a) of this section.

§ 3415. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS

(a) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

(1) selecting an agent;

(2) establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(3) periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(b) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(c) An institution that complies with subsection (a) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(d) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(e) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law of this state other than this chapter.

§ 3416. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE

(a) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(b) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an

opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(c) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(d) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, 60 days after notification to the attorney general, may release or modify the restriction, in whole or in part, if:

(1) the institutional fund subject to the restriction has a total value of less than \$50,000.00;

(2) more than 20 years have elapsed since the fund was established; and

(3) the institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

§ 3417. REVIEWING COMPLIANCE

Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

§ 3418. APPLICATION TO EXISTING INSTITUTIONAL FUNDS

This chapter applies to institutional funds existing on or established after the effective date of this chapter. As applied to institutional funds existing on the effective date of this chapter, this chapter governs only decisions made or actions taken on or after that date.

§ 3419. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101 of that act, 15 U.S.C. Section 7001(a), or authorize electronic delivery of any of the notices described in Section 103 of that act, 15 U.S.C. Section 7003(b).

§ 3420. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

(Committee vote: 11-0-0)

CONSENT CALENDAR

Concurrent Resolutions for Notice Under Joint Rule 16

The following concurrent resolutions have been introduced for approval by the House and Senate and have been printed in the Senate and House Addendum to today's calendars. These will be adopted automatically unless a member requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Clerk of the House or to a member of his staff.

H.C.R. 69

House concurrent resolution congratulating the primary care providers' offices in the Northeastern Vermont Regional Hospital service area that the National Committee for Quality Assurance has designated as patient-centered medical homes

H.C.R. 70

House concurrent resolution honoring the federal TRIO programs in Vermont

H.C.R. 71

House concurrent resolution honoring the outstanding work of child care providers in Vermont

H.C.R. 72

House concurrent resolution congratulating Spectrum Youth and Family Services on its winning the 2009 National Network for Youth Agency of the Year Award

H.C.R. 73

House concurrent resolution honoring Jayne Barber on her outstanding 28-year coaching career at Bellows Falls Union High School

H.C.R. 74

House concurrent resolution congratulating University of Vermont basketball player Marqus Blakely on his 1,000th career point and award-winning accomplishments

H.C.R. 75

House concurrent resolution congratulating the Albert D. Lawton Middle School boys' A-basketball ADL tournament championship team

H.C.R. 76

House concurrent resolution congratulating the 2009 Springfield Cosmos Division II championship boys' basketball team

H.C.R. 77

House concurrent resolution congratulating William “Bill” Collins on answering his 10,000th call for the Bennington Rescue Squad

H.C.R. 78

House concurrent resolution congratulating the 2009 U-32 High School Raiders Division II championship Nordic ski team

H.C.R.79

House concurrent resolution congratulating the Panton General Store on its receipt of a 2009 Vermont Centennial Business Award

H.C.R. 80

House concurrent resolution congratulating the J.W. & D. E. Ryan plumbing and heating contractors on the receipt of a 2009 Vermont Centennial Business Award

H.C.R. 81

House concurrent resolution congratulating the 2009 Vergennes Union High School Commodores Division II championship cheerleading team

H.C.R. 82

House concurrent resolution recognizing the work of the Brattleboro community to combat racial and ethnic intolerance

S.C.R. 14

Senate concurrent resolution congratulating the 2009 Vermont winners of the Prudential Spirit of Community Awards.

S.C.R. 15.

Senate concurrent resolution honoring the outstanding public service of Thomas Anderson, United States Attorney for the District of Vermont.

CROSSOVER

Joint Rules Committee has adopted the following:

All bills must be reported out by the committees of reference by the end of the day of Friday, March 20.

Bills that are then referred to a money committee must be reported out of the money committees by the end of the day of the following Friday, March 27.

Exceptions to the foregoing deadlines include the major money bills (Appropriations, Transportation, Capital, and Miscellaneous Taxes) and other bills as determined by the President *pro tempore* and the Speaker.